

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

14th November 2008

## Applications Entered on Development Control Committee Schedule

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02.	<u>08/0806</u> A	Land to the rear of 1 Hillcrest Avenue, Carlisle, Cumbria, CA1 2QJ	<u>ST</u>	15
03.	<u>08/0780</u> A	23 Newbiggin Road, Durdar, Carlisle, Cumbria, CA2 4UG	<u>CG</u>	27
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## Applications Entered on Development Control Committee Schedule

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21.	<u>08/1094</u> A	20 Waverley Road, Stanwix, CARLISLE CA3 9JU	<u>BP</u>	412
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24.	<u>08/0877</u> A	1 Marsh House Gardens, Burgh-by-Sands, CA5 6AX	<u>SE</u>	445
25.	<u>08/9017</u> C	Brampton Junior School, Sawmill Lane, Brampton, CA8 1BZ	<u>SI</u>	481
26.	<u>07/9023</u> C	Land Adjacent To The Vicarage, Wreay, Carlisle, Cumbria	<u>BP</u>	492
27.	<u>08/9024</u> C	Wood Villa & Adjoining Land, Mill Hill, Gretna, DG16 5HU	<u>RJM</u>	499
28.	<u>07/0807</u> D	Galerie International, Currock Road, Carlisle, Cumbria, CA2 4AX	<u>AMT</u>	506

## **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 31/10/2008 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 05/11/2008.

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

SCHEDULE A

SCHEDULE A

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SCHEDULE A

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

08/0722

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**Item No: 01**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0722

**Applicant:**  
Mr Derek Schofield

**Parish:**  
Kingmoor

**Date of Receipt:**  
14/07/2008

**Agent:**  
Taylor & Hardy

**Ward:**  
Stanwix Rural

**Location:**  
3 Crindledyke Estate, Kingstown, Carlisle, CA6 4BZ

**Grid Reference:**  
338337 560465

**Proposal:** Erection Of A Detached Garage

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

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

This application is brought for determination before Members of the Development Control Committee due to the neighbour and Ward Councillor wishing to exercise their rights to speak.

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

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Cumbria County Council - (Highway Authority):** no objection;

**Kingmoor Parish Council:** comments awaited; and

**Local Plans (Tree Preservation), Development Services:** no comment.

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

**Representations Received**



## SCHEDULE A: Applications with Recommendation

08/0722

Initial:	Consulted:	Reply Type:	
	2 Crindledyke Estate	15/07/08	
	1 Crindledyke Close	15/07/08	
	3 Crindledyke Close	15/07/08	Objection
	5 Crindledyke Close	15/07/08	
	Stanwix Rural		Objection
	Stanwix Rural		Support

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

1. The development will be very intimidating due to the height and close proximity to the neighbouring property which would give no outlook;
2. The objector alleges that the ground level on the applicant's land have been increased;
3. The height of the wall exceeds that which is permitted and legal action is being taken by the Council to reduce the height of the wall. Planning Inspectors have likened similar walls to that of a prison; and
4. The height and relationship of the garage will exaggerate the existing poor living conditions.

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

- 4.1 Planning permission was granted in 1998 for the erection of a dining room and lounge extension.
- 4.2 Earlier this year, an application for the erection of a detached double garage was submitted but withdrawn prior to determination.

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

##### **Introduction**

- 5.1 The application seeks approval for the siting of a detached garage at 3 Crindledyke Estate, Crindledyke, Carlisle. The property is a two storey detached dwelling that is finished in smooth painted render under a slate roof.
- 5.2 The curtilage of the property is reasonable in scale. The dwelling is located

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

08/0722

centrally within the plot and lies adjacent to residential properties to the north and east. To the west is a telecommunication mast compound and to the south bisected by the road, is Kingmoor Park.

- 5.3 The site is bounded to the north by a block work wall and an existing single garage; to the east, concrete posts and timber panels that measure approximately 1.25 metres in height form the boundary. Immediately adjacent to the north-east corner of the application site is a mature oak tree.
- 5.4 Members may recall that this application was subject to a Committee site visit.

### **Proposal**

- 5.5 It is proposed to construct a large detached garage adjacent to the northern boundary of the site. The garage will measure 10 metres in width by 7 metres in depth. The height to the eaves would measure 2.5 metres with the height to the ridge measuring 4 metres. The building will be immediately adjacent to the eastern boundary and 0.5 metres from the northern boundary.
- 5.6 The garage will be finished from render with concrete roof tiles to the roof. The main openings to the building will face south, towards the applicants dwelling, and will incorporate a roller shutter door, a window and rooflights. A pedestrian access door will be located on the west elevation.
- 5.7 The relevant planning policies against which the application is required to be assessed are Policies H11, CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

### **Assessment**

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

- 5.8 Planning policies require that extensions are of good design and are of an acceptable scale and protect the amenity of adjacent properties from proposals that are of inappropriate scale, design or result in unreasonable overlooking. In assessing the current proposal, Members should note that the footprint of the garage would be located close to the rear boundary of the site, leaving a gap of approximately 0.5 metres. The eaves height at this point would be 2.5 metres and the ridge, which measures 4 metres in height, would be located approximately 4.2 metres from the rear boundary wall.
- 5.9 Given the length of the curtilage of the property and the fact that the garage is to the rear and partially screened by the applicant's property, only glimpsed views of the building would be apparent from the front of the property. The development would not, therefore, detract from the character or appearance of the site.
- 5.10 The existing single prefabricated garage would be shortened in width to

## SCHEDULE A: Applications with Recommendation

08/0722

accommodate the proposed building, and a gap of approximately 0.5 metres would exist between the two.

- 5.11 The design and fenestration of the current scheme is appropriate to the style and character of the existing property; furthermore, the extension would be constructed from materials that are appropriate to the existing buildings.

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

- 5.12 There are neighbouring residential properties to the north and east of the application site. The site is partially screened along the rear boundary by a block work wall that measures just over 2 metres in height from the applicant's side and approximately 2.4 metres from 3 Crindledyke Close. Due to the boundary wall and the difference in ground levels, views of the application site are very limited and an oblique view of the roof would exist at most.
- 5.13 The nearest property affected by the development is 3 Crindledyke Close, located to the north of the application site. The ground level of the application site is approximately 0.47 metres higher than the neighbouring property; furthermore, the rear elevation of this neighbouring property is positioned at an angle to the application site which at its closest point, is approximately 0.87 metres from the boundary. As a result, the ground floor windows of this property directly face the boundary wall and consequently, the boundary wall has a greater impact on the occupiers of this property than the proposed garage will. The first floor windows have a more open view of the site over the roof of the garage.
- 5.14 The objector raises the issue that the development will be very intimidating due to the height and close proximity to the neighbouring property which would give no outlook and that the height and relationship of the garage will exaggerate the existing poor living conditions. The development would undoubtedly increase the overall bulk and mass of the applicant's property and affect the aspect when viewed from the neighbouring property, particularly when viewed from the first floor bedroom windows. Clearly, the issue as to whether the extension would be overbearing and adversely affect the living conditions of the occupiers of this property through unacceptable loss of daylight or sunlight is subjective and in this instance is finely balanced. Given the physical relationship and orientation of these properties, the proposal will not affect the living conditions of the neighbouring occupiers to such a degree that the proposal would be contrary to current Local Plan policies.
- 5.15 A further role of planning policies is that they seek to safeguard the living conditions of neighbouring occupiers by ensuring that development does not result in overlooking and loss of privacy. In this respect, the development would increase the level of privacy afforded to occupants of both dwellings. At present, there is a direct view from the first floor bedroom window of 3 Crindledyke Close across the application site. The presence of the garage

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

08/0722

and associated roof structure would improve the level of privacy provide some screening for the applicant and the occupier of 3 Crindledyke Close.

- 5.16 The proposed garage would be to the south of the neighbouring property, 3 Crindledyke Close. During the winter months, it would be conceivable that there may be some loss of light to the kitchen window, particularly in the late afternoon; however, given the proximity and height of the boundary wall, it is not considered that the presence of the garage would result in an unreasonable loss of daylight or sunlight or give rise to an unacceptable level of overshadowing or over-dominance.

### **3. Impact Of The Development On The Adjacent Tree**

- 5.17 Planning policies ordinarily require that a minimum distance is maintained between the crown spread of existing trees and new development. The root system of the tree has previously been damaged, as has some of the branches. Given its condition, the owner of the tree has signified that it is his intention that the tree will be removed in the near future. The Council's Landscape Officer has raised no objection to the application.

### **4. Other Matters**

- 5.18 The occupier of the neighbouring property also raises the issue of the boundary wall and contends that the applicant's land has been raised and the height of the wall exceeds that which is permitted without the need for planning consent. It is further stated by the neighbour that the ground levels of 3 Crindledkye are 0.55 metres higher than that of the neighbouring property; however, the applicant is equally adamant that the ground levels have not been increased. The height of the boundary wall on the applicant's side measures 2.07 metres above ground level. Although the height is still slightly above the permitted height of 2 metres, this marginal increase does not warrant the Council taking enforcement action. The height of the wall when measured from the ground level of the neighbouring property is 2.35 metres, clearly in excess of 2 metres and therefore the neighbour believes that enforcement action should be taken to reduce the height of the wall accordingly.
- 5.19 Photographic evidence has been produced by both parties but does not categorically confirm either way whether the ground levels have been altered or not and a firm conclusion has still to be reached between the Council's Enforcement Officer and Principal Solicitor. This issue should not prejudice the current planning application which should be considered against the relevant policies.

## **Conclusion**

- 5.20 In overall terms, the garage will be significant in scale and located close to the boundary of the neighbouring property. The building will not be obtrusive or detrimental within the character of the streetscene. The impact of the development on the occupiers of the neighbouring property is finely balanced.

On the one hand, the garage is unquestionably large with a significant roof height, dictated by the span of the building and the height of the door openings required by the applicant. On the other hand, the ground floor windows of the neighbouring properties are already obscured due to the difference in ground levels and the height of the boundary structure. Whilst there would be a view from the first floor bedroom windows of the proposed garage, the view would be across the roof as opposed to the applicant's existing curtilage and property. The current proposal does not affect the living conditions of adjacent properties by poor design and 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;

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).

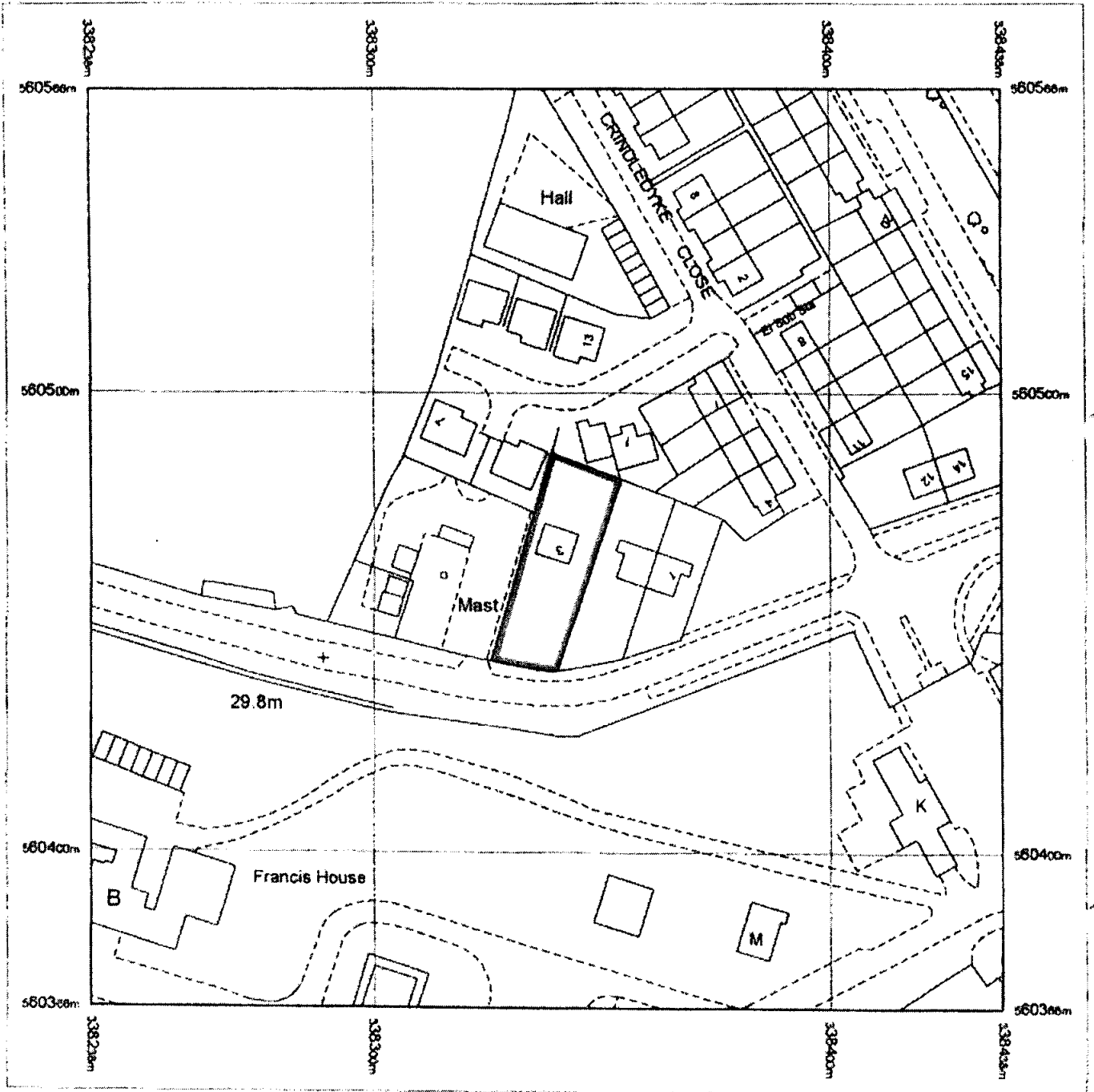
## **SCHEDULE A: Applications with Recommendation**

08/0722

2. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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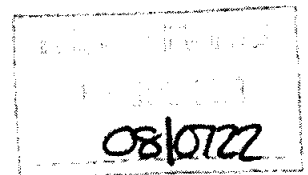
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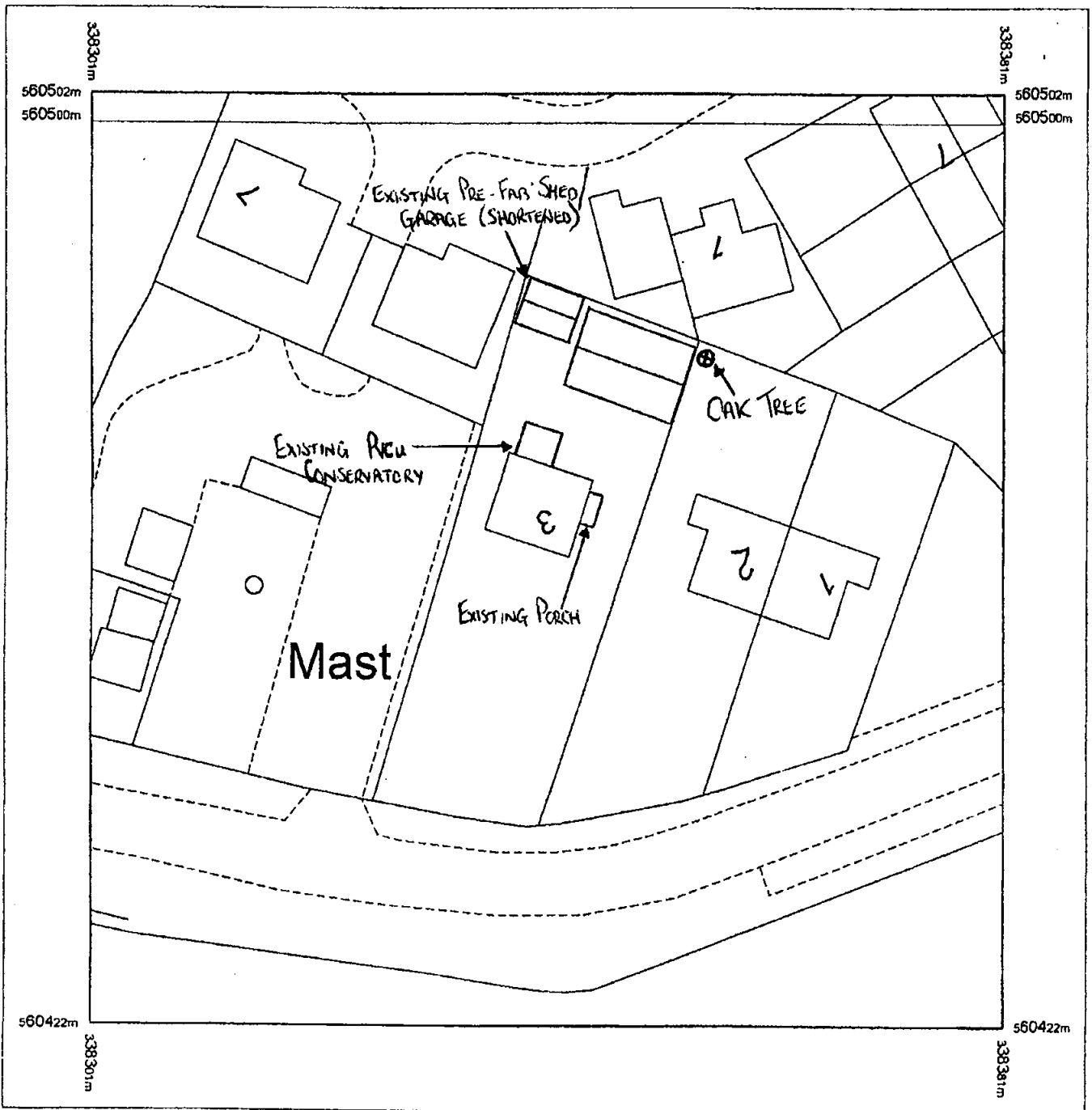


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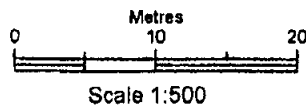
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08/07/22

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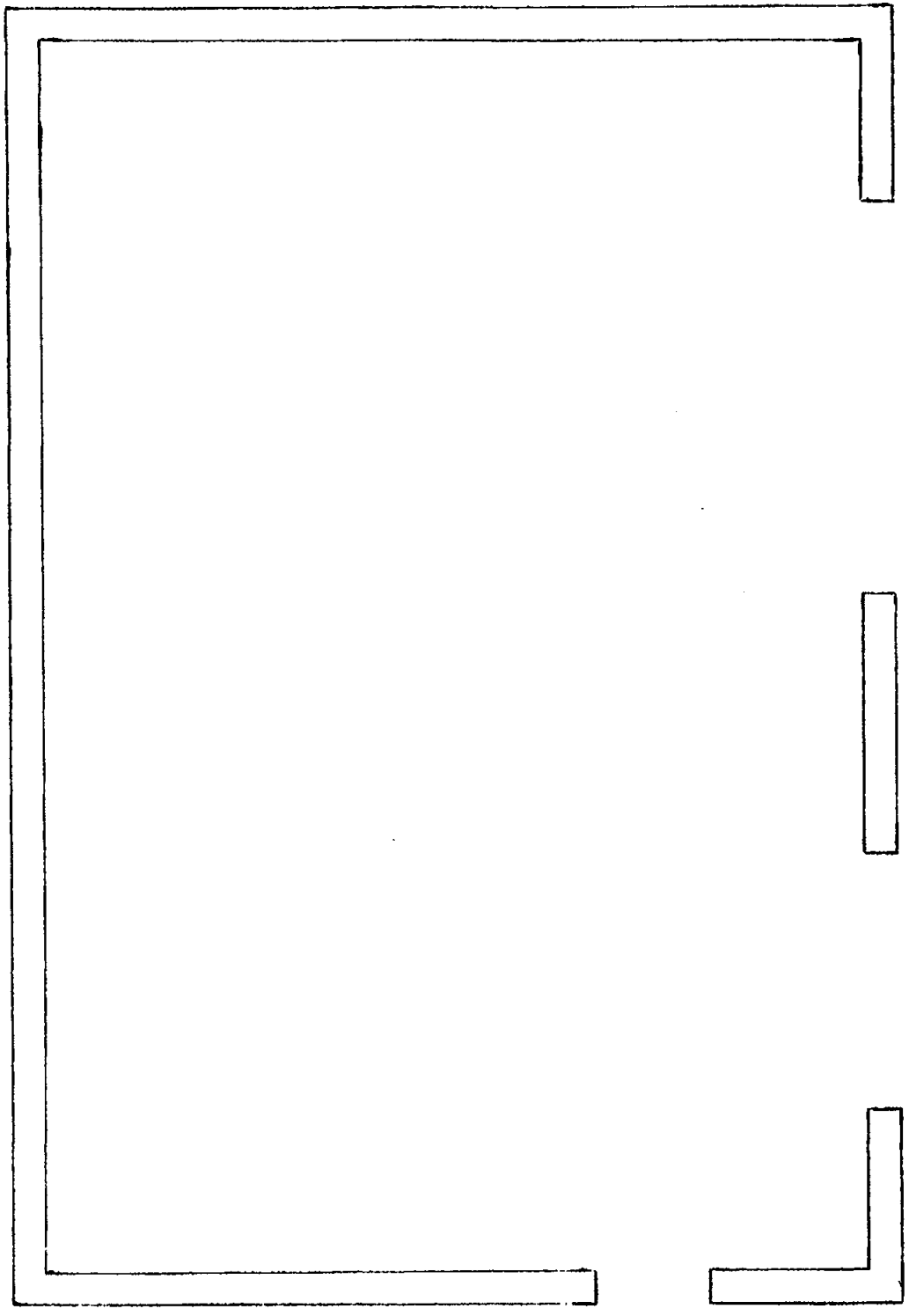
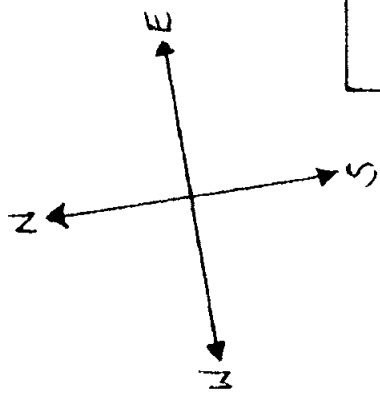
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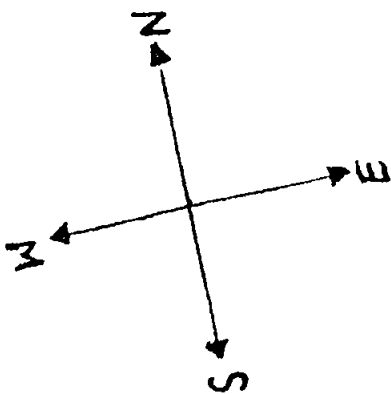


08/0722

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PROPOSED FLOOR PLAN LAYOUT.

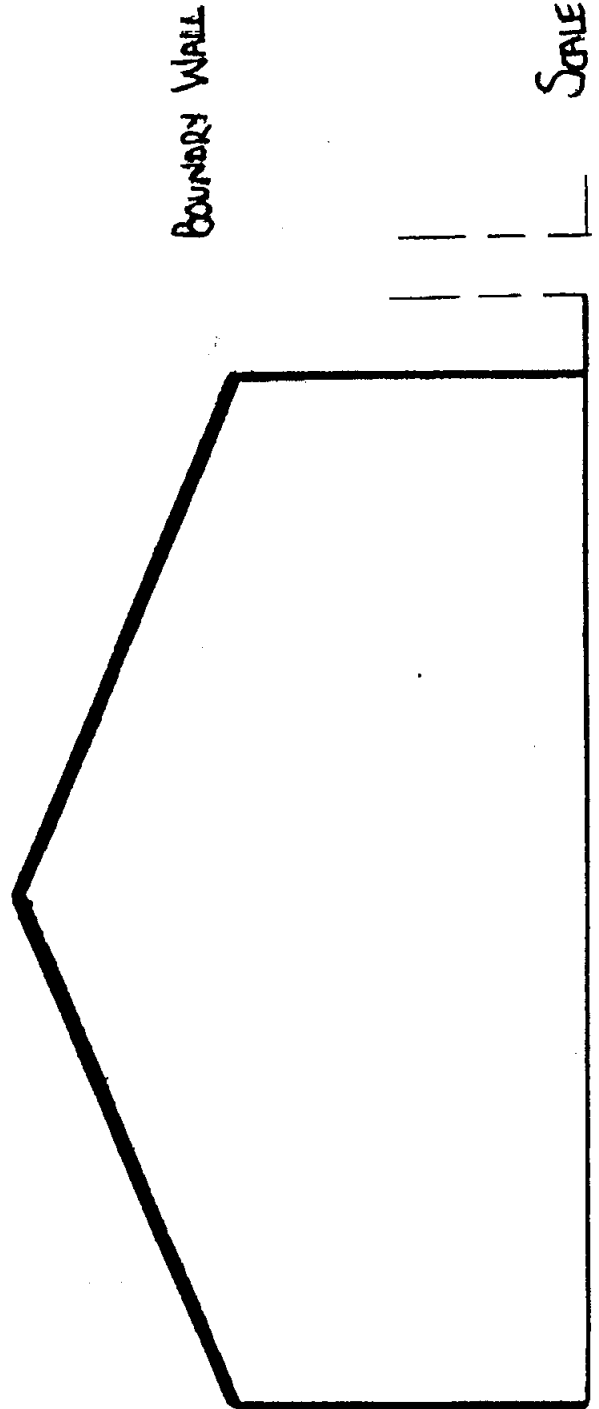




END ELEVATION - EAST FACING

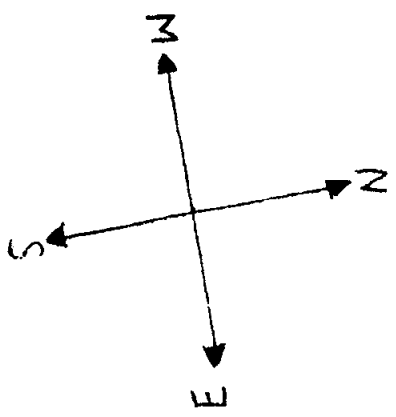
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RIDGE HEIGHT 4M  
ROOF PITCH 22.5°

08/07/22

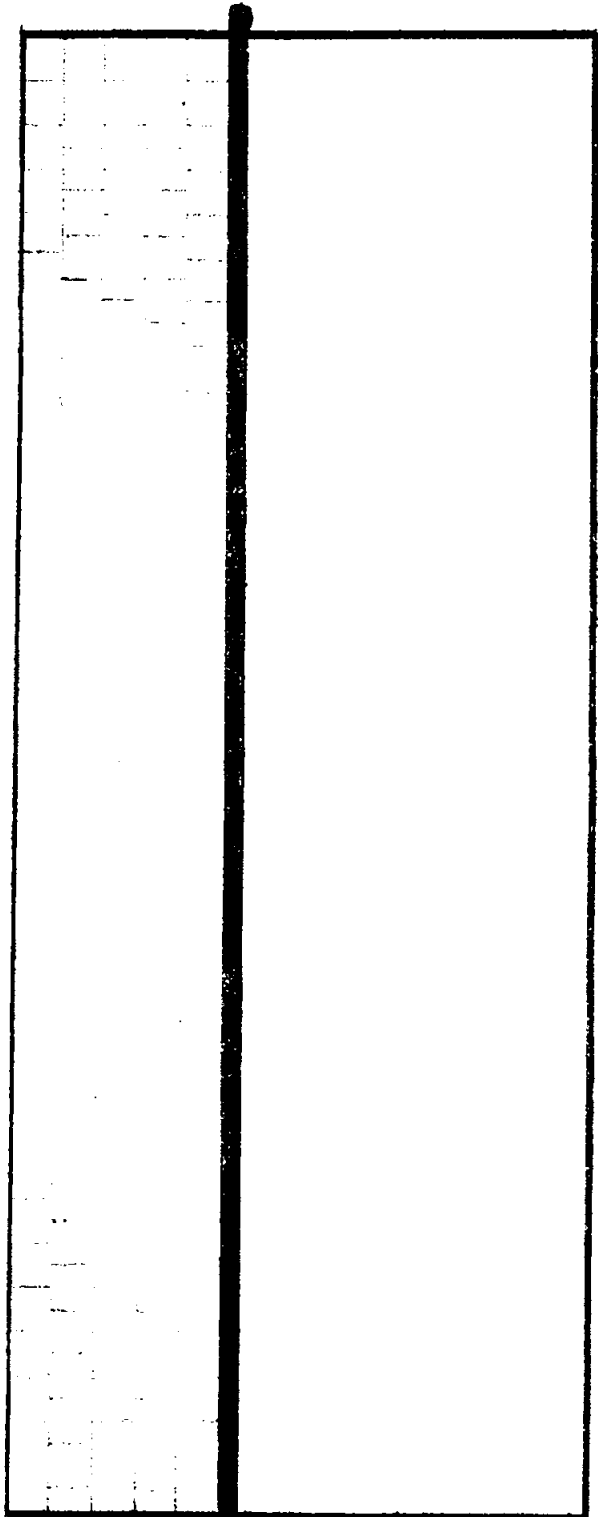


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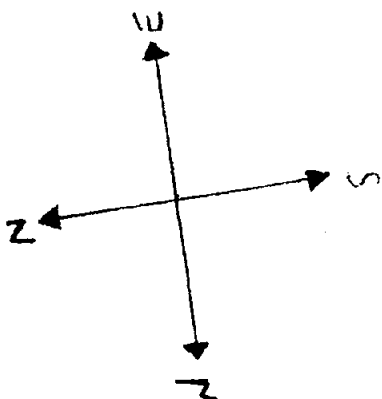
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RIDGE HEIGHT 4M



08/07/22

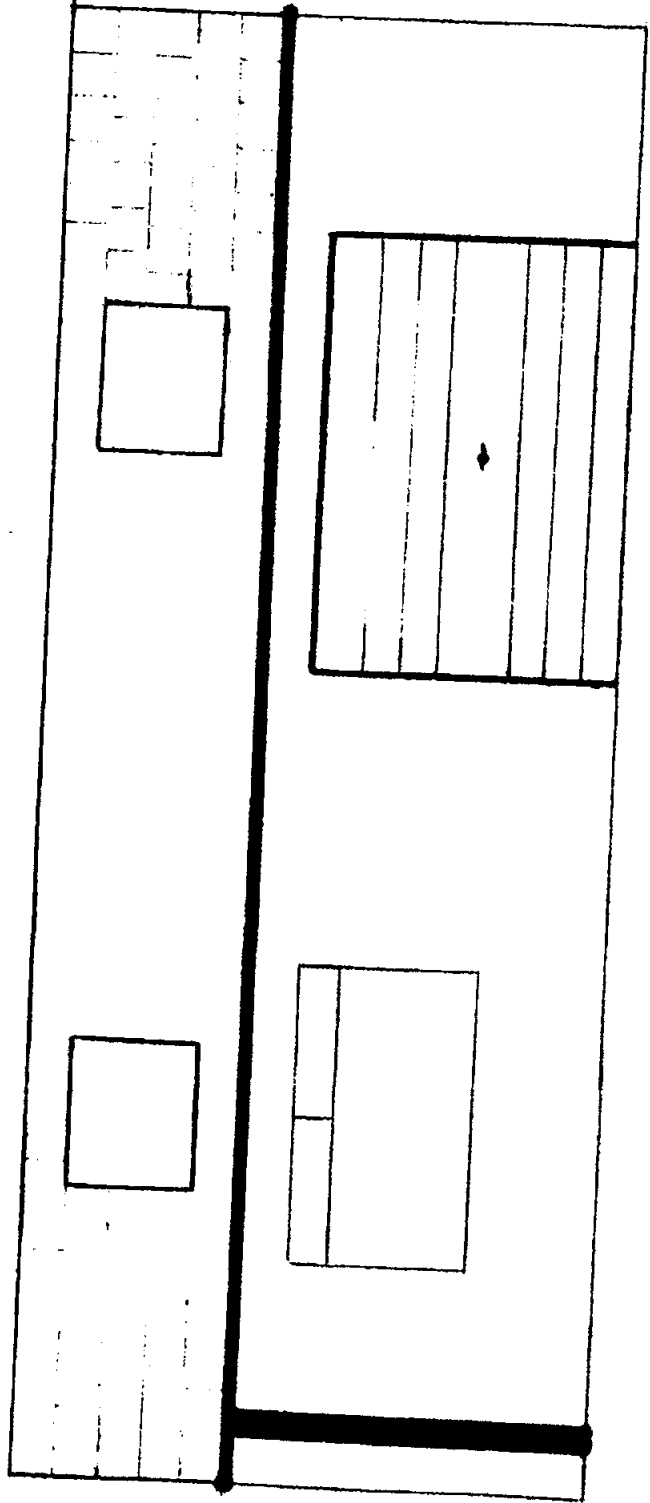


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FRONT ELEVATION - SOUTH FACING

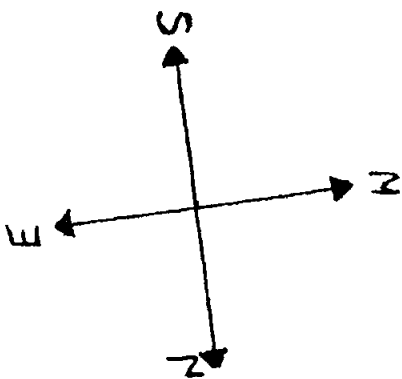
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- RIDGE HEIGHT 4 M
- WALL PLATE HEIGHT 2.5 M
- DOOR/WINDOW LINTEL 2.1 M
- DOOR WIDTH 3.0 M



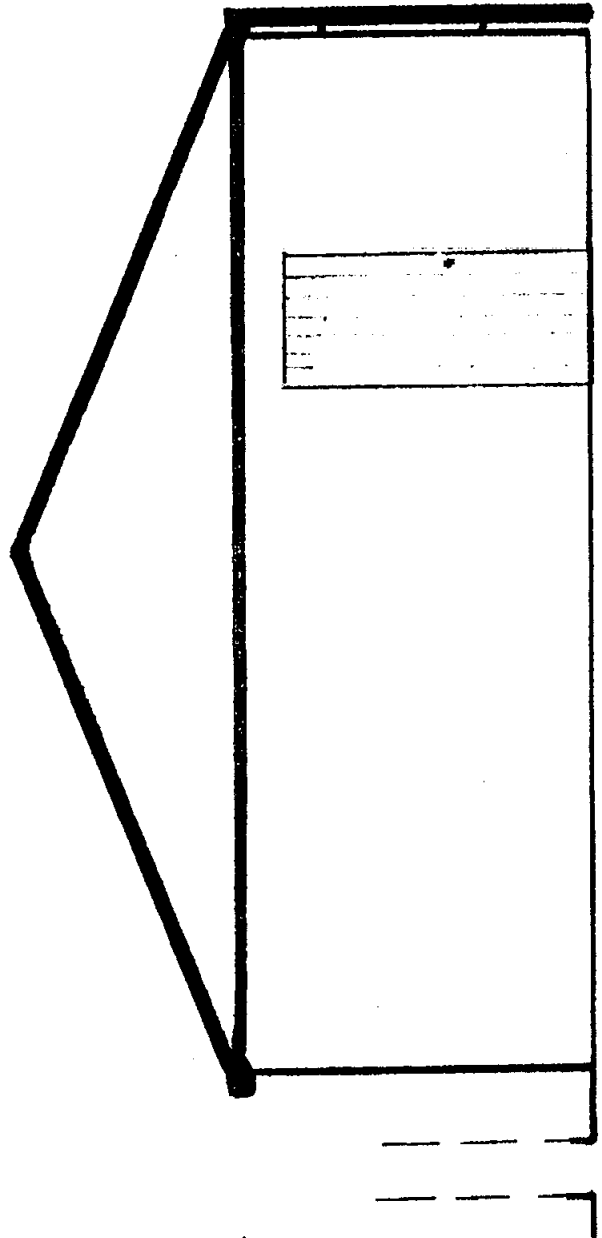
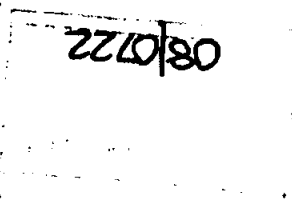
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END ELEVATION - WEST FACING



- OVERALL WIDTH 7M
- WALL PLATE HEIGHT 2.5M
- LINTEL HEIGHT 2.1M
- RIDGE HEIGHT 4M
- ROOF PITCH 22.5°



BOUNDARY WALL

SCALE 1:50

## SCHEDULE A: Applications with Recommendation

08/0806

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**Item No: 02**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0806

**Applicant:**  
Mr B Gate

**Parish:**  
Carlisle

**Date of Receipt:**  
19/08/2008

**Agent:**

**Ward:**  
Harraby

**Location:**  
Land to the rear of 1 Hillcrest Avenue, Carlisle,  
Cumbria, CA1 2QJ

**Grid Reference:**  
341565 554550

**Proposal:** Erection of 1no. Detached Dwelling with Existing Access (Outline Application)

**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 an objection from a neighbouring resident who has requested the right to speak.

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

**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 CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

## SCHEDULE A: Applications with Recommendation

08/0806

**Cumbria County Council - (Highway Authority):** no objections to the application as shown on the indicative plan, subject to the inclusion of six conditions in any consent granted;

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

**United Utilities (former Norweb & NWWA):** no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. 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.

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;

**Development Services Planning & Housing Services - Local Plans (Trees):**  
There are a number of trees on or adjacent the site. Whilst I have no objection to the principle of the proposal we will require a tree survey in accordance with 'B.S. 5837: 2000 Trees in relation to construction' as part of the reserved matters application. We will also require tree protection barriers for those trees that are to be retained.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
3 Hillcrest Avenue	21/08/08	Objection
20 Hillcrest Close	21/08/08	Objection
Telephone Exchange	21/08/08	
20 Hillcrest Avenue	28/08/08	
17 Hillcrest Close	10/09/08	
18 Hillcrest Close	10/09/08	
19 Hillcrest Close	10/09/08	Objection
5 Hillcrest Avenue	10/09/08	
7 Hillcrest Avenue	10/09/08	

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

3.2 In response three letters of objection have been received from neighbouring dwellings. The issues raised are as follows:

1. The proposal will be uncomfortably close to the boundary with No. 20 Hillcrest Close, impacting upon privacy to the garden, lounge and bedroom of this property.

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2. The proposal will impact upon the value of No 20 Hillcrest Close.
  3. The proposal will restrict privacy to No. 19 Hillcrest Close.
  3. There are trees at No. 20 Hillcrest Close located close to the boundary with the application site which have Tree Preservation Orders. The proposal will affect the roots of these trees.
  4. The proposal will result in overlooking and loss of light to the gardens of Nos. 19 and 20 Hillcrest Close and No. 3 Hillcrest Avenue.
  5. The plans indicate a driveway, however, it is likely that this would only accommodate one car. This will impact upon an already crowded parking situation.
  6. The access is via an already busy road, which has daily traffic from both private houses and the business park.
  7. A conveyance document states that no buildings should be erected upon the land to the rear of the gardens of the properties on Hillcrest Avenue.
  8. The proposal will impact upon wildlife.
- 3.3 A second letter of objection has been received from the neighbours who are exercising their right to speak. This letter raises concerns about the consultation process, as unfortunately an error resulted in one of the original consultation letters being sent to No. 20 Hillcrest Avenue rather than 20 Hillcrest Close. This was rectified when the Council became aware of the mistake and all the occupiers of neighbouring properties have now had the opportunity to comment of the application.

### **4. Planning History**

- 4.1 There is no relevant planning history.

### **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 12 November.
- 5.2 Members will recall that the application seeks outline planning permission for the erection of a detached dwelling on land adjacent to No. 1 Hillcrest



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Avenue, which is adjacent to the entrance to Hillcrest Close. The site, which covers approximately 278m square metres, forms part of the rear garden of No.1, comprising a lawned area, a vegetable patch and a carport with gated access onto Hillcrest Avenue. There is an existing dropped kerb to the north west of the site, which gives access to a car port. The boundaries of the site are currently delineated by an approximately 1.8m high close boarded wooden fence above a 0.3m high brick wall.

- 5.2 The site is identified as located within a Primary Residential Area on the Urban Area Inset Map that forms part of the Carlisle District Local Plan 2001-2016.

### **Proposal**

- 5.3 The indicative layout plan illustrates a detached dwelling, with a footprint of approximately 81 square metres. The dwelling would be positioned centrally within the site, and would be located 4m from the north western boundary which adjoins Hillcrest Avenue. The dwelling would incorporate a ridge height of between 8.3m and 8.4m and would measure a maximum of 9m in width and 10m in depth.
- 5.4 Access to the property is via the existing dropped kerb onto Hillcrest Avenue, to the northeast of the site. Parking will be provided to the side of the property, although, as this is a 'reserved matters' application, no specific details of the number of spaces have been provided.
- 5.5 Externally the property would be designed to match the surrounding dwellings. The external walling will be finished in facing brick, with a concrete tile roof and white UPVC framed windows and doors. The boundary will be delineated by a fence, the height of which has yet to be clarified.
- 5.6 It is proposed to discharge the foul drainage and surface water to the mains sewer.

### **Assessment**

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP11, H1, H2 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.8 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable
- 5.9 In policy terms, Members will appreciate that the land is 'Brown Field' land within the urban area (close to the city centre) 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.

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

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### **2. Whether The Scale, Layout And Appearance Of The Development Is Acceptable**

- 5.10 The indicative layout plan submitted illustrates that the proposed dwelling and plot in which it is situated are comparable to the surrounding properties, which are also of a similar height and scale, albeit that most of the neighbouring dwellings are semi detached. As such, the erection of a two storey dwelling would not appear out of place.
- 5.11 Members are advised that the footprint of the dwelling as shown on the indicative layout plan is larger than Officers would encourage; however, this aspect of the scheme can be regulated through the 'reserved matters' application, should planning permission be forthcoming.

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

- 5.12 Taking into consideration the scale and position of the proposed dwelling in relation to the residential properties located to the northeast and southwest of the site, there will be no adverse impact upon the living conditions of the occupiers through overlooking, overbearing or loss of light.
- 5.13 It is conceded that the gardens of those properties to the rear of the site, i.e. Nos. 3 and 5 Hillcrest Avenue, would be overlooked; however, these gardens are already overlooked by the existing properties on Hillcrest Close. A refusal of the application on this basis could therefore not be substantiated.
- 5.14 Furthermore, Members are advised that the proposal is an outline application with all matters reserved. Any windows which may be proposed in the side elevations at a later date could be conditioned for obscure glazing.

### **4. Access and Parking Provision**

- 5.15 The occupiers of a neighbouring property have raised concern with regard to the amount of parking that will be provided on site, as they state that there is an existing parking problem in the area, and it is likely that there will only be one space provided within the curtilage of the proposed dwelling.
- 5.16 Whilst the objectors concerns are noted, it is the Highway Authority's view that the indicative access and parking details shown on the plan are acceptable and they have raised no objections to the proposal. If a 'reserved matters' application is submitted, the Highways Authority will require either 2 or 3 parking spaces to be provided, depending on the number of bedrooms in the dwelling, which could be achieved within the dwellings curtilage.

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

- 5.17 A neighbouring resident has raised a concern that there are several trees on their property with preservation orders which they feel will be adversely affected by the proposed development.

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- 5.18 The Council's Landscape Architect/Tree Officer has been consulted on the application. He has confirmed that there are no trees with Tree Preservation Orders in the area, and that there are no objections to the proposal. However, he has stated that a Tree Survey will be required as part of a 'reserved matters' application and that any trees to be retained would have to be protected by tree protection barriers, which can be secured through the imposition of an appropriate condition.

### 6. Other Matters

- 5.19 A local resident has expressed concern regarding a conveyance document within their deeds stating that the extra land purchased at the bottom of the gardens in 1950 was sold on the condition that no buildings should be erected upon it. This is not a valid planning consideration that can be taken into account when assessing this application, as it is a civil matter rather than a planning issue.
- 5.20 One of the objection letters raised concerns about the method of site inspection. Two site visits were undertaken, one from outside of the application site, viewing the proposal from both Hillcrest Avenue and Hillcrest Close and a second from within the application site so that the impact of the proposed development upon neighbouring properties can be judged from within the site itself.

### Conclusion

- 5.21 In overall terms, the principle of the proposed development is acceptable. The dwelling can 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 incurtilage parking provision would be provided. The access to the site is existing and the anticipated level of traffic generated by the proposal would not prejudice highway safety. 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

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may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

6.3 Article 8 and Article 1 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. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:

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

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

2. Before any work is commenced, details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

## SCHEDULE A: Applications with Recommendation

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existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

**Reason:** To ensure that materials to be used are acceptable and to ensure compliance with Policy CP5 of the emerging Carlisle District Local Plan 2001-2016.

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

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area and safeguards the amenity of neighbouring residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

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

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

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees and hedges to be retained in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed in writing by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon without the written prior agreement of the Local Planning Authority. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

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trees/hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan.

8. The development shall not commence until visibility splays providing clear visibility of 2.4metres by 23metres measured down the centre of the road have been provided at the junction of the access with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle, or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences to that construction traffic is safeguarded.

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

9. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriage way level of the adjacent highway in accordance with the details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1.0m thereafter.

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

10. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto of off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

11. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the Local Planning Authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

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

12. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the

## SCHEDULE A: Applications with Recommendation

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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 in order to support Local Transport Policy LD8.

13. Details showing the provision within the site for the parking of vehicles shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved, and the parking, loading, unloading and maneuvering areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

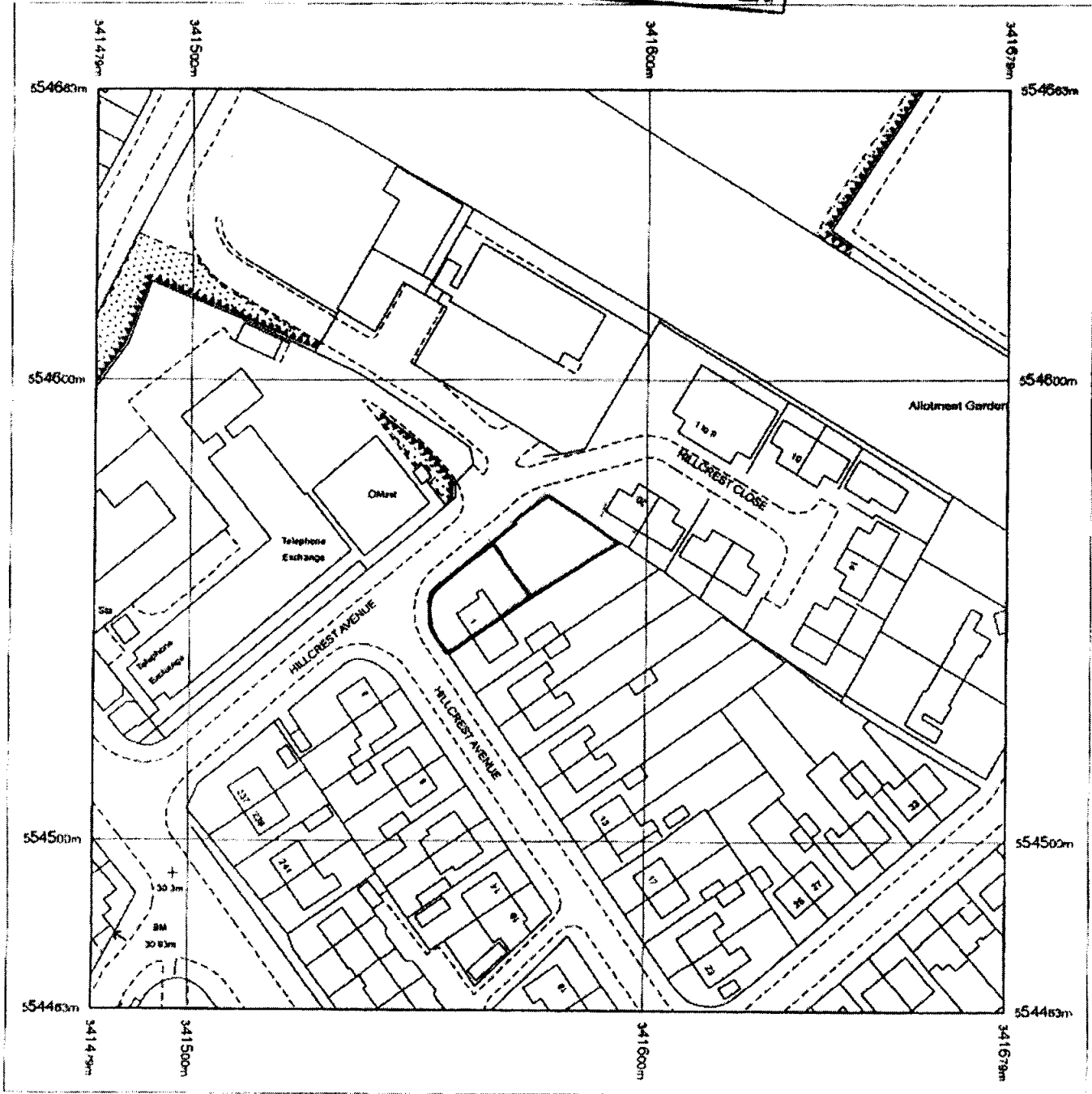
**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway to support Local Transport Plan Policies LD7 and LD8.

14. No development shall commence until the proposed means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the means of disposal is acceptable and to ensure compliance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

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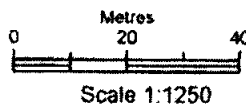
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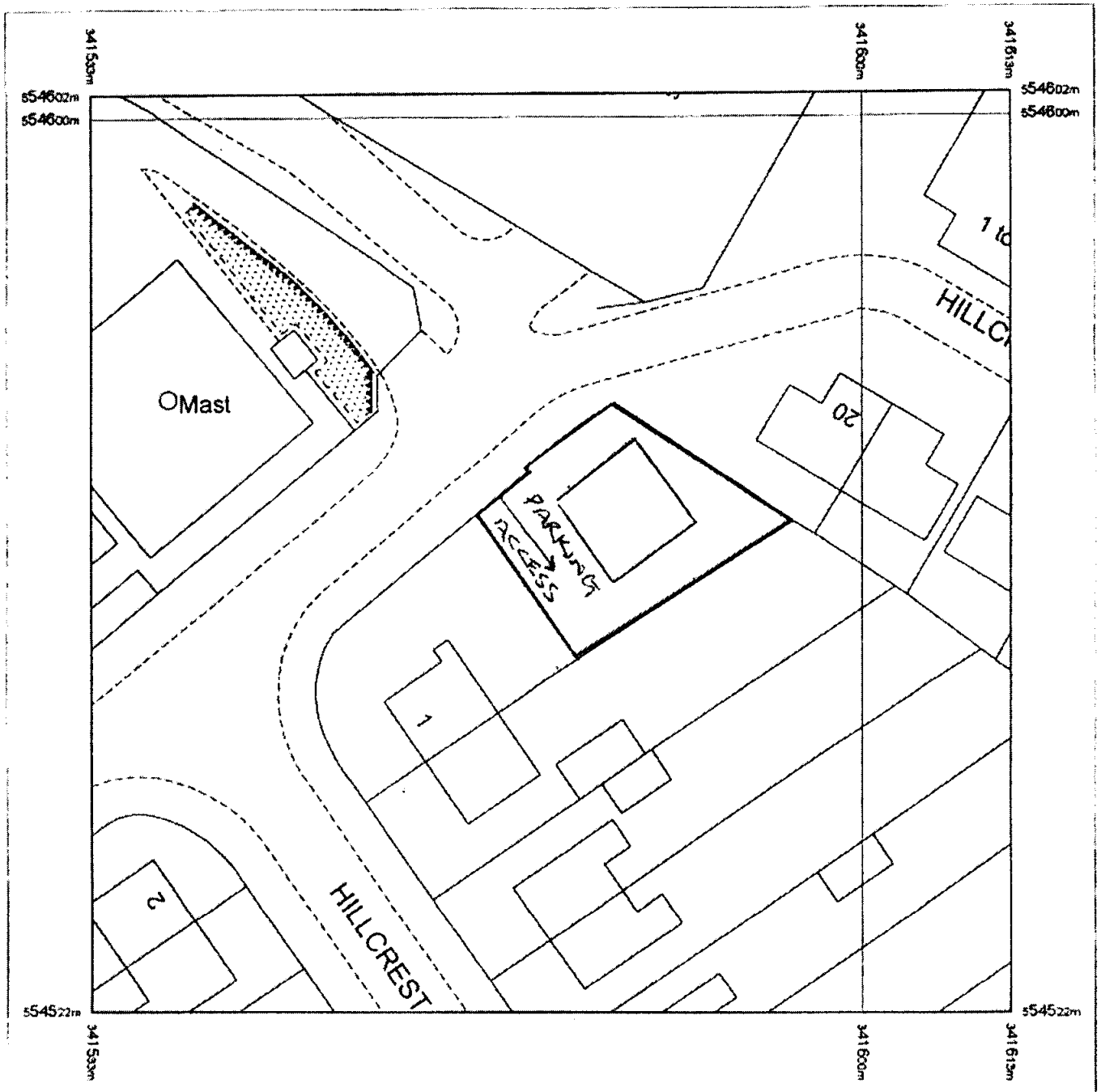
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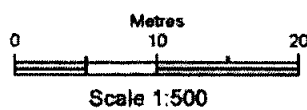
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# SCHEDULE A: Applications with Recommendation

08/0780

Item No: 03

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0780

**Applicant:**  
Mr Steven Wooldridge

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
29/07/2008

**Agent:**  
Taylor & Hardy

**Ward:**  
Dalston

**Location:**  
23 Newbiggin Road, Durdar, Carlisle, Cumbria, CA2  
4UG

**Grid Reference:**  
340768 551024

**Proposal:** Demolish Existing Bungalow, Replace With One 4 Bed House And Two  
3 Bedroom Link Houses

**Amendment:**

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## REPORT

**Case Officer:** Colin Godfrey

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

This application is brought before the Development Control Committee as three objectors have requested their Right to Speak.

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

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

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

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

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

##### **Local Plan Pol H6 - Rural Exception Sites**

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

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

##### **Local Plan Pol H10 - Replacement Dwgs in Rural Area**

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

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted indicative plan are considered satisfactory from a highway perspective. From my point of view there is ample space for off road parking. An application of this size located at this location should provide at least 8 spaces. Of vital importance at this location, is the ability of the site to provide for turning space off road, thereby enabling vehicles to enter and exit the site in forward gear. Again, I am of the opinion that this can be accommodated. I would require that the applicant provide a plan showing the parking allocation and the turning space.

I can therefore confirm that I have no objection to this application but would recommend that the following conditions are included in any consent you may grant.

***Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.***

***Reason:*** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5

**Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.**

***Reason:*** In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

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

***Reason:*** To ensure that all vehicles can be properly and safely accommodated clear of the highway.

To support Local Transport Plan Policies: LD7, LD8;

**United Utilities (former Norweb & NWWA):** No objection to the proposal;

This site must be drained on a separate system, with only foul drainage connected

into the foul sewer. Surface water should discharge to the watercourse/soakaway/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.

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.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

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

**Development Services Planning & Housing Services - Local Plans:** there are two elements to this application. The first involves the demolition of the existing property and its replacement by a four bed dwelling. Policy H1 will apply in this instance, as the Local Plan Inspector clarified in his report that Policy H10 (Replacement Dwellings in the Rural Area) only applies to those areas outwith the settlements listed in H1. Therefore, provided that the new property complies with the criteria listed in H1, there will be no policy objection.

The second element of the application involves the construction of two, three bed, semi detached properties. The application form states that these properties are intended to be intermediate housing for local occupancy. As the applicant has not submitted any evidence of local need, the application will be judged under Policy H6, which makes provision for rural exception sites. The third criteria of the policy is met. The second criteria will be met by a carefully drafted Section 106 agreement. However, the application needs to be closely assessed against the first criteria, which states that the proposal is for low cost affordable housing to meet an identified need.

The Council's Housing Market Needs Assessment shows that there is a high level of need in Carlisle Rural East for family housing. Although the greatest need is for rented housing, the Council accepts that a rented scheme would not be financially viable on this site. It is imperative to meet the actual need, and therefore the pricing mechanism is crucial. For discounted sale, a 30% discount is normally applied to the open market price. However, if the open market price is likely to be high, a 30% discount will result in the price still being too high to be affordable to those in need.

It is therefore important to clarify with the applicant the likely value of the properties,

and then liaise with Jeremy Hewitson to ascertain whether an actual housing need is going to be met by this development;

**Northern Gas Networks:** no objection to the proposal, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of the works should contact United Utilities direct to discuss requirements in detail. Should diversionary works be required these will be fully chargeable;

**Development Services Planning & Housing Services - Housing Strategy:** awaiting comments;

**St Cuthberts Without Parish Council:** In favour of affordable housing in this location therefore supported provided:

- adequate off road parking provided;
- no vehicular access from Newbiggin Road;
- adequate local drainage and sewerage facilities available;
- Adheres to Local Plan

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
21 Newbiggin Road		
21 Newbiggin Road	19/08/08	
7 The Willows		
7 The Willows	19/08/08	
8 The Willows		Petition
8 The Willows	19/08/08	Petition
9 The Willows		Objection
9 The Willows	19/08/08	Objection
10 The Willows		
10 The Willows	19/08/08	
11 The Willows		
11 The Willows	19/08/08	
12 The Willows		
12 The Willows	19/08/08	
13 The Willows		
13 The Willows	19/08/08	
14 The Willows		Objection
14 The Willows	19/08/08	Objection
18 The Willows		Objection
18 The Willows	19/08/08	Objection
19 The Willows		
19 The Willows	19/08/08	
20 The Willows		Objection
20 The Willows	19/08/08	Objection
21 The Willows		Objection
21 The Willows	19/08/08	Objection
22 The Willows		Comment Only
22 The Willows	19/08/08	Comment Only
17 The Willows	19/08/08	Objection

15 The Willows	19/08/08	
16 The Willows	19/08/08	
1 The Willows		
1 The Willows	19/08/08	
2 The Willows		Comment Only
2 The Willows	19/08/08	Comment Only
3 The Willows	11/08/08	Objection
4 The Willows		
4 The Willows	19/08/08	
5 The Willows		
5 The Willows	19/08/08	
6 The Willows		
6 The Willows	19/08/08	

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 20 neighbouring properties. In response, 9 letters of objection have been received and are summarised below:

1. Although the address of the proposed development is Newbiggin Road, this plot is perceived to be an integral part of The Willows and the inclusion of "Link Houses" is entirely contrary to the original design concept of the The Willows, which was for executive style housing.
2. The increase in the number of vehicles both garaged and visiting the plot will create additional congestion and hazard at the entrance to the willows and create a hazard on egress from the Willows to the already fast and dangerous Newbiggin Road.
3. Concern over limited nature of consultation in relation to the 2007 application
4. The applicant site lies at the entrance to The Willows development and to all intents and purposes is part of the development. The Willows comprises all four bedroom family homes on generous plots and was designed and laid out to strict and detailed conditions imposed by the City Council to create a very high quality development. The proposal submitted by the applicant's agent pays no regard whatsoever to the nature, character or density of the Willows development. What is proposed is a high density, low quality development on a restricted site with no garages and almost no garden space for homes purportedly intended for families. Although indicating the properties will be constructed from brick to match the existing, any objective assessment of the key characteristics of the willows development and the applicants proposal could not be more different in terms of density, quality, layout and space. In short, the proposed development would be entirely out of keeping with its surroundings.
5. No objection to the replacement of the existing bungalow with a single dwelling facing Newbiggin Road. However, the application seeks two additional dwellings and justifies this with reference to affordable housing. While it may be the case that there is an unmet need for housing in rural areas of the district, the Carlisle Local Plan makes it clear that such

housing should be located within a Key or Local Service Centre. While exceptions can be made to Local Plan policies such exceptions must still have regard to other relevant Local Plan policies and cannot simply override them. On any test Durdar is not a sustainable location for affordable housing being poorly served as it is by public transport and having few, if any, local amenities. Any development must also satisfy the requirements of Policy CP4 of the Local Plan's Core Development Principles as restated by the planning inspector in his letter of 7th April 2008. Again, the application fails substantially to satisfy many of these key design requirements and principles both as a development in its own right and in its relationship to surrounding buildings and the character of the area. To the extent, therefore, that there is an unmet need for affordable housing the application site is not a suitable location, and there are no compelling grounds to justify a departure from Local Plan policies. Rather, affordable housing needs should be met in a carefully planned way that does not involve over intensive and poor quality development of an unsuitable site in an unsustainable location.

6. While a desktop survey would indicate no apparent highway implications a site inspection would show that there are indeed serious and important issues to be taken into account. The agents somehow indicates that spaces for four vehicles will be provided within the site for the two link properties, and a further two for the four bedroom property. It is not clear how this will be achieved or how vehicles will manoeuvre within the site to allow occupiers to exit onto Newbiggin Road safely.
7. Newbiggin is a busy link road for cars and heavy goods vehicles from the motorway to Dalston. While a 40 mph speed limit is imposed, this is rarely observed. In practice, vehicles will park at the entrance to the Willows or on the grass roadway verges. Quite apart from the adverse impact this would have on the character of the area the existing residents would be faced with a considerable additional risk to road safety on an estate road which is already subject to inconsiderate parking.
8. The agents indicate that surface water drainage would be by means of a soakaway. Given, however, that the vast majority of the application site would be occupied by buildings or have an impermeable surface, it is hard to see how this method of drainage would be achieved effectively and what the impact on other properties would be given increasing rainfall levels.
9. It would represent an over intensive use of a limited site on a busy traffic route
10. the development would be over very poor quality with little or no garage space
11. the occupiers of many properties on the Willows development would suffer a loss of amenity and privacy
12. the original design concept of The Willows was for executive style

housing, therefore the inclusion of link housing as part of the proposed development is entirely out of keeping.

13. the position of number 23 Newbiggin Road is such that it is considered to be an integral part of The Willows. The original intention was to arrange the various properties that make up The Willows in such a manner that no one was 'over-looked' by another. The proposed development would result in several properties being overlooked and therefore defeat the original design concept.
14. The proposal would mean a high density, over intensive development of the site, located at the entrance to The Willows estate and be entirely out of keeping with the character of the surrounding area. The Willows estate has been sensitively designed with larger well-spaced four bedroom detached properties all with double garages, adequate parking and large gardens. Thus the proposed development would contravene points two and three of policy H1 – Location of New Housing Development and point two of policy H13.
15. The development of three family homes rather than one, it is highly likely that the noise levels will increase significantly.
16. The proposed erection of three, two storey houses adjacent to our own would allow our house and garden to be overlooked. This would adversely affect our property by encroaching on our privacy and causing light deprivation and over shadowing, contravening policy H1 point four.
17. We would like to express our concern that any potential soakaway should not be directed towards our property as there have already been water logging problems which needed remedial action on our part. This involved laying extensive drainage channels across our garden to help alleviate the situation and the ground will not cope with any additional overflow from neighbouring properties.
18. The agent's letter also indicates that development of the two 3 bedroom houses would help to offset the figure of 43 families per year who are in need of affordable housing. According to the Cumbria Housing Strategy 2006/2011 Housing Market Assessment report, this figure relates mainly to newly forming households who can not afford to buy at responsible lending levels. As the proposed development is located at the entrance of a high value estate, the final valuation of the 3 bedroom semi-detached houses will naturally be boosted by the price of the surrounding properties and be higher than they would be, should they be built in an area of houses of similar size and character. Thus they may still be beyond reach of the families in need of the low cost affordable housing. The likely valuation of the properties is therefore crucial. However, as only outline plans have been submitted, any valuation made can only be a vague estimate and as such, there is no way of knowing whether the development will meet this need or not.
19. We are concerned about the overall increase in the number of vehicles



proposed for this site but in particular have serious concerns regarding parking facilities for the two linked houses. To accommodate on average, two cars per household would estimate four cars for these two properties. The plan indicates using the existing single driveway entrance and opening up what appears to be a similarly scaled hammerhead parking area. It is not clear how this proposed space would be sufficient for the cars to manoeuvre within the site and both enter and exit the property safely, in a forward direction as required by the Local Transport Plan policy (Consultee 001 20.8.08)

20. Any manoeuvring of the cars would require mutual co-operation between the two neighbours. We anticipate this kind of inconvenience would in practice, inevitably lead to owners parking vehicles offsite, on the grass verges of Newbiggin Road and in the entrance of The Willows estate. This would adversely affect the character of the area, the movement of all residents on and off the estate by restricting visibility at the junction of this busy road, as well as representing a road safety hazard to other motorists and pedestrians. In addition this would contravene regulations by the Local Transport Plan policy (Consultee 001 20.8.08) which requires:-
21. While physically possible to build a four bedroomed property and 2 semi or link detached houses on the site, it is simply cramming in as much property as possible rather than to meet a priority need for local affordable housing.
22. The addition of two link detached houses to provide low cost affordable housing deviates considerably from the style of the Willows development and should not be approved.
23. The plans do not provide for garages for the two link detached properties. Access is via a short driveway onto Newbiggin Road and there are short turning areas in front of each property. The County Highways letter dated 18th October 2007 stated that '..Details showing the provision within the site for the parking, turning and loading and unloading of vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval...the approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose'. I have not seen any plans which conform to these requirements but commonsense says that many householders have at least one and many have two vehicles. As there are no garages those vehicles will be parked in the turning areas and or / or on the driveway leading to Newbiggin Road itself. In addition to residents' own vehicles it is reasonable to expect they will occasionally have visitors in addition. Access to that road at some level is practical but a much smaller sized development of the site would allow for a much more sensible and safety conscious approach to which priority should be given.
24. I cannot recall a double garage being specified on the plans for the four bedroomed property but that again should, along with open driveway space by a pre-requisite for any such development.

25. The agents state that the replacement dwelling is 'close' to the original dwelling. The new dwelling is not on the site of the existing bungalow, it is sited where the garage and workshop are at present. It is the new link-detached properties which are on the site of the existing bungalow. The new 4 bedroomed property might well be in keeping with the scale and design appropriate to its location etc. but only if it is not crammed into a much smaller area to accommodate 2 further properties which would certainly not be of a scale appropriate to their location etc.
26. The completed buildings would create too much surface water and increase sewage waste for the present draining system to withstand, not to mention the extra surface water draining into neighbours gardens.
27. The increased number of vehicles parked at the entrance to the Willows and around that area. This would add to the problem I sometimes have gaining access and exiting the Willows with only one bungalow at either side of the entrance to the estate.
28. Concern about the entrance and exit onto Newbiggin Road, as I understand the proposal is to have one single driveway for both properties onto Newbiggin Road, that in itself is bad enough but with hardly anyone observing the 40 mph speed limit it would be an accident waiting to happen.
29. The proposed use of the plot would result in a subsequent three-fold increase in vehicles creating congestion and safety issues at the entrance to the willows.
30. Due to the location of this proposed build and indeed its placement within the plot close to the road, parking within the plot would be limited and therefore on street parking would be required which would cause problems. Indeed the grass verges located on the already fast and dangerous Newbiggin Road would inevitably be used for parking thus creating an additional set of problems.
31. If building work were to go ahead this would only exacerbate the above with the arrival of plant vehicles etc.
32. Messrs Taylor and Hardy's comment at the top of page 2 of their letter of 28<sup>th</sup> July 2008 relating to the previous application that no objections were raised in terms of matters such as siting ..... etc is simply incorrect. Only a few residents were consulted when the first application was submitted in 2007. I have spoken to the residents most directly affected who have told me that they raised serious concerns with the City Council about the over intensive development of the site, the poor access and parking and the loss of privacy and amenity. No doubt these letters will be available on your files. The City Council's more extensive consultation in relation to this latest application will no doubt show the great strength of feeling against the re-submitted proposal.

33. The housing market assessment figures contained in Messrs Taylor and Hardy's letter are not in dispute taken as they are from the Cumbria Housing Strategy 2006/2011 Housing Market Assessment for Rural Carlisle West. The figures represent a general housing need for the whole of the area. The Local Plan makes clear in Policy H1, however, that such housing need should be met by development in Key Service Centres or Local Service Centres. In the case of Rural Carlisle West there are no Key Service Centres but several Local Service Centres, many of which are close to Durdar. These are Cummersdale, Dalston, Great Orton, Raughton Head, Wreay and the urban area of Carlisle. Local Plan policies encourage and promote appropriate development in these more sustainable locations. The applicant site in Durdar is in a significantly less sustainable location. Durdar is poorly served by public transport and has few amenities. My first submission, therefore, is that the City Council should refuse this second application on the same grounds as the first application was refused in 2007, namely, that the applicant site is not within a Local Service Centre and would result in additional dwellings in a less sustainable location.
34. Messrs Taylor and Hardy have then sought to argue that the development should be permitted under an exception provided for in the Local Plan which allows small-scale infilling in settlements such as Durdar. However, it is very important to make the point that such exceptions are not permitted unless certain specific criteria are met. This is a most important qualification which goes to the heart of my argument, and the arguments which I believe many residents will make, for the application to be refused.
35. The Local Plan specifies that all the criteria set out must be met to permit an exception to Policy H1 relating to small scale rural development. It is my argument and the argument of many residents that the proposal fails to meet at least three of the six criteria and I set out in detail below why this is the case. The paragraph numbers refer to those used in the Local Plan. I have not referred to paragraphs which are not relevant in relation to this particular application.
36. The proposal submitted by the applicant's agents pays no regard whatsoever to the nature, character or density of The Willows development. What is proposed is a high density, low quality development on a restricted site with no garages and little or no garden space for homes intended for families. The agents indicate that the "...design and appearance would be complementary to those in the near vicinity..." This is disingenuous. While there may be some similarities on matters of detail on any objective assessment the key characteristics of The Willows development and the applicant's proposal could not be more different in terms of density, quality, layout and space.
37. Essentially what is proposed is a cramped, urban development on a small footprint in a rural location which relates very poorly to surrounding properties. This is not immediately apparent from the limited information provided by the applicant's agents. The sketch plan is not to scale, the

dwelling footprints appear not to reflect the dimensions of the applicant site and no information at all is provided to show how the development would relate to surrounding properties. Such information is essential in this case to enable the Development Control Committee to judge whether the Local Plan criterion is satisfied.

38. I have made the point above that The Willows development was carefully planned and designed to respect the amenity of numbers 21 and 23 Newbiggin Road so that they were not overlooked and the occupiers did not suffer a loss of privacy. The proposals to develop three two-storey properties on the limited applicant site, on the other hand, will quite clearly lead to a loss of amenity and privacy by adjoining occupiers and an increase in noise levels. There is also a high risk of water penetration to neighbouring properties from run-off from surface water which is proposed to be dealt with by means of a soak away yet most of the surface area of the applicant site would necessarily be impermeable to accommodate the three dwellings and hard-standing for six vehicles in total.
39. The application site lies at the entrance to The Willows development and the access road serves all the properties within the development. While it might appear from a desktop inspection of the plans that there would be no apparent access issues a site inspection would show that there are indeed serious and important issues to be taken into account. The agents indicate that somehow spaces for four vehicles will be provided within the site for the two link properties, and a further two for the four bedroom property. Exactly how this would be achieved in practice is not clear, and it is even less clear how vehicles would manoeuvre within the site to allow the occupiers to exit on to Newbiggin Road safely. Newbiggin Road is a busy link road for cars and heavy goods vehicles from the motorway to Dalston, and there have been many complaints over a long period about vehicle speeds through Durdar. While a 40 mph limit is in operation this is rarely observed. In practice vehicles would park on the access road for The Willows or on the grass roadway verges. Quite apart from the adverse impact this would have on the character of the area the existing residents would be faced with a considerable additional risk to road safety on an estate road which is already subject to inconsiderate parking
40. It is clear from the above that the proposal fails not just on one but on three of the criteria that need to be satisfied to justify an exception to Local Plan policies and that therefore the application must be refused.
41. I would like to make clear that I have absolutely no objection to the replacement of the existing bungalow by a single dwelling fronting Newbiggin Road following the building line of the existing properties. The application for three dwellings to be built on the site, however, fails to meet the policies and requirements set out in the Local Plan. To the extent that there is an unmet need for affordable housing the applicant site is not a suitable location, as evidenced above, and there are no grounds to justify a departure from Local Plan policies. Rather housing

needs should be met in a carefully planned way that do not involve over intensive and poor quality development of an unsuitable site in a less sustainable location.

42. I would ask the City Council to refuse permission for the development of the applicant site as proposed in application reference 08/0780. The grounds for refusing the application in 2007 continue to apply, and there are no grounds for making an exception in this case because the proposed development fails to satisfy Local Plan policies as set out above.

45. The City Council rightly seeks to achieve through its planning and other policies high quality housing, whether for sale at market value or at discounted values. Unfortunately this application would fall far short of these standards and moreover fail to meet the criteria set by Local Plan policies as will be clear from this letter and the weight of objections.

3.2 In addition to the above objections, a petition opposing the development and signed by 15 local residents has been received. The petition raises the following points.

1. It is not in sympathy with the character of the area
2. It would represent an over intensive use of a limited site
3. The development would be of very poor quality with no garages and little or no garden space
4. The development would have serious road safety implications and risks
5. The occupiers of many properties on The Willows development would suffer a loss of amenity and privacy

3.3 Following notification regarding submission of a revised site plan, the following additional objections have been received:

1. The site is not in the right location to replace one property with three - to be compatible with the surroundings it is more appropriate to replace one existing property with one replacement;
2. the old plan showed the property being level with the front and back of 14 The Willows. The new plans shows a completely different scenario with the four bedroomed property stretching almost halfway down the fence which separates the properties. Given that the property will be within a metre or so of the fence, it means that for a large part of the day and year a large section of garden will be in the shadow of the new property. This is a significant change to the plans and seriously to my disadvantage. It is also seriously at odds with the design concept of The Willows agreed 12 years ago. The other four bedroomed properties on the Willows are 34 foot high. That is the equivalent, or worse, of putting a 34 foot high hedge or fence along the southern (sunny) side of the

property;

3. the new four bedroomed property is very close and overshadowing my property and garden. There is far more space between the proposed new four bed roomed property and the proposed new semi-detached ones (6 times as much). Why not cram the three new properties together rather than cram one in so close to my property that it will seriously overshadow the garden;
4. a couple of The Willows houses have smallish rear gardens but all properties have double detached or attached garages whereas the new four bed roomed property which will carry The Willows address will have a single integral garage and much simpler domestic layout simply to accommodate the three new properties one site;
5. the revised plan indicates an integral garage for each property. However, given the site layout it will not be possible for vehicles to be both parked on the driveway and manoeuvre in such a way as to be able to access the highway in a forward direction;
6. the new plan for link houses is significantly different to the original plan. The proposed front elevation of these two properties has been moved forwards towards the boundary meaning the properties will be closer forward than 21 The Willows. The side elevation of plot 2 will be much closer to the boundary fence and at approximately 34ft high will overshadow our property. Both of these changes will cause light deprivation down the length of our garden for a large part of the day and for much of the year.
7. The original plan showed the rear elevation of plot 3 to be in line with the central boundary line between plots 1 and 2. The new revised plan shows the rear elevation of plot 3 moving towards the boundary with 21 The Willows. Given that Plot 3 will be two storey, there will be an invasion of our privacy both in house and garden, as well as further overshadowing;
8. Because of trees opposite the south side of our garden on Newbiggin Road, we have always depended on our sunlight coming from the west and if the proposed plans were to proceed would be lost to us. This is the only source of drying to our land, which already suffers significantly with issues of excess surface water, not to mention the potential issues with the massively increased hard landscaping to be introduced on the plot, reducing surface drainage;
9. the new plan shows the four bed roomed property to be of a different design to the rest of 'The Willows'. This is not in character with the sensitive design of The Willows. All the existing properties have double drives and double garage none of which are integral to the main dwelling. This incompatibility is relevant as the four bed roomed property is within the boundary of 'The Willows' and will assume a 'Willows' address;
10. Why when the revised site plan was dated 10th August did re-notification

not take place until October? Are the Council attempting to limit the number of objections received?

- 3.4 In addition to the above objections, one letter offering comments has been received, raising the following points:
1. hopefully the new houses would be of a similar style and finish to the existing Executive Development at The Willows
  2. Is there a real need for link houses in Durdar?
  3. Concern as to access onto Newbiggin Road
  4. Standing / area driveway to the 'Link Houses' could create restricted vision to traffic leaving The Willow development
  5. Consideration should be given to improving lighting on Newbiggin Road along with Main Road drainage should the development proceed
  6. Newbiggin Road is often standing in water and in Autumn the fall of leaves from the well established woodland opposite the proposed development often blocks existing sink chambers
  7. The woodland itself often casts a dark shadow even on bright clear days onto Newbiggin Road and affects clear vision for traffic leaving The Willows development (recent accidents can support this)
  8. Consideration should also be given to extending the footpath on Newbiggin Road
  9. Consideration should also be given to extending the footpath on Newbiggin Road beyond the last property of the Brisco junction.

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

- 4.1 In 2007, under application reference 07/1058, permission was refused for the demolition of the existing bungalow and replacement with one four bed house and two three bedroom link houses

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

- 5.1 Members will recall that this application was deferred at the last meeting to allow a site visit to be undertaken. The application seeks outline approval for demolition and new build within the curtilage of 23 Newbiggin Road, Durdar. The site is located on the corner of Newbiggin Road and The Willows and has an area of approximately 1200 square metres. The site is bounded to the south by a 1m brick wall, to the north and east by a 2.0m wooden board fencing and to the west by a combination of brick walling and picket fencing.

Residential properties are located to the north, west and east with agricultural fields to the south beyond the road.

- 5.2 The application seeks outline approval for the demolition of the existing bungalow and the erection of a four bedroomed detached property and two three bedroomed link properties on the site. As the application is in outline, the final form of the dwellings is to be determined. However, the indicative site layout plan identifies the four bedroomed detached property as being located to the north of the site, making use of the existing access to The Willows from the west. The two three bedroomed link properties are to be located to the south of the site and will make use of the existing access from Newbiggin Road. It is stated within the Design and Access Statement that the proposed dwellings will be of a design and appearance in keeping with, and complementary to, those in the near vicinity. It is indicated that foul sewage will be disposed of by means of a connection to a mains sewer and surface water will be disposed of by means of a soakaway.
- 5.3 The relevant planning policies against which this application is required to be assessed are Policies DP1, H1, H6, CP5, CP6 and H10 of the adopted Carlisle District Local Plan.
- 5.4 The Proposal Raises the Following Planning Issues:
1. Whether the Site is Appropriate for Additional Residential Use in Light of Local Planning Policy Objectives
- 5.5 Policy H1 of the Carlisle District Local Plan provides the framework against which applications for new housing in the District will be assessed. In general, new housing will be focussed on Carlisle and the Key Service Centres of Brampton and Longtown. Some new small scale housing development will also be acceptable in Local Service Centres - which are listed within the above Policy - providing that a number of specific criteria can be met on site.
- 5.6 Durdar is not identified as a Key or Local Service Centre. It is however identified as a location in which small scale infilling will be allowed where it would not conflict with the criteria contained within Policy H1 *and* is evidenced by a local need to be in that location.
- 5.7 In regard to the above, a planning statement has been submitted to support the application. This document indicates that discussions between the applicant and Carlisle City Council Housing Officers have taken place and the following identified:
- (1) a significant level of housing need in the wider Housing Market Area of Carlisle Rural West;
  - (2) an annual figure of 43 for the number of affordable units required in Carlisle Rural West Housing Market Area over and above the supply of affordable units already committed;



(3) the highest need being for larger three bed roomed properties.

5.8 The statement indicates the Housing Officer has advised the applicant that the two three bedroomed link properties could provide intermediate family housing e.g. shared ownership or discounted sale at 70% of open market value to meet the identified need in the area. The applicant therefore concludes that the proposal meets the three tests required under Policy H6 as it would be:

- a) low cost affordable housing to meet an identified need;
- b) subject of a Section 106 Agreement which will be put in place to satisfy the requirement that once built the residential units will be retained for the benefit of successive as well as initial occupiers;
- c) well related to the settlement and local landscape character;

5.9 In relation to a), the Council Housing Officer has confirmed that there is an annual requirement for 43 affordable units in the wider Housing Market Area of Carlisle Rural West. While it is accepted that there is a general need for affordable housing in the area, no specific need within Durdar has been identified by the applicants. Policy DP1 stresses that outside of Key and Local Service Centres, development will be assessed against the need to be in the location specified. As the applicant has failed to demonstrate a specific need, should Members be mindful, the application could be refused on these grounds. However, Members should be aware that through a Section 106 Agreement, marketing of the properties could initially be restricted to St Cuthberts without Parish, only being widened to neighbouring Parishes if no need is established. On this basis it is considered that the requirements of a) could be achieved. It should also be noted that the City Council Housing Enabling Officer is broadly supportive of the proposal as it would result in the provision of affordable units in a location in which there is a general need. The Parish Council is similarly in support of the provision of affordable housing.

5.10 In relation to b), the applicant has confirmed that he would be willing to enter into an appropriate Section 106 Agreement to ensure that the linked properties would be available at a discounted rate of 70% of Market Value both on initial and subsequent sale. Issues relating to c) are considered below.

## 2. Other Issues

5.11 As this application seeks outline approval only, detailed information relating to the siting and design of the proposed dwellings has not been submitted. However, consideration needs to be given to the ability of the proposal to meet the requirements of the seven criteria listed in Policy H1 of the Carlisle District Local Plan, namely;

- 1. the site is well related to the landscape of the area and does not intrude into open countryside; and

2. the scale of the proposed development is well related to the scale, form and character of the existing settlement; and
  3. the layout of the site and the design of the buildings is well related to existing property in the village; and
  4. the siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
  5. appropriate access and parking can be achieved; and
  6. the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
  7. the proposal will not lead to the loss of the best and most versatile agricultural land.
- 5.12 As the proposed site falls within the existing curtilage of 23 Newbiggin Road and is clearly within the settlement of Durdar, it is considered that the requirements of criteria 1, 6 and 7 are met.
- 5.13 In relation to the remaining criteria, nine letters of objection and a petition were initially received with a further three letters of objection received following re-notification of a revised site plan. For information, a number of comments have been received enquiring as to why when the revised site plan was received in August, re-notification did not take place until October. To clarify, confusion has arisen as the site plan is dated 10-08. This however refers to October 2008 rather than the 10th August. The majority of objections primarily relate to four key issues i) impact on the character of the area; ii) impact on the living conditions of neighbouring residents; iii) Impact on parking and highway safety and iv) impact on local drainage. Each of these points is considered in detail below.
- 5.14 In relation to i) a number of objectors have stated that The Willows is an 'executive' estate of large detached properties set within significant gardens and that the proposed erection of two-linked properties and a four bedroomed detached property pays no regard to the nature, character or density of the existing estate. It is also considered that the proposal would lead to a low-quality form of development.
- 5.15 It is acknowledged that while the site address is Newbiggin Road, the proposals are closely related to The Willows and will introduce a new element within this estate. However, it should be noted that the properties which form part of The Willows but front Newbiggin Road are not representative of the road frontage as a whole, which comprises a range of house types and styles. As such, it is not considered that the introduction of two sympathetically designed linked properties would unduly impact on the character of the area as there is no dominant style of housing along Newbiggin Road. Indeed, it could be argued that the existing bungalow, by virtue of its low form, is more at odds with the neighbouring large two storey properties than the proposed link houses which would be of similar two storey construction. In addition, the proposal does not fall within a Conservation Area or other area designated for its particular landscape sensitivity.
- 5.16 Whilst only one objection has been raised in relation to the proposed form of the detached property, there have been a number of concerns arising due to

the in-combination effect with the link houses. Comments have been raised that houses within The Willows characteristically have large gardens and again, given the nature of the proposal, the development would be at odds with the existing form of development.

- 5.17 Whilst the average garden within The Willows is larger than that proposed, it is not considered that the size of garden would constitute a substandard form of development. For example, 7 and 8 The Willows, two neighbouring detached properties have a combined curtilage of approximately 1070 square metres. The application site has an area of approximately 1200 square metres. Number 17 Newbiggin Road, a detached property located three houses away from 23 Newbiggin Road, sits within a curtilage of less than 400 square metres. As such, while the size of the garden proposed for each of the properties would be generally smaller than properties within the Willows and on Newbiggin Road, it is not considered that this would be to a degree whereby development would be so alien to the existing character of the area that it would warrant refusal of the application.
- 5.18 It should also be remembered that at this stage it is the principle of the development which is being considered, not the detail and the submitted site plan is for illustrative purposes only. As such, if the application were to be approved, the applicants would be required to submit a further Reserved Matters application which would need to provide full details of all the house types and site layout. This further application would need to demonstrate to the satisfaction of the Local Planning Authority that the housing would be of a style and quality suitable to its location. Failure to do so would result in the refusal of the application. As such, while due consideration has been given to the comments raised by objectors, it is considered that as the application is currently at the outline stage with no detailed drawings having been submitted, it would not be appropriate to refuse the application on the basis of impact on the character of the area as this would need to be given further consideration at the Reserved Matters stage, should the application be approved.
- 5.19 In relation to ii), various issues have been raised regarding the adequacy of the proposed parking and access arrangements. In addition, the Parish Council, whilst generally supportive of the proposal, have indicated that this would be on the basis of no additional entry points to Newbiggin Road. Specific concerns have been raised in relation to the danger of additional cars directly accessing and leaving Newbiggin Road as although this is a 40mph zone, cars regularly drive at speeds far in excess of the legal speed limit. There have also been concerns as to whether the proposal would provide sufficient off-street parking spaces. The concern is that insufficient off-street parking provision would lead to cars parking on the road, resulting in additional danger and inconvenience to both road users and pedestrians alike.
- 5.20 While these concerns are acknowledged, Cumbria Highways have been consulted and have raised no objection on highways grounds as they feel that the proposal offers ample off street parking. Furthermore, they have no concern over the potential access and egress arrangements to and from

Newbiggin Road. They have however suggested that conditions relating to highway crossings, access gates and parking and turning arrangements are attached to any permission which may be granted. Given the comments from Cumbria Highways, it would be difficult to recommend refusal of the application on highway grounds. Whilst further objections have been raised regarding the adequacy of the off-street parking arrangements following submission of the revised site plan, as noted, any subsequent reserved matters application would need to satisfactorily demonstrate that adequate off street parking and in-curtilage manoeuvring space can be provided to ensure no danger / inconvenience to users of the adjacent highway. Failure to do so would result in the Reserved Matters application being refused.

- 5.21 In relation to iii), concerns have been expressed that the proposal will lead to an adverse impact on the living conditions of neighbouring residents, primarily through unacceptable loss of daylight and sunlight, loss of privacy and increased noise nuisance.
- 5.22 It is accepted that by introducing two extra dwellings within the plot, there is the potential for the generation of some extra noise. However, the proposal is for residential dwellings within a residential area and any noise generated would be expected to be of a type which would be acceptable in this context.
- 5.23 The revised site plan shows the two link properties as having a front building line slightly in advance of that of the neighbouring property, 21 The Willows. The original site plan showed a similar front building line to the neighbouring property and an objection has been received on the basis that this change would lead to a greater impact on the living conditions of the residents of 21 The Willows. However, as there are no windows in the western gable of 21 The Willows, and as the indicative site plan suggests the link properties would only project approximately 1.5m beyond the front building line of number 21 at a distance in excess of 8m, it is considered that any impact on the living conditions of the residents of 21 The Willows arising from this aspect of the proposal would be limited. It is not considered that any other properties would be directly adversely affected by the erection of the link properties.
- 5.24 The indicative site plan shows the detached property facing towards the road and having a front building line slightly behind that of the neighbouring property, 14 The Willows. While the original site plan showed a similar rear building line as the neighbouring property, the revised site plan shows the rear of the dwelling extending approximately 4m beyond that of number 14. However, it should be noted that 14 The Willows has a detached garage which sits between the boundary with the application site and the dwelling house. As such, the nearest primary windows in the neighbouring property would be some distance from the proposed dwelling and given the extent of rearward projection, views of it would be limited. It should be noted that this staggered form of development is displayed elsewhere in The Willows.
- 5.25 On the basis that primary windows would be restricted to the front and rear elevations, the property would face the road to the front and the gardens of 19, 21 and 22 Newbiggin Road to the rear. The only one of these properties

to be directly faced would be 19 Newbiggin Road which is located at a distance in excess of 40m from the proposed dwelling. As the proposal falls within a housing estate in which non-linear development is a feature, it is difficult to avoid any overlooking of the gardens of neighbouring properties. As such, and given the residential nature of the proposal, it is not considered that the overlooking would be sufficiently adverse to warrant refusal of the application.

- 5.26 Residents of 14 and 21 The Willows have also expressed concern in relation to potential loss of sunlight to both their dwellings and gardens. Given the orientation and distance between the existing dwellings and those proposed, it is considered that any direct loss of sunlight to existing windows would be minimal. However, it is acknowledged that there is the potential for some overshadowing of garden areas, particularly to the rear of number 14. However, this is likely to be restricted to those times of the day and year when the sun is particularly low, and as such, is not considered sufficient grounds to warrant refusal of the application.
- 5.27 It must be remembered that the as application is in outline, the site plan is for illustrative purposes only. However, it is considered that through careful scheme design and the imposition of appropriate planning conditions, impacts on the living conditions of neighbouring residents could be kept to an acceptable level. However, failure to demonstrate this in a subsequent Reserved Matters application would result in its refusal.
- 5.28 The final major concern (iv) raised by objectors relates to the adequacy of the existing foul and surface water drainage arrangements. However, again the statutory consultee, United Utilities, has raised no objection to the proposal and it is therefore not considered appropriate to refuse the application on these grounds. However, a condition would be attached to any permission which may be granted requiring the applicants to provide a scheme for the disposal of foul and surface water prior to the commencement of works. As the applicants have indicated that surface water would be dealt with by means of soakaways, this would need to include a percolation test report to demonstrate that soakaways would be feasible in this location.
- 5.29 In conclusion, it is considered that the requirements of Policy H1 of the Carlisle District Local Plan (paragraph 5.10) are achievable on site. However, this would need to be demonstrated within any subsequent reserved matters application. On balance, it is also considered that the proposal would meet the requirements of Policy H6 by virtue of the proposal addressing a general need for affordable housing in Carlisle Rural West. The application is therefore recommended for approval subject to appropriate conditions being attached and the applicants entering into a Section 106 Agreement to ensure that the linked properties are sold at 70% of market value both on initial and any subsequent sale.

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

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

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

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of 3 years from the date of the grant of this permission, or
  - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

3. The development permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development until a planning obligation pursuant to s.106 of the said Act relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said planning obligation will ensure that the two link houses will be sold at a 30% market value discount.

**Reason:** In accordance with Policy H6 of the Carlisle District Local Plan 2001-2016.

4. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy H16 of the Carlisle District Local Plan.

5. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accord with Policy E9 and E19 of the Carlisle District Local Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan.

7. 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 25 of the Cumbria and Lake District Structure Plan.

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

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

9. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5

10. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

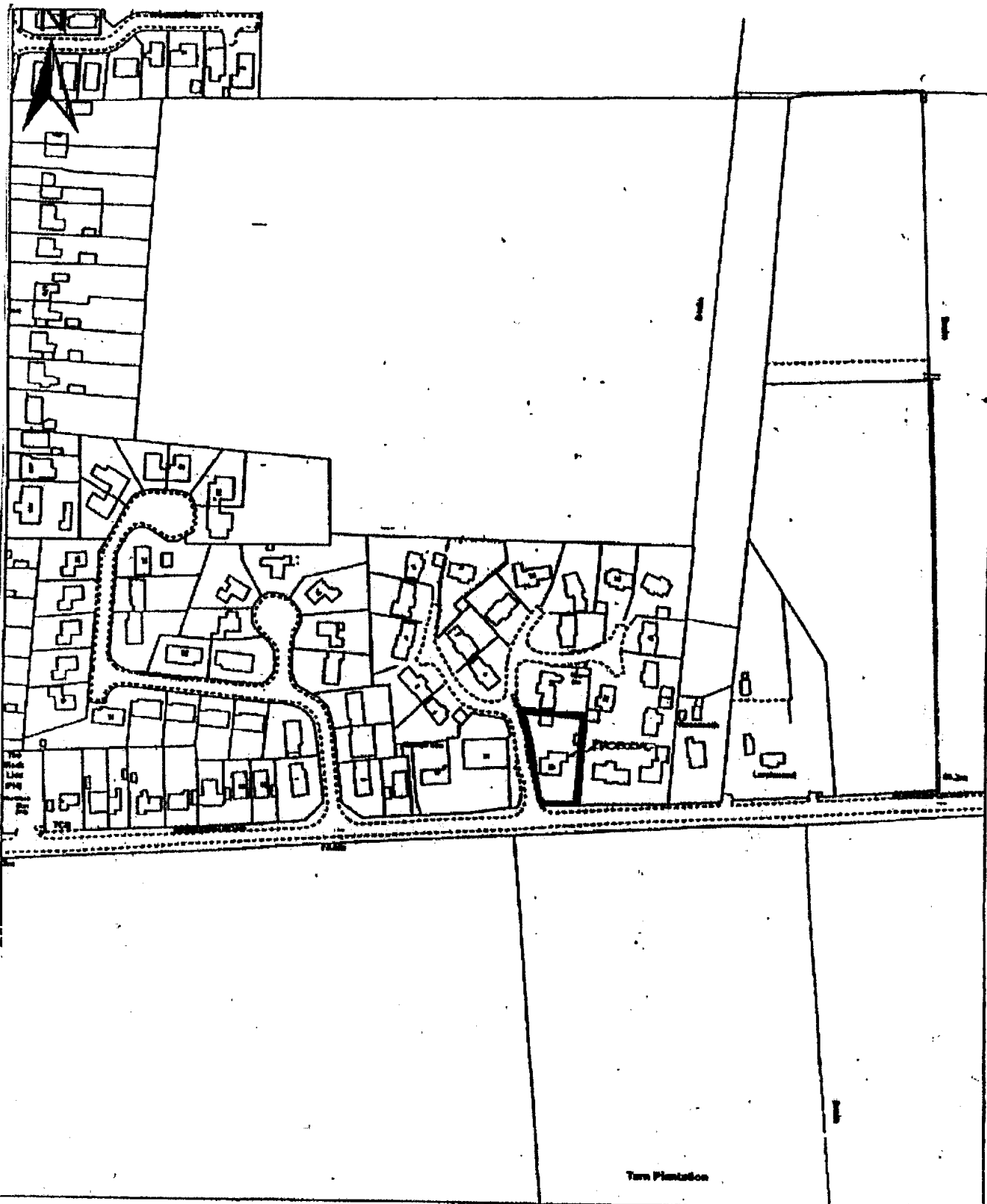
11. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any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

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7, LD8

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

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





23 NEWBIGGEN ROAD

PLAN 1  
\*\*\*\*\*

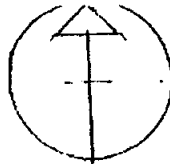
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Carlisle City Council LA 010024459. 2005.

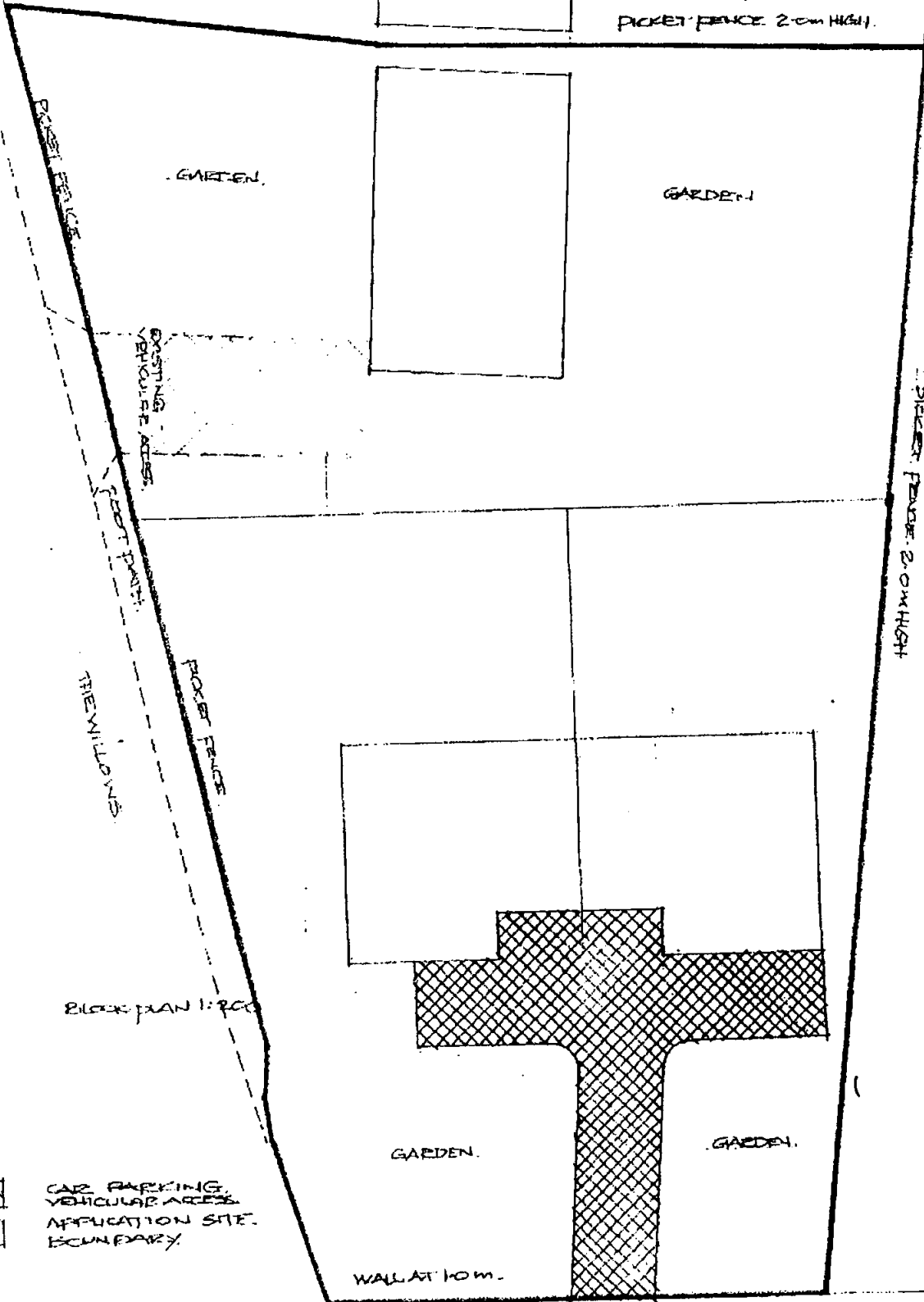
23 JUN 2006  
08/0780

**CARLISLE CITY COUNCIL**  
  
[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

**Civic Centre  
Rickergate  
Carlisle  
CA3 8QG**



PICKET FENCE 2.0m HIGH.



Block plan 1:200



CAR PARKING,  
VEHICULAR ACCESS  
APPLICATION SITE  
BOUNDARY

PROPOSED DEVELOPMENT AT  
23 NEWBIGGEN RD. DUFFAR  
FOR MR S WOOLDRIDGE

EXISTING  
VEHICULAR ACCESS

GRASS YERGE

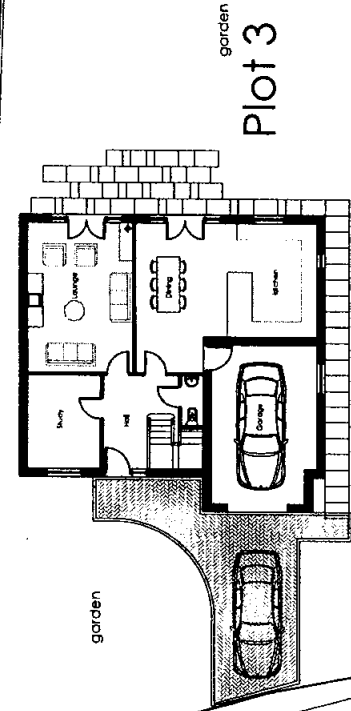
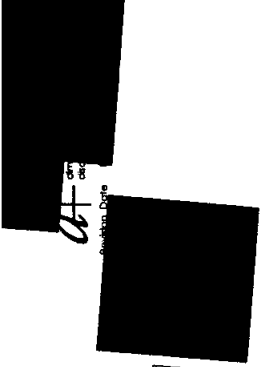
NEWBIGGEN ROAD

PLAN 2  
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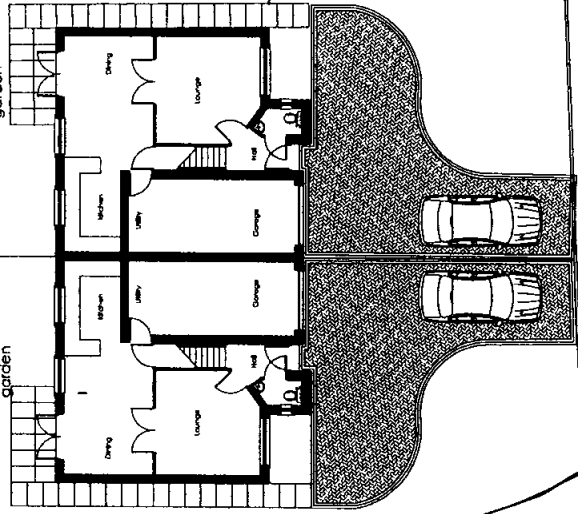
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Plans are to be followed in preference to printed  
specification from the Council work where possible. Any  
conflict immediately and before proceeding.

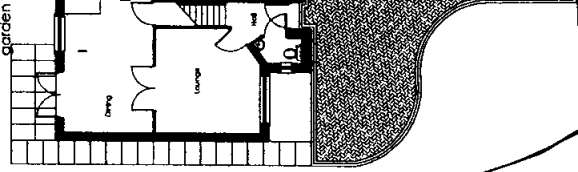
Revised by



Plot 2



Plot 1



ARCHITECTS *at*  
**P L U S**

Project  
23 Newbiggin Road  
Mrs Woolridge

Drawing  
Site Plan

Scale 1:2008A3 Date 10-08 Drawn PZ  
Comp. No. P02 Number 08090-01

Architects Plus (UK) Limited,  
Victoria Galleries, Woodcut House, Victoria Road, Carlisle, Cumbria, CA3 8AN  
Tel: 01228 515144 Fax: 01228 515033  
web: architectsplus.co.uk  
e-mail: ap@architectsplus.co.uk

08/0780

**OUTLINE PLANNING APPLICATION**  
**PROPOSING THE DEMOLITION OF AN EXISTING DWELLING AND THE  
REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES AT NO.23 NEWBIGGIN  
ROAD, DURDAR, CARLISLE FOR MR. S. WOOLDRIDGE  
THE RESIDENTIAL DEVELOPMENT COMPRISING THREE DWELLINGS OF WHICH ONE IS  
A REPLACEMENT FOR THE DWELLING WHICH IS EXISTING WHILST TWO  
ARE FOR LOCAL OCCUPANCY**

---

**DESIGN & ACCESS STATEMENT**

**DESIGN**

The application detailing the proposal is made in outline, consequently there is limited information available as to the design and appearance of the three – two storey dwellings which are proposed. It is, however, envisaged that the dwellings will be of a design and appearance in keeping with and complementary to those in the near vicinity.

It is noted that the siting of the dwellings which are proposed are shown on Plan 2 which accompanies the application and that the outline application seeks consent for means of access and site layout.

**ACCESS**

The three dwellings which are proposed will gain access to/from the public highway via the existing access points to No.23 Newbiggin Road.

The access to the two – three bedroomed linked properties will be via the existing access on Newbiggin Road.

The access to the four bedroomed property will be via the existing access onto The Willows.

The County Highways, in a letter dated 18<sup>th</sup> October 2007, a letter prompted by the previous application, L.P.A. Reference No. 07/1058, stated a requirement for the proposal to meet three conditions, namely:

***“Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details***

***of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development. ..."***

***"Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5 m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays on each side. ..."***

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

It is confirmed that the details of the means of access to the development which is proposed will satisfy these conditions.

MEH/J/C07/186  
28<sup>th</sup> July, 2008

9 Finkle Street  
Carlisle  
Cumbria CA3 8UU

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Taylor & Hardy Limited. Registered in England No. 3977505  
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

# TAYLOR & HARDY

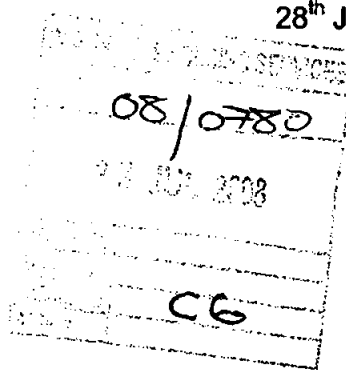
Chartered Town Planners

Our Ref : MEH/J/C07/186

28<sup>th</sup> July, 2008

Mr. Colin Godfrey,  
Planning & Housing Services,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG

Dear Colin,



### **OUTLINE PLANNING APPLICATION**

**PROPOSING THE DEMOLITION OF AN EXISTING DWELLING AND THE REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES AT NO.23 NEWBIGGIN ROAD, DURDAR, CARLISLE FOR MR. S. WOOLDRIDGE THE RESIDENTIAL DEVELOPMENT COMPRISING THREE DWELLINGS OF WHICH ONE IS A REPLACEMENT FOR THE DWELLING WHICH IS EXISTING WHILST TWO ARE FOR LOCAL OCCUPANCY**

Please find enclosed, for your attention, an outline planning application which proposes the demolition of an existing dwelling, No.23 Newbiggin Road, Durdar, Carlisle and the redevelopment of the site for residential purposes.

Three dwellings are proposed of which one, a four bedroomed house, is a replacement for the dwelling which is existing, whilst the two additional ones, two - three bedroomed linked houses are for local occupancy, the occupancy of which will be controlled through a Section 106 Legal Agreement.

The application comprising the required copies of the application form, location and site layout plans and a Design and Access Statement. As the application is the resubmission of an application (L.P.A. Reference No. 07/1058) refused on the 20<sup>th</sup> November 2007 no fee is payable.

Application L.P.A. Reference No. 07/1058 was refused outline planning permission for one reason. This being that as the two additional dwellings which were proposed, i.e. the two - three bedroomed linked houses, were not detailed as being for local occupancy, the development would **"... result in two additional dwellings in a less sustainable location, for which no local housing need had been satisfactorily demonstrated and, if permitted, would restrict development in more sustainable locations. ..."**

No objections were raised in terms of matters such as siting, layout, amenity, access and parking.

In the period since the application was refused "... the local housing need ..." for the two – three bedroomed dwellings has been appraised and there have been discussions and correspondence with both Jeremy Hewitson and Kerry Courts, Housing Development Officers, Carlisle City Council. The purpose of this dialogue being to establish the evidence of need for the two dwellings which are proposed.

This evidence has clearly shown that there is:

- a significant level of housing need in the wider Housing Market Area of Carlisle Rural West (results of the District Housing Survey 2006);
- an annual figure of 43 for the number of affordable units required in Carlisle Rural West Housing Market Area over and above the supply of affordable units already committed; and that
- the highest need for larger three bedroomed properties.

In this context the Housing Development Officers have advised that the two – three bedroomed linked properties which provide family accommodation which could be two intermediate properties, e.g. shared ownership or discounted sale, at 70% of open market value.

Whilst noting the above it is considered that the proposal would now meet the requirements of Policy H6 as the two additional dwellings which are proposed are clearly:

- low cost affordable housing to meet an identified need;
- to be the subject of a Section 106 Agreement which will be put in place to satisfy the requirement that once built the residential units will be retained for the benefit of successive as well as initial occupiers;
- well related to the settlement and local landscape character.

It is considered that this element of the proposal ought to be regarded as acceptable.

In addition, as no objections arose previously in respect of the replacement dwelling, and the relevant policy framework, Policy H13, has not significantly changed in the intervening period none ought to arise in respect of the accompanying application.

In particular, it is noted that the replacement dwelling:

- is located close to site of the original dwelling;
- is of a scale and design appropriate to its location and complementary to the character and size of other dwellings in the locality;
- is sited so as to ensure that it will not adversely affect the amenity of the area or adjoining properties; and has
- has appropriate access and parking arrangements.

All of these aspects being requirements of the Policy.

In light of the above I trust that you find all aspects of the application to be clear and acceptable. If, however, you have any queries please do contact me.

Yours sincerely,

  
MARGARET HARDY



## SCHEDULE A: Applications with Recommendation

08/0941

---

**Item No: 04**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0941

**Applicant:**  
Mitre Housing Asscciation  
c/o Eden Housing  
Association LTD

**Parish:**  
Dalston

**Date of Receipt:**  
12/09/2008

**Agent:**  
Day Cummins Architects

**Ward:**  
Dalston

**Location:**  
25 & 26 The Square, Dalston, Cumbria, CA5 7PY

**Grid Reference:**  
336889 550138

**Proposal:** Internal Alterations, Extensions To Rear And Provision Of 1st Floor To  
Provide 1no Bedroom To Each Dwelling

**Amendment:**

---

### REPORT

**Case Officer:** Alan Taylor

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

This application, and the related application seeking Listed Building Consent which follows, are included in the Schedule due to the request of Dalston Parish Council to address the Committee.

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

##### **Conservation Area**

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

**Policy for NW of Eng.Plan Reg.Spatial Strat.2021**

**Policy for NW of Eng.Plan Reg.Spatial Strat.2021**

**Policy for NW of Eng.Plan Reg.Spatial Strat.2021**

**Local Plan Pol CP5 - Design**

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

**Local Plan Pol LE13 - Alterations to Listed Buildings**

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

**Cumbria County Council - (Highway Authority):** the layout details are satisfactory and the Highway Authority has no objections;

**Dalston Parish Council:** the Parish Council objects to the proposals for the following reasons:

- a) There is concern about the effect of the proposed extension at the rear to the structure of a building of such historical significance;
- b) It is felt there is a need to look further at the vernacular architecture in order to preserve the integrity of the building without destroying the original important features; and
- c) The proposed development is to a link property between two other historic buildings in The Square and, as such, requires sympathetic handling.

The Parish Council has requested that the Committee undertakes a Site Visit prior to considering these proposals and has also requested that a representative of the Parish Council be permitted to address the Committee under the "Right To Speak" provisions;

**Conservation Area Advisory Committee:** The Committee gave its support to the proposed scheme to refurbish these two cottages, including the removal of the rear flat roofed extension and its replacement with a construction that is more in keeping with the vernacular qualities of the Listed Buildings. It therefore had no objections to these applications being approved;

**Conservation Officer:** The revised scheme that has been submitted embodies the advice given to the applicants to ensure that the character of these Listed Buildings is maintained and improved. The original fabric of the cottages is being retained and refurbished. The flat roofed extension at the rear, which is an eyesore, is being removed and being replaced with a more sympathetic extension. The only adverse comment that I have is that the fake sash windows on the rear are not acceptable. These should be traditional sash windows similar to those on the front elevation. Other than that, this is a very acceptable proposal and its approval is supported.

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

**Representations Received**

## SCHEDULE A: Applications with Recommendation

08/0941

Initial:

Consulted:

Reply Type:

	Dover House	01/10/08	
	27 The Square	01/10/08	
	Chapel Cottage	01/10/08	
Dalston Parish Council			Objection

- 3.1 Since the application relates to Listed Buildings located within a Conservation Area, the application has been advertised on Site and in the Public Notices of the local Press.
- 3.2 At the time this Report was drafted, no representations had been formally received although an adjacent occupier has spoken to the Case Officer regarding the use of an existing Right of Access passing immediately to the rear of her home. The concern raised is that the refurbishment of the two properties will intensify the use of the Right of Access by their occupiers and visitors and this will lead to additional disturbance and possible loss of privacy.
- 3.3 These concerns have been brought to the applicants' attention and they are sympathetic to the situation. They are, accordingly, undertaking investigations with their Solicitor to clarify whether it is possible to utilise the other access.

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

- 4.1 Applications for Planning Permission and Listed Building Consent for the "Proposed Alteration And Extension To 2 No Single Storey Dwellings To Form 3 No Two Storey Dwellings" were submitted by the applicants in June of last year but were withdrawn in September 2007.

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

##### **Introduction**

- 5.1 This application and the one following in the Schedule, which seeks Listed Building Consent, relate to a pair of single storey, cruck framed cottages located on the north-west side of The Square, within the heart of the Dalston Conservation Area.
- 5.2 The properties, which are finished in roughcast render under pitched slate roofs, are Grade II Listed Buildings. Both have mineral felt flat-roofed additions and lean-to WC blocks to the rear but the original cottages are very small, shallow in depth and, even with the additions, have very modest accommodation.

### Background

- 5.3 The properties are owned by the Mitre Housing Association but are managed on its behalf by Eden Housing Association. Unsurprisingly, their age and size present major difficulties in achieving modern housing standards. They require substantial upgrading and refurbishment including new kitchens, bathrooms, insulation and electrical re-wiring to make them suitable for modern standards of accommodation.
- 5.4 The applicants originally prepared proposals to enlarge the property in 2007 but the scale and form of those was such that they would not have been supported at Officer level. Accordingly, the applicants decided to withdraw their applications for Planning Permission and Listed Building Consent in the Autumn of 2007 and to review their proposals in consultation with the Conservation Officer. That has been a productive process leading to the current applications, the key components of which are:
1. To refurbish the principal (street) facade with new replacement, double glazed windows, re-painted masonry, guttering and new timber entrance doors;
  2. To remove most of the existing flat roofed extensions and the lean-to WC additions at the rear and construct a 2-storey extension with the same depth as the existing single-storey block. It would be off-set from the two flank boundaries with numbers 24 and 27 The Square, be finished in painted rendered walling with re-constituted stone cills and lintels, a pitched slate roof, and incorporate timber traditional sash windows (changed following the original proposal for top-hung windows with "sash" proportions);
  3. Supporting the "exterior" works, it is proposed to completely re-furbish the interior by re-levelling all floors, completely re-wire the properties, upgrade the insulation, install new bathroom fittings and kitchens, renew defective plaster and install new central heating and boiler systems. Similarly, the rear garden areas will be refurbished with new fencing between the properties.
- 5.5 The proposed investment will bring these existing deficient homes up to a good standard, in line with Housing Corporation requirements, so that they will provide 2-bed accommodation for 3-4 persons, as opposed to the existing limited space really only capable of accommodating 2 persons in very inadequate space. Thus, by adding the second storey to the rear it has been possible to incorporate a double bedroom within each property, as well as a single bedroom in the smaller of the two properties (no 25) and a bedroom large enough for two single-beds within number 26 The Square. That said, they are not spacious: number 25 would have a total floorspace of 65.7 sq. m. while number 26 would have a floor area of 79.2 sq.m.

### Assessment

## SCHEDULE A: Applications with Recommendation

08/0941

- 5.6 The application raises the following planning issues:
1. The Effect on the Character and Appearance of the Listed Buildings and on the Dalston Conservation Area.
- 5.7 The current proposals have emerged following quite a lengthy period of detailed development and refinement in conjunction with the Council's Conservation Officer. Throughout that process the pre-eminent objective has been to secure a scheme of proposals which balanced the need to provide an acceptable standard of modern residential accommodation suited to the needs of the likely occupiers while ensuring that the buildings' special qualities, as properties of some antiquity and character, were protected and enhanced.
- 5.8 Care has thus been taken to ensure that the principal elevation i.e. what the public "see" from the street, in this case The Square, is restored rather than altered; that the ridge line is respected; that the finishes of replacement windows, doors and guttering are in keeping with the building; and that the decoration of the building enhances the overall group of which these buildings are a element on the north-west side of the street. In all respects, these objectives have been realised.
- 5.9 Similarly, there is little point in caring for those aspects that the public can see but ignoring the very real requirements that the physical fabric, level of accommodation, and fittings/fixtures installed within the properties should be fit for modern purposes. Accordingly, the removal of the unsightly accretions to the rear of the building, with the badly built and unreliable flat roof and, effectively, external WC's has enabled a simple, but proportionately balanced, two-storey extension to be provided. It is in scale, carefully sited to avoid impact on its neighbours, well detailed and employs finishes to match the existing dwellings. Its provision, as importantly, enables much increased domestic space standards and the related installation of modern sanitary fittings and kitchens.
- 5.10 Planning policies for the care of the physical environment, notably Policy LE13 of the recently adopted District Local Plan which sets out the relevant considerations when dealing with alterations to Listed Buildings, demand a high standard of new design. It is considered that the proposals satisfy the relevant policy tests of both Policy LE13 and the general design objectives of Policy CP5 of the Local Plan and are supported by the provisions of Policy DP2 of the Regional Spatial Strategy.
2. The Appropriateness of the Proposals in Relation to Regeneration of Existing Housing Stock
- 5.11 The Parish Council's response indicates concern about the possible structural implications arising from the alterations and additions that are proposed but these are matters of judgement which both the Conservation Officer, and in due course, the Building Control Officer will address. It is certainly thte case

## SCHEDULE A: Applications with Recommendation

08/0941

that the precise location and nature of the alterations and extensions has been dictated by the need to avoid key features of the building's construction, notably the cruck frames.

- 5.12 It is, however, clear that these buildings need major investment and refurbishment and devising suitable proposals to achieve the space standards and living conditions required required has been challenging. The scheme that has emerged is sympathetic to the concerns understandably raised by the Parish Council- these buildings are believed to be amongst the oldest in Dalston- and at the same time will hopefully provide the physical regeneration of the housing stock that planning policy encourages to help meet housing needs (RSS Policies DP2, RDF2 and L3 and District Plan Policies DP1, CP5 and H11). That is particularly important in rural settlements, especially where the size of property clearly favours low income and/or small household needs.

### Conclusion

- 5.13 Although the concerns of the Parish Council are appreciated, it is considered that the proposals represent a sensitive and sympathetic solution to the needs to enlarge and improve the living conditions associated with these dwellings. Their proposed physical refurbishment sits well with the social enhancement that will arise from providing a higher standard of residential accommodation in an historic building in an area of high heritage value. It is, accordingly, recommended that the application is approved.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 There would appear to be no aspect of the proposals which are in conflict with the provisions of the Human Rights Act.

## SCHEDULE A: Applications with Recommendation

08/0941

### 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.

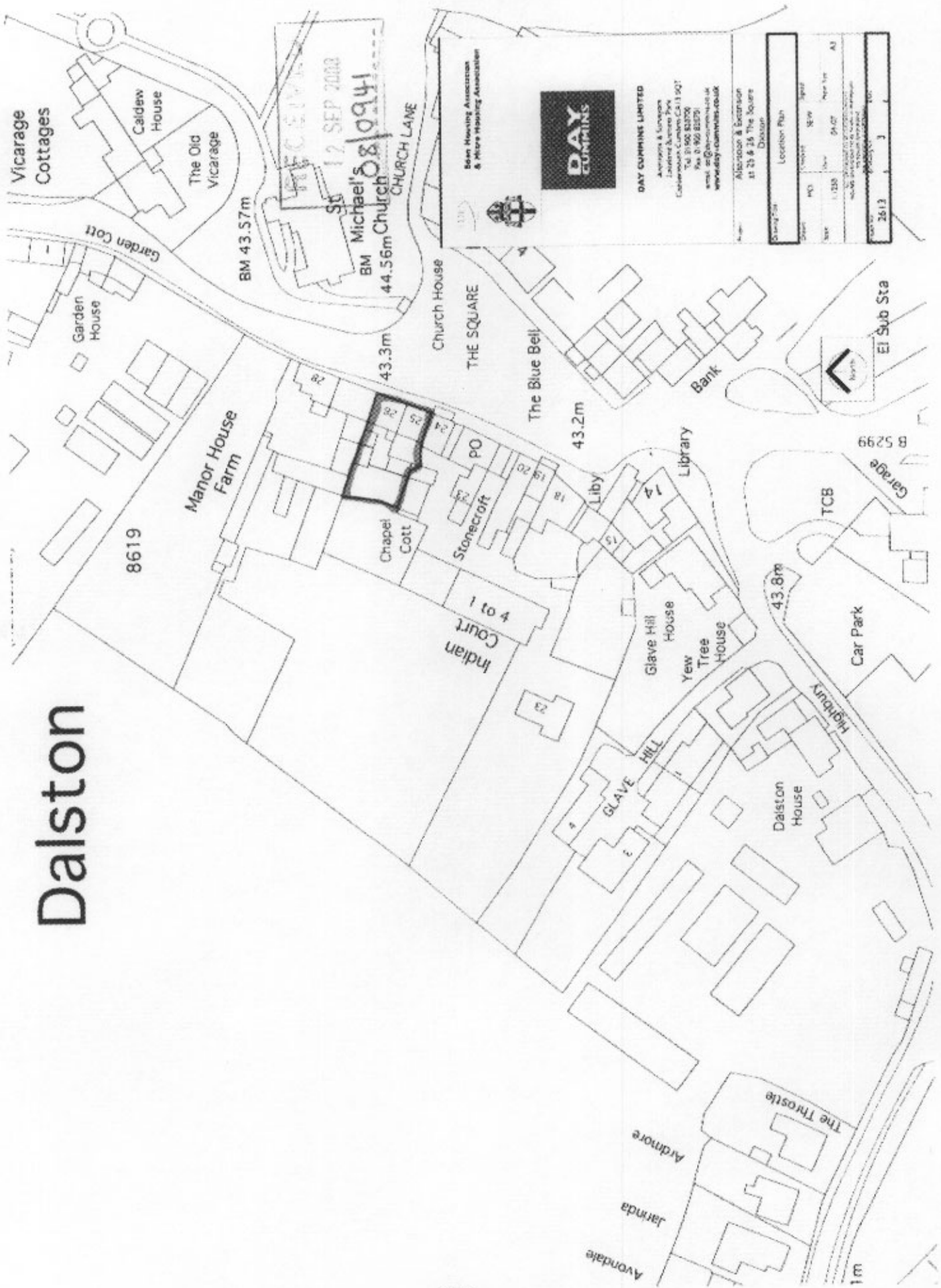
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. 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 Policies CP5, CP7 and LE13 of the Carlisle District Local Plan 2001-2016.

---

# Dalston



  
**DAY CUMMINS LIMITED**  
 Auctioneers & Conveyancers  
 London & Country  
 100, Abchurch Lane, London EC4N 3DF  
 Tel: 020 7480 8870  
 Fax: 020 7480 8871  
 www.day-cummins.co.uk

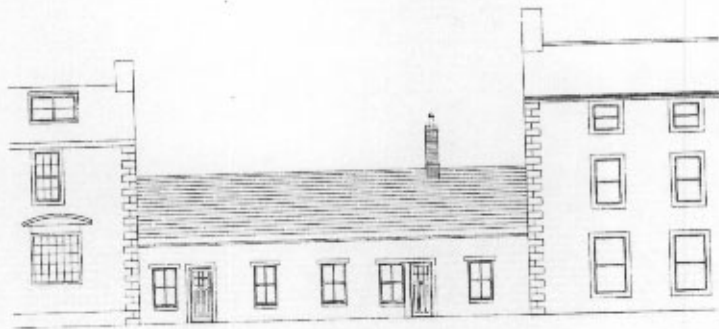
Alan Haining Association  
 & More Housing Association

Auctioneers & Conveyancers  
 11 25 & 28 The Square  
 Dalston

Street No	Location Plan
Date	Property No
Name	Area
	Page No
	AI

2613

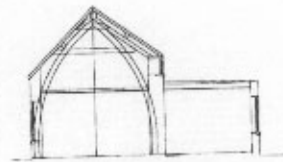




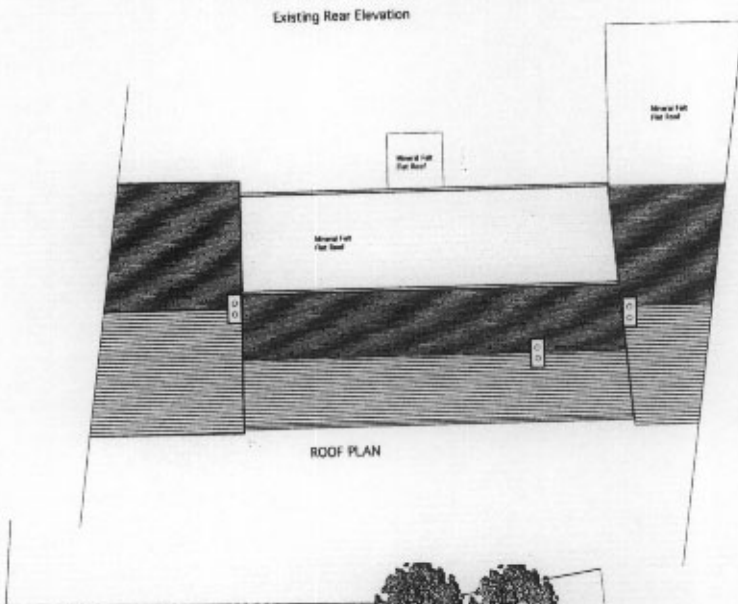
Existing Front Elevation



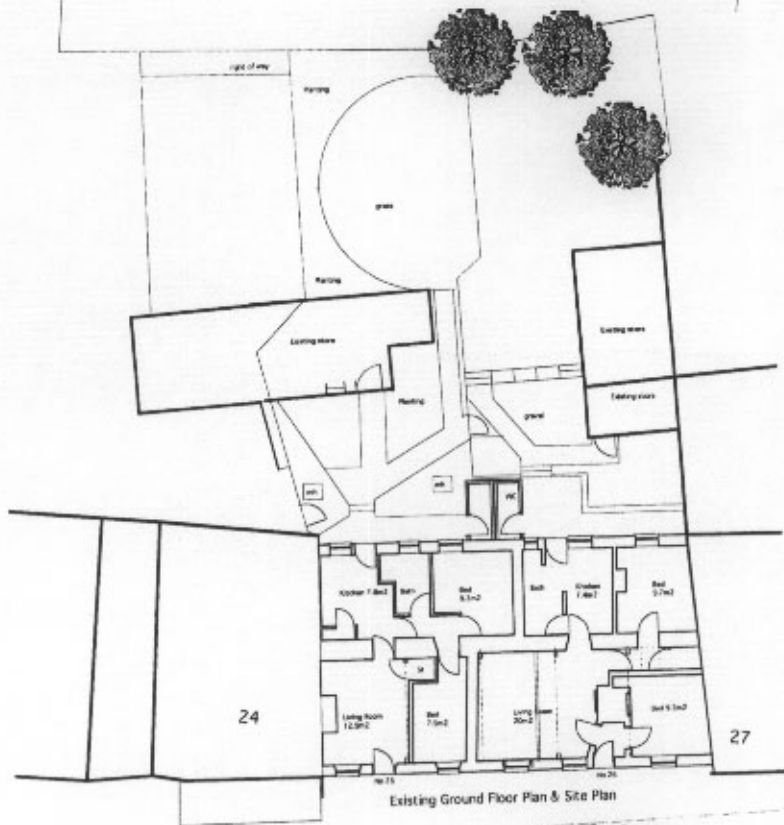
Existing Rear Elevation



Existing Section



ROOF PLAN

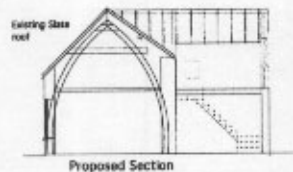
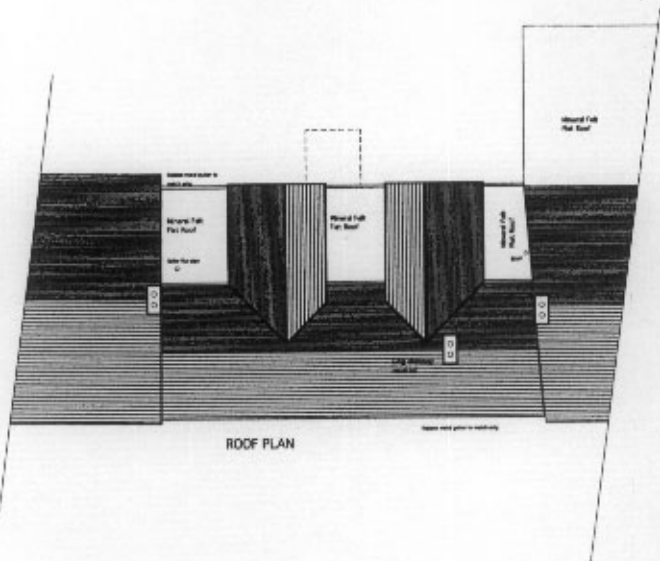


Existing Ground Floor Plan & Site Plan

66

		Eden Housing Association & Eden Housing Association	
<b>DAY CUMMINS LIMITED</b> Architects & Surveyors London Business Park Cotterwood, Crowthorne CA11 0QT Tel: 01344 827780 Fax: 01344 827781 email: info@day-cummins.co.uk www.day-cummins.co.uk			
Project: Residential Re-Development at The Square Edgware		Drawing No:	
Drawing Title: Existing Plans & Elevations			
Drawn:	MD	Checked:	BRW
Date:	1.11.07	Issue:	04-07
Scale:	1:100	Plot Size:	A3
This drawing is to be used only for the project and site mentioned above. It is not to be used for any other purpose without the written consent of Day Cummins Limited.			
Page No:	2613	Of:	07

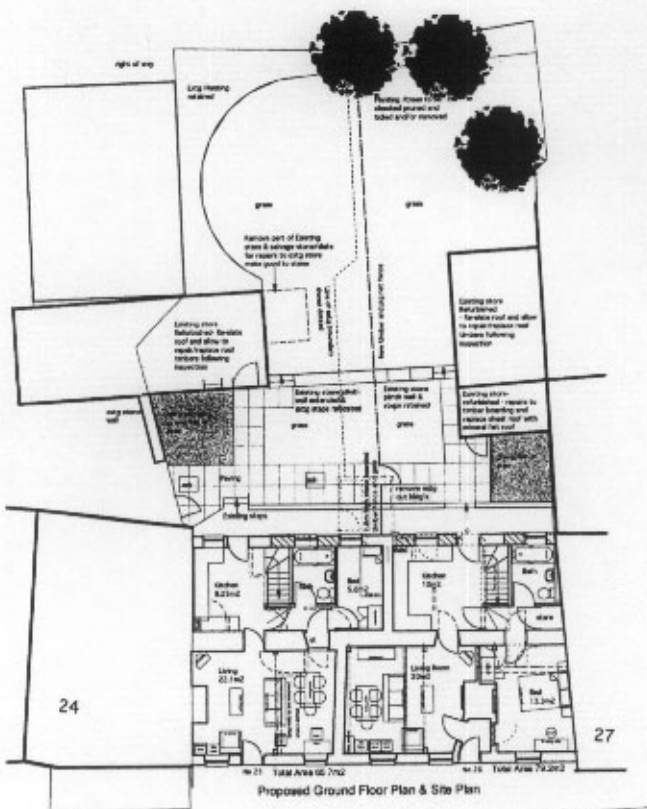
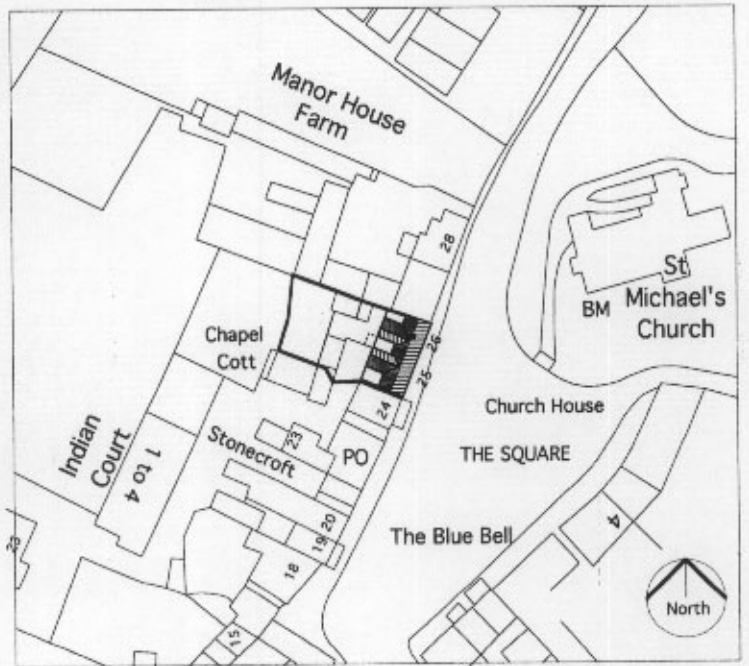
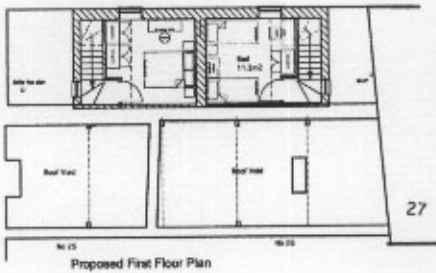
RECEIVED  
13.07.2008  
OS/04/1



**Front Elevation**  
 Remove existing windows and front door and replace with new. Windows to be double glazed windows to match existing window settings.  
 Retain existing render finish.  
 Re-render existing gable to match existing.

**Rear Elevation Extension**  
 Remove existing rear-to-NC extension and part rear elevation wall.  
 Provide new first floor extension with:  
 - Render finish walls to match existing.  
 - Re-carved stone window cills and sills.  
 - Timber top hung window frames and double glazed units.  
 - Pitched slate roof with slates to match existing and high performance eaves and soffits.

**Internally**  
 Complete refurbishment including - Re-level all floors, complete electrical rewire, upgrade insulation, new kitchen & bathroom fittings, full-off all loose plaster and re-plaster, new central heating system and boiler.



RECEIVED  
 12 SEP 2003  
 08/0941

EDEN Eden Housing Association & Eden Housing Association

**DAY CUMMINS**

DAY CUMMINS LIMITED  
 Architects & Surveyors  
 100-102, The Square, Stonecote, Cotswolds, Gloucestershire, GL12 8JF  
 Tel: 01452 828700  
 Fax: 01452 828701  
 Email: day@day-cummins.co.uk  
 www.day-cummins.co.uk

Project: Residential Re-Development at The Square, Stonecote

Drawing No: Proposed Plans & Elevations

Drawn	Checked	Scale	Date
MD	MDV	1:100	08-07

Scale: 1:100 Date: 08-07

Plot No: 2613

## SCHEDULE A: Applications with Recommendation

08/0956

---

**Item No: 05**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0956

**Applicant:**  
Mitre Housing Association  
c/o Eden Housing  
Association LTD

**Parish:**  
Dalston

**Date of Receipt:**  
17/09/2008

**Agent:**  
Day Cummins Architects

**Ward:**  
Dalston

**Location:**  
25 & 26 The Square, Dalston, Cumbria, CA5 7PY

**Grid Reference:**  
336889 550138

**Proposal:** Internal Alterations, Extensions To Rear And Provision Of 1st Floor To Provide 1no Bedroom To Each Dwelling (LBC)

**Amendment:**

---

### REPORT

**Case Officer:** Alan Taylor

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

This application is included in the Schedule as it is linked to the related application for Planning Permission (08/0941) which is in the Schedule due to the request of Dalston Parish Council to address the Committee.

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

**Policy for NW of Eng.Plan Reg.Spatial Strat.2021**

**Local Plan Pol CP5 - Design**

**Local Plan Pol LE13 - Alterations to Listed Buildings**

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

**Cumbria County Council - (Highway Authority):** the layout details are satisfactory and the Highway Authority has no objections;

**Dalston Parish Council:** the Parish Council objects to the proposals for the following reasons:

- a) There is concern about the effect of the proposed extension at the rear to the structure of a building of such historical significance;

## SCHEDULE A: Applications with Recommendation

08/0956

- b) It is felt there is a need to look further at the vernacular architecture in order to preserve the integrity of the building without destroying the original important features; and
- c) The proposed development is to a link property between two other historic buildings in The Square and, as such, requires sympathetic handling.

The Parish Council has requested that the Committee undertakes a Site Visit prior to considering these proposals and has also requested that a representative of the Parish Council be permitted to address the Committee under the "Right To Speak" provisions;

**Conservation Area Advisory Committee:** The Committee gave its support to the proposed scheme to refurbish these two cottages, including the removal of the rear flat roofed extension and its replacement with a construction that is more in keeping with the vernacular qualities of the Listed Buildings. It therefore had no objections to these applications being approved;

**Conservation Officer:** The revised scheme that has been submitted embodies the advice given to the applicants to ensure that the character of these Listed Buildings is maintained and improved. The original fabric of the cottages is being retained and refurbished. The flat roofed extension at the rear, which is an eyesore, is being removed and being replaced with a more sympathetic extension. The only adverse comment that I have is that the fake sash windows on the rear are not acceptable. These should be traditional sash windows similar to those on the front elevation. Other than that, this is a very acceptable proposal and its approval is supported.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	Dover House	23/09/08
	27 The Square	23/09/08
	Chapel Cottage	23/09/08
Dalston Parish Council		Objection

- 3.1 The application has been advertised through the display of a Site Notice and the publication of a Press Notice.
- 3.2 Adjacent occupiers have also been informed of the application through the standard consultation letter.
- 3.3 No comments have been received.

### 4. Planning History

- 4.1 Applications for Planning Permission and Listed Building Consent for the "Proposed Alteration And Extension To 2 No Single Storey Dwellings To Form 3 No Two Storey Dwellings" were submitted by the applicants in June of last year but were withdrawn in September 2007.

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

#### **Introduction**

- 5.1 This application and the one preceding in the Schedule, which seeks Planning Permission, relate to a pair of single storey, cruck framed cottages located on the north-west side of The Square, within the heart of the Dalston Conservation Area.
- 5.2 The properties, which are finished in roughcast render under pitched slate roofs, are Grade II Listed Buildings. Both have mineral felt flat-roofed additions and lean-to WC blocks to the rear but the original cottages are very small, shallow in depth and, even with the additions, have very modest accommodation.

#### **Background**

- 5.3 The properties are owned by the Mitre Housing Association but are managed on its behalf by Eden Housing Association. Unsurprisingly, their age and size present major difficulties in achieving modern housing standards. They require substantial upgrading and refurbishment including new kitchens, bathrooms, insulation and electrical re-wiring to make them suitable for modern standards of accommodation.
- 5.4 The applicants originally prepared proposals to enlarge the property in 2007 but the scale and form of those was such that they would not have been supported at Officer level. Accordingly, the applicants decided to withdraw their applications for Planning Permission and Listed Building Consent in the Autumn of 2007 and to review their proposals in consultation with the Conservation Officer. That has been a productive process leading to the current applications, the key components of which are:
1. To refurbish the principal (street) facade with new replacement, double glazed windows, re-painted masonry, guttering and new timber entrance doors;
  2. To remove most of the existing flat roofed extensions and the lean-to WC additions at the rear and construct a 2-storey extension with the same depth as the existing single-storey block. It would be off-set from the two flank boundaries with numbers 24 and 27 The Square, be finished in

## SCHEDULE A: Applications with Recommendation

08/0956

painted rendered walling with re-constituted stone cills and lintels, a pitched slate roof, and incorporate timber traditional sash windows (changed following original proposal for top-hung windows with "sash" proportions);

3. Supporting the "exterior" works, it is proposed to completely re-furbish the interior by re-levelling all floors, completely re-wire the properties, upgrade the insulation, install new bathroom fittings and kitchens, renew defective plaster and install new central heating and boiler systems. Similarly, the rear garden areas will be refurbished with new fencing between the properties.
- 5.5 The proposed investment will bring these existing deficient homes up to a good standard, in line with Housing Corporation requirements, so that they will provide 2-bed accommodation for 3-4 persons, as opposed to the existing limited space really only capable of accommodating 2 persons in very inadequate space. Thus, by adding the second storey to the rear it will be possible to incorporate a double bedroom within each property, as well as a single bedroom in the smaller of the two properties (no 25) and a bedroom large enough for two single-beds within number 26 The Square. That said, they are not spacious: number 25 would have a total floorspace of 65.7 sq. m. while number 26 would have a floor area of 79.2 sq.m.

### Assessment

- 5.6 The application raises the following planning issue:
1. The Effect on the Character and Appearance of the Listed Buildings
- 5.7 The current proposals have emerged following quite a lengthy period of detailed development and refinement in conjunction with the Council's Conservation Officer. Throughout that process the pre-eminent objective has been to secure a scheme of proposals which balanced the need to provide an acceptable standard of modern residential accommodation suited to the needs of the likely occupiers while ensuring that the buildings' special qualities, as properties of some antiquity and character, were protected and enhanced.
- 5.8 Care has thus been taken to ensure that the principal elevation i.e. what the public "see" from the street, in this case The Square, is restored rather than altered; that the ridge line is respected; that the finishes of replacement windows, doors and guttering are in keeping with the building; and that the decoration of the building enhances the overall group of which these buildings are a element on the north-west side of the street. In all respects, these objectives have been realised.
- 5.9 Similarly, there is little point in caring for those aspects that the public can see but ignoring the very real requirements that the physical fabric, level of accommodation, and fittings/fixtures installed within the properties should be fit for modern purposes. Accordingly, the removal of the unsightly accretions

to the rear of the building, with the badly built and unreliable flat roof and, effectively, external WC's has enabled a simple, but proportionately balanced, two-storey extension to be provided. It is in scale, carefully sited to avoid impact on its neighbours, well detailed and employs finishes to match the existing dwellings. Its provision, as importantly, enables much increased domestic space standards and the related installation of modern sanitary fittings and kitchens.

- 5.10 The Parish Council's response indicates concern about the possible structural implications arising from the alterations and additions that are proposed but these are matters of judgement which both the Conservation Officer, and in due course, the Building Control Officer will address. It is certainly the case that the precise location and nature of the alterations and extensions has been dictated by the need to avoid key features of the building's construction, notably the cruck frames.
- 5.11 Planning policies for the care of the physical environment, notably Policy LE13 of the recently adopted District Local Plan which sets out the relevant considerations when dealing with alterations to Listed Buildings, demand a high standard of new design. It is considered that the proposals satisfy the relevant policy tests of both Policy LE13 and the general design objectives of Policy CP5 of the Local Plan and are supported by the provisions of Policy DP2 of the Regional Spatial Strategy.

### Conclusion

- 5.12 Although the concerns of the Parish Council are appreciated, it is considered that the proposals represent a sensitive and sympathetic solution to the needs to enlarge and improve the living conditions associated with these dwellings. Their proposed physical refurbishment sits well with the social enhancement that will arise from providing a higher standard of residential accommodation in an historic building in an area of high heritage value. It is, accordingly, recommended that the application is approved.

## 6. Human Rights Act 1998

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

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

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

## SCHEDULE A: Applications with Recommendation

08/0956

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

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

6.3 There would appear to be no aspect of the proposals which are in conflict with the provisions of the Human Rights Act.

### 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.

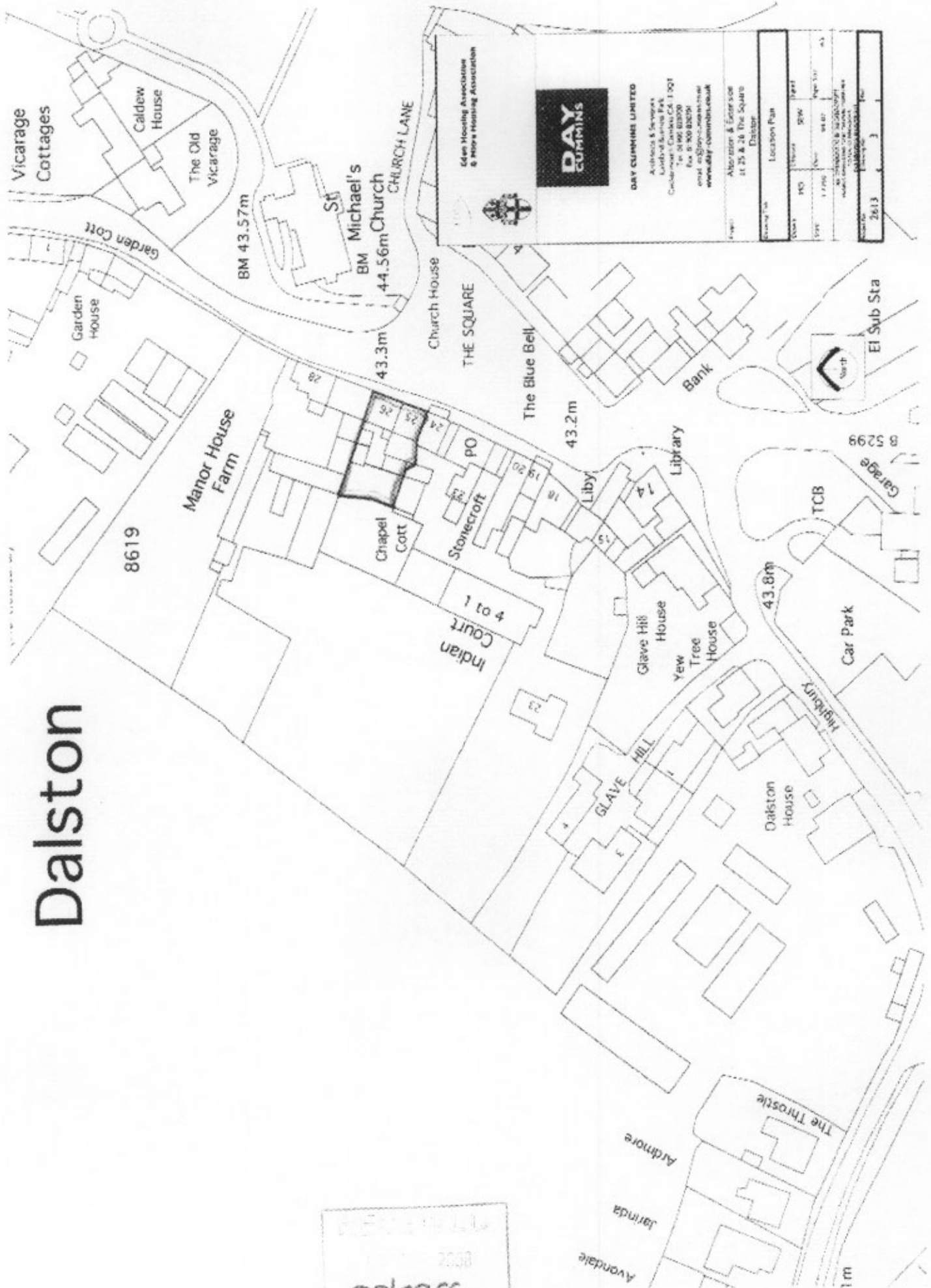
2. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and 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 25 of the Cumbria and Lake District Joint Structure Plan and Policies H14 and H16 of the Carlisle District Local Plan.

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# Dalston



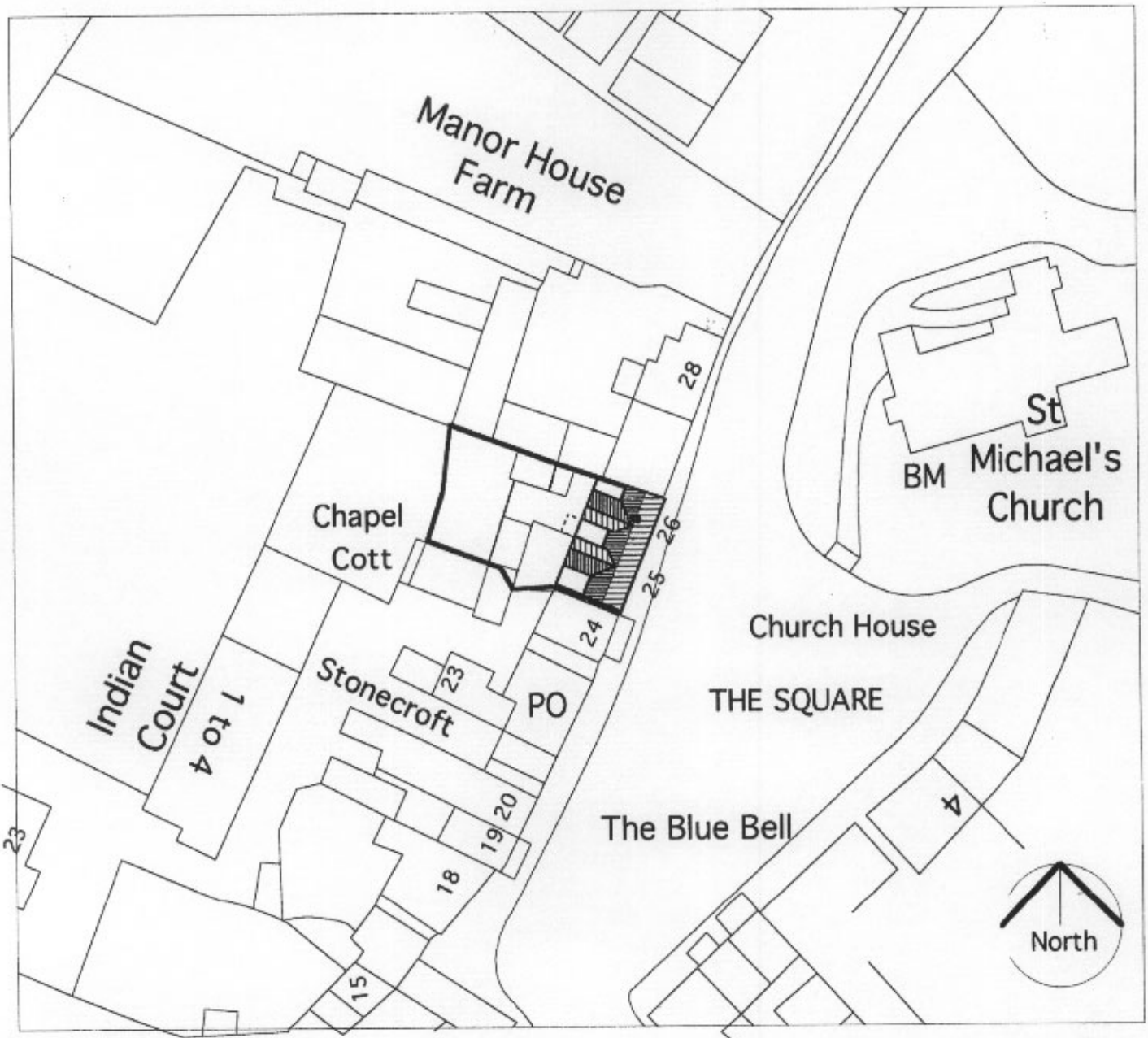
**Eden Housing Association  
& Home Housing Association**

**DAY CURRIE LIMITED**  
 Architects & Surveyors  
 Ludlow & Sons Park  
 Colindale, London N4 1 9QT  
 Tel: 01462 830700  
 Fax: 01462 830701  
 email: [enquiries@daycurrie.com](mailto:enquiries@daycurrie.com)  
[www.daycurrie.com](http://www.daycurrie.com)

Project: Alteration & Extension  
 of 25 & 26 The Square  
 District: Dalston


Drawing No.	Location Plan		
Client	Eden	SHW	Day
Date	1/1/06	14/07	14/07
Scale	1:1000		
Author	DAY CURRIE LIMITED		
Checker	DAY CURRIE LIMITED		
Drawn by	DAY CURRIE LIMITED		
Project No.	2613	3	

08/09/80  
 9560/80  
 2008  
 74



Block Plan - scale 1:500

Client:



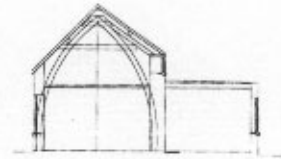
**Eden Housing Association**  
 Eden Housing Association



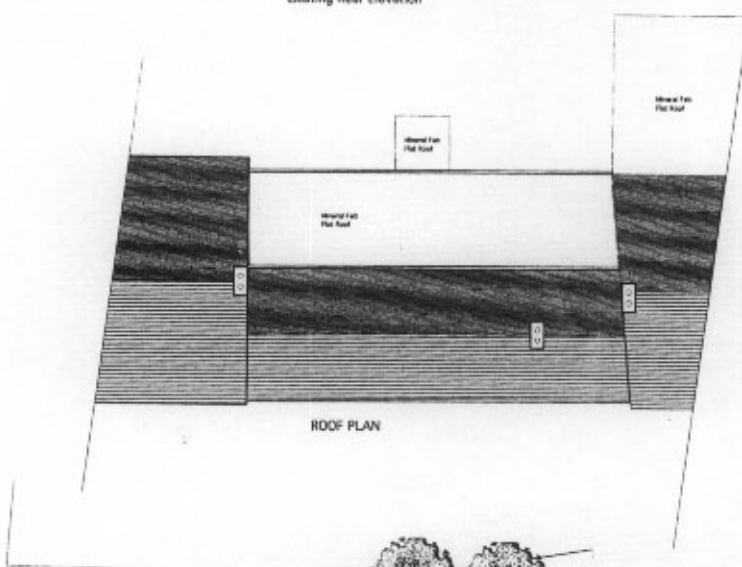
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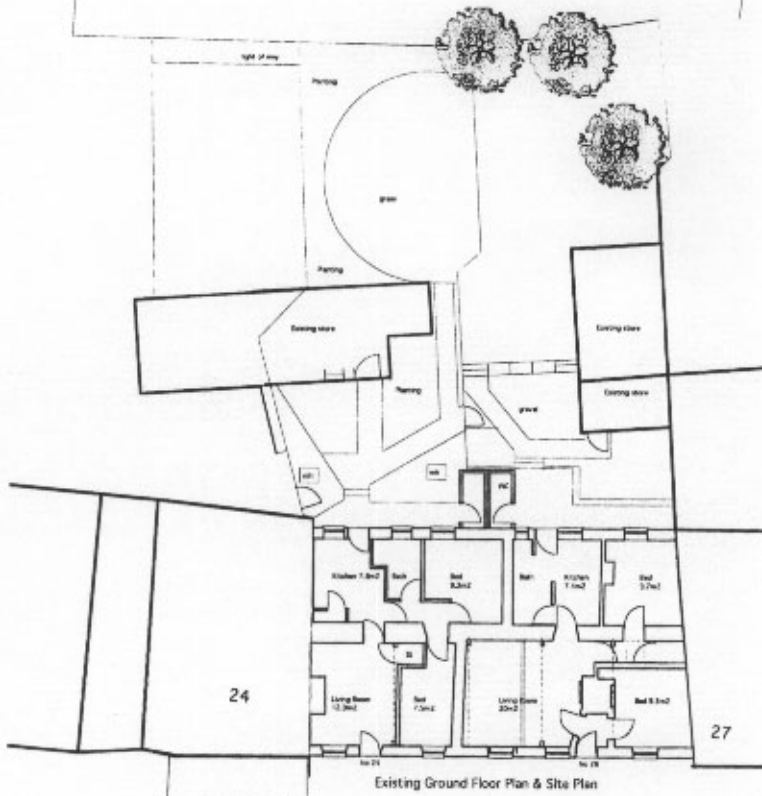
Existing Rear Elevation



Existing Section



ROOF PLAN



Existing Ground Floor Plan & Site Plan

17 SEP 2008  
08:05:56

**DAY CUMMINS**
  
 DAY CUMMINS LIMITED
   
 Architects & Surveyors
   
 Lakeside Business Park
   
 Cedarwood, Carlton, CA 18 8QT
   
 Tel: 01708 654700
   
 Fax: 01708 654701
   
 Email: dc@daycummins.co.uk
   
 www.daycummins.co.uk

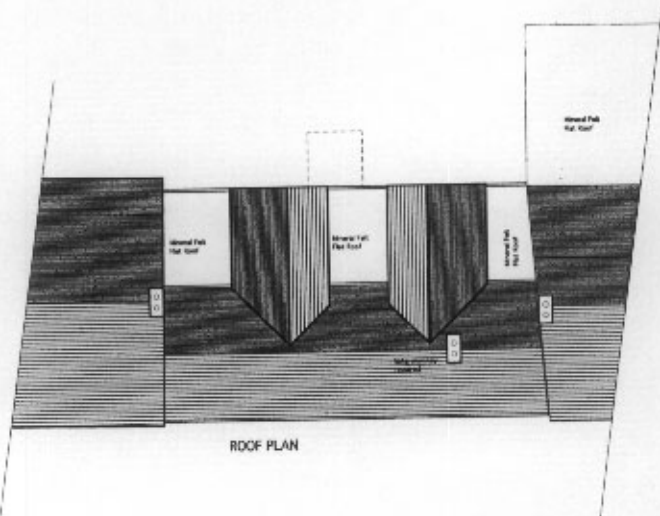
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Drawing Title: Existing Plans & Elevations

Sheet	NO	Checked	ISSY	Name
Date	11/08	Drawn	04-07	Plot No. 42

Scale: 1:100

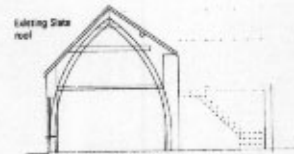
2613 07



Proposed Front Elevation



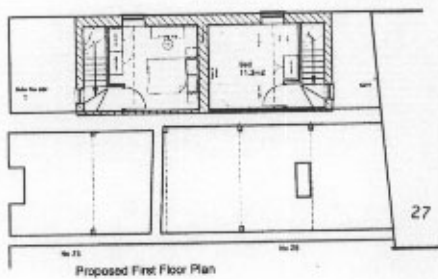
Proposed Rear Elevation



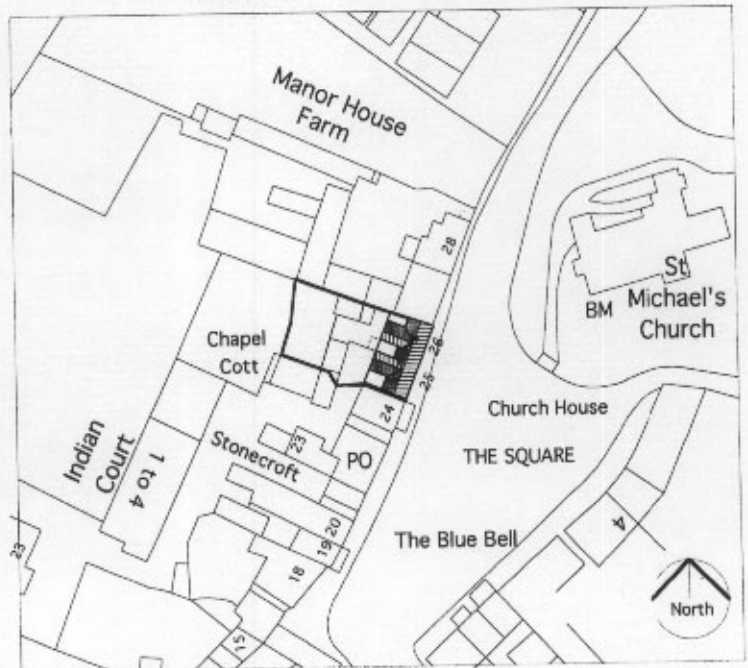
Proposed Section

**Front Elevation**  
 Remove existing windows and level door and replace with new. Windows to be double glazed windows to match existing window patterns.  
 Paint existing render finish.  
 Re-render existing gablework to match existing.

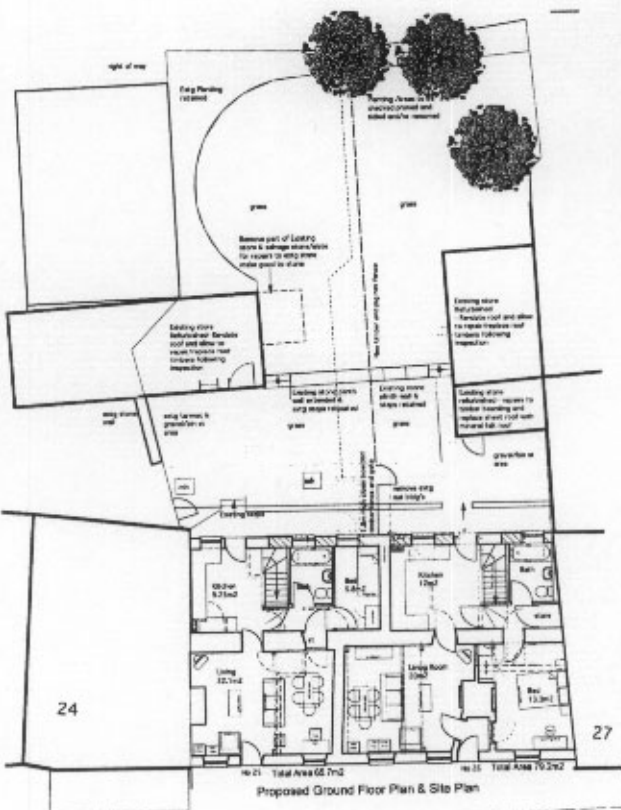
**Rear Elevation Extension**  
 Remove existing rear to PC, externalize and set rear elevation wall.  
 Provide new flat rear extension with:  
 - Render finish walls to match existing.  
 - Re-completed stone window cills and lintels.  
 - Timber top hung windows frame and double glazed units.  
 - Flat roof. Stone roof with eaves to match existing and high performance mineral felt roof.



Proposed First Floor Plan



Block Plan - scale 1:500



17 SEP 2008  
 08:09:06

**DAY CUMMINS**
  
 DAY CUMMINS LIMITED
   
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 Lakeside Business Park
   
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 Tel: 01796 832000
   
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[www.day-cummins.co.uk](http://www.day-cummins.co.uk)

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Residential Re-Development  
 at The Square  
 Dalton

Drawing Title: Proposed Plans & Elevations			
Drawn: HD	Checked: SWW	Issued:	
Date: 11-08	Disc: 04-07	Year: 08	A3
<small>           This drawing is the property of Day Cummins Limited and is not to be reproduced without the written consent of Day Cummins Limited.         </small>			
Plan No: 1613	Sheet: 06	C	

## SCHEDULE A: Applications with Recommendation

08/0968

Item No: 06

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0968

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
26/09/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Castle

**Location:**  
Land Behind John Street Hostel, Shaddongate,  
Carlisle, CA2 5LG

**Grid Reference:**  
339475 555900

**Proposal:** Change Of Use From Existing Car Park To Proposed Homelessness Centre Of Excellence Providing Short Term Accommodation For Women And Families In 8 Flats And Incorporating Skills Training And Administrative Facilities As Well As Associated Car Parking

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

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

This application is brought for determination by Members of the Development Control Committee on the basis that it is a major application which is in the public interest.

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

**Flood Risk Zone**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol CP10 - Sustainable Drainage Systems**

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

**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 EC2 - Mixed Commercial Areas**

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

**Local Plan Pol LE27- Developed Land in Floodplains**

**Local Plan Pol LE29 - Land Affected by Contamination**

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

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

**Cumbria County Council - (Highway Authority):** the car park has already been shown in the first stage of the Carlisle Parking review process, to be surplus to requirements, subject to the Paddy's Market car park remaining available for use (given the lack of 'on street' parking in the area and intention to develop the site at the Church St/ Bridge Lane corner for university student Halls of Residence, with minimal parking). The Highway Authority would not object to this being developed for residential services; however, it should be noted it will be introducing housing units into what is currently an area scheduled for business use.

From the details submitted it seems as if the development will make use of the existing access but will reduce its width, it would therefore involve works within the highway. The width of the access seems to allow for pedestrian visibility on exiting the site. For the avoidance of doubt, however, the Highway Authority would seek to place a condition on this element.

No objections subject to the imposition of conditions;

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

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

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

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

**Development Services Planning & Housing Services - Access Officer:** the following comments should be noted:

- Wheelchair users can circulate around the building
- Toilet facilities on the ground floor do not identify if they are disabled toilets.

There should be two disabled toilets provided on the ground floor within the areas where provision has been currently located.

- There should be a separate baby change facility on the ground floor – it should not be located within any of the toilet provision.
- Attention should be paid to heights of switches and controls as well as lighting and colour definition (LRV).

Flats numbered 1 and 5:

- There is no detail within the en-suites and little detail within the bedroom. Provision of fixtures to the bedroom and bathroom should not intrude on the turning areas for wheelchair users.
- The general WC door obstructs the entrance door.

Flat 3:

- The store door obstructs the entrance door.
- There is no detail within the en-suite and little detail within the bedroom. Provision of fixtures to the bedroom and bathroom should not intrude on the turning areas for wheelchair users.
- Bedroom two's ensuite has two entrances to it – one from the bedroom and one from the hall area. The door from the hall obstructs the entrance from the door from the en-suite. I'm assuming this has been designed as there is not a shared toilet facility within the flat. This is unreasonable for one occupant to accept this situation.

The Access Officer queries the rationale as to the assumption that wheelchair users require single facilities? To facilitate this would bedrooms designed for the wheelchair users be lost to accommodate a carer or family? If this were the case would they be expected to share the flat if another wheelchair user required accommodation?

Policy CP14 of the Carlisle District Local Plan 2001-2016 revised deposit draft (as amended by the Inspectors Report) should be complied with as well as Approved Document M. Applicant should be aware of their duties within the DDA;

**Cumbria Constabulary - Crime Prevention:** comments awaited.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
	John Street Hostel	13/10/08
	U Student	13/10/08
	35 Rigg Street	13/10/08
	37 Rigg Street	13/10/08
	39 Rigg Street	13/10/08
	41 Rigg Street	13/10/08
	43 Rigg Street	13/10/08
	45 Rigg Street	13/10/08
	47 Rigg Street	13/10/08
	49 Rigg Street	13/10/08

51 Rigg Street	13/10/08	
53 Rigg Street	13/10/08	
55 Rigg Street	13/10/08	
Pheasant House	13/10/08	
BK Screenprint	13/10/08	
The Golden Pheasant	13/10/08	
	13/10/08	
11 John Street	13/10/08	
13 John Street	13/10/08	
15 John Street	13/10/08	
25 John Street	13/10/08	
27 John Street	13/10/08	
29 John Street	13/10/08	
Curry Master	13/10/08	
Unit 2	13/10/08	
Jacksons	13/10/08	
Speediserve Building	13/10/08	
Unit 4	13/10/08	
Subway	13/10/08	
Texile Warehouse	13/10/08	
5 The Maltings	13/10/08	
Coleridge House	13/10/08	Objection
Viceroy Restaurant	13/10/08	
Oakvale House		Comment Only
- Castle		Objection
Gill Place		Objection

3.1 This application has been advertised by means of two Site Notices, a Press Notice and direct notification to the occupiers of fifty five of the neighbouring properties. Responses are requested by 7th November. At the time of writing this report, one objection has been received from a Ward Councillor whose objections are unspecified and one letter of objection and the main issues raised are summarised as follows:

1. the description of the location is misleading and should read "Land occupied as Shaddongate Car Park";
2. there is enormous expert and informed lay opinion that the location of the women's and children's hostel adjacent to the men's hostel is a thoroughly bad idea;
3. the land was provided to the City of Carlisle as a car park and should not be built upon;
4. the development will result in the loss of a car park which is relatively little used owing to poor signage and maintenance but as pressures in the city increase i.e. Tesco development/ redevelopment of Shaddongate/ Caldewgate etc. the retention of the car park will become more important; and
5. no planning decision should be reached until the Caldewgate/ Shaddongate Development Brief has been consulted and formalised.



## **4. Planning History**

- 4.1 Planning permission was granted in 1994 for the erection of a height restriction barrier and provision of 2.4 metre high fencing at the west side of the car park.

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

### **Introduction**

- 5.1 This application seeks full planning permission for the construction of a homeless centre including car parking and an allotment area on Shaddongate Car Park, Shaddongate, Carlisle. The 0.185 hectare site is located within a Mixed Commercial Area as identified within the Proposals Map forming part of the Carlisle District Local Plan 2001-2016.
- 5.2 The site lies to the rear of John Street, close to the road junction of Shaddongate with John Street/Caldewgate, to the west of the City Centre. The site is irregular in shape with a relatively flat topography and is currently used as a long-stay car park. It is bounded to the north by a two storey corner brick building that is used as the men's hostel; further to the north-west is a two storey terrace building and a four storey building that is used as student accommodation; a more open aspect exists to the west with access to properties on Queen Street which are predominantly single storey buildings in commercial use. The site is bounded to the south by a parking area adjacent to which are more commercial premises. The Maltings, a series of retail units generally two stories in height and finished from a variety of materials including facing brickwork, slate, profile sheeting and flat roofs is situated on the eastern side of Shaddongate.

### **Proposal**

- 5.3 The application seeks consent for the erection of a homeless centre for women. The main aspect of the three storey building would front Shaddongate with vehicular access taken through a pend. The front elevation would be contemporary in appearance: the ground floor is proposed to be finished in facing brickwork with natural stone around the entrance, with lime render and wash to the upper floors. The flat roof will consist of "green roof" planted with a sedum that will also incorporate thermal solar panels and photovoltaic panels. The first and second floor windows will be separated by vertical cedar panels. A column extending an extra storey in height will be located centrally within the frontage and will incorporate glazing for almost its full height. The frontage will be visually broken up by a series of elements of the building that will be set back from each other providing depth and variation. An access ramp will be constructed to the entrance on the front elevation.
- 5.4 To the rear of the building and adjacent to the southern boundary will be a car park, surfaced in permeable paving, that will provide 12no. car parking spaces including 2no. for disabled persons. Further to the west, and again

adjacent to the southern boundary, will be a single storey building that will provide a construction skills workshop, allotment office and allotment store.

- 5.5 In the western corner of the site will be an allotment comprising of 6no. growing beds. To the rear of the main building, a walled garden will be created adjacent to the west elevation and a two metre high wall would be constructed along the south-west, west and north-west perimeter of the site.
- 5.6 The ground floor accommodation is separated into two parts. Firstly a public reception and office; flood defence store; storage areas; 2no. direct access rooms; 3no. interview rooms; workshop; multi-purpose room and toilets. The second element of the ground floor, which can only be accessed by residents, comprises a kitchen; lounge; play area; creche; toilets; lift; and storage areas.
- 5.7 The upper floors are non-public areas and will comprise of: 3no. 3 bedroom flats, 1no. 2 bedroom flat, storage areas, medical room, and interview room on the first floor; with 3no. 3 bedroom flats, a 1no. 2 bedroom flat, a meeting room, a storage room and a plant room on the second floor; with a further plant room on the third floor.
- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP9, CP10, CP11, CP15, CP16, CP17, EC2, LE7, LE27, LE29 and T1 of the Carlisle District Local Plan 2001-2016. It is considered that there are eight main planning issues raised by this proposal.

## **Assessment**

### **1. The Principle Of Development**

- 5.9 The site is within a Mixed Commercial Area and Policy EC2 of the Carlisle District Local Plan 2001-2016 is appropriate. This Policy recognises that no one land use predominates and allows for a variety of different planning uses as a consequence, including residential. The Policy also sets out four criteria against which development proposals should be assessed. These state that the relationship with the surrounding highway network is satisfactory; access to the site is satisfactory; there is appropriate parking provision; and the scale of development is appropriate in relation to the site. Furthermore, Policy DP1 of the Local Plan requires that development proposals should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.
- 5.10 The site is brown field land and is also immediately adjacent to other existing development. The site is located adjacent to the existing men's hostel and as previously stated, residential uses on sites identified as Mixed Commercial Sites in acceptable in policy terms. Members may have some reservations regarding the inter-relationship of the separate gender hostels. The applicant has submitted a Security Statement in support of the application which identifies controlled access between the facilities and internally within the

proposed development, will be restricted by means of swipe cards or remote proximity fobs. This system is already in use in the men's hostel.

- 5.11 The supporting Planning Statement discusses in more detail the benefits for siting the new hostel on the proposed site and adjacent to the existing men's hostel. The hostel service is currently provided from a number of sites within the City and it is considered that the amalgamation of these sites will enable a more efficient and effective provision of service that will also be fully Disability Discrimination Act compliant.
- 5.12 It is stated that there are two main aspects to the scheme that address the concerns regarding the siting of the development: first, the design of the building and, secondly, the management of the site. With regard to the design, the building has restricted access within and between the two buildings, CCTV coverage, lighting and controllable external spaces.
- 5.13 In relation to management controls, it is stated that the site will be monitored by staff on a 24 hours basis, 365 days a year. It is further stated:

*"All residents are already, and will be in the future, police checked before being accommodated in the hostel or the new flats. Because of the information we hold and the detailed risk assessment we carry out every time we consider someone for temporary accommodation, people who are accommodated are considered to present no unacceptable risks to anyone else. The Council also has available other temporary housing where particular men or women who would prefer to be accommodated elsewhere or are deemed to present unacceptable risks or be at risk if accommodated here, can be housed."*

- 5.14 Whilst there may be differing opinions as to the acceptability or otherwise of siting the female hostel adjacent to the men's hostel, in land use planning terms, the principle of development does not conflict with current policy guidance.
- 5.15 The site is well related to the existing highway network and is in a location that is accessible by other modes of transport, including public transport. Specific on-site parking provision will be created which is acceptable.

## 2. Scale And Design

- 5.16 Development should be appropriate in terms of quality to that of the surrounding area and incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This is reflected in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 5.17 As previously stated, there is a diverse range and varying scale, design and materials of buildings in the locality. The proposed building will be

predominantly three storeys in height. The appearance of the building would be distinctive in character and appearance involving a contemporary design with an appropriate use of materials; furthermore, the building incorporates modern materials that would assist in promoting the energy efficiency of the building. The building is striking in appearance and will provide definition to the frontage but would be reasonable in scale and well related to the surrounding buildings. The design would not be obtrusive or detrimental to the character of the area.

### 3. Effect On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.18 Planning policies require that development proposals do not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or is visually intrusive. The nearest residential properties are the student accommodation building that is approximately 12 metres to the west of the application site. Other residential properties are found 75 metres to the south on Rigg Street. The proposed building is appropriate to the overall scale of buildings within the locality. In this respect it is not considered that the proposal that is being presented for consideration would be disproportionate or obtrusive and it is not considered that the occupiers of the adjacent buildings would suffer from an unreasonable loss of daylight or sunlight.

### 4. Traffic Issues

- 5.19 Policy T1 of the Local Plan requires that there is sufficient parking provision within the site for the relevant development. The level of parking provision within the site will be for twelve car parking spaces together with secure parking for cycle storage. This represents an overall loss of thirty four car parking spaces.
- 5.20 The existing use as a long-stay car park has the potential to generate more vehicle movements than the proposed use. Given the surrounding road network and bus routes near to the site, and the number of proposed vehicle movements, it is not considered likely that there will be any highway objection to the proposal. The Highway Authority has raised no objection subject to the imposition of conditions.

### 5. Public Access

- 5.21 The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy CP15 of the Local Plan. Although the building is three storeys, the development will also incorporate automatic entrance doors, level access and a lift allowing access to the upper floors. Additional comments have been received in respect of the Council's Access Officer, who has raised some queries with regard to the application. These relate to some of the layout of the rooms and the opening of the doors. At the time of writing this report, the applicant's agent is considering the comments with a view to addressing the

issues.

## 6. Drainage Issues/ Green Design

- 5.22 The design of the building takes into account energy efficiency and this would be achieved through the incorporation of local materials, a "green roof", low energy environmental design utilising solar panels and photovoltaic panels, locally sourced materials and storage and re-use of surface water.
- 5.23 The site is currently occupied by a large area of hardstanding, the proposed building aims to reduce the amount of surface water run-off that would discharge into the water network which would reduce the pressure on the infrastructure within the City, through the use of a greywater recycling system, permeable paving etc. Likewise, in accordance with the City Council's aspiration to reduce its carbon footprint, the development will incorporate a variety of energy saving measures to become more efficient, that will also be in accordance with current planning policy.

## 7. Flood Risk

- 5.24 The site is within Flood Zones 2 and 3 and therefore, there is a relatively high potential for flooding to occur on the site in the future. Clearly, this will be mitigated to an extent by the flood alleviation scheme currently under construction but nonetheless, the issue of flooding has to be addressed in accordance with current policy.
- 5.25 The submitted Flood Risk Assessment (FRA) has identified through the Exception Test that:
- the development will provide wider sustainability benefits to the community that outweigh the flood risk;
  - there are no reasonable alternative sites on developable previously developed land; and
  - the FRA demonstrates that with the installation of flood defence measures and the adoption of a flood action plan, the development would be safe and is unlikely to increase flood risk elsewhere.
- 5.26 Specifically with regard to the application, the habitable accommodation is predominantly sited on the first floor with only the emergency overnight rooms being on the ground floor. The floor levels of the building itself will be constructed on levels to take account of the Environment Agency's flood level model. The proposed finished first floor level, for example will be 16.55m AOD in comparison to the Environment Agency's predicted 1 in 100 year return level of 15.3m AOD. The building will incorporate ground floor materials of a non-porous nature and a Flood Action Plan will be agreed with the Environment Agency.

## 8. Crime Reduction

- 5.27 The need for this facility can be deemed as a material consideration. Section 17 of the Crime and Disorder Act 1998 promotes the practice of partnership

working and states:

*"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area."*

- 5.28 It is acknowledged that fear of crime can form the basis of a reason for refusal; however, the City Council has a statutory responsibility to provide emergency accommodation and in this regard Section 17 is relevant.
- 5.29 The applicant has highlighted both physical security features together with the management of the site. On this basis, it is considered insufficient to warrant refusal of the application on this basis.

## **Conclusion**

- 5.30 In overall terms, the homeless hostel building represents use of a brown field site within the boundaries of the urban area. The principle of development within the site is considered to be acceptable and the building would be contemporary but well related to the existing buildings and would not result in any harm to the visual amenity of the area. The design and siting of the building will allow efficient and effective use of Council resources in terms of managing the statutory function and the building itself will allow the construction of a purpose built, energy efficient and DDA compliant building. The fenestration and the use of materials are appropriate and it is not considered that the amenity of the occupiers of neighbouring properties would be adversely affected, in accordance with current planning policies.
- 5.31 The potential interaction between residents of the existing men's hostel and the occupants of the proposed building has been addressed in the design of the scheme and the physical measures incorporated within the development to prohibit unauthorised interaction. This will be reinforced through the management of the two sites. It is considered on balance, therefore, that the application should be granted.

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

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

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

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

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

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

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

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

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

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

2. Prior to the commencement of development hereby approved, samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the suitable use of materials and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. Prior to the commencement of development hereby approved, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the suitable use of materials and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Prior to the commencement of development hereby approved, details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure the suitable use of materials and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

6. Prior to the commencement of development hereby approved, a specification for the construction and drainage of the access area bounded by the carriageway edge, entrance gates and the splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

7. Access gates, if provided, shall be erected to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

8. Prior to the commencement of development hereby approved, details of all measures to be taken by the applicant/ developer to prevent surface water discharging onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

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

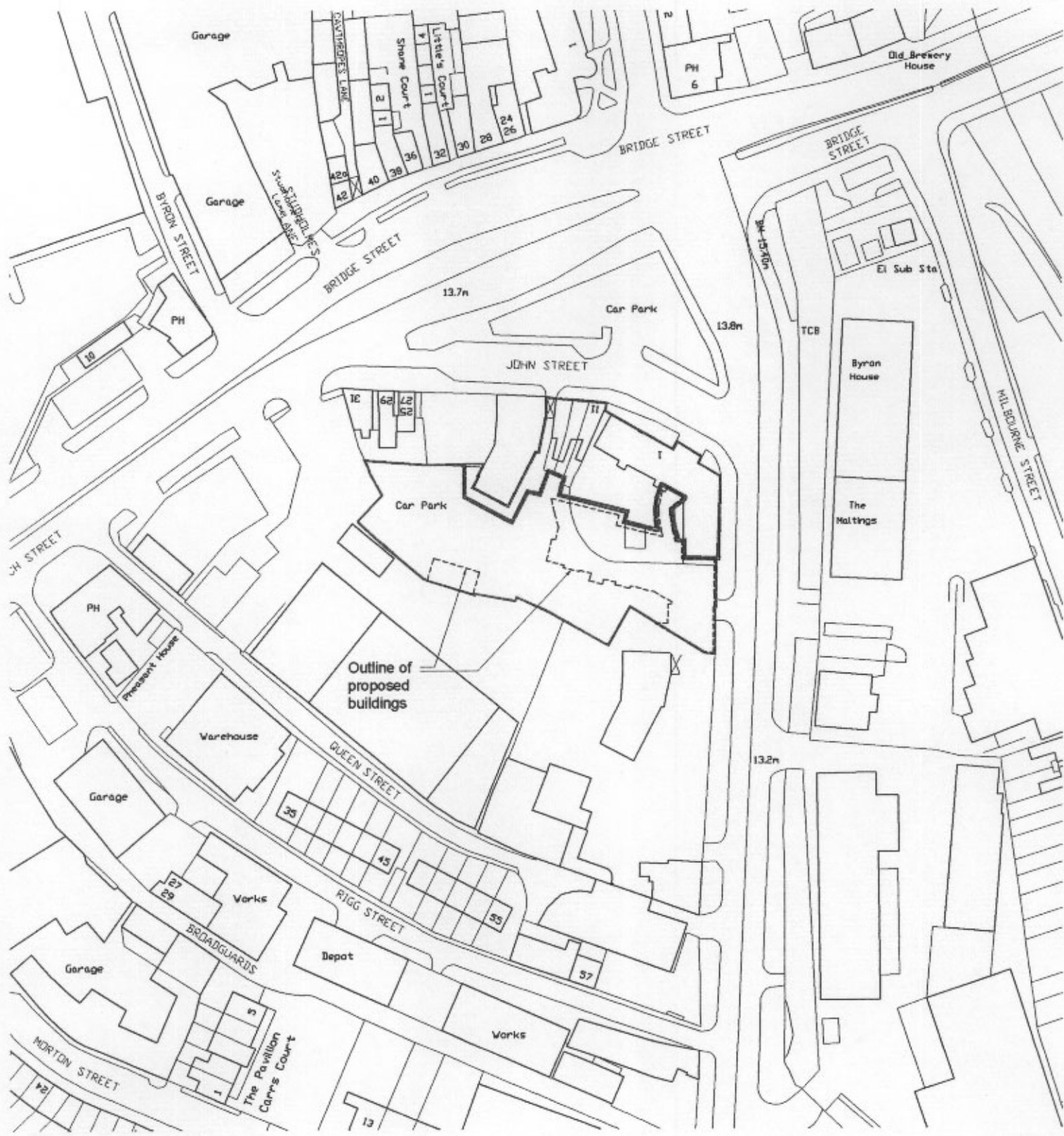
**Reason:** To ensure a minimum standard of access provision when the development is brought into use and to support Local Transport Plan Policies LD5, LD7 and LD8.



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

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

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Revisions:  
 A. Oct 2008 sf. Site boundary corrected

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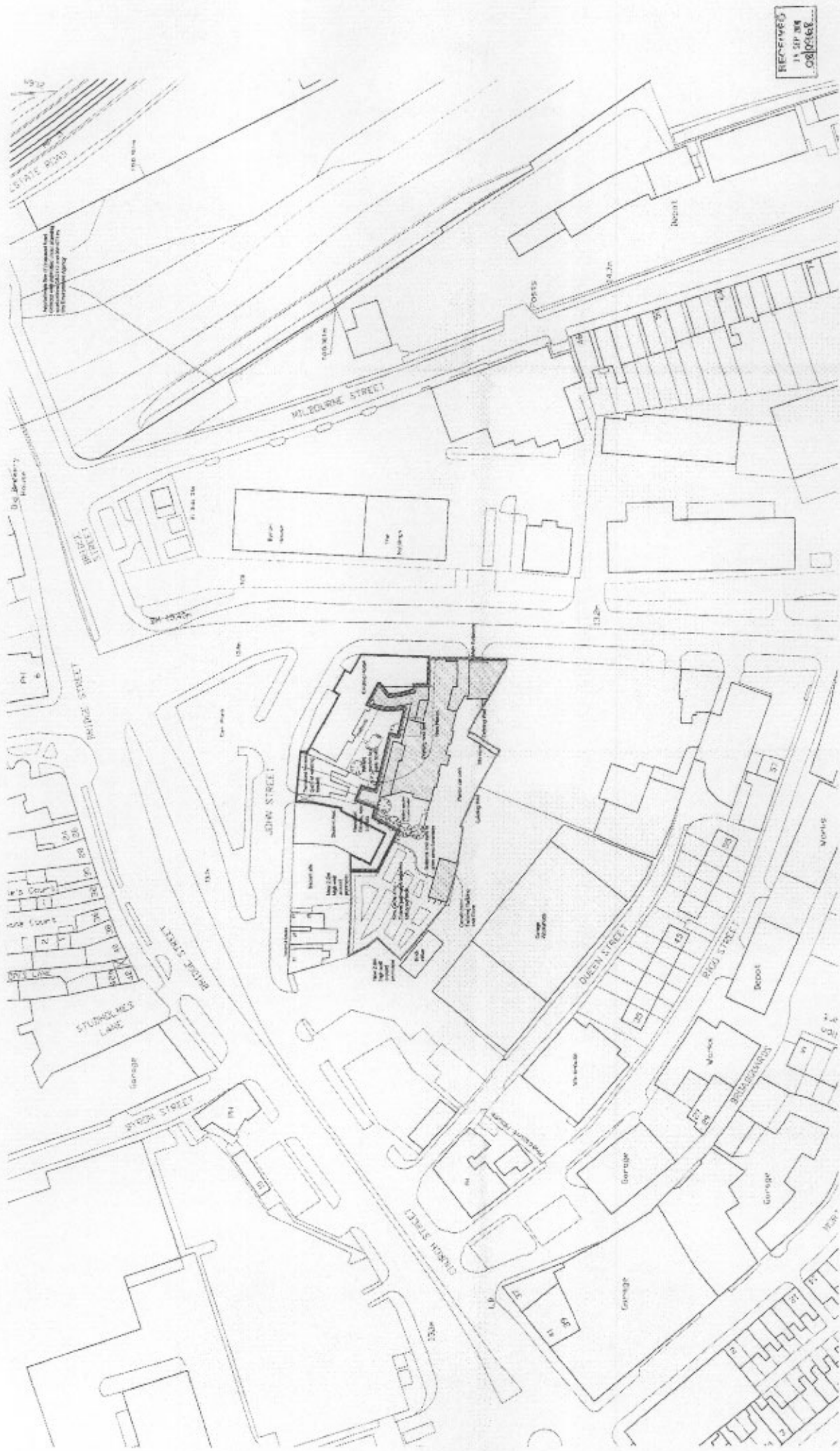
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Project HOMELESSNESS CENTRE OF EXCELLENCE, SHADDONGATE, CARLISLE. LOCATION PLAN  
 Scale 1/1250 Date Nov 07 Drawn am Number 11381 (D) 01A

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**Project:** Homelessness Centre of Excellence  
**Location:** Shoredengate, Carlisle, for Carlisle City Council  
**Drawings:** Block Plan

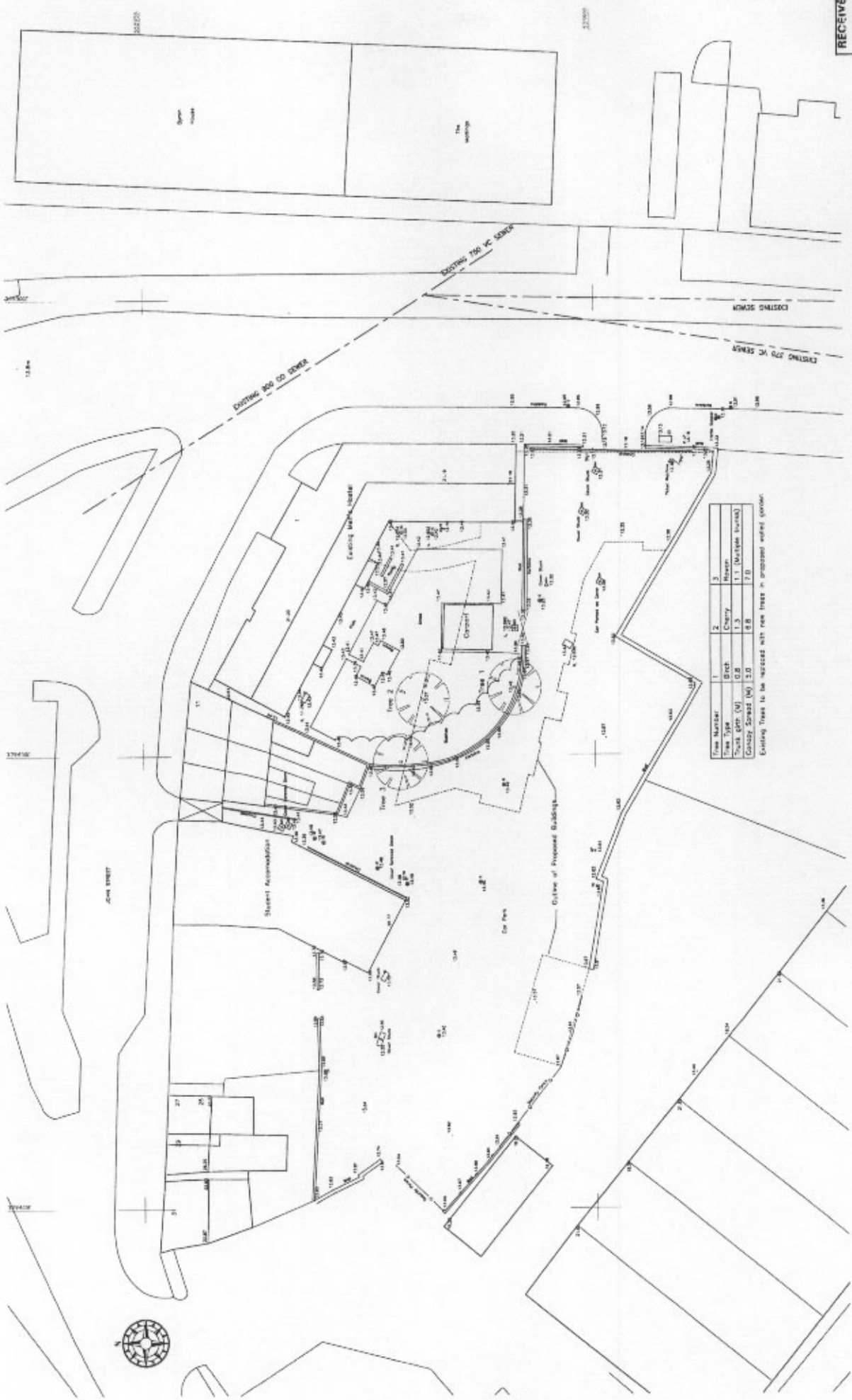
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 Project: Homelessness Centre Of Excellence  
 Drawing: Site Plan as Existing  
 Scale: 1/2500 Date: 02/06 Drawn: J Number: 1.1541 (m) 03R



CARLISLE  
CITY-COUNCIL



Project Managed By  
Community Services

March 2008 STAGE D  
A. August 2008. Planning Application. Entrance to Centre and pond revised.



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Project Homelessness Centre Of Excellence, Shoddongate, for Carlisle City Council. Perspective 1

Scale r1ts

Date 03/2008

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Number 11381 (D) 12A

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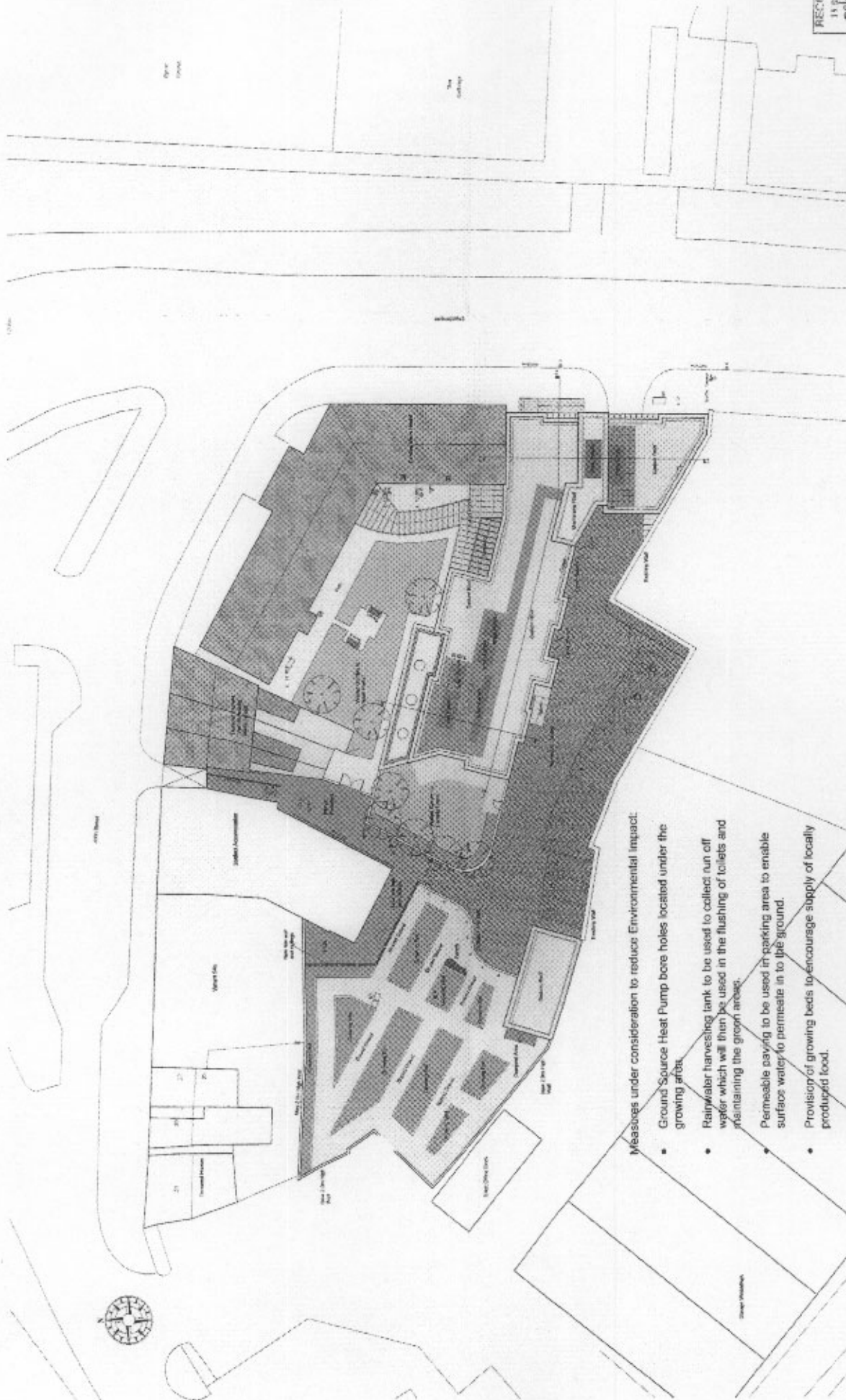
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Project Homelessness Centre Of Excellence, Shoddongate, for Carlisle City Council, Perspective 2  
Scale n1s Date 03/2008 Drawn sf Number 11381 (D) 13

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Measures under consideration to reduce Environmental Impact:

- Ground Source Heat Pump bore holes located under the growing area.
- Rainwater harvesting tank to be used to collect run off water which will then be used in the flushing of toilets and maintaining the green areas.
- Permeable paving to be used in parking area to enable surface water to permeate in to the ground.
- Provision of growing beds to encourage supply of locally produced food.



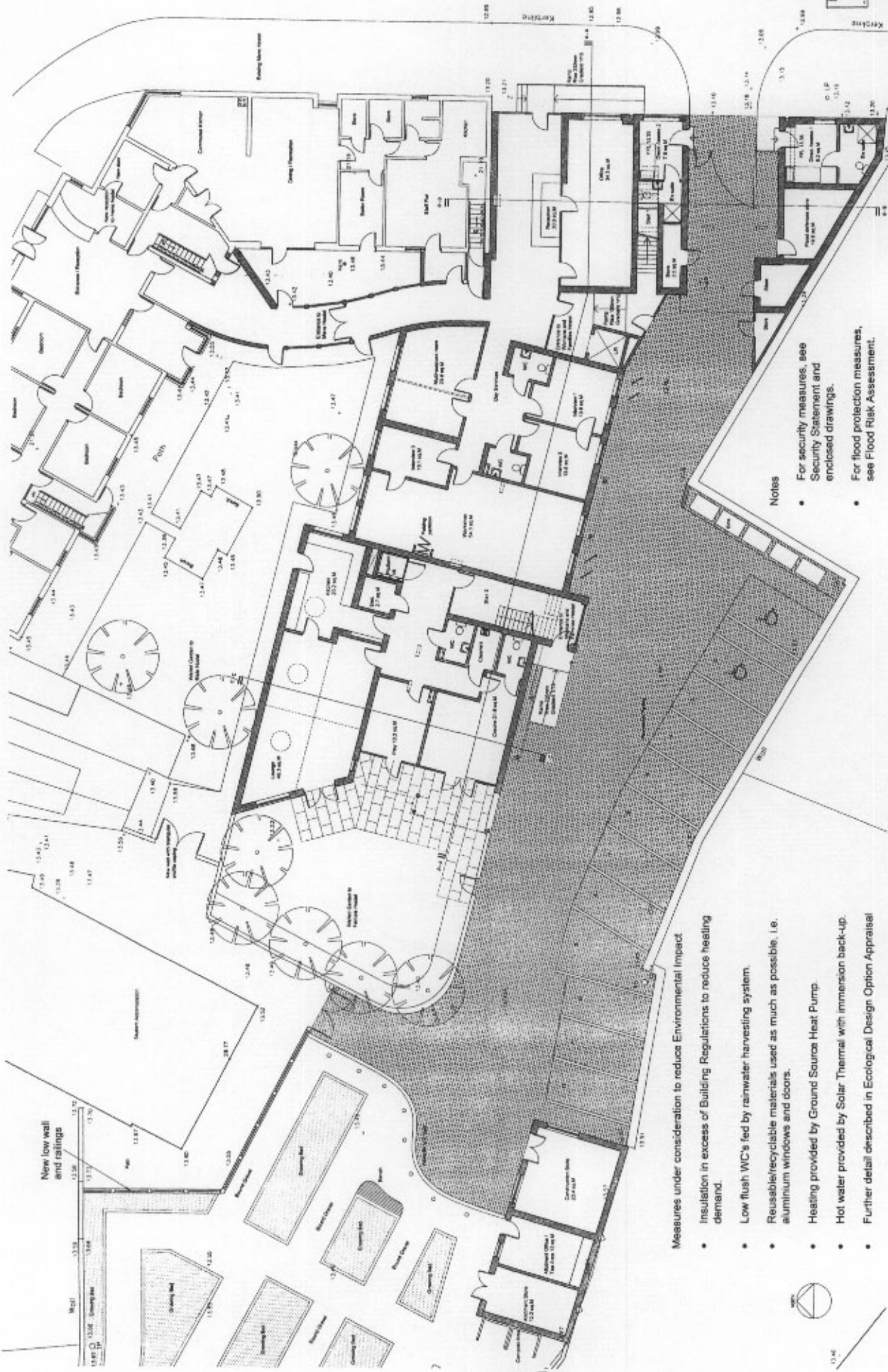
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Project: Homelessness Centre Of Excellence  
 Shaddongate, Carlisle, Carlisle City Council  
 Drawing: Site Plan As Proposed

Scale: 1/200 Date: 01/08 Drawn by: Number: J1381 (D) 04C



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Project: Homelessness Centre Of Excellence  
 Sheddongate, Carlisle, Carlisle City Council

Drawing: Ground Floor Plan as Proposed

Scale: 1/100 Date: 01/08 Drawn: Number: 11381 (0) 05C



- Notes**
- For security measures, see Security Statement and enclosed drawings.
  - For flood protection measures, see Flood Risk Assessment.

- Measures under consideration to reduce Environmental Impact**
- Insulation in excess of Building Regulations to reduce heating demand.
  - Low flush WC's fed by rainwater harvesting system.
  - Reusable/recyclable materials used as much as possible, i.e. aluminum windows and doors.
  - Heating provided by Ground Source Heat Pump.
  - Hot water provided by Solar Thermal with immersion back-up.
  - Further detail described in Ecological Design Option Appraisal

New low wall and railings

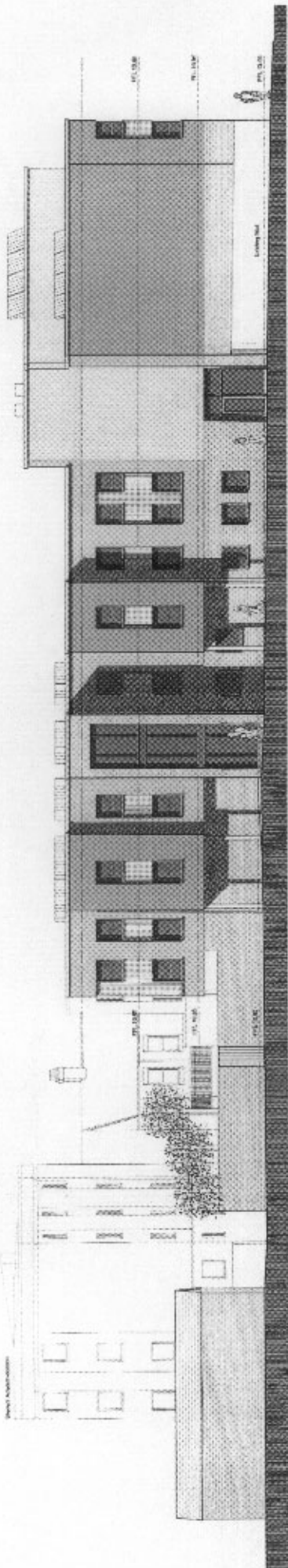
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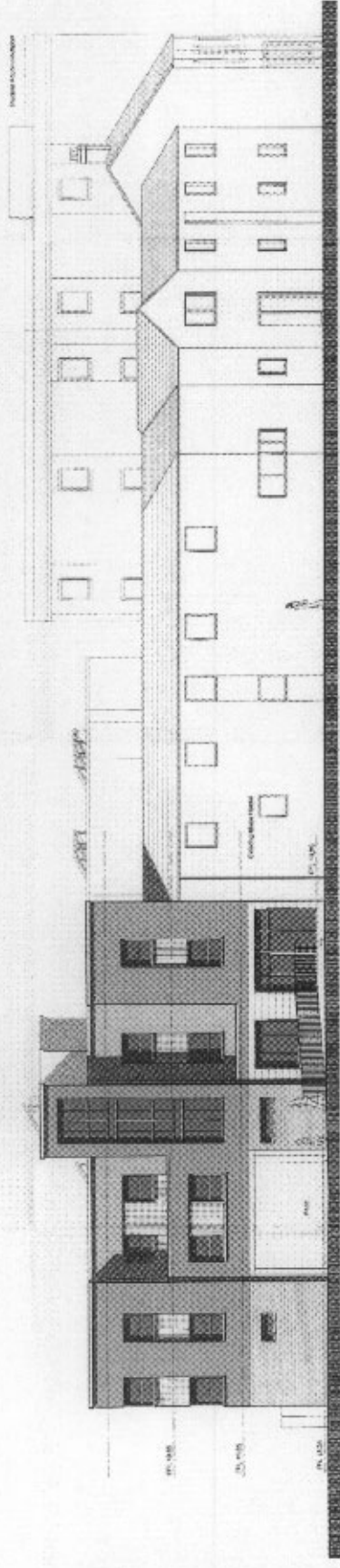




South Elevation Scale 1/100

**Materials**

- Walls - Red/brown brick ground floor. Art stone main entrance, galvanised steel surround to pend. Cedar boarding and lime render to upper floors in varying colours, off white and light pink.
- Roof - Sedum, lead and membrane.
- Windows/doors - Powder coated aluminium, light grey.
- Rainwater goods - Aluminium.



East Elevation Scale 1/100

**Measures under consideration to reduce Environmental Impact**

- Living spaces orientated to South/South West to give good natural light and reduce reliance on artificial light and mechanical heating.
- Lime render finish to First and Second Floors.
- Recyclable materials used where possible.
- Sedum (green) roof to provide additional wildlife habitat and to slow rainwater run off.



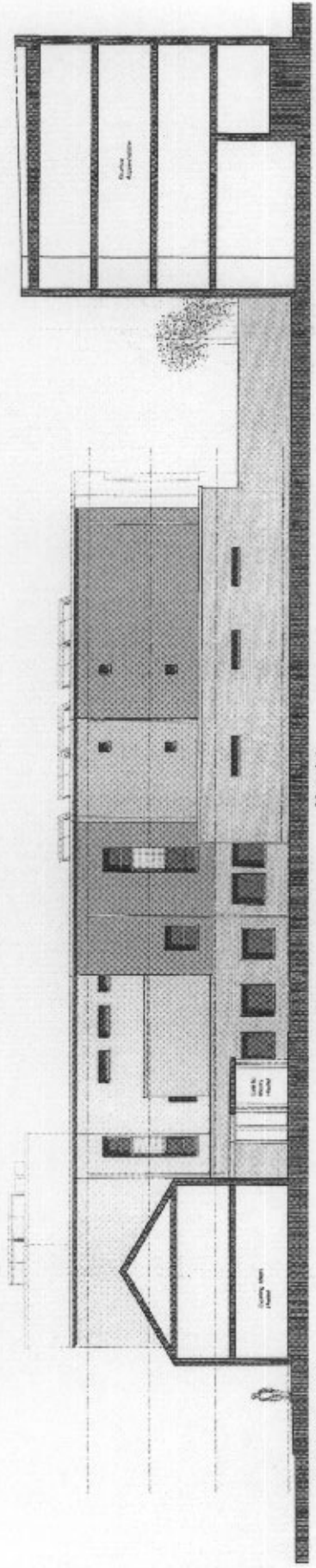
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**Project** Homelife/Access Centre Of Excellence  
 Shaddongate, Carlisle, Carlisle City Council

**Drawing** South and East Elevations  
 as Proposed

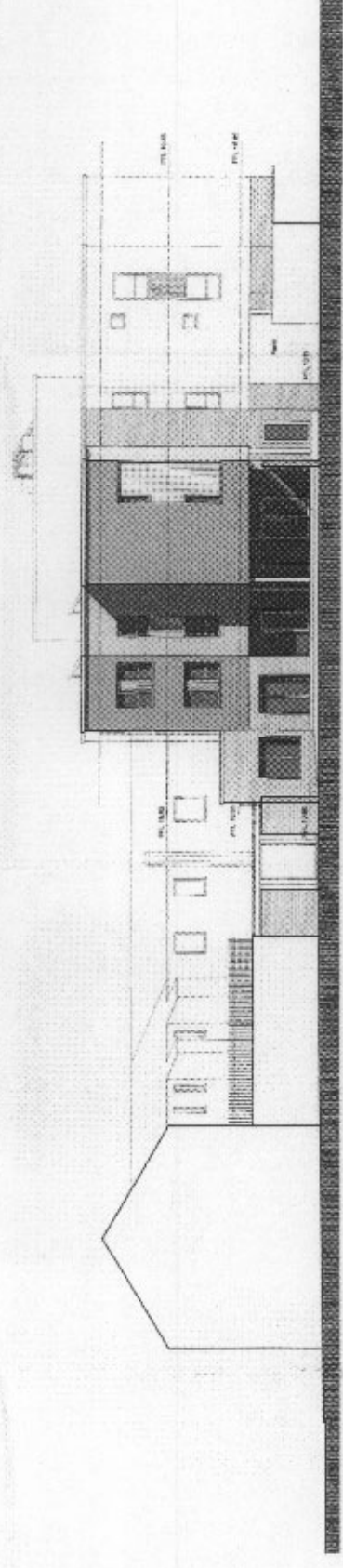
Scale 1/100 Drawing No: Number 11381 (D) D9C  
 Date: 13/07/2015





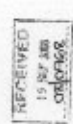
**Materials**

- Walls - Red/brown brick ground floor. Cedar boarding and lime render to upper floors in varying colours, off white and light pink.
- Roof - Sedum, lead and membrane.
- Windows/doors - Powder coated aluminium, light grey.
- Rainwater goods - Aluminium.



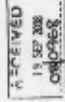
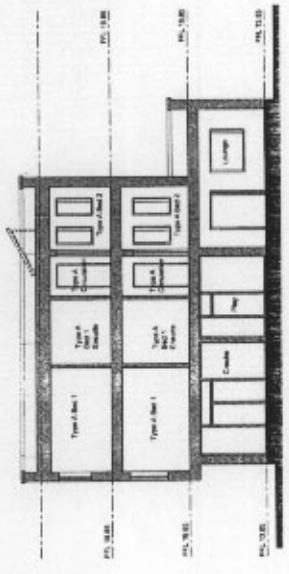
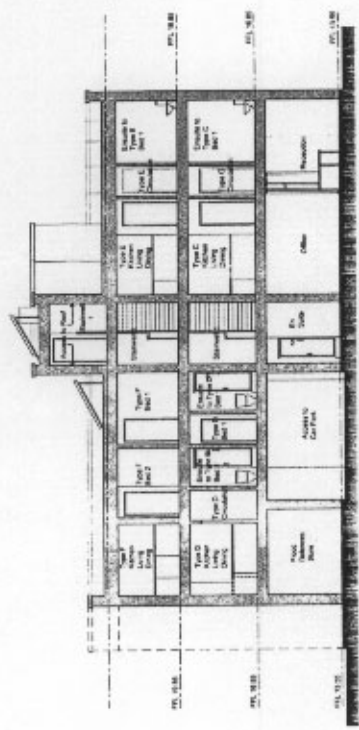
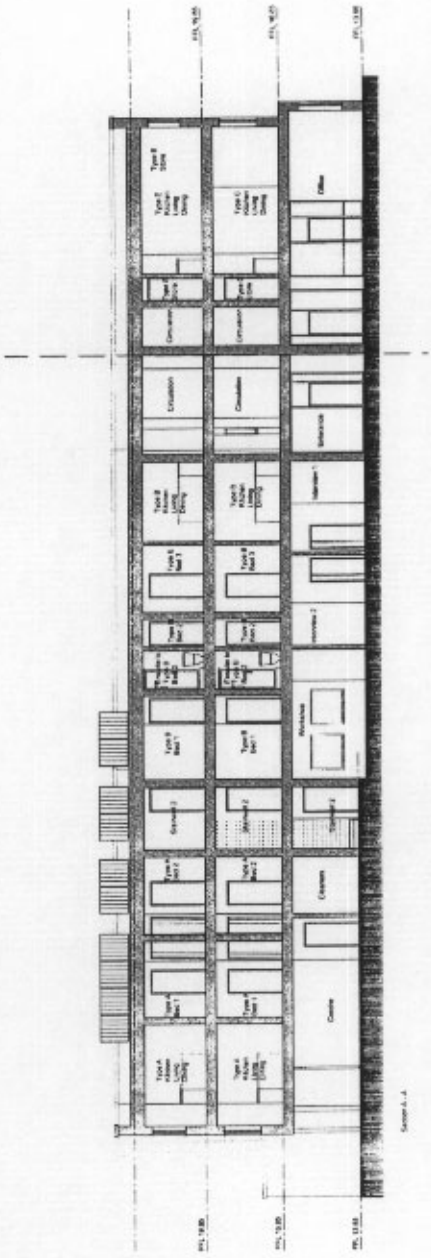
**Measures under consideration to reduce Environmental Impact**

- Living spaces orientated to South/South West to give good natural light and reduce reliance on artificial light and mechanical heating.
- Lime render finish to First and Second Floors.
- Recyclable materials used where possible.
- Sedum (green) roof to provide additional wildlife habitat and to slow rainwater run off.



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 Project: Homelessness Centre Of Excellence  
 Location: Sheddington, Carlisle, Carlisle City Council  
 Drawing: North and West Elevations  
 Scale: 1/100 Date: 11/08/08 Drawn by: Number: 11361 (D) 10B





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Project: Homelessness Centre Of Excellence  
 Shaddongate, Carlisle, Carlisle City Council

Drawn: Sections as Proposed

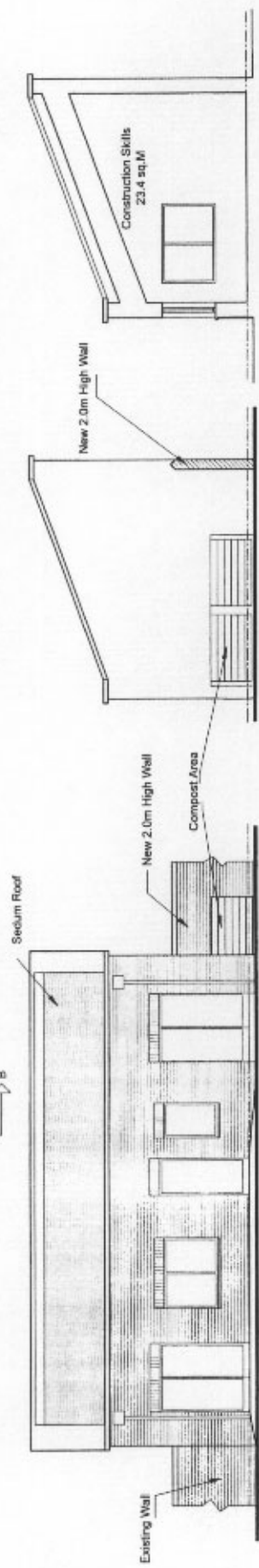
Scale: 1/100 Date: 02/02/08 Drawn by: Number: 11381 (D) 11B

Approved: 11/02/08  
 Approved: 11/02/08  
 Approved: 11/02/08

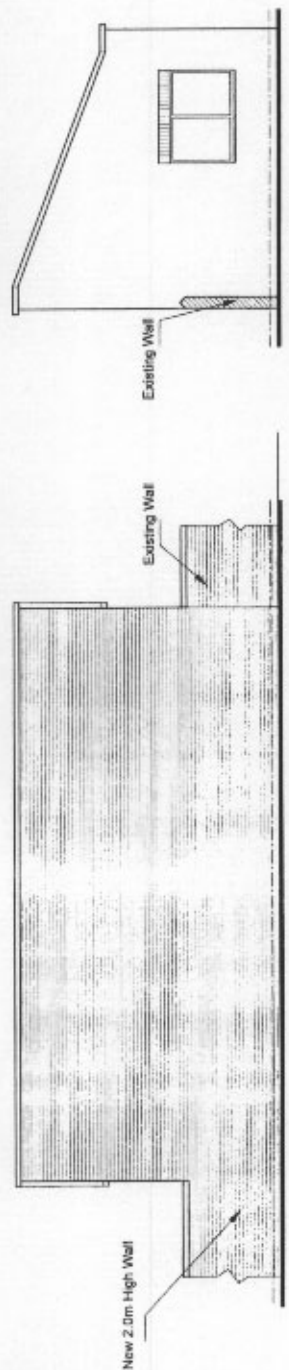




Section A-A



Section B-B



OUTLINE SPECIFICATION

- Walls: Thermoplastic clay blocks faced with red/brown facing brick
- Windows: doors: Timber
- Roof: Monopitched sedum roof
- Rainwater Goods: Aluminium

Measures under consideration to reduce Environmental Impact

- Sedum roof - adds insulation and thermal mass, reducing impact of external temperature spikes therefore reducing the buildings reliance on mechanical heating and cooling. Adds to local biodiversity, providing a space where wildlife can flourish. Green roofs also reduce the amount of water run off during storms, reducing the pressure on drains and the flooding risk.
- Clay blocks, reduce use of concrete which uses a lot of energy in its manufacture.
- Timber windows and doors - timber is a natural material which breaks down at the end of its useable life unlike plastic.
- Aluminium rainwater goods are to be used which are a recyclable material.
- Provision of composting area.



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 Email: johnstonwright.co.uk

Project: Homelessness Centre Of Excellence  
 Sheddington, Cardiff, for Cardiff City Council  
 Drawing: Construction Training Building

Scale: 1:50 Date: 08/08 Drawn: Number: 11381 (D) 14



## SECURITY STATEMENT

HOMELESSNESS CENTRE  
OF EXCELLENCE  
SHADDONGATE, CARLISLE

AUGUST 2008



## CONTENTS

1. DEFINITION OF SPACE – PERIMETER SECURITY
2. DESIGNATED VEHICLES ACCESS POINT AND DIRECT ACCESS SUITE
3. WALLED GARDENS AND ACCESS POINTS
4. LANDSCAPING
5. SECURITY LIGHTING
6. CCTV
7. CAR AND CYCLE PARKING
8. PHYSICAL SECURITY
9. BIN STORAGE
10. CONCLUSION

## APPENDICES

- A. Letter from Cumbria Constabulary
- B. Security Drawing No. 11381(D)04C
- C. Security Drawing No. 11381(D)05C

# Johnston and Wright

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## PROPOSED REPLACEMENT FAMILIES HOSTEL, SHADDONGATE, CARLISLE

Careful consideration has been given to the security of the Shaddongate Replacement Families accommodation as it is recognised that this type of accommodation is much more prone to burglary than privately owned housing.

Cumbria Constabulary were sent the Stage D design drawings of the proposals and invited to comment. Their letter in reply was issued on 30 April 2008, see Appendix A. This statement is a response to Cumbria Constabulary's letter and should be read in conjunction with it as a basis for detail design development.

### 1. DEFINITION OF SPACE – PERIMETER SECURITY

The building and boundary walls define spaces clearly identified as being for the use of residents, staff and users of the facility. Access to this area is controlled and is either through the building or a gated 'pend'.

Carlisle City Council and U-Student are carrying out alterations to the gate on John Street to improve visibility and security.

In line with recommendations from Cumbria Constabulary the 2.0m high wall will be designed to deter climbing, without projections or recesses, and will be topped with a triangular profiled coping so that it cannot be easily walked along. See notes A and B on drawing in Appendix B.

The garden and construction skills workshop has been designed to minimise the risk of people climbing in to the site over the building. The eaves are high, at 3.0m and rainwater pipes are kept within the site to ensure they cannot be used as a climbing aid from outside the site and to ease maintenance. See note C on drawing in Appendix B.

### 2. DESIGNATED VEHICLE ACCESS POINT AND DIRECT ACCESS SUITE

The letter from Cumbria Constabulary raised concerns about the depth of the recess and that it may form a gathering place.

The area has been redesigned and the vehicle gates brought towards the front of the 'pend'. See note D on drawing in Appendix C. The remaining recess, which is much reduced, will be visible from Caldewgate and therefore there will be a much-reduced risk of people gathering here. This area will be lit through the hours of darkness and have CCTV which will be vandal resistant.

### 3. WALLED GARDENS AND ACCESS POINTS

The walled garden is well overlooked by the lounge, play and crèche areas as well as the bedrooms above. To ensure that there are no corners that are not overlooked by the lounge an extra window has been added as the play and crèche areas may not be occupied during evenings/ nights. See note C on drawing in Appendix C.

## 4. LANDSCAPING

It is the intention to plant some small to medium sized trees in the walled garden to provide a pleasant environment and provide some separation from U-Student building. Following advice from Cumbria Constabulary, any bushes under the trees will be low level and spiky. See note F on drawing in Appendix C.

## 5. SECURITY LIGHTING

The recess by the direct access suite is to be lit through the hours of darkness, with the lighting controlled by a photo-electric cell or timers. The lighting will be mounted in vandal resistant fittings. See note G on drawing in Appendix C.

The car park and allotment garden will also be lit through the hours of darkness so that potential intruders would feel that by entering this space their presence would be noticed. See note H on drawing in Appendix C.

Halogen bulbs controlled by infrared movement sensors will be avoided as these can cause unnecessary anxiety when triggered by wildlife or pets.

## 6. CCTV

The current men's hostel has CCTV in communal and circulation areas which is monitored from the staff office and flat.

This type of system would be included in the new accommodation and selected external areas.

## 7. CAR AND CYCLE PARKING

The security gate to the pend will improve the security of the car and cycle parking, CCTV will be considered as an additional deterrent to theft/ vandalism in this area.

## 8. PHYSICAL SECURITY

The specification of security standard doors and windows is intended in accordance with the advice given Cumbria Constabulary's letter.

## 9. INTERNAL SECURITY

Internal security will be achieved by swipe cards or remote proximity fobs to allow/ restrict access as required by the management with a similar system to that used in the current men's hostel.

## 10. BIN STORAGE

Bins will be chained in a position to prevent them being moved and exploited as climbing aids. See note M on drawing in Appendix C.

## 11. CONCLUSION

The proposed accommodation for Homeless Families is designed to address the security issues it faces. The detailed and knowledgeable input from Cumbria Constabulary is appreciated and will be used to develop the design to be more resistant to the threats of security and vandalism.

# Johnston and Wright

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APPENDIX A
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Andy Hunton  
North Area Community Safety Unit  
Email [andrew.hunton@cumbria.police.uk](mailto:andrew.hunton@cumbria.police.uk)  
T 0845 33 00247  
F 01228 558289

**My Reference** C/359/08/ASH  
**Your Reference** 11381/SF/AL

**Area Commander**  
Ch Supt Andy Davidson

Citadel Chambers  
English Street  
Carlisle, Cumbria  
CA3 8SQ

[www.cumbria.police.uk](http://www.cumbria.police.uk)



**CUMBRIA**  
CONSTABULARY  
SAFER STRONGER CUMBRIA

## Not Protectively Marked

16 September 2008

Mr S Fletcher  
Johnston and Wright  
15 Castle Street  
Carlisle  
CA3 8TD

Dear Sam

### **SBD – Proposed Homeless Families Hostel, Shaddongate, Carlisle**

Many thanks for your letter dated 9<sup>th</sup> April 2008 and enclosed drawings. I wish to make the following observations regarding this proposal, which I have considered from a Community Safety and Architectural Liaison viewpoint. National statistics indicate that social housing is three times more likely to be subject to burglary than privately owned, so it is certainly worthwhile considering the security arrangements for this facility.

### **Definition of Space – Perimeter Security**

The intention is to create a space that is clearly not public, over which the staff and residents feel they have control and a mutual responsibility. A substantial perimeter treatment is intended to prevent or deter casual or unobserved access and oblige all visitors to enter the site via the designated access points.

In this case, the new perimeter shall comprise of 1.8 metre brick walls. These should be designed to deter climbing (without projections or recesses to permit footholds) and topped with a triangular profile coping so that it cannot easily be walked along. The proximity of the garden workshop and store to the wall may be an issue. I perceive that the height to the eaves will be just over 3 metres. Scaling the wall may give access to the roof and the location and design of the compost bins may provide another climbing aid. Maximising the height to the eaves and concealing or repositioning the rainwater goods will make this route as awkward as possible. This area shall be partially overlooked from the new building.

### **Designated Vehicle Access Point and Direct Access Suite**

The entrances to the car park and Direct Access Suite are located underneath an archway, which forms a deep recess and consequently are concealed from easy view. It occurs to me that the recess is too deep and forms a convenient potential gathering place. I believe the vehicle access gate should be mounted towards the front of the recess, on the opposite wall and to swing internally. The access control method must be vandal resistant and I recommend that the space should be permanently illuminated. The Direct Access Suite cannot be directly supervised from the reception/office area so would benefit from CCTV surveillance. The lighting units and camera(s) must be appropriately specified to be vandal resistant.

### **Walled Gardens and Access Points**

The intention is to provide amenity areas within the development for the enjoyment of residents. However, reasonable access control measures must be deployed to prevent unauthorised access to other parts of the site. Natural surveillance into these amenity areas must be maximised, particularly from upper levels.

## Landscaping

The choice and location of soft landscaping species must be carefully considered. The intention is to provide a pleasing and textured environment that does not

- impede surveillance opportunities (i.e. from ground floor or upper floor levels)
- create potential hiding places
- reduce the effects of security lighting or CCTV (if deployed)
- provide climbing aids to reach upper levels

Shrubs and bushes should not exceed 1 metre in height and should not be grouped too densely. Broad canopied trees must be placed so that they do not obscure views from upper levels. Landscape elements should not be placed too close to buildings, except where they are intended to screen blank walls. Spiked or thorny species can be utilised to define or reinforce boundaries and do not require warning signage.

## Security Lighting

Security lighting has a specific purpose and must not be confused with courtesy lighting, which is not always lit. The intention is to illuminate the exterior of the buildings throughout darkness hours, especially above doors and in recesses, or in other vulnerable areas. This can frequently be achieved by the deployment of compact fluorescent tubes in vandal resistant fittings. These should be mounted as high as possible, to prevent tampering. Lighting should be controlled by photoelectric cell or timeswitch (operated from inside the building). For the larger exterior spaces (car park and growing beds), more powerful lighting such as metal halide or high-pressure sodium is required.

The lighting scheme must be designed to avoid light pollution or nuisance. Illumination need not be harsh or intrusive, but must be even, to minimise shadows.

By this arrangement, any resident can look into a space and be reassured that no intruder is concealed there. A potential intruder shall also perceive that by entering the lit area, their presence is more likely to be detected.

The use of halogen bulb floodlights, controlled by passive infrared detector is not appropriate as the lamp is always switched off, until a heat source activates the unit. This arrangement is prone to false activations by wildlife or domestic pets and may cause unnecessary anxiety to residents if triggered for the wrong reason.

## CCTV

CCTV may be deployed for the purposes of crime prevention, crime detection and property management. However, it should not be relied upon as the primary defence against crime. Cameras must be capable of providing identification quality images within the area of deployment, preferably in colour. The most effective systems are 'active' i.e. an operator is employed to run several pan, tilt and zoom cameras, manage the recording system and respond to any incidents arising. 'Passive' systems invariably utilise fixed focus, fixed view cameras and may require additional units to observe the site fully. The images from this type of system are only reviewed after an incident has occurred, which could be several days later. The preferred choice will be regulated by the Data Protection Act 1998 and should be operated in accordance with the code of practice published by the Information Commissioner's Office. A member of staff must be designated as the Data Controller and shall accept responsibility for management of the system and security of the data obtained.

The client must decide which internal or external spaces require surveillance. A copy of Cumbria Constabulary Operational Requirement document, which gives guidance on the specification and management of CCTV systems, is available on request.

## Car and Cycle Parking Arrangements

The car parking spaces are laid out in a straight row, which permits maximum surveillance from the building. However, I perceive that none of the rooms overlooking this space shall be continuously occupied (interview rooms, bedrooms). The main security feature is the provision of gated access, which shall prevent casual access.

I perceive that cycle parking is provided via 'Sheffield' stands, positioned outside the workshop and interview rooms. This method reflects best practice, but as already mentioned, the space is not readily overlooked.

## Physical Security

The selection of appropriate physical protection for doors and windows will depend on a number of issues, including the following:

- The location of the building
- The location of door/window in the building
- The value of the building
- The value or desirability of goods or information stored within the building
- The frequency of previous attacks against the building
- The risks relating to the loss of or interruption to business
- The deployment of additional security products or technology

I recommend the installation of security standard products for all exterior doorsets and window openings. The current commercial standard is Loss Prevention Standard (LPS) 1175. This includes doors, shutters and grilles for commercial premises and higher risk domestic premises. There are 8 security ratings within the standard, SR 1 being the lowest. Products which have achieved the appropriate security rating have been designed and constructed to withstand a series of professional attacks for a specified period, with the use of hand tools, battery operated tools or mains powered tools, as defined.

The current standard for domestic doors is BS PAS 24. Products which achieved this standard have been constructed to withstand a series of attacks for up to 10 minutes, with the use of hand tools. I have no doubt that the Direct Access Suite shall become a potential target for unauthorised entry, once its intended purpose is publicised. The client should therefore decide on the appropriate level of physical protection for this facility, considering the deployment of other measures such as lighting and CCTV as well.

The present standard for domestic windows is BS 7950 and covers casement, tilt-and-turn and vertical sash types.

Confusingly, the standard does not include a test for glass. For security purposes, the use of laminated glass is recommended, which is covered by BS 6206. I recommend that all ground floor glazing (and any at vulnerable levels) should be laminated to at least 6.8mm thickness. Other glass protection products are available, such as Rolflex 'CrimeShield' or Trellidor 'GriffinGuard'. Security standard doors and windows should also be installed in the workshop and stores. Consideration should also be given to connecting this building to the main Intruder Alarm System.

### **Internal Security**

Access to some rooms or areas may be restricted so internal measures must be robust to prevent unauthorised entry (e.g. medical room, staff flat etc). Security standard doors are also available for internal use. Electronic access control measures are the most convenient and they also provide audit trails of permitted movements. Swipe cards or remote proximity fobs can be isolated from the system in the event of loss or abuse.

The layout of internal spaces must be designed to maximise natural surveillance opportunities and hidden recesses or blind corners in corridors should be avoided. Consideration must be given to the positioning of furniture or fixtures within interview rooms to promote safety and the deployment of a Personal Attack facility.

### **Bins Storage**

Wheelie bins should be chained into position to prevent them being dragged and exploited as climbing aids within the site. The bin storage is well placed – away from any building elevation in the event of arson.

If your client wishes to apply for a 'Secured by Design' award, this could only be considered on the incorporation of security standard products. It is expected that commercial premises design guidance and the appropriate application form shall be available from [www.securedbydesign.com](http://www.securedbydesign.com) in the near future.

I trust the above is of value. I shall be pleased to discuss any of the issues raised in this report, if required.

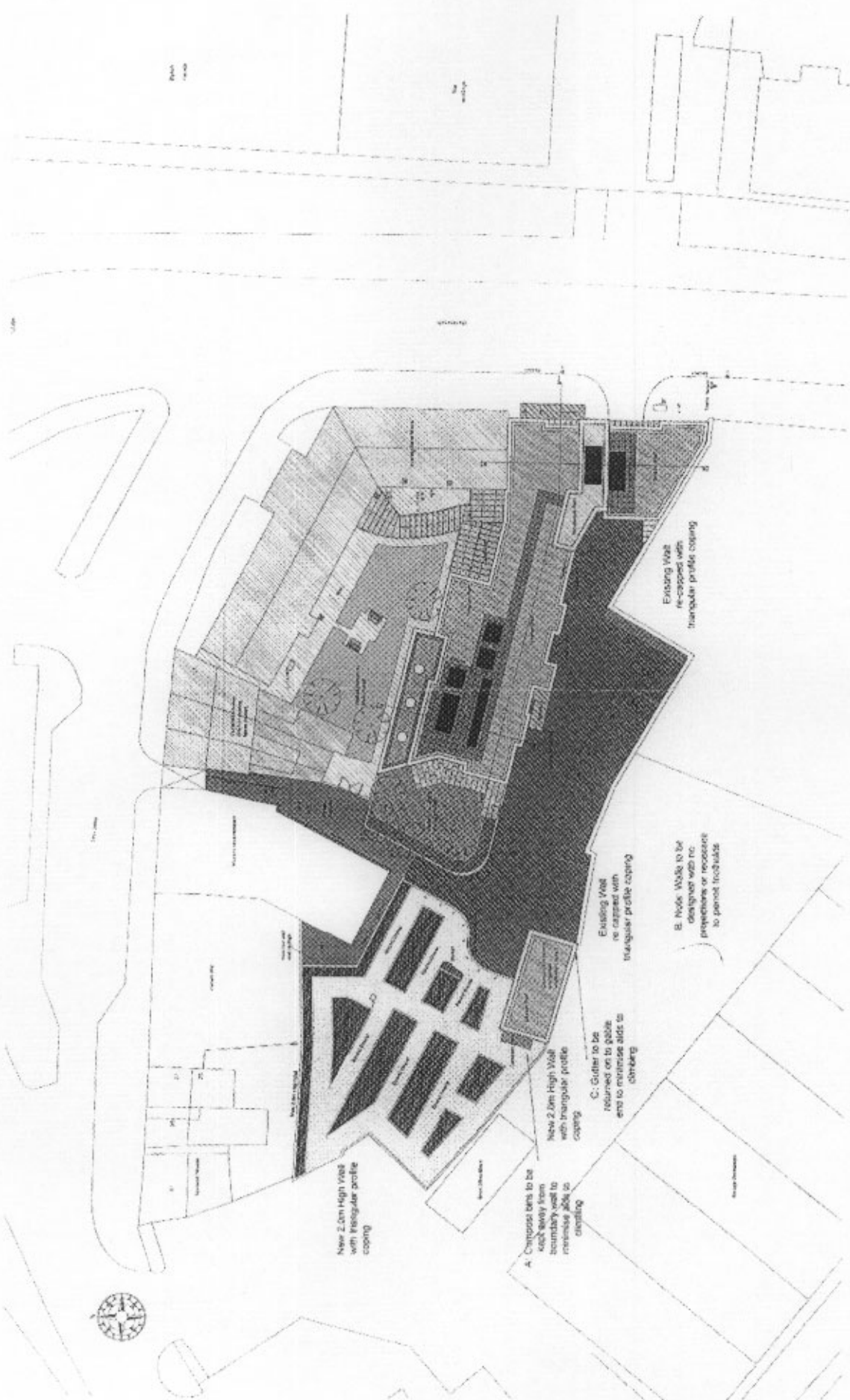
*Architectural liaison and crime prevention advice is given free without the intention of creating a contract. Neither the Home Office, nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed and will assist all authorities to comply with Section 17 of the Crime and Disorder Act 1998*

Yours sincerely,

**Andy Hunton  
Crime Prevention/Architectural Liaison Officer  
North Area Community Safety Unit  
Direct Tel. 01228 558251**



APPENDIX B
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 115 West Center, Lansing, MI 48906 | Tel: 517.487.2270 | Fax: 517.487.2271  
 www.johnstonandwright.com

Client: **Thomas Malmgren Center for Excellence**  
 300 Washington, Lansing, Michigan, City Council  
 Phase: **Site Plan - AS PROPOSED**

Date: 7/20/10 | Drawn: JCB | Design: JCB | Scale: 1" = 10' | 0/4C  
 115 West Center, Lansing, MI 48906 | Tel: 517.487.2270 | Fax: 517.487.2271  
 www.johnstonandwright.com



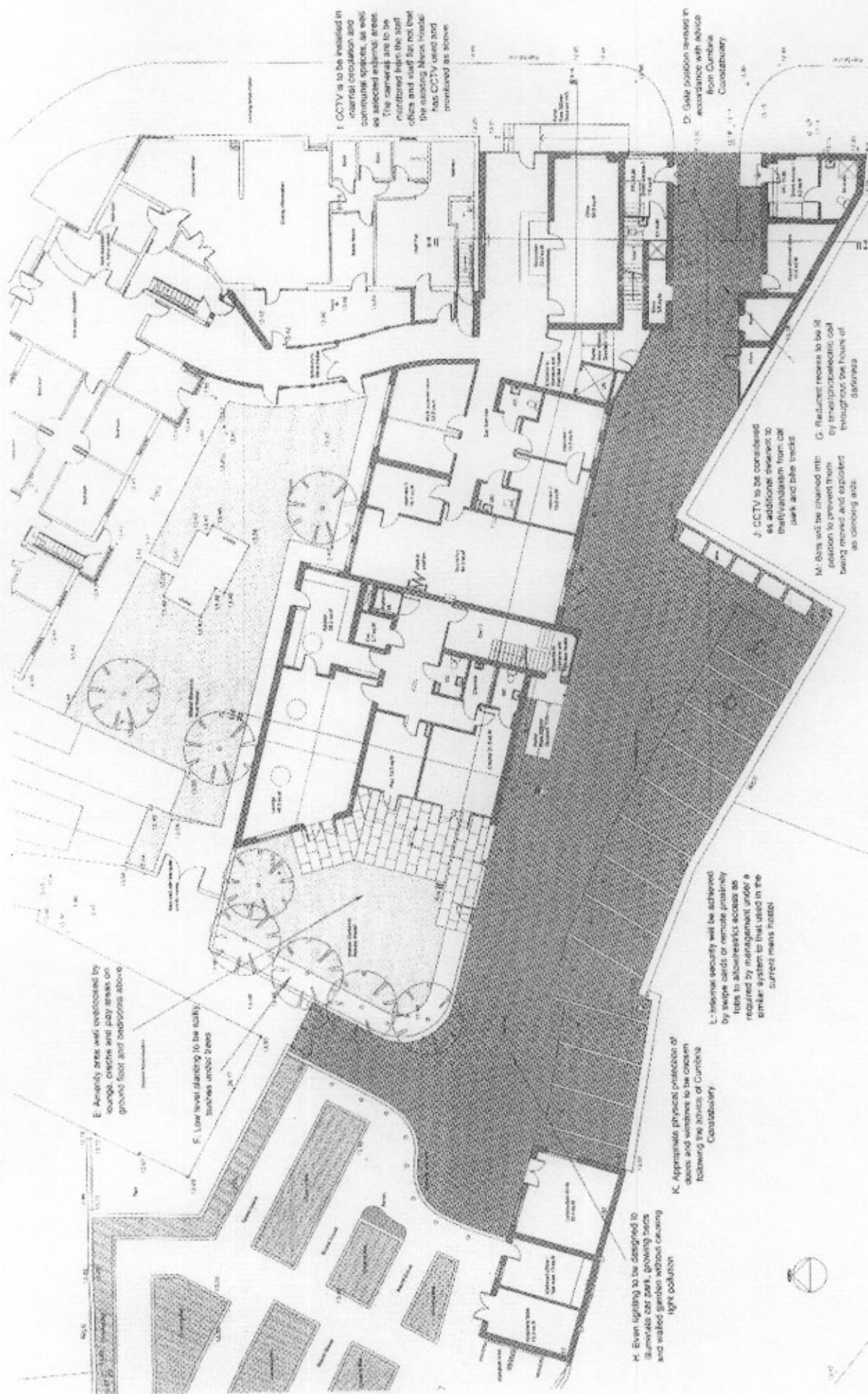
**SECURITY DRAWING**

Not to Scale  
 1" = 10' - 0" (AS SHOWN)  
 1" = 10' - 0" (AS SHOWN)  
 1" = 10' - 0" (AS SHOWN)

# Johnston and Wright

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## APPENDIX C



E. Accessible areas will be equipped by sound, tactile and play areas on ground floor and outdoors above

F. Low level lighting to be sited to reduce glare

H. Even lighting to be designed to illuminate car park, growing beds and walked garden without causing light pollution

K. Appropriate physical protection of doors and windows to be chosen following the advice of Clumber Constabulary

L. Internal security will be achieved by swipe cards or remote proximity fobs to allow access as required by management under a similar system to that used in the current main house

J. CCTV to be considered as additional deterrent to theft/vandalism from car park and bike racks

M. Bats will be retained in position to prevent them being moved and exported through the hours of darkness

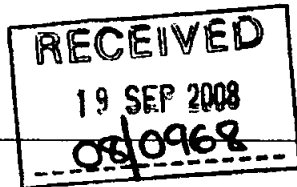
I. CCTV to be installed in internal circulation and common areas, as well as associated external areas. The cameras are to be monitored from the main office and used for not the existing Alcon House has CCTV used and monitored as above

D. Gate station to be in accordance with advice from Clumber Constabulary

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 11 Clumber Street, Clumber, EAS, Notts. NG23 7JH  
 Tel: 01529 510101 Fax: 01529 510102  
 Email: jrw@johnstonandwright.co.uk  
 Project: Homelessness Centre, Clumber, Clumber City Council  
 Drawing: Ground Floor Plan - Proposed  
 Scale: 1/100 Date: 17/04/2014  
 Drawing No: 1.061 (01) 05C



**SECURITY DRAWING**



## PROPOSED HOMELESSNESS CENTRE OF EXCELLENCE, SHADDONGATE, CARLISLE, CUMBRIA. CA2 5TU FOR CARLISLE CITY COUNCIL

### DESIGN AND ACCESS STATEMENT

#### 1. PROJECT AIM

- 1.1 Carlisle City Council is proposing to replace an existing hostel on London Road which no longer meets requirements, with a new hostel and day services for homeless families to be provided under the Government's Places for Change, Hostels Capital Improvement Programme.
- 1.2 The proposed development will consist of short stay residential flats at first and second floor levels to accommodate 22 people with day services, workspace and office accommodation at ground floor level. It is also proposed to provide emergency overnight accommodation with controlled usage at ground floor level.
- 1.3 In a wider urban design context the project will provide a significant element of regeneration of a brownfield site close to the city centre.

#### 2. SITE

- 2.1 The site identified by the City Council for the proposed development is council owned land in the Shaddongate area of Carlisle, (NGR NY 395 559), to the west of the city centre. The site is irregularly shaped, with a relatively flat topography, behind John Street with pedestrian and vehicle access from Shaddongate at the east end of the site. The site is currently operated by the City Council as a surfaced long stay car park.

The site is within an area of historical development in the nineteenth century for bread and biscuit manufacturing, brewing, dyeing and bleaching works, cotton spinning and weaving works and terraced housing. The immediate area of the site was occupied by the Ragged and Industrial Schools in 1870, then a Corn Mill, and then a Dairy, and an industrial building before the site was cleared by 1990. Further information on the history of the site is contained in the accompanying Site Desk Study Report prepared by Scott Doherty Associates.

- 2.2 The south boundary of the site is formed by irregularly aligned brick walling and wire mesh fencing approximately 2 m high separating the site from adjacent yards of car dealers and workshops. A small two-storey rectangular flat roofed brick office is located on the adjacent site close to the west end of the south boundary. An electricity substation is located adjacent to the east end of the south boundary.
- 2.3 There is also a car dealership forecourt adjacent to the narrow west boundary.
- 2.4 The north boundary comprises the rear elevations of the remaining elements of the two and three-storey terraced houses facing onto John Street. The group of existing terraced houses at the west end is separated by a gap site from a student accommodation building constructed in 2005. McKnight and Sons are currently considering a four-storey housing development for the gap site.

(Contd.)

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- 2.5 Three terraced houses to the east of the Student accommodation block belong to the City Council and provide accommodation associated with the two-storey mens' hostel located at the north east corner of the site from John Street round into Shaddongate. This existing hostel building has a rear garden with mature shrubs and trees bounded by a brick wall and railings.
- 2.6 An appraisal of the site and its proposed development has been carried out by the City Council's Planning Department (copy attached in Appendix A).
- 2.7 The site in the Shaddongate area of Carlisle, is on the fluvial flood plain of the rivers Eden, Caldew and Little Caldew. The Shaddongate area has a history of flooding from back flow up the rivers and overtopping of banks and from the sewers in the area being overwhelmed by heavy rainfall and floodwater. It is inevitable that without alleviation measures there will be flooding in the future.
- 2.8 The site is included in a Flood Alleviation Scheme, which is due to be implemented during 2008 – 2009. This proposal includes the installation of 2m high walls along the River Caldew.
- 2.9 The site is within the Caldewgate area for which a Development Brief for public realm works is due to be issued in mid 2008 by Gillespies as part of their master planning appointment for Carlisle Renaissance.

### 3. SCHEME DESIGN

- 3.1 The proposed development consists of 3 no. 3-bedroom family flats, 1 no. 2-bedroom family flat, 2 no. 3-bedroom shared flats for wheelchair users, 1 no. 2-bedroom shared flat for wheelchair users and 1 no. 2-bedroom shared flat. The flats are located at first floor and second floor level. A resident's communal lounge, kitchen, laundry, meeting room, crèche, play area and garden are located at ground level. Reception area, offices and day services workspaces, meeting rooms and interview rooms and located at ground floor level.

The proposals are described on drawings nos. 11381/D/01, 02, 03, 04, 05 and 06.

- 3.2 The residential units, which contain the sleeping accommodation have been located at first and second floor level above the flood risk level. The administrative, meeting, and work spaces are located at ground floor level. The communal areas for use by residents although located at ground level are at the further end of the building away from the lowest part of the site.

### 4. SCALE

- 4.1 The area requirements of the proposed development enables a three-storey frontage to be located to fill the gap at the east end of the site onto Shaddongate. A second three-storey block is proposed to extend westwards into the site to provide south facing orientation with car parking on the south side and an enclosed garden to the existing two-storey mens' hostel on the north side.
- 4.2 The existing buildings in the area do not have a consistent scale or planned character being an area of mixed use and redundant sites. Two notable buildings are the modern four-storey student accommodation block to which the scale of the new building would relate and the distinctive stated roofed building across Shaddongate.

(Contd.)

# Johnston and Wright

## 4. SCALE

- 4.3 The proposed alignment of the new building with the streetscape respects the surviving terraced housing on John Street in terms of amenity and avoidance of risk of overlooking and does not impose restrictions on the future redevelopment of adjacent sites to the south and west.
- 4.4 The scale of the new building would be a positive addition to the streetscape on the approach to the western gateway of the historic core of the city.

## 5. LANDSCAPING

- 5.1 Although the site of existing garden area at the rear of the existing men's hostel would be partly used in accommodating the new building in a position that relates to the existing, new garden areas would be provided as follows:
- (1) A walled garden with shrub and tree planting would be created as a private outdoor space to the residents' communal areas in order to provide a safe and screened environment for the families and their children.
  - (2) An allotment garden is planned for the open area of the site to the west of the building where it is intended to construct raised accessible planting beds within a new perimeter wall.
  - (3) The existing garden between the new building and the existing hostel would be reinstated with grassed areas and low shrubs.
  - (4) Permeable paving blocks are proposed for the hard landscaping to the car park to provide a sustainable urban drainage system.

## 6. APPEARANCE

- 6.1 The elevational treatment of the building is designed in a contemporary style to reflect the positive and welcoming values of the forward-looking programme for the rehabilitation of the residents.
- 6.2 The external materials would be traditional facing brickwork and coloured renders to reflect the historical character of preceding development and the adjacent men's hostel and terraced housing but with panelled areas to provide significant attractive features.
- 6.3 A contemporary flat roof is considered acceptable in this location and for this building. The design of the roof is based on green roof technology to slow down surface water run-off in periods of heavy rainfall and also to provide a base for the utilisation of thermal solar panels and possibly photo voltaic panels.
- 6.4 The appearance is intended to promote the values of the renewable energy technologies employed in the design of the building and described in more detail in a separate Sustainability Report.

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## 7. ACCESS

### 7.1 VEHICULAR ACCESS:

Access for vehicles is from Shaddongate through a pend in the frontage block.

Parking for twelve vehicles is provided at the rear of this block, together with cycle storage.

### 7.2 INCLUSIVE ACCESS:

The site is well located for access to the town centre and public transport.

The building and access to it has been designed to comply with current DDA legislation with ramped access to ground floor entrances and suitable lifts and staircases to upper floor properties.

**JOHNSTON AND WRIGHT,  
Chartered Architects,  
15 Castle Street,  
CARLISLE,  
Cumbria.  
CA3 8TD**

**15 February 2008  
Updated: 6 March 2008**



**APPENDIX A**

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## SITE APPRAISAL FOR SHADDONGATE CAR PARK, CARLISLE

The information in this document sets out the principles which must be taken into account when considering potential future uses of the site in accordance with local and national planning policy guidance.

### Site Description

The site is located to the rear of John Street, close to the road junction of Shaddongate with John Street/Caldewgate to the west of Carlisle City Centre. The site currently operates as a long-stay surface car park. The car park is not heavily utilised on a daily basis however it does provide for additional parking when the Auctions are taking place at Thomson Roddick & Medcalf Auctioneers situated within The Maltings nearby. The site is irregular in shape, with a relatively flat topography. In terms of size, the total site area extends to approximately 1850 square metres (0.185 hectares). Vehicular and pedestrian access to the site is from Shaddongate.

### Surrounding uses

The site is located within an area where no single land use predominates. As such, a mixture of commercial, industrial and residential land uses are evident along the boundaries of the site. The properties which face on to John Street along the northern boundary of the site include the Council owned homeless persons hostel, terraced housing (linked to the hostel), a student accommodation block, a locksmiths with flats above and a hot food take away. There is also a cleared site where nos. 19-23 Johns Street once stood. All these properties have rear windows that overlook the site, this is particularly apparent with the student accommodation which projects out into the car park with windows serving primary rooms overlooking the site from three of the four elevations at ground floor, first, second, and third floor level. The ground floor windows do however serve communal areas not bedrooms etc as is the case on the upper floors.

The boundary between the rear of the John Street properties and the site is provided by a brick wall which varies in height from between about 1.5 to 2 metres. The exception to this being the student accommodation where there is no boundary treatment. The buildings along the north of the site vary between two to three storeys in height. External building materials are a mixture of brick, block and render.

The southern boundary of the site consists of brick wall and wire fencing of varying heights. The uses adjacent to the southern boundary consist of a second hand car dealers, car valeting and a welders workshop. These uses are set away from the boundary of the site by approximately 10m at the point with the car sales/valeting and 17-20m from the welders.

## Planning Policy

The policy framework against which proposals for this site will be assessed consists of national policy guidance in the form of Planning Policy Guidance Notes and Statements and the Development Plan for Carlisle which consists of The Cumbria and Lake District Joint Structure Plan 2001-2016 and the Carlisle District Local Plan redeposit draft 2001-2016.

Under section 38(6) of the Planning and Compulsory Purchase Act 2004 all development must be in accordance with development plan policy unless material considerations indicate otherwise.

The site is identified within the Carlisle District Local Plan redeposit Draft under policy EC2 as a mixed commercial area within which B1 (Business), B2 (General Industry), B8 (Warehousing) and A2 (Financial and Professional) uses will be considered appropriate subject to the criteria set out. The policy also allows, dependent upon the nature of the existing uses and the potential for successful integration, for some residential development. In this instance the availability of employment land will be taken into consideration to ensure that the potential loss does not leave a shortfall in supply. The nature of mixed commercial areas is that no one land use predominates. A1 uses will only be considered appropriate on mixed commercial areas where they fall within 300m of the primary retail areas.

Policy EC2 sets out four criteria against which development proposals would be assessed.

Criteria 1 states that the 'relationship of the site to the highway network should be satisfactory'. Shaddongate is an orbital highway route that links the B5299 road to Dalston (Dalston Road) with Castle Way and Caldewgate. Shaddongate is directly adjacent to the site's eastern boundary. Vehicular access from/to the site is onto Shaddongate. In this respect it is considered that the site's relationship to the highway network is satisfactory.

Criteria 2 and 3 advise that in order to be acceptable, 'access to the site is satisfactory' and 'appropriate parking provision can be provided'. The current usage of the site as a long stay car park means that most days there are relatively few traffic movements during a 24-hour period. Any proposed change of use is likely to result in an increase in vehicular movement to and from the site. The extent of this increase will depend upon the nature of the proposed development/land use. Where a proposed development is likely to have significant transport implications a Transport Assessment may be required which may result in works being required to improve the access to the site.

In terms of the level of car parking provision that would be required on the site this will depend upon the nature of the development and be assessed against the maximum standards in PPG13 and the criteria set out in Policy T1.

Criteria 4 advises that proposals will be acceptable provided that the scale of development is appropriate in relation to the site and the amenity of adjacent

## SCHEDULE A: Applications with Recommendation

08/0938

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**Item No: 07**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0938

**Applicant:**  
Mr Birnie

**Parish:**  
Askerton

**Date of Receipt:**  
23/09/2008

**Agent:**  
C & D Property Services

**Ward:**  
Irthing

**Location:**  
Fawcettles, Bewcastle, Carlisle, CA6 6PU

**Grid Reference:**  
356462 573535

**Proposal:** Erection Of Agricultural Workers Dwelling (Re-submission)

**Amendment:**

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### REPORT

**Case Officer:** Stephen Daniel

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

This application has been brought before the Development Control Committee because the applicant has registered a 'Right to Speak'.

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

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

**Local Plan Pol DP10 - Landscapes of County Importance**

**Local Plan Pol CP1 - Landscape Character**

**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 H7 - Agric,Forestry and Other Occup.Dwgs**

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

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

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

## SCHEDULE A: Applications with Recommendation

08/0938

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

**County Land Agent (Capita dbs):** the report on the original application concluded that there was a clearly established functional need, that the labour requirement test was met with 2 full time workers being required to be resident on the holding at Fawcettlees, the holding was financially viable and the existing dwelling was only suitable to house 1 of the 2 workers that needed to live on the holding. The only concerns were that any new dwelling would be better located closer to the farm buildings for supervision of livestock and as dairying was a new farming activity on a recently acquired holding then the requirements of guidance in paragraph 12 of Annex A to PPS7, i.e. temporary dwellings, should be met.

- In relation to the location of the proposed dwelling, the revised location in the new application is in much closer proximity to the farm buildings and will enable better supervision of livestock housed in those buildings. The concerns on this point have therefore been removed;
- Actual cow numbers have increased from 25 at the time of the report in August 2008 to 100, so the proposed acquisition of additional cows has come to fruition. Work has also progressed on fitting out the existing farm buildings to house these cows. The new farming activity is therefore expanding quite rapidly and it is proposed to take cow numbers to 200 within the next 6 months provided the infrastructure on the farm is in place;
- It is therefore common ground that 2 full time workers actively involved in the management of this unit need to be resident on it and there is currently only one dwelling available;
- The guidance set out in Paragraph 12 of annex A to PPS 7 says "If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or on an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation";
- C&D Property Services advises that Fawcettlees and Cambeck Hill are run as one unit. That is accepted, therefore it is an established agricultural unit;
- The previous enterprises on Fawcettlees and the existing ones at Cambeck Hill are stock rearing ie, suckler cows and breeding ewes;
- The new enterprise at Fawcettlees is dairy farming. As such, cows have to be milked twice each and every day, a number of calvings may have to be dealt with, particularly outside normal working hours and young stock will have to be cared for before they are taken to Cambeck Hill at 2 months of age;
- It is, therefore, the labour demand from the new enterprise of dairying that has pushed up the requirement for more workers to work on this holding and for the number to be resident on site;

## SCHEDULE A: Applications with Recommendation

08/0938

- It is accepted that Fawcettlees is in a relatively remote area and it will be difficult for this business to attract good quality staff without providing good housing.

In conclusion, therefore, the advice has to be, has this enterprise progressed enough in its first year of operation to justify a permanent dwelling or should the guidance in paragraph 12 of PPS7 be followed. There may well be other applications in the future where similar situations arise and therefore Carlisle City Council needs to be clear on its policy in relation to such applications.

**Askerton Parish Council:** no objections;

**Carlisle Airport:** no objections;

**Natural England:** comments awaited;

**Cumbria Wildlife Trust:** comments awaited;

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

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Luke's House	03/10/08	
Luke's Cottage	03/10/08	
Smithsteads	03/10/08	
Tower Brae	03/10/08	

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

### 4. Planning History

- 4.1 In February 2008, permission was granted under the Agricultural Determination process for the formation of a concrete crop storage area (08/0004/AGD).
- 4.2 In August 2008, full planning permission was sought for the erection of an Agricultural Worker's Dwelling (08/0657). The application was withdrawn prior to determination.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks full planning permission for an agricultural workers dwelling at Fawcettlees, Bewcastle. The farm, which consists of a farmhouse and a number of agricultural buildings, stands alone in open countryside approximately 300 metres from the main road that leads from the B6318 to Bewcastle.
- 5.2 It is proposed to site the dwelling adjacent to the existing complex of farm buildings and in close proximity to a group of trees, which would help to screen the dwelling. The dwelling, which would be a three bedroom bungalow, would be constructed of white painted render, with red facing brick quoins and plinth, under a slate roof. The plot would measure approximately 30m by 35m and would include a detached single garage and a garden area.

#### Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Planning Policy Statement 7 "Sustainable Development in Rural Areas" (PPS7) and Policies DP1, DP10, CP1, CP3, CP5, CP12 and H7 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.5 PPS7, published in July 2004, is relevant to this application, as it sets out the Governments planning policies for rural areas that should be taken into consideration when making planning decisions.
- 5.6 The fourth Key principle, identified in Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Governments aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
- 5.7 Paragraph 10 of PPS7 identifies that isolated houses in the countryside, away from existing settlements, will require special justification. Where the special justification relates to an essential need for a worker to live permanently at or near their place of work in the countryside, PPS7 advises that Planning Authorities should refer to the advice provided within Annex A of PPS7.
- 5.8 Annex A identifies the criteria that Local Planning Authorities should apply and which should be met prior to granting planning consent for a new permanent agricultural workers dwelling. The criteria are identified in Paragraph 3, Annex A of PPS7, which states the following:

## SCHEDULE A: Applications with Recommendation

08/0938

"New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:

(i) there is a clearly established existing functional need (see paragraph 4 below);

(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 (see paragraph 8 below);

(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".

- 5.9 Policy H7 of the Carlisle District Local Plan 2001-2016 states that within the rural area planning permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural based enterprise and supported by a proven need.
- 5.10 The policy also includes paragraph 5.41, which states that when assessing if there is such a need the Council should refer to the advice contained in Annex A to PPS7.
- 5.11 When considering applications for agricultural workers dwellings it is common practise for the Council to consult the County Land Agent. As part of their response the County Land Agent assesses whether the proposal meets the aforementioned criteria identified in Paragraph 3 of Annex A to PPS7.
- 5.12 In his response the County Land Agent has concluded that there is a clearly established functional need in relation to the holding for 2 full time workers actively involved in the management of this unit, to be resident on or immediately adjacent to this holding (but at present there is only one dwelling at the farm). The conclusion goes on to identify that the labour requirement test and the financial test are also met.
- 5.13 The County Land Agent has, however, pointed out that Paragraph 12 of Annex A to PPS7 states that if a new dwelling is essential to support a new farming activity (on a new or established agricultural unit) it should normally, for the first three years, be provided by a caravan or other temporary accommodation. Since a new enterprise (dairy farming) is being introduced at Fawcettless any dwelling should normally be of a temporary nature.
- 5.14 The applicant considers that good quality housing (rather than a caravan) is



## SCHEDULE A: Applications with Recommendation

08/0938

necessary in order to attract good quality staff to this relatively remote area, and this point has been accepted by the County Land Agent. Whilst this is a valid point, the guidance in PPS7 makes it clear that new dwellings to support new farming activities should normally, for the first three years, be of a temporary nature.

- 5.15 In light of the above, whilst there is an existing functional need for an additional dwelling at Fawcettlees, the proposal is seeking permission for a permanent dwelling and the application is, therefore, contrary to the advice in Annex A of PPS7 and Policy H7 of the Carlisle District Local Plan 2001-2016.

### 2. Impact Upon An Area Of County Landscape And Trees

- 5.16 The proposed dwelling would be sited in close proximity to the exiting farm complex and near to a group of trees. Whilst it is accepted that the proposed siting would not have an adverse impact on the character of the rural area, which is designated as an Area of County Landscape, it would adversely affect a number of trees. The applicant has failed to submit a Tree Survey, as required under new Government guidelines, to show which trees would be removed and which would be retained. Until this information is submitted, the Council's Tree Officer cannot fully assess the application.

### Conclusion

- 5.17 In overall terms, the introduction of a permanent dwelling at Fawcettlees, which is a new enterprise, would be contrary to the advice in Annex A of PPS7. The siting of the dwelling would lead to the removal of some existing trees and the applicant has failed to submit a Tree Survey to assess the potential impact upon these trees. The application is, therefore, 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;

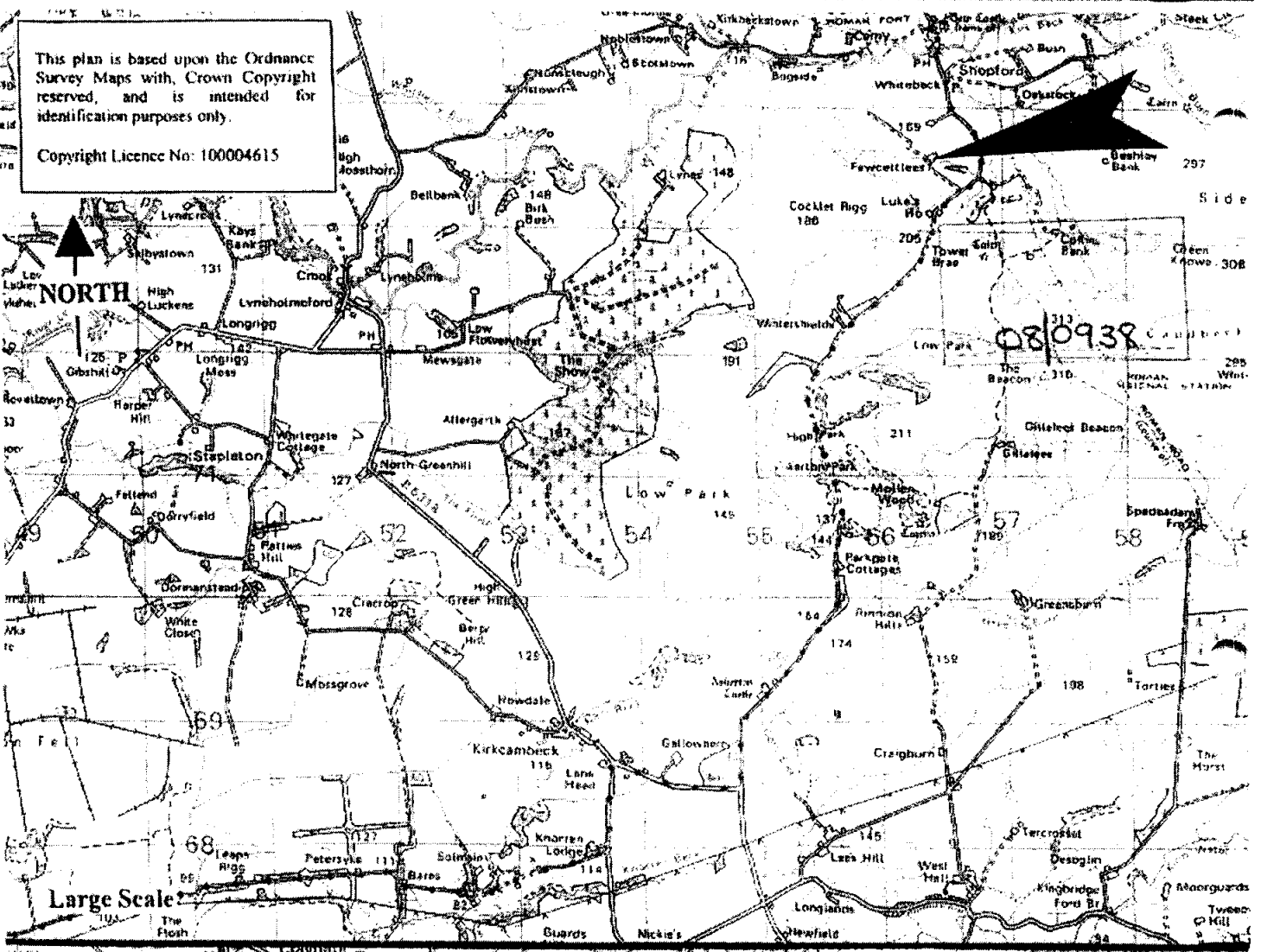
- 6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

### 7. Recommendation - Refuse Permission

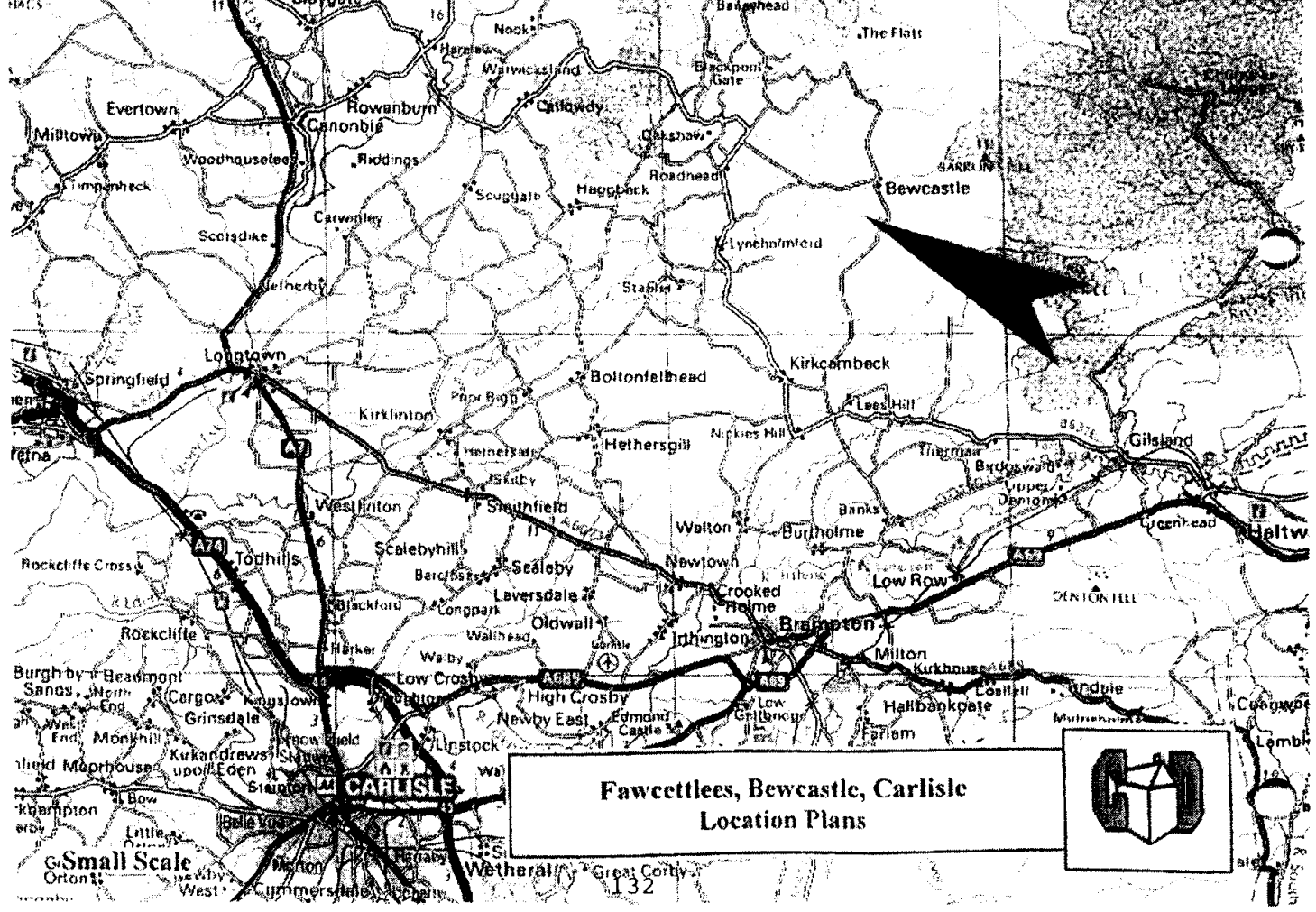
1. **Reason:** The proposed site lies within the open countryside, some distance from the nearest settlement, in a location where there is a general strong presumption against further residential development unless supported by a proven agricultural or forestry need. Whilst it is accepted that there is a functional need for 2 full-time workers to be resident on or immediately adjacent to the holding, paragraph 12 of Annex A to PPS7 "Sustainable Development in Rural Areas" makes it clear that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units. Since a new enterprise is being introduced at Fawcettles any dwelling should be of a temporary nature. The application is seeking permission for a permanent dwelling and the proposal is, therefore, contrary to the advice in Annex A of PPS7 and the objectives of Policy H7 (Agricultural, Forestry and Other Occupational Dwellings) of the Carlisle District Local Plan 2001-2016.
  2. **Reason:** The proposed dwelling would be sited near to a group of existing trees and the applicant has failed to submit a Tree Survey to assess the potential impact upon these trees. The full implications of the proposed dwelling on the trees cannot be fully assessed until the Tree Survey is received. The application is, therefore, contrary to the objectives of Policy CP3 (Trees and Hedges on Development Sites) of the Carlisle District Local Plan 2001-2016 and criteria 2 and 6 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.
-

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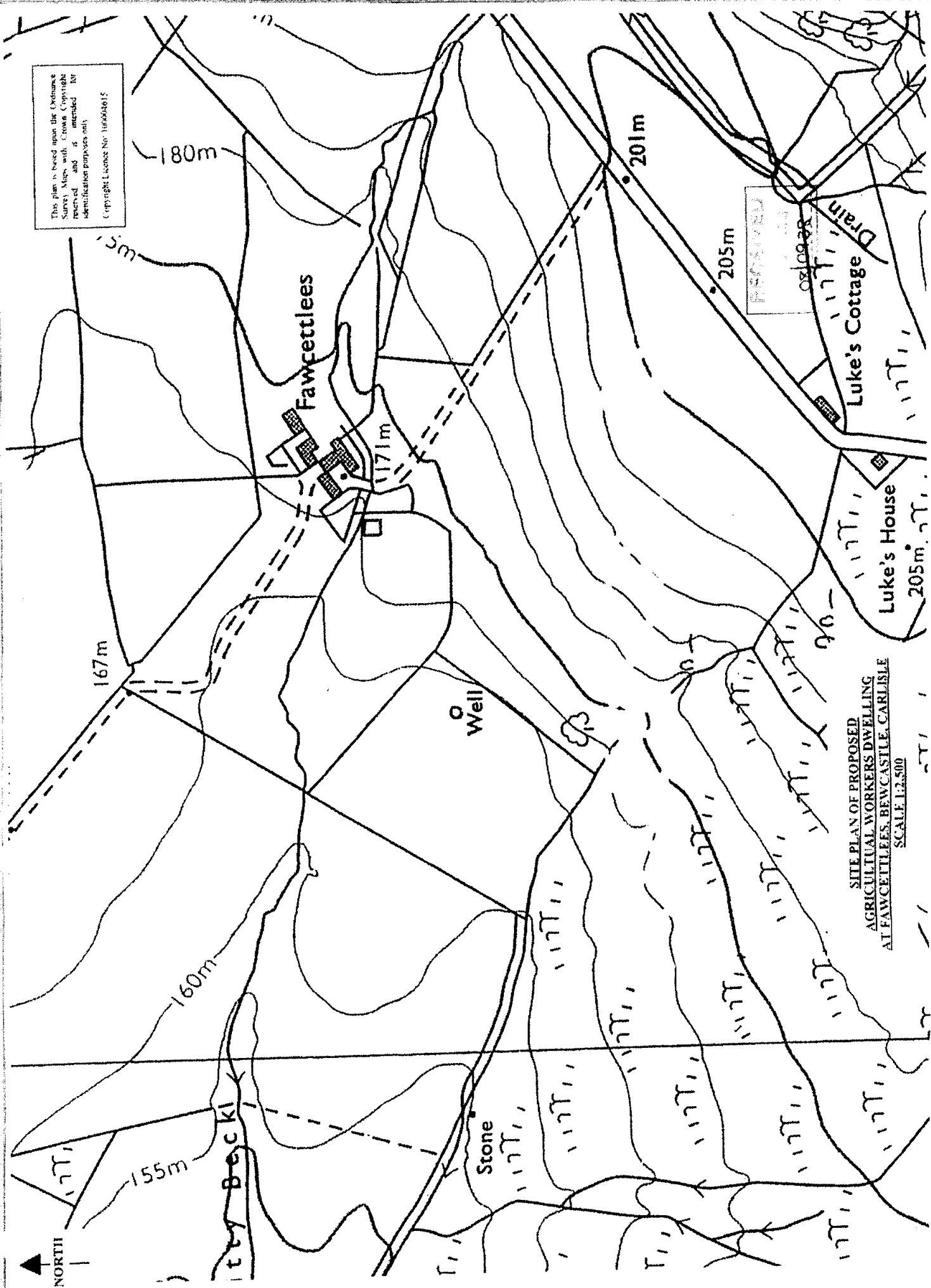
Large Scale



Fawcettles, Bewcastle, Carlisle  
Location Plans



Small Scale



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SITE PLAN OF PROPOSED  
 AGRICULTURAL WORKERS DWELLING  
 AT FAWCETTLES, BEWCASTLE, CARLISLE  
 SCALE 1:2,500



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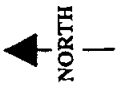
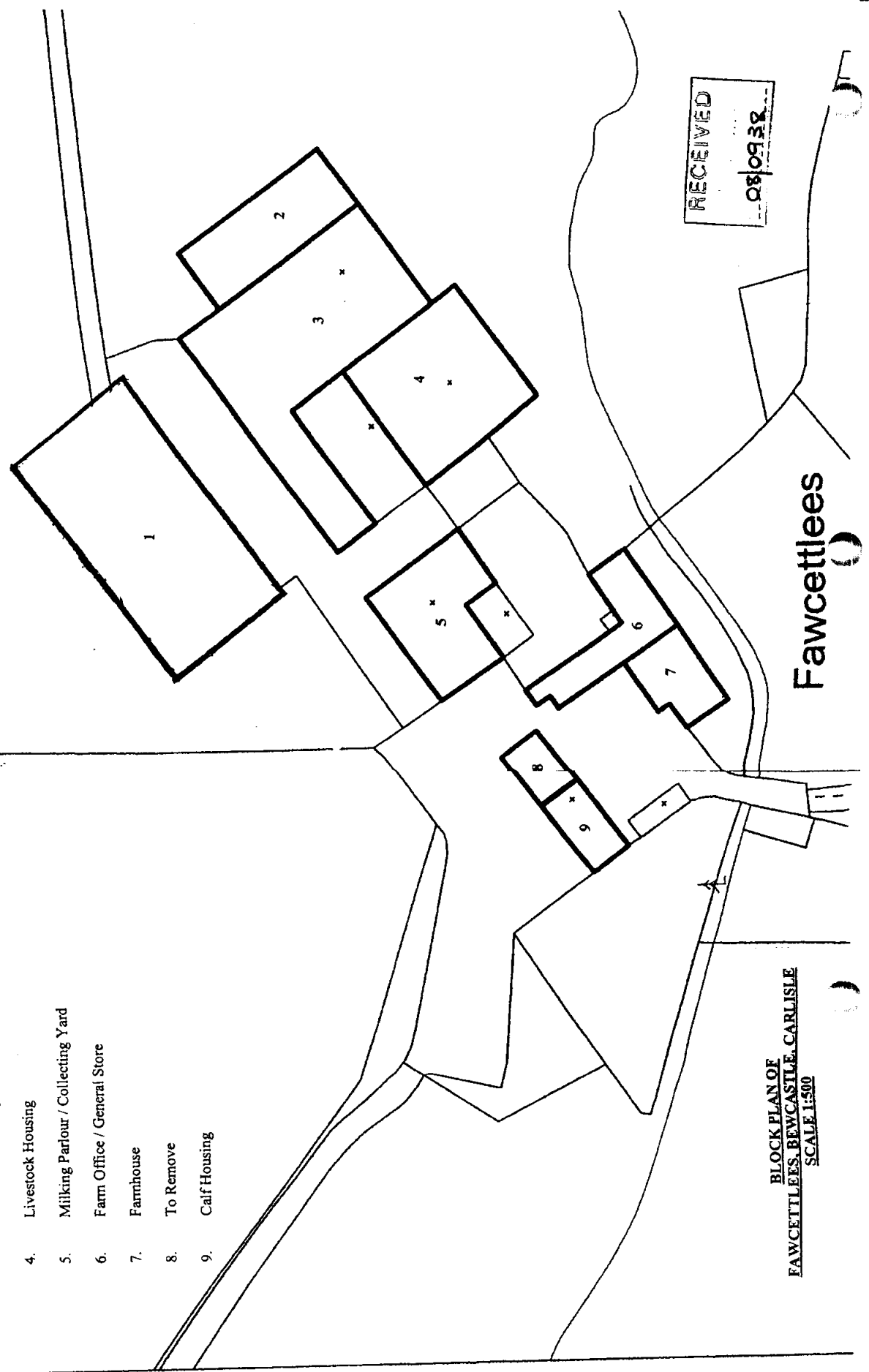
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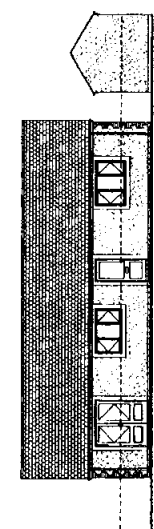
Fawcettles

**FAWCETTLES, BEWCASTLE, CARLISLE  
 BUILDINGS INVENTORY**

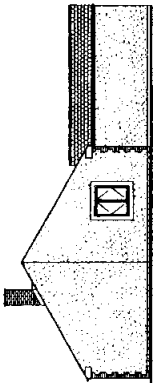
- 1. Proposed Crop Storage Area
- 2. Livestock Housing
- 3. Livestock Housing
- 4. Livestock Housing
- 5. Milking Parlour / Collecting Yard
- 6. Farm Office / General Store
- 7. Farmhouse
- 8. To Remove
- 9. Calf Housing

**BLOCK PLAN OF  
 FAWCETTLES, BEWCASTLE, CARLISLE  
 SCALE 1:500**

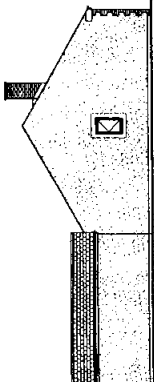




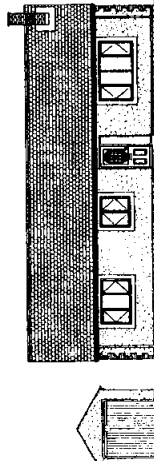
EAST



SOUTH

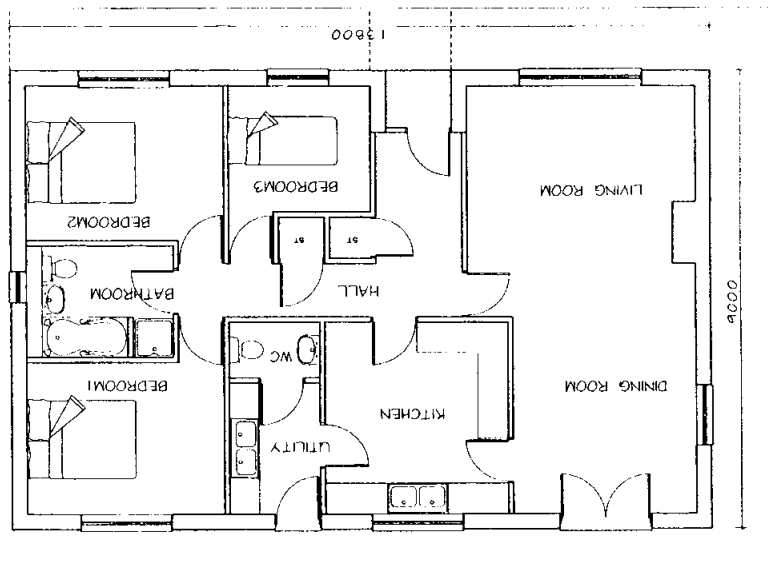
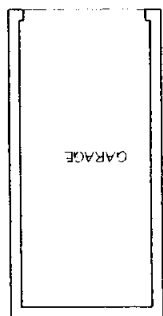


NORTH

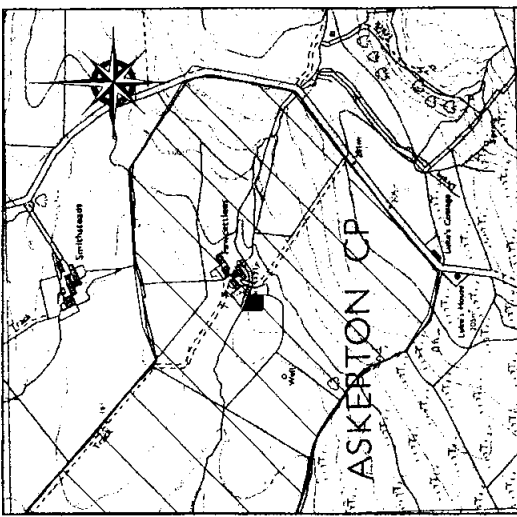


WEST

ELEVATIONS 1:100

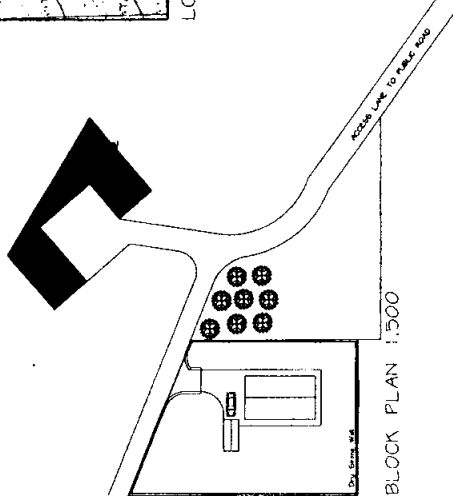


LAYOUT PLAN 1:50



LOCATION PLAN 1:5000

EXTERNAL FINISHES -  
 ROOF - VELLER BLUE SLATE WITH LEAD FLASHINGS AND  
 MOOK BANDSTONE RIDGE TILES  
 PIPES - BROWN UPVC FACIA SOFFITS GUTTERS AND DOWN  
 WALLS - RED CLAY FACED BRICK GUTTERS AND PLINTH  
 WINDOWS - WHITE PAINTED SMOOTH RENDER WITH LIGHT OAK  
 UPVC WINDOWS AND DOORS  
 EXTERNAL PATHS - TARMAC PATH & YARD  
 EXTERNAL WALL - DRY STONE WALL IN LOCAL STONE



BLOCK PLAN 1:500

**TSADA BUILDING DESIGN SERVICES**  
 Tsada Cottage, Longtown, Carlisle, Cumbria CA8 3NA  
 Telephone (01228) 791807

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Job title  
 PROPOSED AGRICULTURAL WORKERS DWELLING AT  
 FAWCETTS FARM BEWCASTLE, CUMBRIA

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Drawing by W.R.FAULDER	Amendments * None	Client MR & MRS CAMBERG HILL BURNLEY	Drng No. 10/6/2008/1A

## SCHEDULE A: Applications with Recommendation

08/0937

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**Item No: 08**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0937

**Applicant:**  
Mr S Graham

**Parish:**  
Dalston

**Date of Receipt:**  
18/09/2008

**Agent:**  
Mr J Stephens

**Ward:**  
Dalston

**Location:**  
13 Caldew Drive, Dalston, Carlisle, CA5 7NS

**Grid Reference:**  
336924 550539

**Proposal:** Erection Of Single Storey Bedroom To Front Of Property

**Amendment:**

1. Revisions to the design of the roof of the proposed extension
- 

### REPORT

**Case Officer:** Suzanne Edgar

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

This application has been brought before Members of the Development Control Committee because the Parish Council has objected to the proposed development and has requested that a representative address the Committee under the Right to Speak Policy.

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

**Cumbria County Council - (Highway Authority):** It is considered that the proposal will not have a material affect on existing highway conditions. The Highway Authority has no objection to the proposal;

In relation to the amended plans, the Highways Authority have responded as follows:

I refer you to my previous response of 13 October. 30/10/2008

**Dalston Parish Council:** Dalston Parish Council at its meeting held on 14th

## SCHEDULE A: Applications with Recommendation

08/0937

October 2008 resolved to object to planning application 08/0937 for the following reasons:

1. There are concerns about the affect of the proposed extension in front of the building line of this and adjacent properties.
2. It is felt that the development could lead to an invasion of privacy for neighbouring properties, in particular 11 & 15 Caldew Drive and 28 Low Moorlands.
3. It is thought that due to the close proximity of the extension to the site boundary there could be loss of light issues for nearby properties.

It was agreed that a site visit be requested prior to determination of the application.

Dalston Parish Council request that a representative is granted the right to speak at the Development Control Committee meeting when the application is considered and for two representatives to attend the preceding site visit should it be held.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
11 Caldew Drive	24/09/08	
28 Low Moorlands	24/09/08	Comment Only
15 Caldew Drive	24/09/08	
26 Low Moorlands	24/09/08	
24 Low Moorlands	24/09/08	
20 Nine Rigg	24/09/08	

3.1 This application has been advertised by means of notification letters sent to six neighbouring properties. One email has been received during the consultation period from the occupier of "28 Low Moorlands" who has made the following comments:

1. The extension projects in front of the existing bungalow
2. The extension will situated closer to the boundary fence
3. Potential loss of value to 28 Low Moorlands as a result of the extension
4. Effect the proposal will have on the ambience of 28 Low Moorlands

3.2 One phone call has also been received during the consultation period from the occupier of a neighbouring property regarding the design of the proposed extension. Amended plans have since been received and all neighbouring properties and statutory consultees have been reconsulted. The consultation period for the amended plans expires on 10th November and any comments that are received will be reported at the meeting.



## 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 a single storey extension to provide a bedroom to the front of 13 Caldew Drive, a single storey semi-detached property constructed from brick/rendered walls under a tiled roof. Number 13 Caldew Drive is situated within the corner of a residential cul-de-sac and is surrounded by single storey dwellings to the north-east, south-east, south-west and north-west.

### Background

- 5.2 The proposed single storey extension will have a total width of 4.3 metres, a total length of 7.65 metres and a total ridge height of 4 metres. The extension will be constructed from materials to match those of the existing dwelling.

### Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan (2001-2016).

- 5.4 The proposals raise the following planning issues:

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

- 5.5 The proposed extension will have high level windows situated on the north-western elevation and french windows situated on the south-eastern elevation. The north-western boundary of the application site is delineated by a 1.8 metre high fence and the south-eastern boundary of the site is delineated by a tree and landscaping. There will be no windows situated on the north-eastern (front) elevation of the extension. The property located towards the north-east of the application site has one high level window to the ground floor and one first floor window situated on the gable which would face the proposed development; however, these windows are obscurely glazed. In such circumstances it is considered that the proposed development will not adversely affect any occupiers of neighbouring properties on the basis of loss of light, overlooking or overdominance.

2. Whether The Proposal Is Appropriate To The Dwelling

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

### 3. Other Matters

- 5.7 The occupier of the neighbouring property located to the north-west of the application site "28 Low Moorlands" and the Parish Council have objected to the proposed development on the grounds that the proposed extension is located in front of the building line of the property. The proposed extension will project 5 metres in front of the existing building line. The application site is situated on a corner plot and the extension will not project in front of the building line of the residential properties situated to the north-east of the application site. In such circumstances it is considered that the proposed extension will not appear obtrusive or incongruous within the streetscene. In short there is no wider "public amenity" loss.
- 5.8 The Parish Council and the occupier of "28 Low Moorlands" have also objected to the proposal on the basis of the proximity of the proposed extension to the site boundary and potential loss of light and amenity as a result of this. No. 13 Caldew Drive has an existing single storey side extension located 1.8 metres from the north-eastern boundary. The proposed extension will be situated approximately one metre from the north-eastern boundary of the application site. Members are reminded that the north-eastern boundary of the site is delineated by a 1.8 metre high fence and the proposed high level windows on the north-eastern elevation will allow light into the proposed extension but will not cause overlooking. Given the orientation of the application site it is considered that there will not be a significant loss of light to justify refusal on this basis.
- 5.9 Dalston Parish Council have also objected to the proposed development on the grounds that the proposed extension will also cause an invasion of privacy on the occupiers of No.11 and No.15 Caldew Drive. As stated above there is a significant amount of landscaping situated along the south-eastern boundary of the application site obscuring the proposed development from No.11 Caldew Drive. Furthermore, the proposed development will not have any windows facing on to No.15 Caldew Drive. A condition is recommended to ensure that this situation remains in perpetuity. As clarified above, the extension will not adversely affect the occupiers of neighbouring properties on the basis of loss of light, over looking or over dominance.
- 5.10 The occupier from No.28 Low Moorlands has also raised concerns regarding loss of value to that property as a result of this extension. Members are reminded that loss of value is not a material planning consideration.

### Conclusion

## SCHEDULE A: Applications with Recommendation

08/0937

- 5.11 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 extension is considered acceptable. The proposal is therefore considered compliant with the objectives of the relevant development plan policies. In such circumstances approval is recommended.

### 6. Human Rights Act 1998

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

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

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

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

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

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

### 7. Recommendation - Grant Permission

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

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

## SCHEDULE A: Applications with Recommendation

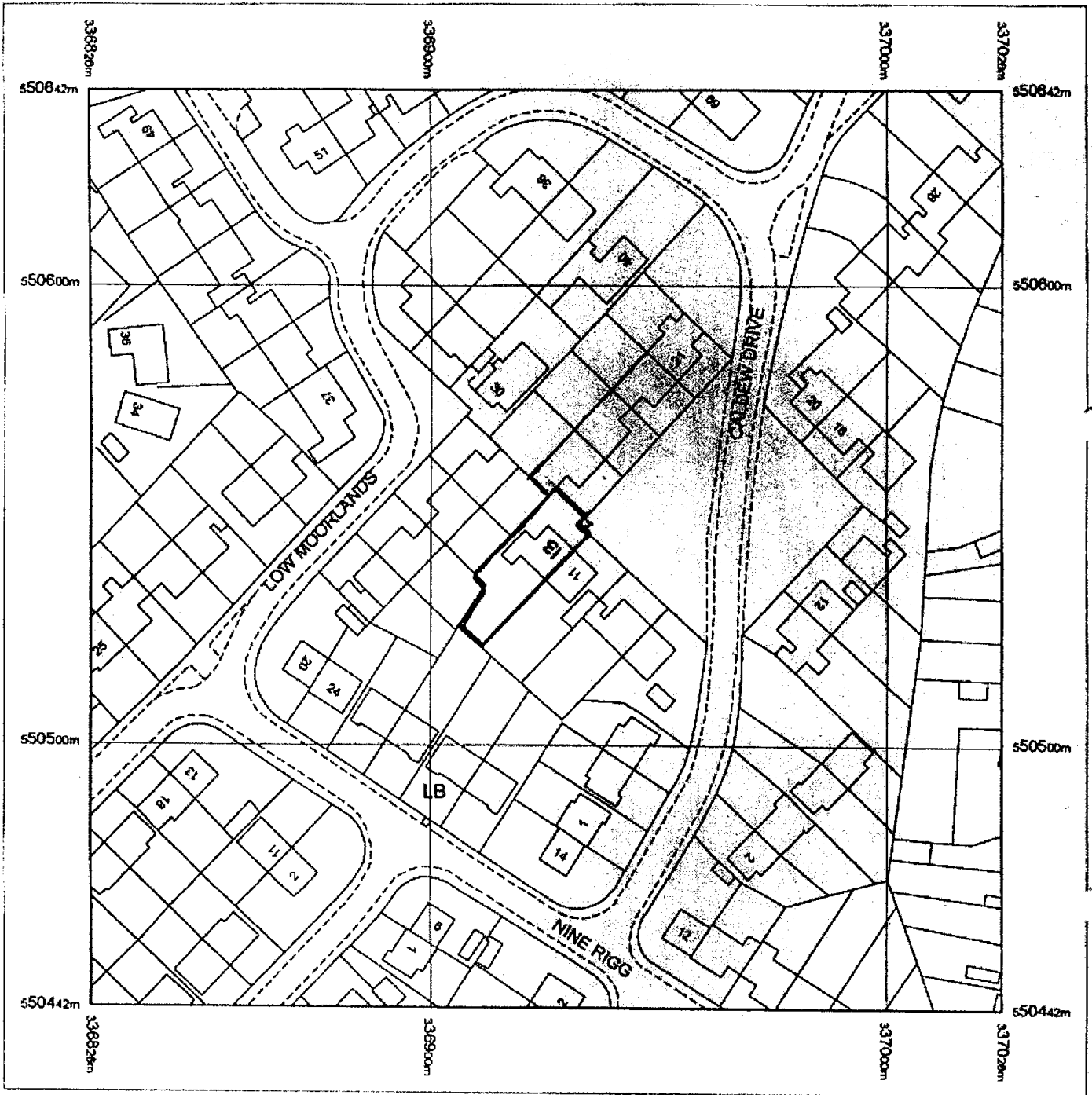
08/0937

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

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

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

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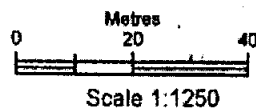
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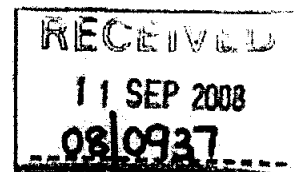
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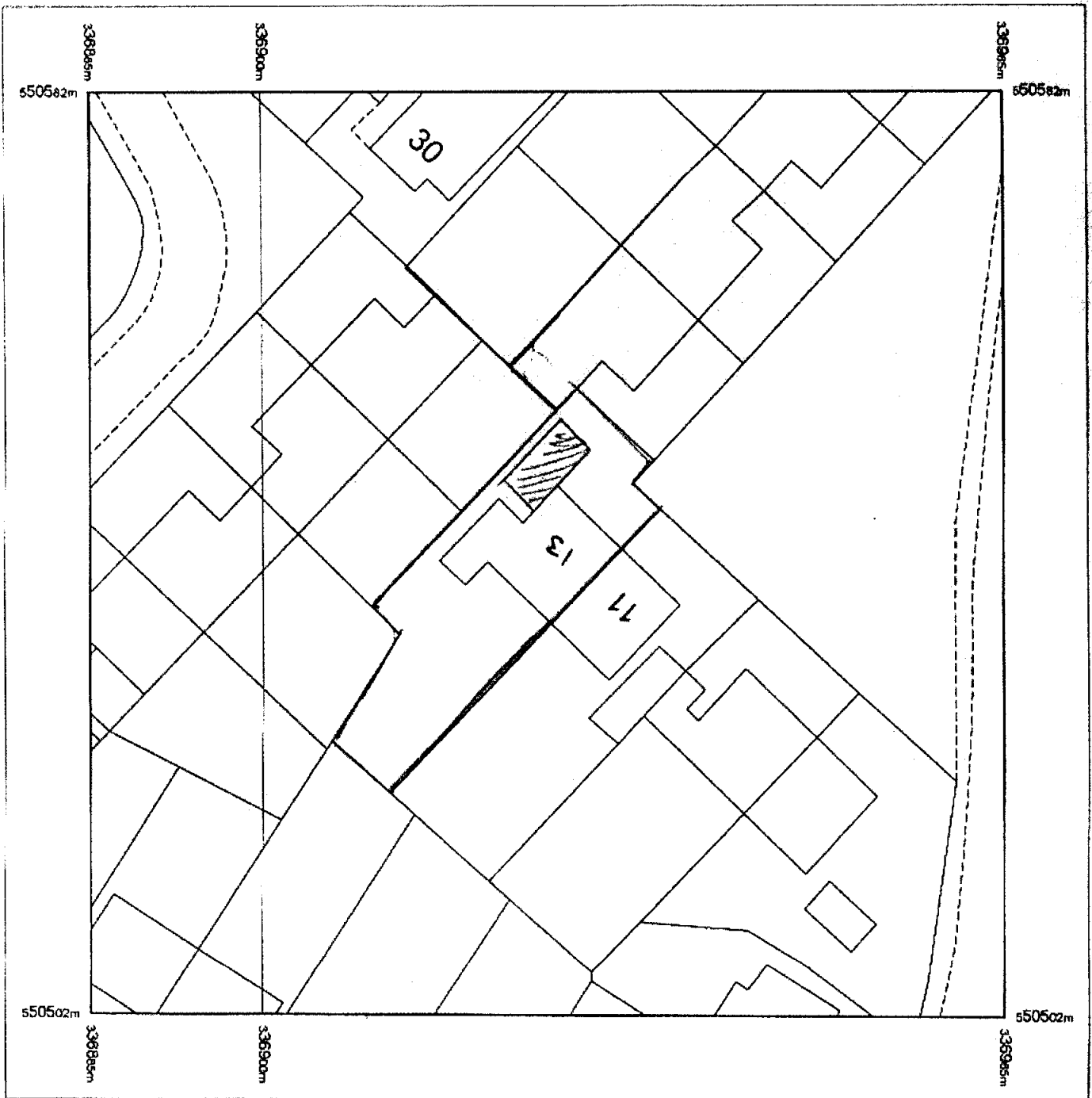
The representation of features as lines is no evidence of a property boundary.



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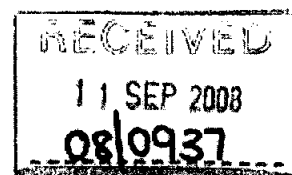
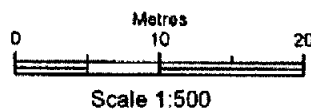
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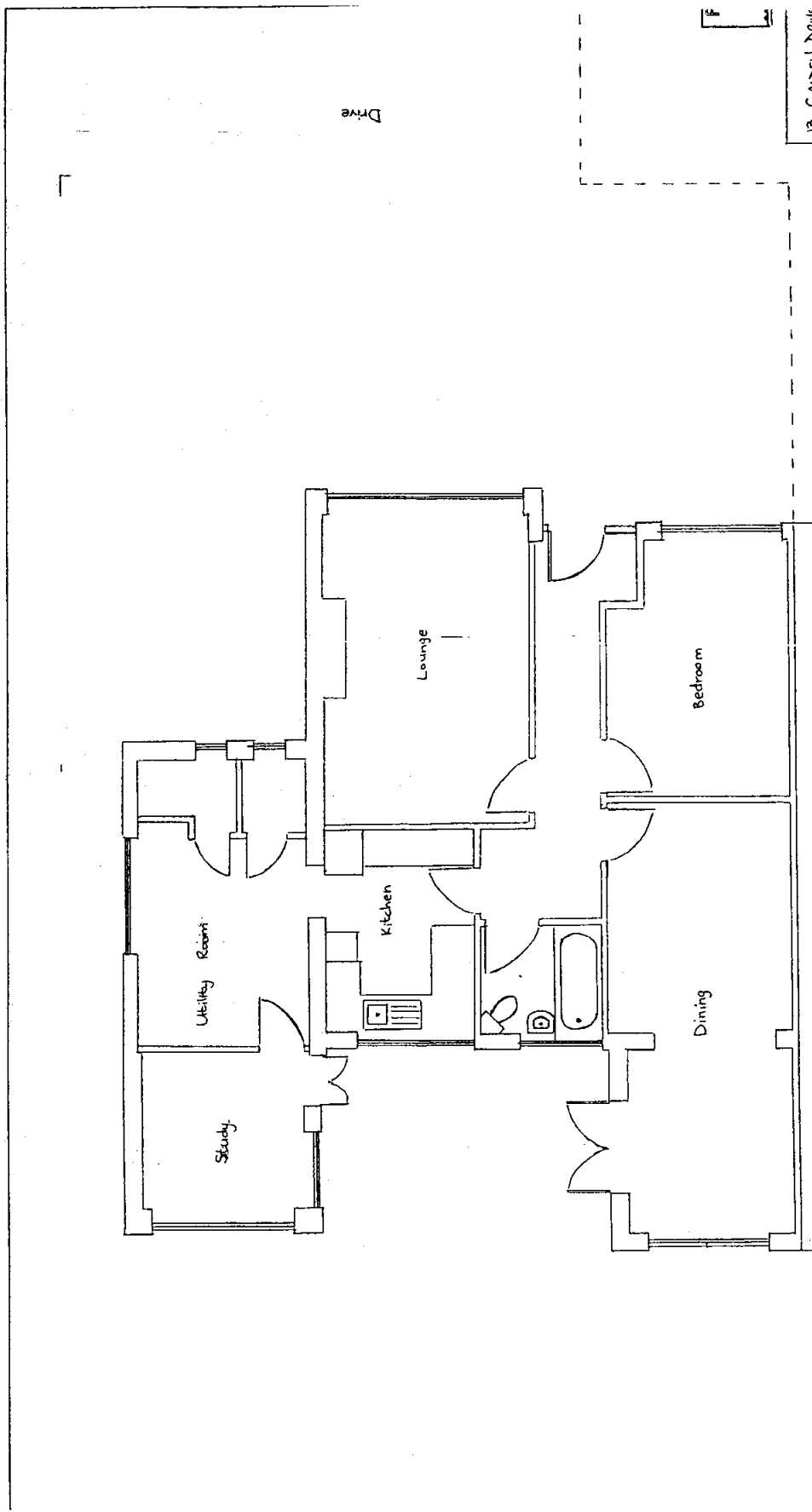
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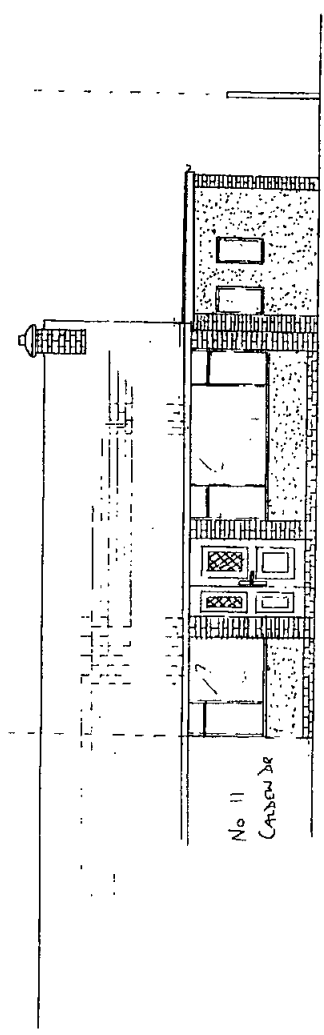
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No. 11 Carben Dr.

13 CARBEN DRIVE
DANBURY
EXISTING LAYOUT
SCALE - 1:50
DATE - 8.8.08



No 11  
CASHON

REVISIONS  
27 OCT 2008  
0809057

13. CALDWELL DRIVE, DENVER
CASHON
EXISTING REPAIR ELEVATION
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DATE - 28.08

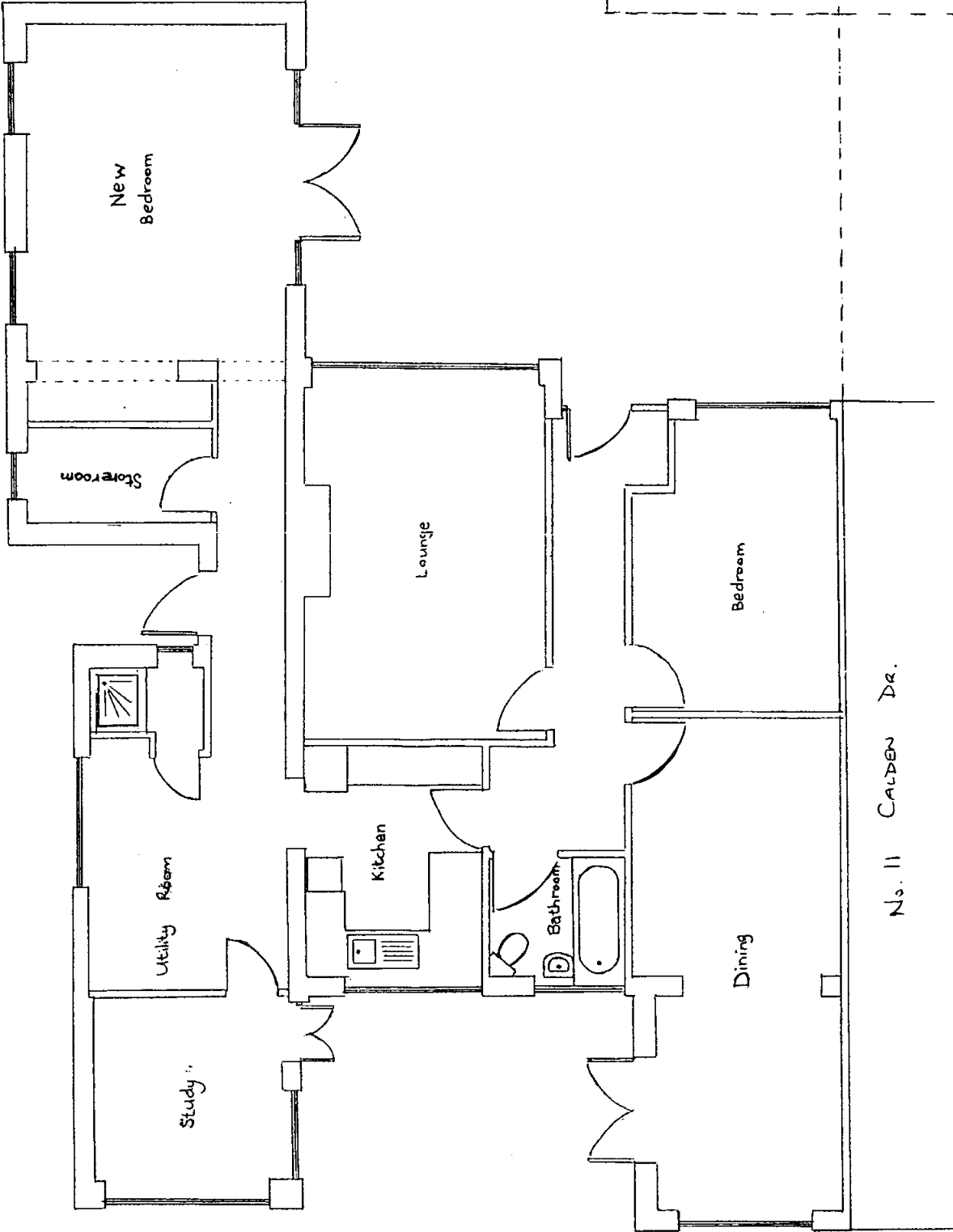


No. 15  
CALDEN DR.

DRIVE

RECEIVED  
11 SEP 2008  
08/09/08

13 CALDEN DRIVE DALSTON
CARLISLE
PROPOSED LAYOUT
SCALE -- 1:50
DATE -- 3.8.08

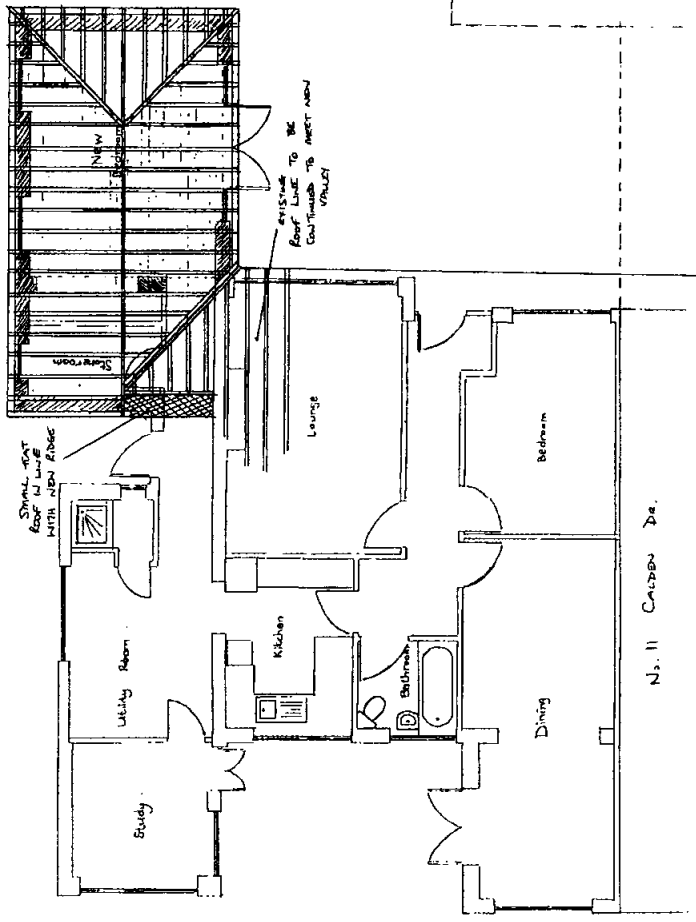


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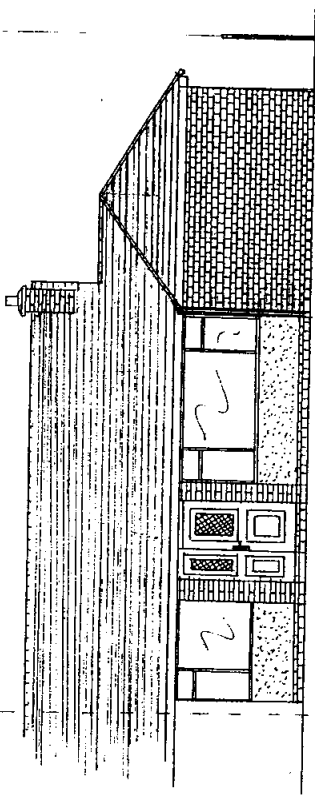
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15 Casson De. Austin
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DATE - 03-10-08

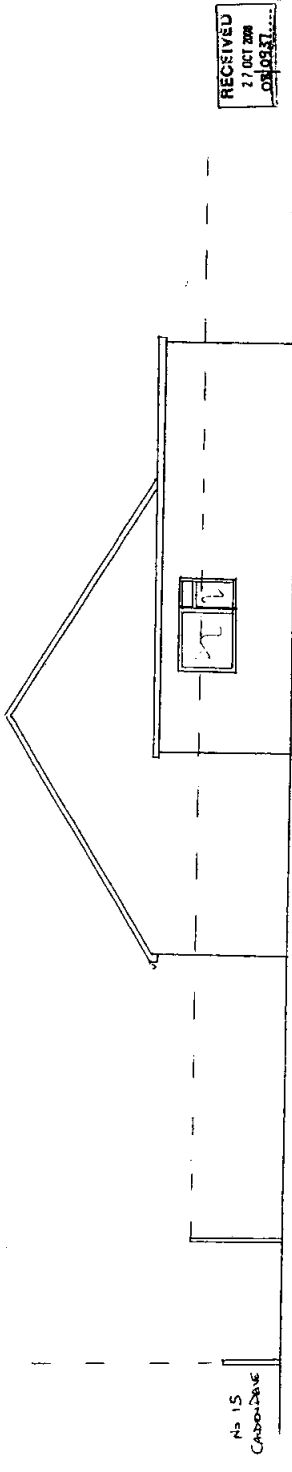
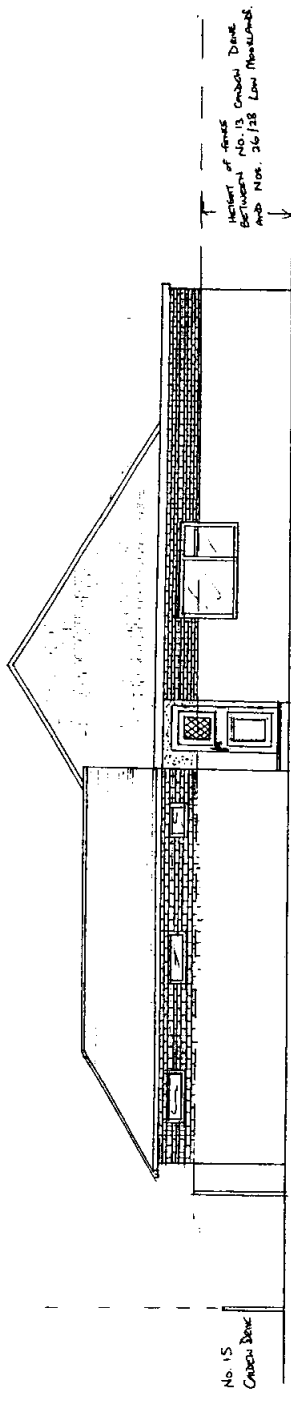


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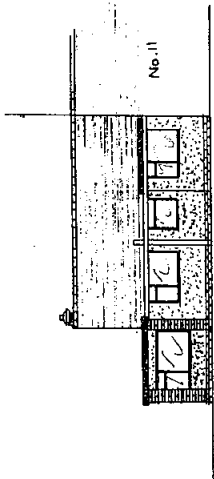
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CHARLSE
Revised - Kent Edmund
Scale - 1:50
DATE - 23.10.08

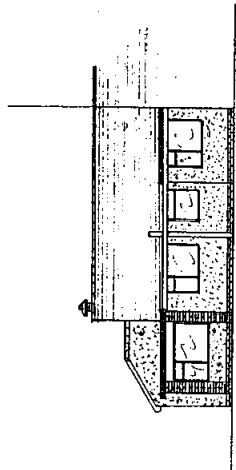


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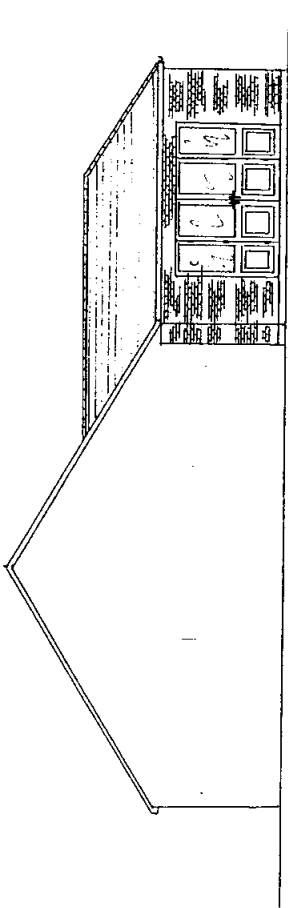
13 Conrad Dent, Baited
CALLUS
ENTRANCE/TERACE AND PLANTING
SCALE: 1:50
DATE: 23/10/08



EXISTING FRONT ELEVATION  
1:100



PROPOSED FRONT ELEVATION 1:100



VIEW OF PROPOSED EXTENSION FROM No. 11 CAMDEN DRIVE 1:50

RECEIVED  
27 OCT 2008  
08:09:37

13	CALDEN DRIVE	DARTMOUTH
	CARLISLE	
	ENGINEER/ARCHITECT	EXAMINER
	SCALE: 1:50 / 1:100	
	DATE: 23/10/08	

08\_0937 13 Caldew Drive, Dalston 06102008\_003.jpg @ 33.3% (RGB/8)



08\_0937 13 Caldew Drive, Dalston 20102008\_001.jpg @ 33.3% (RGB/8)



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## SCHEDULE A: Applications with Recommendation

08/0973

**Item No: 09**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0973

**Applicant:**  
Beattie & Bell

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
22/09/2008

**Agent:**  
Mr Brian Child

**Ward:**  
Burgh

**Location:**  
The Garage, Burgh by Sands, Carlisle, CA5 6AP

**Grid Reference:**  
332744 559104

**Proposal:** Proposed Demolition Of Commercial Garage And Erection Of 2 Two Storey Detached Dwellings (Resubmission)

**Amendment:**

---

### REPORT

**Case Officer:** Stephen Daniel

#### Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to an objection being received from the Parish Council.

#### 1. Constraints and Planning Policies

##### **Ancient Monument**

##### **Area Of Outstanding Natural Beauty**

##### **Waste Disposal Site**

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

##### **Affecting The Setting Of A Listed Building**

##### **Conservation Area**

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

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

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

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

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

**Local Plan Pol DP9 - Areas of Outstanding Natural Beauty**

**Local Plan Pol EC13-Sustaining Rural Facilities&Services**

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

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

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

**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 LE29 - Land Affected by Contamination**

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

**Local Plan Pol LE10 - Archaeological Field Evaluation**

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

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

**Burgh-by-Sands Parish Council:** objects to the proposed development for the following reasons:

- the development will increase pressure on an overloaded sewerage and drainage system that is causing problems in various parts of the village;
- concerned over the loss of one of the few remaining industrial sites within the village and would prefer that it remained as an industrial site;
- the building of 2 houses is not in context with the surrounding area, does not represent the vernacular housing and the dwellings should be restricted to single-storey;
- the proposed access is too close to a junction.

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

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

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

**Cumbria County Council - (Archaeological Services):** no objections, subject to conditions;

**Environmental Services - Environmental Quality:** comments awaited;

**Development Services Planning & Housing Services - Local Plans:** this application is a resubmission of application 08/0697 for which comments were provided. The objections to the previous application related to the loss of the facility for the village of Burgh-by-Sands and the lack of supporting information to support this loss in line with the criteria set out in policy EC13 of the adopted Local Plan.

In support of this application the applicant has provided some evidence to demonstrate that the site has been marketed in 2007 and 2008, this however only consists of one newspaper advert from each of the two years. This alone is not sufficient to satisfy the requirements of the policy. However, the additional information provided in an e-mail dated 24/10/08 provides further justification for the loss of the garage. The e-mail states that the garage has very few village based clients which implies that the service is not particularly important to the local community. In respect of the attempts to market the site the information clarifies that the level of investment required in order to bring the premises up to modern day standards make the business an unviable option for potential purchasers, and has resulted in potential sales of the business falling through. There has, therefore, been a genuine commitment to sell the business by the applicant.

In respect of the 3 criteria in policy EC13 relating to the loss of rural facilities and services, the applicant has provided sufficient justification. The reference to scope for an alternative community use has not been considered at length, nevertheless, the Parish Plan for Burgh by Sands does not identify a need for additional community buildings and the Parish Council's objection does not refer to a need for the site for community use.

**English Heritage (Hadrians Wall) - NE Region:** the site has previously been the subject of an archaeological evaluation, which suggest the site is unlikely to contain highly significant remains. The remaining archaeological sensitivity of the site can be dealt with by a condition requiring an archaeological watching brief on excavations for the development.

The issue of service provision hasn't been addressed. English Heritage recommends that the application is not determined until the issue of service and boundary provision, and their impact on the archaeology of the adjacent Scheduled Ancient Monument, has been resolved;

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

**Solway Coast AONB Unit:** comments awaited;

**Development Services Planning & Housing Services - Conservation Section:** no objections.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:	
	Beech Lea	03/10/08	
	Burgh Head House	03/10/08	
	1 Cross House	03/10/08	Objection
	2 Cross House	03/10/08	
	The Bothy	03/10/08	Objection
	Cross Farm & Bothy	03/10/08	Objection
	Cross Lea	03/10/08	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. Four letters of objection have been received which make the following points:

- The rear of Cross House is south facing and is approx. 6.0 metres from the boundary fence which is only 1.4 metres high with a 0.4 metre trellis. The proposed dwellings, being 6.15 metres high (5.25 metres, taking into account the proposed 0.9 metres drop of existing level) and 0.80 metres from the boundary, would lead to a considerable amount of diminished light and have an impact on the right to light for the majority of the year to the rear of the property;
- The proposed dwellings would be higher and wider than the existing garage building and the rear of Cross Lea would be adversely affected by shadow, which will lead to loss of light;
- The shadow drawings that the applicant has submitted are inaccurate. The applicants have increased the scale for the existing drawings by 25%, therefore, the shadow appears greater in size in comparison to the proposed development. Also, the drawings for the existing shadow show the garage to have a double pitched roof, rather than a single pitched roof with a 1 in 3 drop - this double pitched roof casts a much greater shadow on the drawing than the actual shadow, again, this inaccuracy is showing a much greater perceived shadow. The applicants have produced shadow drawings throughout the year at three different times for the proposed development, yet have only produced shadow drawings for December and January at midday, therefore a true comparison can not be made;
- At present Cross House benefits from sun light on the whole of the rear of the house throughout the year, which provides natural heat and light. This development would increase the properties heating/lighting use due to a loss of solar gain, which would in turn have an environmental impact;
- The proposal would reduce the amount of natural light and heat received by Cross Lea and would increase the carbon footprint of this property, through the need to increase heating and lighting in this property;

- Cross House is 2 storeys high, and the rear part of the property is at a lower level to the front. There are 3 rooms located in the roof space and these rooms comprise of a bathroom, bedroom and a hall/landing area. Each room is fitted with a clear glass Velux window. The proposed properties, with 2 Velux windows and the ability to view 180° would impinge on the privacy of the occupiers of Cross House;
- Plot 2 would be 8 metres from the primary facing windows of Cross House and this would cause an overbearing impact and would be visually intrusive, with a loss of amenity, to the kitchen, hall and dining room;
- The new development would be visually intrusive and have an overbearing impact on the neighbouring houses;
- The plans show a 0.90 metre gap between the gable ends of the two proposed properties this would not allow sufficient distance to maintain the property;
- The proposed dwellings are not in context with the surrounding area and do not present the vernacular of the neighbouring properties, contrary to Burgh by Sands Parish Plan;
- The design and scale of the dwellings are unsympathetic to the neighbouring properties and their rural location. With a bungalow to the south, traditional cottages to the north and a Listed Building to the rear, these new houses, with garages to the front are inappropriate and have a high density appearance, which would be more suited to an urban estate;
- Previous plans (07/0957), produced following consultation with the Planning Dept, indicate 3 'no build areas', which have not been adhered to in the current plans. These 'no build areas' were put in place to prevent loss of amenity and prevent an overbearing impact on the surrounding properties;
- The proposed development is too near the Listed barn at Cross Farm;
- The proposed reduction of ground level and ground works may have an impact the Listed clay barn, which lies adjacent to the site, and could lead to damage to Cross House;
- The proposed reduction in level of land could have an impact on the land and property adjacent to the property;
- The garage ceased trading fuel in 1978, however there is nothing in the proposed plans that deals with the environmental impact associated with potential spilled fuel oils and other ground contamination;
- All correct procedures must be followed to deal with the risk of contamination from the disused fuel tanks;
- There are concerns regarding drainage from the site. The current property does not have a separate sewage outlet, and no mention has been made in

the Design Statement as to how they aim to achieve utilities to the site, despite that being a requirement for the planning application;

- The residents of Cross Lea believe that the sewerage from the existing garage joins into their sewerage, with an inspection chamber in their backyard. There would be a significant change in sewerage generated by 2 dwellings compared to the garage. Each new dwelling should join directly into the main sewers with their own inspection chambers on their own land;
- English Heritage and local government guidelines on archaeology need to be followed;
- The garage is used by villagers and the surrounding community and the closure of the business would lead to a loss of local amenity;
- There are concerns about grey water, as an increased area on the site would become non-permeable, reducing the area for rainfall to soak away;
- Should this application, or similar developments of this size, go ahead it will set a precedent which could destroy the nature of Burgh-by-Sands;
- The whole of Plot 2 is to be dropped by a metre, including the land immediately adjacent to the cobble barn. Should this land be dropped the rear wall of the Listed barn will collapse as there are no foundations.
- There should be no mechanical digging, mechanical demolition or vibration compacting within 10 metres of the Listed barn;
- There is no mention of what is to replace the boundary where the wall of the garage adjoins the garden with Cross Farm. The gap should be planted with hedging similar to that already in existence. A temporary fence might be needed until the hedge has grown to a sufficient height.

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

- 4.1 In December 2006, an outline application for the demolition of garage and erection of 2 domestic dwellings was withdrawn prior to determination (06/1205).
- 4.2 In February 2007, planning permission was refused for the demolition of garage and erection of 2 domestic dwellings (06/1417).
- 4.3 In September 2007, an application for the demolition of garage and erection of 2 domestic dwellings was withdrawn prior to determination (07/0957).
- 4.4 In August 2008, an application for the demolition of garage and erection of 2 detached dwellings was withdrawn prior to determination(08/0697).
- 4.5 In August 2008, an application for Conservation Area Consent for the demolition of garage and erection of 2 detached dwellings was withdrawn

prior to determination (08/0724).

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

### **Introduction**

- 5.1 The proposal is seeking to erect two detached dwellings on the site of an existing commercial garage at Burgh-By-Sands. The garage is located towards the eastern edge of the village and lies on the west side of Moorhouse Road. Hardstanding is located to the front of the site and this is used for the parking of customers vehicles. The main garage building, which is visible from the road, is constructed of brick and blockwork, under a monopitch tiled roof. Blockwork and timber extensions have been added to the rear of the property and these adjoin the site boundary to the rear (south) and west.
- 5.2 The surroundings to the site are wholly residential. Two, two-storey dwellings adjoin the site to the north, together with a Grade 2 Listed clay barn, which immediately abuts the north western site boundary. A bungalow adjoins the site to the south, whilst the garden to Cross Farm/ Cross Cottage is located directly to the east of the site.

### **Background**

- 5.3 There have been four previous applications to redevelop this site for residential development, with three of these being withdrawn prior to determination and one being refused.
- 5.4 The application that was refused sought to erect two three-storey dwellings on the site and the height of the dwellings, adjacent to a bungalow and two two-storey dwellings and within the Conservation Area, an Area of Outstanding Natural Beauty and in close proximity to a World Heritage Site, was the main reason for refusal.
- 5.5 The latest application to be withdrawn did not include a Contaminated Land Survey or any information on the marketing of the property for commercial use. In addition, concerns were expressed about the siting of the proposed dwellings in relation to the Listed barn and residential properties to the north.

### **The Proposal**

- 5.6 The application is proposing to demolish the existing commercial garage and to redevelop the site for residential development. Two two-storey detached dwellings would be constructed in the centre of the site, in a similar position to the main garage building. The extensions to the rear of the site would be replaced by garden area, with the hardstanding area to the front of the garage being replaced by driveways and front gardens for the dwellings.
- 5.7 The dwellings would include a kitchen/dining room, a living room, a w.c. and



an integral garage on the ground floor, with three bedrooms and a bathroom to the first floor. The dwellings, which would measure 3.8 metres to the eaves and 6.2 metres to the ridge, would be constructed of clay facing brick under a slate roof, with timber framed windows and doors.

- 5.8 The site currently slopes uphill away from the road and the floor level of the garage is approximately 0.9 metres higher than the existing road level. The finished floor levels of the dwellings would be constructed at the same level as the existing road.

### **Assessment**

- 5.9 The relevant planning policies against which the application is required to be assessed include Policies CP5, CP6, CP12, DP1, DP9, EC13, H1, LE6, LE7, LE10, LE12, LE17, LE19, LE29 and T1 of the Carlisle District Local Plan 2001-2016.

- 5.10 The proposal raises the following planning issues:

1. The Principle Of The Proposed Development

- 5.11 Burgh-by-Sands is identified as a Local Service Centre in the Local Plan. The site lies within the defined settlement boundary and the principle of residential development on the site is, therefore, acceptable.

2. The Loss Of A Commercial Site To Residential Use

- 5.12 The site is currently in use as a commercial garage. The loss of a commercial site to residential use is only acceptable if it can be demonstrated that the commercial use is no longer viable. In order to prove this, the applicants need to demonstrate that the property has been adequately marketed for a period of at-least 12 months.

- 5.13 The applicants have indicated that they would prefer to sell the garage as a going concern but they have been unable to do so. The garage has been advertised for sale in the Cumberland News on two occasions in 2007/8. Three offers have been received, in this period, from buyers in the same type of business. In each case, the property was surveyed and the accounts inspected by accountants. In each case, the offers were withdrawn on the basis that the business was judged not to be viable. The existing garage is currently poorly equipped for present day requirements and would need considerable investment to bring it up to modern standards. Small commercial garages have become less attractive in recent years, due to the need for more expensive specialist equipment.

- 5.14 In light of the above, it is considered that the applicants have made reasonable attempts to sell the garage as a going concern. As such, the loss of this commercial site is not unacceptable.

3. Impact On The Burgh-By-Sands Conservation Area, the Solway Coast Area Of Outstanding Natural Beauty and the Hadrian's Wall World Heritage

## Site

- 5.15 The site is located within the Burgh-By-Sands Conservation Area, an Area Of Outstanding Natural Beauty (AONB) and the Buffer Zone of the Hadrian's Wall World Heritage Site. The current garage is unsightly and detracts from the character and appearance of the Conservation Area, the AONB and the World Heritage Site. The proposed dwellings, which would be sympathetically designed and constructed of traditional materials, would be a visual improvement of the garage building. In light of the above, the proposed development would make a positive contribution to the Conservation Area, the AONB and the World Heritage Site.

## 4. Impact On The Adjacent Listed Building

- 5.16 A Listed clay barn is located adjacent to the rear of the site. The barn does not have any foundations and concern has been expressed about the impact that the construction of the dwellings on the site would have on the Listed barn. Following discussion with the Conservation Officer, the applicant has moved the dwellings so that the nearest part is 5 metres away from the barn and the land adjacent to the barn would remain undisturbed. This distance is sufficient, provided that the use of mechanical machinery is restricted adjacent to the Listed barn. A condition requiring the applicant to submit details of the methodology of construction, prior to the commencement of development, is recommended to ensure that the development does not adversely affect the adjacent Listed barn.

## 5. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.17 Residential properties adjoin the site to the north, south and west. The dwelling to the south is a bungalow (Beech Lea) which has a conservatory to the front. The timber extension, which is attached to the rear of the main garage building, adjoins the site boundary with Beech Lea and is located approximately 2 metres from the gable wall of the bungalow. The removal of the timber extension and its replacement by garden would enhance the living conditions of the occupiers of Beech Lea, as would the removal of the commercial garage, which has the potential to cause disturbance to neighbouring properties. Whilst it is acknowledged that a blank gable wall of one of the new dwellings would lie approximately 3 metres from the gable wall of the Beech Lea, this elevation of Beech Lea only contains an obscurely glazed bathroom window and, therefore, there would be no loss of privacy to this property.
- 5.18 The garden of Cross Farm adjoins the site to the west and part of the garage building forms the boundary with Cross Farm. The removal of the garage and its replacement by garden and suitable boundary treatment should improve the living conditions of the occupiers of Cross Farm. Whilst it is acknowledged that the new dwellings would have bedroom windows facing the garden of Cross Farm, these will be between 9 and 12 metres away from the boundary and would not lead to a significant loss of privacy for the occupiers of Cross Farm.

- 5.19 Two two-storey dwellings, Cross House and Cross Lea, adjoin the site to the north. Cross House has no windows at first floor level but has three rooflights and Cross Lea only has one window at first floor level directly facing the site. The garage building lies to the rear of Cross House and is approximately 10.2 metres from the dwelling. The blank gable wall of one of the proposed dwellings would lie directly to the rear of Cross House and would be approximately 8.2m from the dwelling. The height of the dwellings has been reduced in this current application and by excavating the site by 0.9 metres the height of the dwellings would be comparable to the height of the existing garage building. Whilst it is accepted that the dwelling would be 2 metres nearer to Cross House than the existing garage building, given the similar heights of the existing and proposed buildings, it is not considered that the proposed dwellings would have an adverse impact on the living conditions of the occupiers of Cross House, through loss of light or over-dominance.
- 5.20 Given that there would be no windows in the elevation of the dwelling that would face Cross House and there would only be one rooflight in the roofslope near to the boundary with Cross House, which would be above a landing and would not allow over-looking to occur, there would be no loss of privacy to the occupiers of Cross House.
- 5.21 The front gardens and parking areas of the dwellings would be located to the rear of Cross Lea. Whilst it is accepted that the dwelling would be 2 metres further north than the existing garage building, given that the heights of the proposed dwellings is commensurate with the height of the garage, the proposed development would not lead to a significant loss of light to the occupiers of Cross Lea. Indeed, the removal of a commercial garage directly to the rear of the property and its replacement by residential development should have a positive impact on the occupiers of Cross Lea.
- 5.22 Whilst the garage to one of the dwellings (with a bedroom above) would lie to the rear of Cross Lea it would be some 12 metres from the rear elevation of the property and would not lead to a loss of light to the occupiers of that property.
- 5.23 The proposed dwelling that would lie closest to Cross Lea, would only have a rooflight above a landing and a window in the front elevation of a bedroom (which given the angle would only allow very limited views of Cross Lea) facing Cross Lea. There would, therefore, be no loss of privacy to the occupiers of Cross Lea.
6. Impact On Archaeology
- 5.24 The site is located within the Hadrian's Wall Buffer Zone and adjacent to the site of a Roman Fort, which is a Scheduled Ancient Monument (SAM). As a consequence the County Archaeologist and English Heritage have asked that a condition is put on any planning permission to ensure that an development is subject to an Archaeological Watching Brief.

5.25 English Heritage has also expressed concerns about the potential impact that the provision of services, to the proposed dwellings, might have on the archaeology of the area and in particular the SAM that includes part of the road to the front of the garage. English Heritage considers that the applicant needs to provide more detail, in terms of locations and depths of service connections for this development. Only then can the implications of the work on the archaeology of the area being fully evaluated. The application should not, therefore, be determined until such detail has been provided.

5.26 In the event that this matter is not resolved in advance of the committee meeting, Members will be asked to grant authority to issue approval, subject to satisfactory details being received and agreed by English Heritage.

## 7. Drainage

5.27 The Parish Council has expressed concerns about the impact of the proposed development on the already overloaded sewerage and drainage system within the village. However, United Utilities has not raised any objections to the proposed development and, therefore, Members are advised that a refusal on this basis could not be substantiated.

## 8. Contamination

5.28 The applicant has submitted a Contaminated Land Survey as required. Conditions are recommended to ensure that any contamination that is found on the site is dealt with in the appropriate manner.

## Conclusion

5.29 In overall terms, the proposed development would not have an adverse impact on: the character of the Burgh-by-Sands Conservation Area, the Solway Coast AONB or the World Heritage Site; the setting of the Listed barn, which lies adjacent to the site; or the living conditions of the occupiers of neighbouring properties due to loss of light, loss of privacy or over dominance. In all these aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

5.30 If Members are minded to approve this application it is requested that 'authority to issue' approval is granted subject to satisfactory details on service connection being received and agreed by English Heritage.

## 6. Human Rights Act 1998

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

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

whose interests may be affected by such proposals;

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

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

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

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

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

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

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

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

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

3. 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.

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

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

**Reason:** To ensure the privacy and amenity of the occupiers of Cross Lea, Cross Cottage, Cross Farm, Beech Lea and the proposed dwelling, in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

5. 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 disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

6. The garages hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policies CP5 and CP6 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 proposed development, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Following the completion, 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 and to accord with Policy LE10 of the Carlisle District Local Plan 2001-2016.

8. Access gates, if provided, shall be hung to open inwards only, away from the highway.

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

9. A 2m wide parallel band visibility splay, as measured from the carriageway edge, shall be provided along the site frontage with no obstruction above 1 metre above the carriageway level within the area of the splay. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object

of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

10. The whole of each 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.

11. No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

i) a survey of the extent, scale and nature of contamination;

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

**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 and to accord with Policy LE29 of the Carlisle District Local Plan 2001-2016.

12. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**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 and to accord with Policy LE29 of the Carlisle District Local Plan 2001-2016.

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and 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 and to accord with Policy LE29 of the Carlisle District Local Plan 2001-2016.

14. 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. An investigation and risk assessment must be undertaken with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

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 in accordance with condition 3.

**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 and to accord with Policy LE29 of the Carlisle District Local Plan 2001-2016.

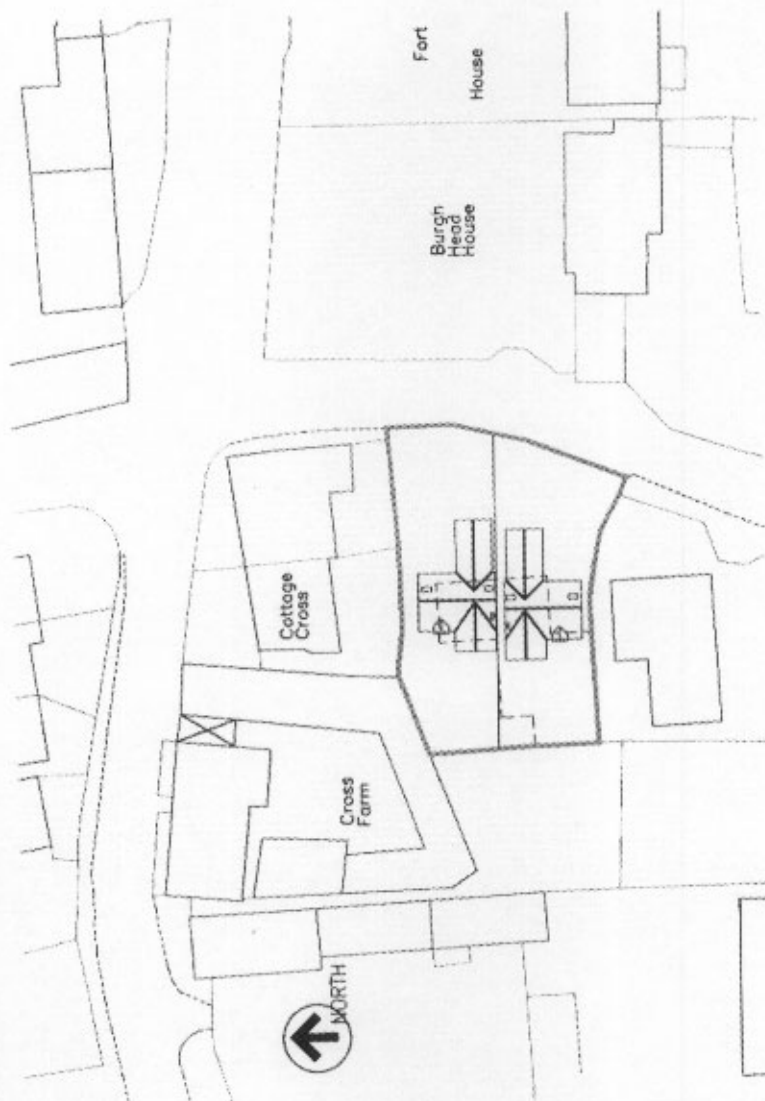
15. Prior to the commencement of development a detailed methodology for the construction works shall be submitted to and approved by the Local Planning Authority to ensure that there is no damage to the adjacent Listed Barn at Cross Farm.

**Reason:** To ensure that the Listed barn at Cross Farm is protected, in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

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Location Plan  
scale 1:2500



Block Plan  
scale 1:500

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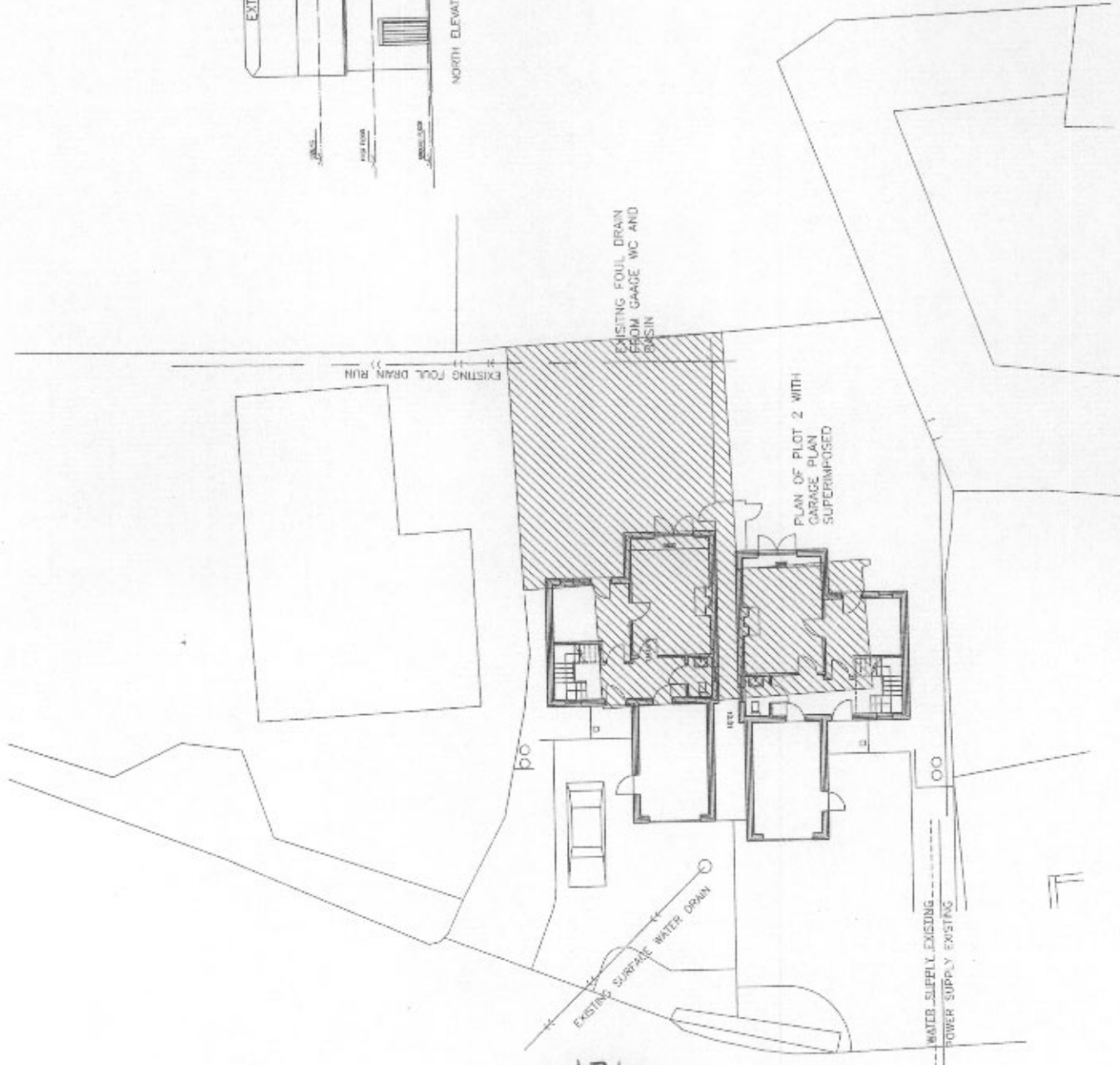
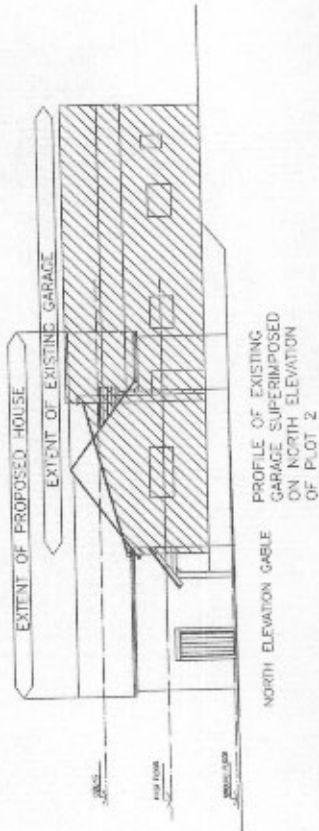
Project Proposed Development, Residential  
and Change of Use  
Brewery The Garage, Burg by Sands, Carlisle, CA56AP  
Scale as shown Ordnance Survey Licence No. Number 11228-01A  
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RECEIVED  
 27 OCT 2008  
 08/0973

Project Proposed Development, Residential  
 and Change Of Use  
 Drawn By The Garage, Burgh by Sands, Carlisle, CA5 6AP  
 Scale 1:200 CAS 26:1000 Drawn By... Number 11228-05  
THIS DRAWING IS THE PROPERTY OF THE GARAGE AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE GARAGE



174

08\_0973 a 0974 The existing garage building (33.3% (R08/0))



08\_0973 & 0991 71 Cross House and Cross Lea © JJ 396 (FCB/0)



Cross House and Cross Lea

DL 3572 8295 The Garage, Bugh by Sands 14102001\_003.jpg @ 35.3% (RGB/8)





03\_0973 & 0971 The Garage (RGS/8)



The Listed Barn to the rear



## SCHEDULE A: Applications with Recommendation

08/0991

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**Item No: 10**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0991

**Applicant:**  
Beattie & Bell

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
22/09/2008

**Agent:**  
Mr Brian Child

**Ward:**  
Burgh

**Location:**  
The Garage, Burgh by Sands, Carlisle, CA5 6AP

**Grid Reference:**  
332744 559104

**Proposal:** Proposed Demolition Of A Commercial Garage And The Erection Of 2  
Two Storey Dwellings (Detached) (Conservation Area Consent)

**Amendment:**

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**REPORT**

**Case Officer:** Stephen Daniel

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

An associated application to redevelop the site (08/0973) for residential development has been brought before the Development Control Committee due to an objection being received from the Parish Council.

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

**Ancient Monument**

**Area Of Outstanding Natural Beauty**

**Waste Disposal Site**

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

**Affecting The Setting Of A Listed Building**

**Conservation Area**

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

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

**Local Plan Pol LE19 - Conservation Areas**

**2. Summary of Consultation Responses**

**Burgh-by-Sands Parish Council:** no objections;

**United Utilities (former Norweb & NWWA):** no objections providing that, if possible, the site is drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency;

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

**Environmental Services - Environmental Quality:** no objections subject to the imposition of conditions;

**English Heritage (Hadrians Wall) - NE Region:** the site has previously been the subject of an archaeological evaluation, which suggest the site is unlikely to contain highly significant remains. The remaining archaeological sensitivity of the site can be dealt with by a condition requiring an archaeological watching brief on excavations for the development.

The issue of service provision hasn't been addressed. English Heritage recommends that the application is not determined until the issue of service and boundary provision, and their impact on the archaeology of the adjacent Scheduled Ancient Monument, has been resolved;

**Development Services Planning & Housing Services - Conservation Section:** no objections.

**3. Summary of Representations**

**Representations Received**

Initial:	Consulted:	Reply Type:
Beech Lea	01/10/08	
Burgh Head House	01/10/08	
1 Cross House	01/10/08	
2 Cross House	01/10/08	
The Bothy	01/10/08	Objection
Cross Farm & Bothy	01/10/08	Objection
Cross Lea	01/10/08	Objection
Cross House	01/10/08	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. Four letters of objection have been received, however, the vast majority of the issues

raised relate to the planning application to redevelop this site, which precedes this report in the Schedule (Appn 08/0973). The concerns raised have been referenced in full in the preceding report; however, Members are advised that they should not prejudice the determination of this application.

- 3.2 The only objection that is directly relevant to this application relates to the demolition of the garage building and the need to ensure there is no mechanical digging, mechanical demolition or vibration compacting within 10 metres of the Listed barn.

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

- 4.1 In December 2006, an outline application for the demolition of garage and erection of 2 domestic dwellings was withdrawn prior to determination (06/1205).
- 4.2 In February 2007, planning permission was refused for the demolition of garage and erection of 2 domestic dwellings (06/1417).
- 4.3 In September 2007, an application for the demolition of garage and erection of 2 domestic dwellings was withdrawn prior to determination (07/0957).
- 4.4 In August 2008, an application for the demolition of garage and erection of 2 detached dwellings was withdrawn prior to determination (08/0697).
- 4.5 In August 2008, an application for Conservation Area Consent for the demolition of garage and erection of 2 detached dwellings was withdrawn prior to determination (08/0724).

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

##### **Introduction**

- 5.1 The proposal is seeking Conservation Area Consent to demolish a commercial garage. The garage, which lies within the Burgh-by-Sands Conservation Area, consists of a brick and blockwork building with extensions to the rear, that are constructed of block work and timber. A large area of hardstanding is sited to the front of the building, adjacent to the road. The building is currently in a poor state of repair and is of no architectural or historic merit.
- 5.2 The applicant proposes to demolish the garage with a view to redeveloping the site for residential purposes. The application, reference 08/0973, which precedes in the Schedule, seeks approval for the erection of two residential units on the site.

## SCHEDULE A: Applications with Recommendation

08/0991

### Assessment

- 5.3 In consideration of this application Policies LE12, LE17 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposal raises the following planning issues:
1. The Impact Of The Proposal On The Burgh-by-Sands Conservation Area
- 5.5 The existing garage is unsightly, in a poor state of repair and does not make a positive contribution to the Conservation Area. The demolition of the buildings would not have an adverse impact on the Conservation Area. In the light of this the proposal to demolish the building with a view to redeveloping the site is considered to be acceptable.
- 5.6 However, Members are advised that if they were minded not to approve the application to redevelop the site (09/0973), which precedes this application in the Schedule it would not be appropriate to approve this application. To do so may increase the likelihood of the site being cleared and left undeveloped which would detract from the Conservation Area. Therefore, in the absence of any approved scheme to redevelop the site, the approval of this application would be considered to be premature.

### Conclusion

- 5.7 In overall terms, it is considered that the proposal does not adversely affect the Burgh-by-Sands Conservation Area. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies. If the application to redevelop the site, reference 08/0973, is approved it is recommended that this application also be approved. However, if that application is refused this application should be refused on the grounds of prematurity and having an adverse impact on the Conservation Area.

## 6. Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

08/0991

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

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

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

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

2. The building 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 Policy LE17 of the Carlisle District Local Plan 2001-2016.

3. Prior to the demolition of the buildings, a detailed methodology for the demolition works shall be submitted to and approved, in writing, by the Local Planning Authority. The demolition of the garage shall be carried out in accordance with the approved plans.

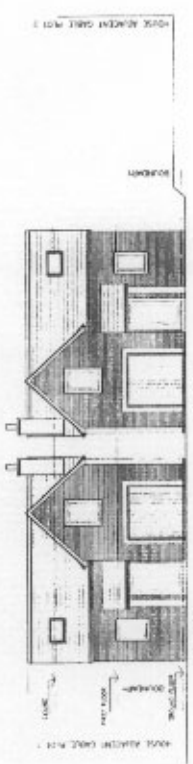
**Reason:** To ensure that there is no adverse impact on the Listed barn at Cross Farm, in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

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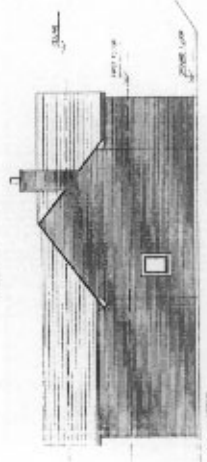


PLOT 1 EAST ELEVATION  
PLOT 2 EAST ELEVATION

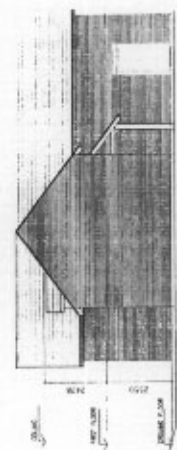
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WALLS: FINISH FRAMES DOUBLE  
GLAZED UNITS, 1/2" TO MATCH  
WALLS: 1/2" TO MATCH



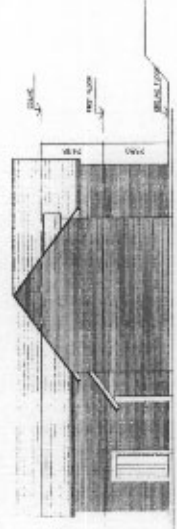
Section 2-2  
PLOT 2



PLOT 2 NORTH ELEVATION GABLE



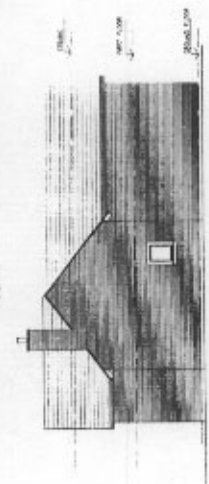
PLOT 1 SOUTH ELEVATION GABLE



PLOT 2 NORTH ELEVATION GABLE

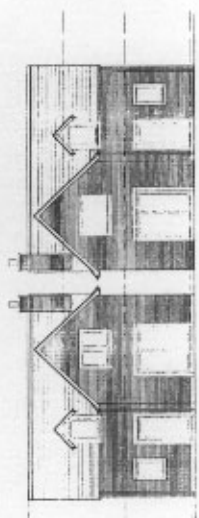


Section 1-1  
PLOT 2



PLOT 2 SOUTH ELEVATION GABLE

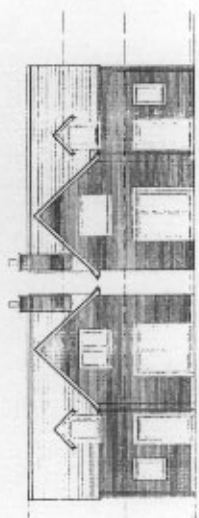
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WALLS: FINISH FRAMES DOUBLE  
GLAZED UNITS, 1/2" TO MATCH  
WALLS: 1/2" TO MATCH



PLOT 2 WEST ELEVATION



ROOF PLAN PLOT 1



PLOT 1 WEST ELEVATION



GROUND FLOOR PLOT 1



FIRST FLOOR PLOT 2

22-11-108  
08/09

## SCHEDULE B: Reports Requiring Further Information

08/0904

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**Item No: 11**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0904

**Applicant:**  
Mr B Rose

**Parish:**  
Carlisle

**Date of Receipt:**  
04/09/2008

**Agent:**  
Mr P Malthouse

**Ward:**  
Castle

**Location:**  
Carlisle College, Victoria Place, Carlisle, Cumbria,  
CA1 1HG

**Grid Reference:**  
340510 556100

**Proposal:** To Demolish Blocks B, C & D Of The Existing College And Erection Of A Replacement (9715 square metres) College Building (B, C, D & E) With Parking For 125 No Spaces

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

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

This a Major application of local significance and neighbouring residents wish to exercise their Right to Speak.

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

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

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

##### **Conservation Area**

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

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

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

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

08/0904

**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 CP17 - Planning Out Crime**

**Local Plan Pol LC8 - Rights of Way**

**Local Plan Pol LE8 - Archaeology on Other Sites**

**Local Plan Pol LE10 - Archaeological Field Evaluation**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol LE27- Developed Land in Floodplains**

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

**Cumbria County Council - (Highway Authority):** this application has significant transport impact, as it increases the current student figures by 1100 and provide parking for 125 vehicles.

The Transport Assessment submitted with this application takes into account all the various elements of the Learning Village.

In general it is considered that the approach taken in the TA was disappointing in that it seemed to put emphasis on vehicular traffic. It came to the conclusion that "the Carlisle Learning Village can be developed without a detrimental impact on the surrounding highway network." (pg47).

It is considered that this application in particular, could have done considerably more to improve and encourage more sustainable means of travel. The site is ideally located (town centre, with good links to public transport/cycling facilities) to encourage students to use non motorised means of transport. The statement that "this application does not have a detrimental impact on the surrounding network" does not point towards an applicant that wishes to encourage modal shift. Having read through the Design and Access statement it was apparent that the College places emphases on being "sustainable", but this element is not supported in the TA.

The presence of a cycling/pedestrian route does not negate the need by the applicant to assess the current facilities. It is a well know fact that "people will only choose to walk and cycle where the facilities they need to get to are within easy reach, and the journey will take then through a pleasant and welcoming street environment" (DfT Walking & Cycling an action plan 2004). For a route to be encouraged it should be Convenient, Safe, Accessible, Comfortable and Attractive.

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Even though there was no requirement to undertake a full non motorised user audit, it was assumed that the author of the TA would raise at least a few of the aforementioned concerns. The County Council and the City Council, in consultation with Sustrans, are spending considerable finance and effort to try and improve the cycling and walking links to the Learning Village, yet the TA gave only brief mention of this in point 3.3.

It is considered that the College should be required to make a contribution towards the following:

- 1) The improvements to the Cycle network; In particular the route that runs from Eden Bridge/Bitts Park, along Newark Terrace, Zero Path, Strand Road, on to Lismore Place, across Victoria Place/Warwick Road, Aglionby Street to Fusehill Street and then links to the Petterill Valley Cycle Path. There is also the need to upgrade the current pedestrian facilities (across Victoria Place) to allow cyclist to make use of this crossing point (i.e. a Puffin crossing to a Toucan crossing).
- 2) The review of the waiting restrictions in the immediate area. There is already considerable concerns in the neighbourhood about use of on street parking by college/school staff and students. It is proposed to extend the controlled parking zones A & B to include Strand Road and Victoria Place area, with a weekday restriction of 2 hours.

The applicant should therefore be required to partly fund these improvement to the amount of £29750.

The level of contribution will be in line with similar contribution sought on developments of the same scale. (Richard Rose Central Academy temporary move to NCTC)

The applicant should also be required to produce and maintain a Travel Plan through the imposition of a relevant condition.

The above concerns aside, there is no objection to the application, however recommend that the applicant create a raised table at the proposed pedestrian crossing point of Strand Road. Details of this table to be agreed with this Authority, prior to construction works starting on site. It is proposed that this table could be installed under a Highways Act 1980 Section 184 licence. This will create a safer crossing point for pedestrians as well as create a traffic calming element to Strand Road.

In conclusion there is no objection to this application but would recommend the imposition of 8 conditions;

**Environment Agency (N Area (+ Waste Disp)):** no objection to the development as proposed providing that the recommendations in the Flood Risk Assessment are taken forward into detailed design. The recommendations relate primarily to flood resilience measures to be incorporated into the proposed car parking on the Strand Road site and the requirement for the attenuation of surface water run-off. This is in

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order to ensure that volumes of surface water do not exceed existing discharges, and take into account allowance for climate change as recommended by the current guidance.

The Agency would recommend that any developer incorporates some form of Sustainable Drainage System (SuDS) to mitigate the impact that the creation of large impermeable areas would have on the local surface water drainage system.

Alternatively, the Agency would request that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates;

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

**Cumbria County Council - (Archaeological Services):** the site of the proposed new college building was the subject of a programme of archaeological work in 2004 and 2005 as part of an earlier phase of development of the site. The results of this archaeological work indicate that the site of the proposed new college building will have a minimal impact upon archaeological remains. As part of this 2008 application there is a proposed car park to the north of Strand Road and the archaeological desk-based assessment that accompanies this application indicates that this area has some archaeological potential. However, given that the proposal in this area is for car parking, which will require limited ground disturbance, and that the existing college buildings are likely to have disturbed the site to a depth greater than the impact of the proposed car park, it is considered that the proposed development will have minimal archaeological implications. Therefore no wish to make any recommendations or comments;

**Ramblers Association:** comments awaited;

**Cumbria Constabulary - Crime Prevention:** disappointed to note that the Design and Access Statement (DAS) makes no reference of an intention to implement any crime prevention measures within this development. (Paragraph 87 DCLG Circular 1/2006 - Guidance on Changes to the Development Control System). This omission is all the more conspicuous following the response to the previous pre-application enquiry in April 2008.

From the information provided, it is difficult to establish how this proposal intends to achieve the objectives of Policy CP17 of the Carlisle District Local Plan - Planning Out Crime.

Therefore need to seek clarification from the applicants on their proposals for

- Deterring unwelcome or unauthorised gathering on the site (particularly on the Compton Street Plaza)
- Preventing unauthorised vehicle access
- Security of the car park
- Additional provision for cycle parking
- Landscaping scheme and surveillance opportunities
- Prevention or removal of graffiti
- Security lighting scheme

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- Deployment of CCTV
- Specification of exterior doors and windows
- Internal access controls
- Security of internal storage areas or offices
- Intruder Alarm System
- Cash handling facilities
- Deployment of specialist anti-burglary measures

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

**Development Services Planning & Housing Services - Access Officer:** comments awaited pending receipt of revised proposal;

**Northern Gas Networks:** United Utilities has no objections to these proposals however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the the promoter of the works should contact NGN directly to discuss requirements in detail. Should diversionary works be required these will be fully chargeable;

**Development Services Planning & Housing Services - Urban Designer:** in relation to the originally submitted scheme it is disappointing to see that the critique presented at our meeting with the developers does not seem to have resulted in any significant changes to the design. The view that the design had been 'rationalised almost to nothing' was admitted and yet viewing the last four incarnations of the scheme is something of a 'spot the difference'.

The strong pediment feature present in version 2 of the scheme, and repeatedly requested as a measure to give visual weight to the top of the building remains absent.

The request to add additional verticality to the composition, instead of squat linearity, has not been responded to, and indeed vertical elements such as vertical window openings to the Strand Road elevation have now been replaced with additional horizontal openings.

The verticality of the glazed upper portions of the Strand Road elevation is now compromised by two linear bands of 'gun-slit' openings running across most of its length.

The request to present plausible visual connections between the masses of masonry on the Strand Road elevation has not been responded to, and window openings remain arbitrarily located in relation to one another and to the masses of brickwork that would usual convey the weight of the building downwards. This emphasises the artifice of the construction system and the expense of conveying an impression of solidity.

The Compton Road elevation remains substantially the same as in the previous four versions, with unrelieved masses of brickwork to either side of the entrance. On the northern portion this amounts to a five-storey expanse.

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Further to this, the supposed main entrance to the college appears far too understated and not evidently different from escape doors on other elevations.

The introduction of the 'through colour insulated render system' to a significant portion of the Hartington Street elevation is incongruous given the use of facing brick on the adjacent portion of the same structure. There is also a missed opportunity to allow natural lighting/ventilation of rooms on this elevation.;

Windows are shown at variance on the 'typical elevation detail' 'precedent' and the 'extract from the elevation'. The latter lack the soldier course that add some minimal visual interest to the precedent example. Lacking any detailing or architraving the windows as shown are brutally minimal.

It is not evident how the applicant has made efforts to consider and provide for sustainability elements, for example via SUDS. The single ply roofing system could have, as was suggested at an early stage, been a 'green roof' capable of ameliorating run-off and of enhancing the habitat value and visual appearance of the site.

In conclusion it is considered that the proposal, as originally submitted, is a missed opportunity to provide a college building which is both modern and yet which responds to the special characteristics of urban Carlisle. It is considered to be a generic 'big box' which has not responded to the specific characteristics of the area or to be a significant improvement on the current building on the site. The current elevations are all significantly short of the aspirations indicated on the Strand Road elevation which we viewed at the outset of discussions on this development.

Comments awaited pending receipt of revised plans;

**Development Services Planning & Housing Services - Conservation Section:** following the consultations that have taken place over this last year with the Architects and the College, it is considered that the external appearance of the scheme, as originally submitted, is a pale shadow of what might have expected to receive from the outset. This is despite encouragement at the last meeting to enliven the scheme.

The agent mentions in the Design & Access Statement that the Governing Body of the College is passionate that the learning environment for its students should be the 'best in class', and that the proposed scheme represents a 'bold statement of contemporary appearance'. Sadly there is disagreement on both counts.

The current scheme has a dark brooding feel – it may be that the colour of the brickwork is just too heavy, but there is a lack of detail too in the brickwork. Detail which we had asked for certainly at parapet level, but which could have been employed elsewhere to enliven the elevations.

There have been various attempts to provide some feature glazing on the corner of Compton Road and Strand Road. Whilst the current proposal presents a dramatic return of glazing seemingly held in a thin wrapping of brickwork cantilevering out above the pavement, the drama is diminished by the overall treatment of the whole



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corner and the elevation treatment along Strand Road.

Similarly there have been various attempts to provide a dramatic elevation along Compton Street by emphasising the 14/19 unit floating above the entrance foyer. The main concern is the mass of unrelieved brickwork, which flanks the glazed entrance screen and supports the cantilevered projection on Strand Road. It is also wondered, from the outset, whether this is the right place for the main entrance. Given that the car park will be located on Strand Road with a secondary access on that side of the new building, and that there is another entrance on Victoria Place, forming a north/south axis through the site. On this basis it is imagined that Strand Road would have been the more logical main entrance to the site.

It is considered that the east side of the Strand Road elevation does not work – it does not have the slick contrasting planes of solid to glass that was attractive about an earlier scheme. Also the apparent change of material on this earlier scheme, possibly from brick to render, helped to provide some visual and physical separation between the 5 and 3 storey blocks and to also give it a separate identity. It is considered that the present scheme does not provide that. It still reads as the same building separated by a zigzag of glass.

Finally there is the elevation along Hartington Street, which not only has to contend with the existing retained College building on Victoria Place, but must also encompass different building functions and treatments. Unfortunately there is nothing to unify this elevation, and perhaps a simplification of the return to the Strand Road elevation may have helped rather than the introduction of yet another material.

Following a more recent site visit, the stepped building mass of the existing College buildings on Strand Road are readily apparent. Whilst the design of the Victoria Place building leaves much to be desired in the context of its location on the fringe of the Chatsworth Square/Portland Square Conservation Area, its terraced elements present a strong feature, which could have been usefully incorporated into the new scheme. This would have helped to reduce the considerable bulk of the proposed new building in the same way that the existing Strand Road buildings reduce the scale and bulk of the principal building, and also complement the scale of the existing Victorian buildings to either side.

Overall, it is feared that an opportunity has been lost with this application, and the diminution of the scheme from earlier proposals and discussions suggests a cost cutting exercise. It is sad that the proposal has been diluted and that despite encouragement, very little notice has been taken of the comments made at a previous meeting. Regrettably it is not possible to support this application as currently submitted.

Further comments awaited pending receipt of revised plans;

**Environmental Services:** from the information provided in the Transport Assessment and following national guidance on local air quality, the slight increase in traffic associated with this development does not trigger the need for an air quality impact assessment and is unlikely to lead to a significant deterioration in air quality

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in the locality or in any of the air quality management areas within the city. This Division subsequently does not have any objections to this development.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	36 Victoria Place	15/09/08
	37 Victoria Place	15/09/08
	1 Strand Road	15/09/08
	2 Strand Road	15/09/08
	3 Strand Road	15/09/08
	4 Strand Road	15/09/08
	5 Strand Road	15/09/08
	6 Strand Road	15/09/08
	7 Strand Road	15/09/08
	8 Strand Road	15/09/08
	9 Strand Road	15/09/08
	20 Showfield	15/09/08
	Trinity School	15/09/08
	38 Victoria Place	15/09/08
	39 Victoria Place	15/09/08
	40 Victoria Place	15/09/08
	41 Victoria Place	15/09/08
	42 Victoria Place	15/09/08
	43 Victoria Place	15/09/08
	44 Victoria Place	15/09/08
	45 Victoria Place	15/09/08
	46 Victoria Place	15/09/08
	1 Compton Street	15/09/08
	2 Compton Street	15/09/08
	3 Compton Street	15/09/08
	4 Compton Street	15/09/08
	5 Compton Street	15/09/08
	6 Compton Street	15/09/08
	7 Compton Street	15/09/08
	8 Compton Street	15/09/08
	9 Compton Street	15/09/08
	2 Chatsworth Square	15/09/08
	50 Victoria Place	15/09/08
	Christian Science Church	15/09/08
	Central Clinic	15/09/08
	Red Lodge	15/09/08
	Houghton House	15/09/08
	Hartington House	Objection

3.1 This application has been advertised by press and site notices and the direct notification of the occupiers of 40 neighbouring properties. In response one letter of objection has been received on the following grounds:

1) presently, Hartington House on Hartington Street faces one storey and two storey Carlisle College buildings and several trees. The house has a

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South-West aspect. The proposed height of Block D in the new build is higher than the roof of Hartington House. The long narrow design of our house means that all the living rooms, kitchen and bedrooms (apart from one room) face into Hartington Street. Therefore, the proposed Block D would overshadow virtually all the rooms in the house including our private garden. The plan of the existing context elevation, DWG19, shows this quite clearly. We would refer you to policy CP4 and CP5 in the Carlisle and District Local Plan and request an Overshadow Exercise to be undertaken.

2) Additionally, we are extremely concerned about the impact on traffic management in Strand Road and the adjoining streets. This is an area with a very high number of College students and School children, which will increase when the new Academy moves back onto the St. Aidan's site, and the inevitable increase in vehicle traffic is certain to pose an even greater risk to their safety. Currently the speed of cars on Strand Road can be very dangerous and we would ask for a 20mph speed limit to be applied in this area and a Travel Plan to be set up by the College.

3) We reserve the right to speak to the Development Control Committee at the appropriate stage in the planning process.

### **4. Planning History**

- 4.1 The site has a relatively extensive history. As a way of summarising the situation the most significant decisions comprise the following.
- 4.2 In 1949, under application number TP16, planning permission was given for the erection of a Technical College.
- 4.3 In 1971, application number C89, permission was given for extensions to the College.
- 4.4 In 1977, application number 77/0895, permission was given for the formation of a connecting corridor.
- 4.5 In 1983, application number 83/0319, permission was given for a projecting canopy along Victoria Place.
- 4.6 In 1991, 1996 and 1999, application numbers 91/0635, 96/0083, 96/0363 and 99/0863, has subsequently been granted for a series of additional extensions.
- 4.7 In 2004, under application numbers 04/0520 and 04/0521 planning permission and Conservation Area Consent were given for the redevelopment of the entire campus ("phases 1-5").
- 4.8 In 2005, application 05/0838, planning permission was given amended details to the scheme approved under 04/0520 including creation of a smoking platform, modified Victoria Road entrance, enclosure of bin storage

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area, re-siting of pedal/motorcycle storage, re-location of boiler, re-positioning of workshop doors, and, modification to the emergency escape stairs and doors.

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

#### **Forward**

- 5.1 Members will recollect that during their Meeting on the 3rd October they resolved to defer consideration of the application in order to allow further discussions to take place over the proposal inclusive of the receipt of "shadow plans"; refer the proposal to a Design Review Panel; clarify the adequacy of the proposed parking arrangements; consult Environmental Services with regard to any issues associated with air quality.
- 5.2 Following this decision, further discussions have taken place with the applicant's agent based upon which revised plans are anticipated along with the required shadow plans illustrating the impact of the proposal on neighbouring residents. The application is also being presented and considered at the Places Matter Design Review in Chester on the 4th November.
- 5.3 In order to clarify matters, what follows is a modified version of the report originally presented to Members at their previous Meeting.

#### **Introduction**

- 5.4 Carlisle College campus comprises five property holdings namely:
- a) the main collection of buildings contained by Victoria Place, Compton Street, Hartington Street and Strand Road;
  - b) the buildings located on the northern side of Strand Road linked by an overhead walkway;
  - c) Chatsworth House located at the corner of Victoria Place and Chatsworth Square;
  - d) St Paul's Church Hall at the junction of Strand Road and Compton Street; and,
  - e) Swifts Mews bounded by Georgian Way and Strand Road.
- 5.5 This application relates to those elements which front onto Compton Street, Hartington Street and Strand Road and for the purposes of this application have been annotated buildings "A", "B", "C" and "D". Building A is the recently constructed four storey block which fronts onto Victoria Place and houses

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engineering, science, general teaching areas. Building B is sandwiched between buildings A and C and is a five storey block which provides accommodation for catering, IT, management and administration. Building C consists of a single storey element fronting the southern side of Strand Road and an attached three storey block which originally housed engineering, car maintenance, electronics and plumbing. On the opposite side of Strand Road there is building D which has single and four storey elements that provide accommodation for construction, the refectory and temporary administration functions.

- 5.6 Carlisle College campus is set within the context of Trinity School and two semi-detached houses on the northern side of Strand Road which are used as classrooms; the terraced residential properties on the western side of Strand Road; the Central Clinic and two houses on the eastern side of Hartington Street; and, the terraced houses on the southern side of Strand Road. The site slopes from south to north and west to east.
- 5.7 A public footpath (Zero Path) runs along the western side of building D leading to Dukes Road and the Sands Centre. Building A fronting Victoria Place is within the Chatsworth Square Conservation Area. There are grade II Listed Buildings at 1 Compton Street, 36 - 46 Victoria Place, 22 and 23 Chatsworth Square, and the railings/walls and gates of Chatsworth Square gardens.

### **Background**

- 5.8 A space-needs assessment was undertaken by the College in 2003 which identified the then gross internal area of the College was 22,699 square metres but on the basis of 2002/03 course provision the maximum area actually required was 9,886 square metres. A study of the College's future prospects concluded that by 2007/08 the "Guided Learning Hours" would have recovered from 817,410 in 2002/03 to 973,488. As a result it was determined that the most economic approach was to demolish all but 5,385 square metres of the current campus and then to re-build an area amounting to 6,067 square metres i.e. a total floor space of 11,452 square metres. In June 2004, under application 04/0520, planning permission was given to redevelop the entire campus with a revised scheme, application 05/0838, approved in 2005.
- 5.9 In 2005 the College commenced the implementation of the schemes approved under 04/0520 and 05/0838 by the demolition and replacement of building A which now has 5,326 sqm of floor space. In May 2007 a further feasibility study concluded that the College could be redeveloped in a phased manner but based on a different scheme to that already given permission.
- 5.10 The current application shows the demolition of the existing buildings B, C and D providing over 9,000 sqm of accommodation leading to a total floor space of over 15,000 sqm which is 5,000 sqm less than the current overall campus.

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- 5.11 The submitted plans show the provision of a main “entrance plaza” and access via Compton Street with a centrally positioned secondary Strand Road entrance. Building D would become a 122/125 space car park with bicycle storage and a “linear park” for socialising. The Compton Street elevation consists of the replacement buildings B and C. Building B is shown to have a three storey brick stairwell and glazed atrium with a centrally positioned projecting bay framed by copper cladding on the second floor. The projecting bay serving what is referred to as the 14-19 Centre. Proposed building C has five floors with the walls externally faced in brickwork, glazing and Kalwall panels. At the corner of Compton Street with Strand Road there is a bay of three floors which projects beyond the glazed ground and first floors by 8.4m. Building C continues around and along Strand Road with the glazing on the ground and first floors with upper three floors clad in brickwork. The glazed entrance from Strand Road provides the linking element with the three storeys of replacement building D. The Hartington Street elevation consists of the gable end of building D and the three storey composite panelled eastern elevation of building B.
- 5.12 Documents accompanying the application include a Flood Risk Assessment, Transport Assessment, Archaeological Assessment, Environmental Strategy, Landscape and Public Realm Strategy, and, Design and Access Statement.
- 5.13 The submitted Flood Risk Assessment concludes that the application site is situated in Flood Zones 1 and 2 classifying the site as being at low to medium vulnerability to flood risk from the River Eden - the College itself did not suffer from the January 2005 flood event. As the redevelopment is to be constructed over the existing site, the impermeable areas should not be increased by the proposed development. The Assessment concludes that soakways are not possible and therefore recommends that surface water should be discharged into the existing UU public combined sewage system; run off from the site should be attenuated; flood resilient construction measures should be utilised within the redevelopment area; a 30% increase in flows should be allowed within site attenuation design; and, the entire College should be logged onto the areas flood warning systems.
- 5.14 From the submitted Transport Assessment the following five points need to be highlighted.
- 1) The area is accessible to non-car modes of travel and benefits from high levels of access to/from public transport, walking routes and cycling routes/facilities.
  - 2) Each element of the Learning Village will have multiple access points for pedestrians and cyclists and that parking provision accords with Cumbria Country Council’s parking standards.
  - 3) There are no clear accident trends/patterns either in type, casual factors or age groups. Development proposals should not detrimentally affect road safety.
  - 4) The addition of development traffic to the network is predicted to result in satisfactory levels of operation at all junctions included in the assessment.

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5) The Hartington Street/Victoria Place is predicted to experience capacity problems in 2022 with the Learning Village traffic included however, this junction would be over capacity even if the Learning Village were not developed.

5.15 The Archaeological Assessment explains that:

- 1) the development area lies within an area of unknown archaeological potential;
- 2) the potential for Roman activity on the site is high given the site close proximity to buried Roman ploughsoils and features discovered during archaeological work at the College directly to the south of Strand Street as well as other sites of Roman survival within the study area;
- 3) the potential for prehistoric remains surviving sub-surface is classed as medium;
- 4) the potential for medieval archaeological remains surviving sub-surface within the boundaries of the development is medium;
- 5) the potential for medieval archaeological deposits surviving on the site is high; and,
- 6) the extant College building may have destroyed archaeological features within its footprint though without further fieldwork the nature of this destruction can not be ascertained.

5.16 The submitted Landscape and Public Realm Strategy has been prepared in consideration to the emerging Carlisle City Centre Public Realm Design Guide. The strategy indicates that in order to provide a step change in public realm quality a combination of natural stone and high quality concrete materials are proposed. Feature paving will be laid in the "linear park" area to provide visual interest and contrast to those areas, which have pedestrian priority. The main entrance to the College creates an external space allowing informal use of the area by students. The hard landscape will be complemented by soft landscaping to create a green and welcoming College campus and City Centre. There will also be ornamental planting providing a buffer between the College building and public realm. Street furniture and external lighting will also be used to emphasise the public realm. The overall strategy aims to facilitate both movement and gatherings and enrich students, staff and the public experience of the College campus.

5.17 The submitted Design and Access Statement states that a strong high quality design has been developed in response to the ambition and vision of the College. The design has embodied key concepts which follow operational requirements during construction and on completion of the works and will offer high quality teaching environments to complete the last phase of redevelopment at Carlisle College. The site and building will continue to offer free access to all members of the public. The guidance of Approved Document Part M of the Building Regulations will be adopted in the accessible parking bays, access to the main entrance, access to the building, vertical and horizontal circulation through the building, toilet and changing facilities as well as stairs. All areas of the integrated college will be accessible for all pupils with disabilities.

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### **Assessment**

- 5.18 In considering this application based upon the policies of the Development Plan the main issues are:
- i) Whether the proposal either preserves or enhances the character of the Chatsworth Square Conservation Area, the setting of any listed buildings and character of the area within the immediate vicinity;
  - ii) Whether the proposal would be detrimental to the living conditions of neighbouring residents including secure by design;
  - iii) Whether the proposal, during and following construction, will lead to congestion and/or exacerbate the situation to the detriment of highway safety and the flow of traffic;
  - iv) Whether the proposal complies with the underlying objectives of Policy T1 of the Local Plan;
  - v) Whether any archaeological artefacts/interests would be safeguarded; and
  - vi) Whether the application adequately takes account of any issues associated with air quality and flooding.
- 5.19 In relation to the aforementioned issues i) and ii), revised plans are awaited as well as the comments of the Places Matter Design Review.
- 5.20 In the case of iii) and iv) the Highways Authority have not raised any objections subject to the imposition of relevant conditions and the payment of a commuted sum covering improvements to the local cycle network and extending controlled parking zones. As a comparison, the schemes approved under 04/0520 and 05/0838 involved the provision of 11,452 square metres with 71 off-street parking spaces i.e. at the ratio of one space per 161 square metres. The ratio of provision for the current proposal is one space per 120 square metres.
- 5.21 Finally, for items v) and vi) the County Archaeologist, Environmental Services and Environment Agency have not raised any objections.
- 5.22 In the light of the awaited plans an updated report will be presented to Members during the Meeting.

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

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



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

### **7. Recommendation**

#### **Reason For Including Report In Schedule B**

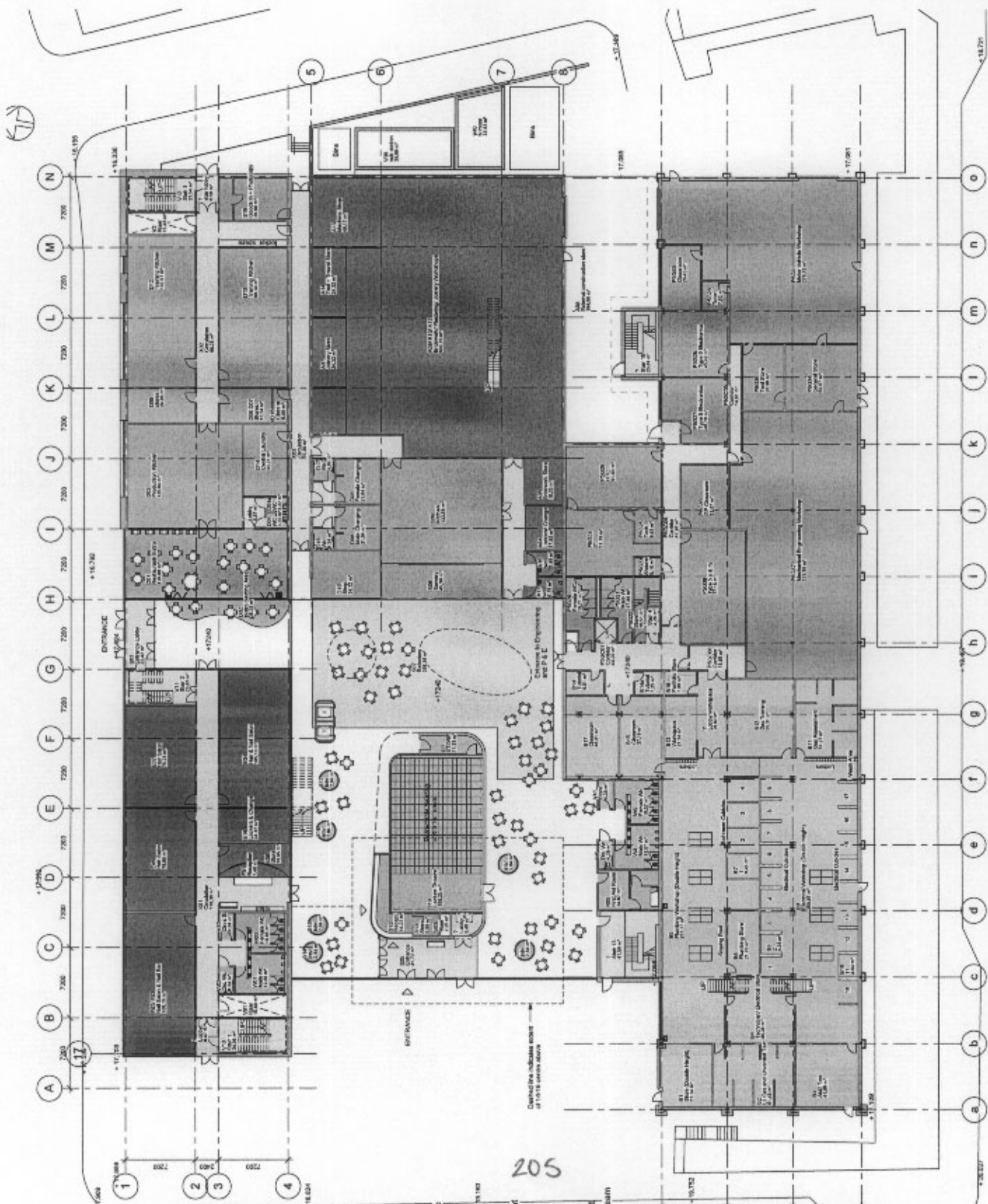
At the time of preparing the report revised plans and the views of the Better Places Design Review Panel are awaited.

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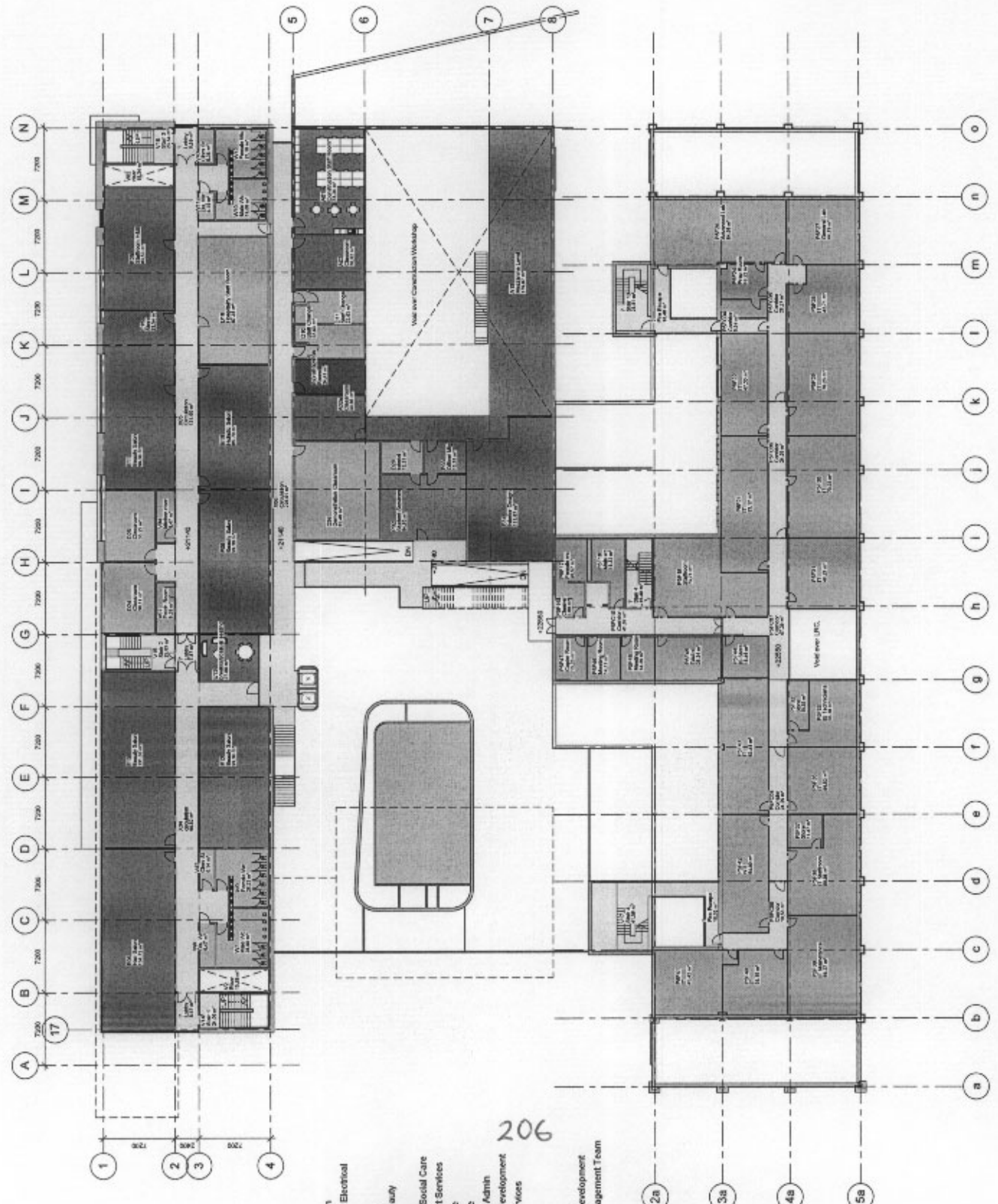
The cost of this plan is subject to the approval of the client. The client shall be responsible for the cost of the plan. The client shall be responsible for the cost of the plan. The client shall be responsible for the cost of the plan.



07	Revision	Date
06	Revised	10/10/07
05	Revised	10/10/07
04	Revised	10/10/07
03	Revised	10/10/07
02	Revised	10/10/07
01	Revised	10/10/07

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The use of the 100-hour program is subject to the approval of the relevant authority.  
 All projects and services are subject to the approval of the relevant authority.  
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Men & Electrical  
 Security  
 Social Care  
 Client Services  
 Admin & Development Services  
 Development Management Team

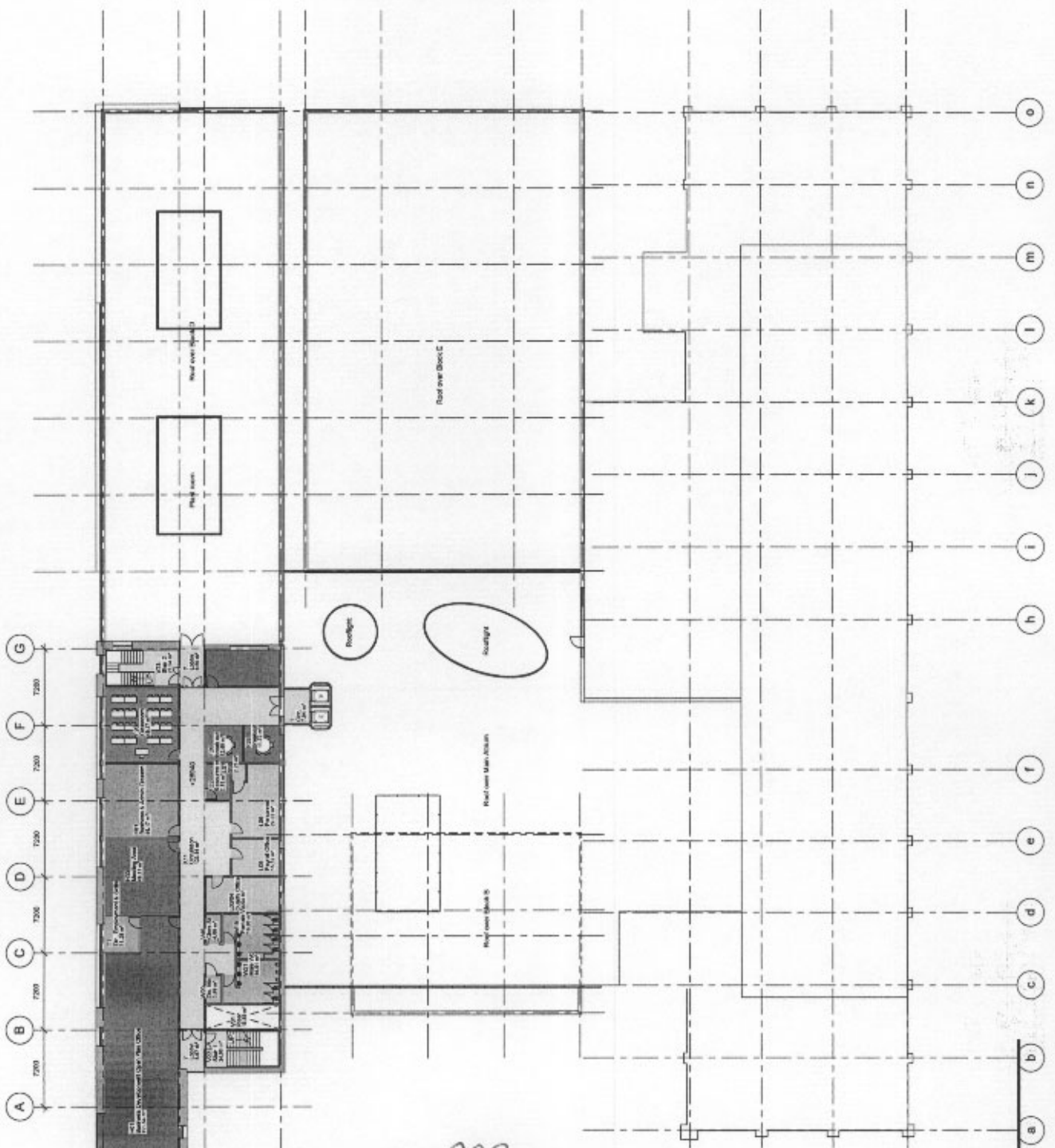
206

First Floor Plan  
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01	Area	See
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The use of this floor plan is subject to the following conditions:  
 1. This plan is not to be used for any other purpose without the written consent of the architect.  
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208

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 Health and Social Care  
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 Sciences & Admin  
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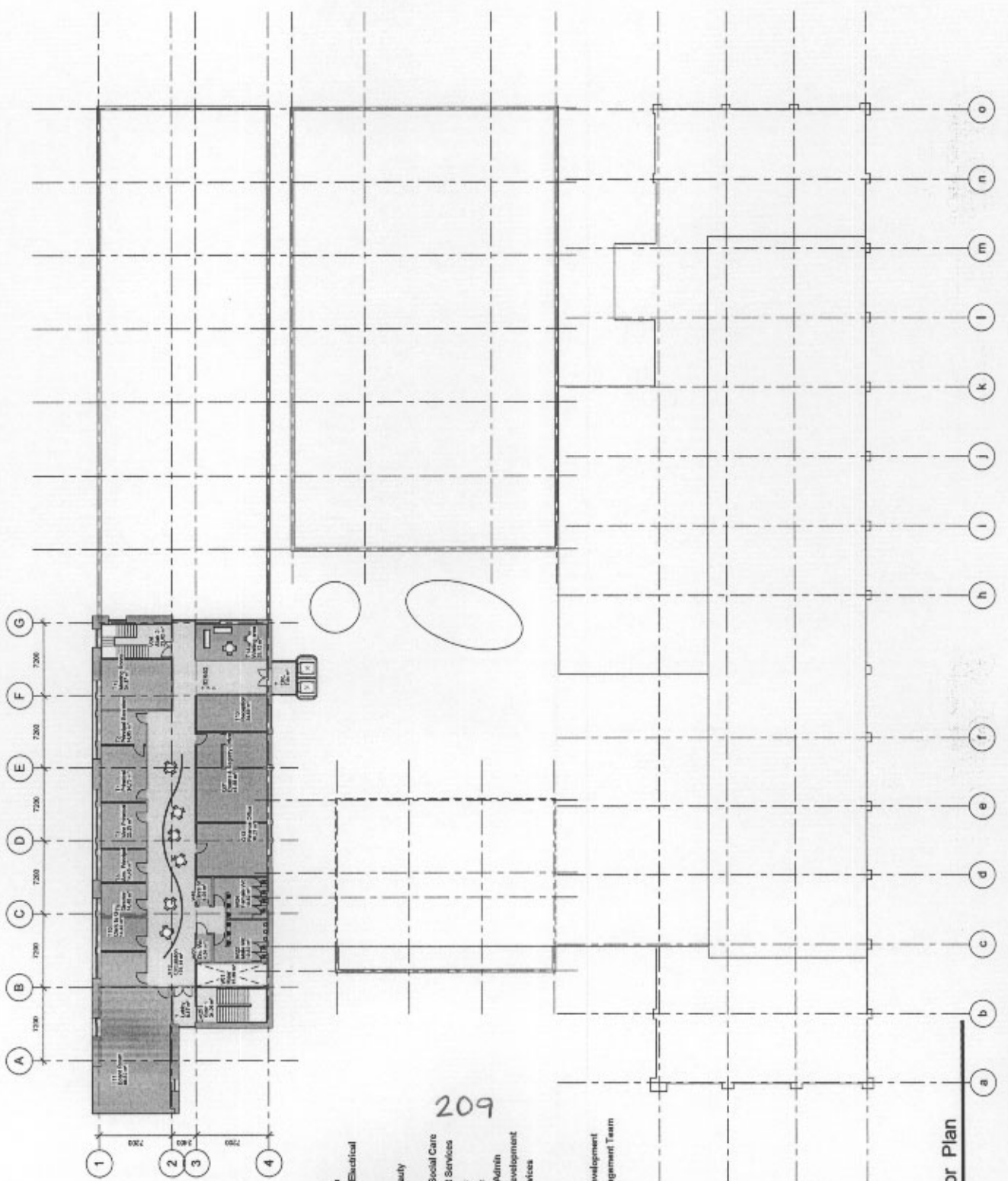
Business Development  
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1st Floor Plan

01	Structure	As per
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03	Exterior	As per
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05	Services	As per
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Ryder  
www.ryder.com





## SCHEDULE A: Applications with Recommendation

08/0895

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**Item No: 12**

**Date of Committee: 14/11/2008**

**Appn Ref No:**  
08/0895

**Applicant:**  
Jim Peet (Agriculture)

**Parish:**  
Arthuret

**Date of Receipt:**  
08/10/2008

**Agent:**  
G M Pickering C.Eng

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Jim Peet (Agriculture), Sandysike, Longtown,  
Cumbria, CA6 5SY

**Grid Reference:**  
338750 566180

**Proposal:** Erection Of Steel Framed Building To Provide Outloading Facility For  
Cattle Food Manufacturing Operation (Re-Submission)

**Amendment:**

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### REPORT

**Case Officer:** Suzanne Edgar

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

This application has been brought before Members of the Development Control Committee because the applicant has requested to address the Committee under the Right to Speak Policy.

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

**Local Plan Pol CP1 - Landscape Character**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol EC1 - Primary Employment Areas**

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

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

**Cumbria County Council - (Highway Authority):** As this application is identical to the application submitted in 2007 (under ref 07/0997), I have no objection to this application but would recommend that the following conditions are included in any consent you may grant:

## SCHEDULE A: Applications with Recommendation

08/0895

*The development shall not commence until visibility splays providing clear visibility of 2.4 70 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.*

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

*The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 15 metres inside the site, as measured from the carriageway edge of the adjacent highway.*

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

*The use of the development shall not be commenced until the access has been formed with 7.5 metres radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 10 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.*

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

*Full details of the surface water drainage system shall be submitted to the Local Planning Authority for prior approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.*

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

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

Reason: To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies LD5, LD7, LD8 and Structure Plan Policy: T32.

## SCHEDULE A: Applications with Recommendation

08/0895

*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;

### **Development Services Planning & Housing Services - Local Plans (Trees):**

The Sandysike Industrial Estate is located in a woodland setting. The woodland in and around the Sandysike Industrial Estate is protected by Tree Preservation Order 226. The woodland is a significant element in the character of the area and it screens the industrial units and helps to integrate them into their wooded rural location.

The proposed site is located within woodland W2 of the Order and will result in the loss of approximately 75% of the area of woodland W2.

Policy CP3 Trees and Hedges on Development Sites states that the Council will protect trees and woodlands where appropriate.

Prior to the making of Tree Preservation Order 226 the woodland generally was the subject of a significant degree of degradation due to pre-emptive felling. Although this loss of tree cover has affected the wooded character of the area, following the making of the Order the erosion of the woodland appears to have ceased. In due course the woodland will re-establish and once again be the feature it once was.

Policy CP1 Landscape Character seeks to ensure that proposals have regard to conserving natural features such as woodlands. Although it is proposed that a woodland strip is retained at the front of the development, this strip is only 15m deep and will be cut in half by the access. The trees within the two remaining small blocks are relatively small and there will be clear views through them, and not least through the new access to the development and the existing units beyond.

Furthermore, the proposed unit will be clearly visible at the rear of the retained woodland strip when approaching from either direction from along the road fronting the Sandysike Industrial Estate increasing the industrial character of the area and further contributing to the loss of visual amenity.

I also consider that the remaining trees will come under post developmental pressure for their removal due to their relatively poor quality and proximity to the new access and buildings. This could result in the complete opening up of the industrial estate at this point.

Policy EC1 Primary Employment Areas states In the Sandysike and Whitesyke area proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided;

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and

## SCHEDULE A: Applications with Recommendation

08/0895

3. where appropriate opportunities are taken to reinforce existing landscaping ; and
4. adequate access and appropriate parking are provided.

A landscaping proposal is mentioned in the pre-development arboricultural report to help integrate the site into the landscape, but no detailed scheme has been put forward as part of the proposal. I consider that the landscaping recommendations of hedges of small growing tree and shrub species along the western and eastern boundaries of the site will neither integrate the site into the landscape nor screen the proposed new building or existing buildings that will be exposed.

In conclusion I am opposed to the proposal for the following reasons;

1. the proposal is contrary to policies CP1, CP3, and EC1; and
2. that the loss of the woodland/tree cover would have a detrimental impact on the character of the landscape; and
3. the proposal will result in the loss of a significant portion of the protected woodland W2 within Tree Preservation Order 226;

**Arthuret Parish Council:** Comments awaited;

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

**Forestry Commission:** Comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	126a Greystone Road	14/10/08
	Sheds 5 & 6	14/10/08
	Gill Wood	14/10/08

- 3.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written representations have been made at the time of writing the report. The consultation period for the application expires on 14th November and any comments that are received will be reported at the meeting.

### 4. Planning History

- 4.1 In 2007 an application was received, under application 07/0993, for the erection of a steel framed building to provide outloading facility for cattle food manufacturing operation. However this application was withdrawn prior to determination.

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

08/0895

- 4.2 In 2005, under application 05/1299, full planning permission was granted for a new bulk bin block (animal feed storage).
- 4.3 In 2004, under application 04/1105, full planning permission was granted for a warehouse extension to provide weighbridge office, toilet facilities, training room/canteen and small bag store, together with provision of a weighbridge.
- 4.4 In 2003, under application 03/0893, full planning permission was granted for extension to existing premises to provide additional storage.
- 4.5 In 1988, under application 88/0727, full planning permission was granted for extension to animal feed store.

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

#### **Introduction**

- 5.1 This application seeks approval for the erection of a steel framed building to provide an outloading facility for the cattle food manufacturing operation based at Jim Peet Agriculture, Sandysike Industrial Estate. The application site lies approximately 800 metres westwards of the junction that links Sandysike Industrial Estate with the A7 on the northern side of the Class C road. The application site is identified on the Proposal Maps that accompany the Carlisle District Local Plan (2001-2016) as lying within a Primary Employment Area and being subject to a Tree Preservation Order (TPO No. 226).

#### **Background**

- 5.2 The proposed building will measure 42 metres, by 12 metres and will have a total ridge height of 6.8 metres. The site would be enclosed by a 2.2 metre high galvanised steel fence. A new access is also proposed to be formed off the Class C Road to the north. The proposed vehicle access and hardstanding will be surfaced in bitumen macadam. A 14 metre deep landscaped strip would be retained between the proposed building and the highway. The landscaped strip comprises a mixed leaf broadland which abuts the road frontage.
- 5.3 In 2007 an application was received, under application 07/0993, for the erection of a steel framed building to provide an outloading facility for cattle food manufacturing operation at Jim Peet Agriculture, Sandysike. Application 07/0993 was withdrawn prior to determination. The current application is, effectively a re-submission of application 07/0993.

#### **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP5, EC1 and T1 of the Carlisle District

## SCHEDULE A: Applications with Recommendation

08/0895

Local Plan (2001-2016).

- 5.5 The proposal raises the following planning issues:
1. Whether The Principle Of The Use Is Acceptable
- 5.6 The application site falls within an area designated for Primary Employment use under the adopted Proposals Map and, in such locations, Policy EC1 of the Carlisle District Local Plan (2001-2016) is applicable. Policy EC1 specifically states that proposals in the Sandysike/Whitesyke area for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided that the proposal does not have an adverse impact on the landscape; the proposal does not involve the loss of existing tree cover; where appropriate, opportunities are taken to reinforce existing landscaping; and adequate access and appropriate parking are provided.
- 5.7 Although the application site is located within a Primary Employment Area as identified by the adopted Proposals Map, the proposed development is contrary to criteria 1 and 2 of Policy EC1 relating to Sandysike Industrial Estate, since the proposed development involves the loss of existing tree cover and will have an adverse impact upon the landscape. This is explained in more detail in paragraphs 5.8 - 5.14 below.
2. Impact Upon Tree Preservation Order 226
- 5.8 In order to accommodate the proposed development it would be necessary to remove 2350 square metres (approximately 75%) of mixed broad leaf woodland, which is subject to part W2 of TPO 226 which came into effect on the 16th November 2007. The purpose of imposing a TPO on this site was to protect this area of woodland as an attractive feature of the landscape and to prevent its removal in support of Policy EC1 as it related to the Sandysike area.
- 5.9 The applicant has submitted a pre-development arboricultural report the findings of which can be summarised as follows:
- There are 116 trees located in the woodland comprising over 8 different species
  - The woodland is not designated as ancient woodland or protected by any wildlife conservation designations
  - The woodland is secondary woodland consisting of pioneer tree species indicating the site was previously used for another purpose
  - There are a number of dead, uprooted or partially uprooted trees in the woodland and many others with significant defects and poor health
  - There are policy conflicts between Policy CP2 and Policy EC2 of the Local Plan
  - The retention of the woodland will screen the development from the road
  - Recommend that in addition to retaining a 23 m wide strip of grass and woodland between the road and the proposed development, native species should be established along the east and western boundaries of

- the site.
  - Recommendations are made for Tree Protection during construction
- 5.10 Although it is proposed that a woodland strip is retained at the front of the development, this strip is only 15 metres deep and will be cut in half by the proposed access to the site. The trees within the two remaining small blocks are relatively small and there will be clear view through them, and not least through the new access to the development and the existing units beyond. Furthermore the proposed unit will be clearly visible at the rear of the retained woodland strip when approaching from either direction along the road fronting the Sandysike Industrial Estate, thereby increasing the industrial character of the area and further contributing to the loss of visual amenity.
- 5.11 The arboricultural report indicates that the area of woodland to which this application relates is secondary woodland and not ancient woodland. Members, however, have to deal with the situation as it is and look at the impact of the proposed development on TPO 226 and the landscape character.
- 5.12 Furthermore the arboricultural report indicates a landscaping scheme to integrate the site into the landscape but no detailed scheme has been put forward as part of the proposal. The landscaping scheme's recommendations, that hedges and shrubs be planted along the eastern and western boundaries of the site, will neither integrate the site into the landscape nor screen the proposed building.
- 5.13 Members should be aware that a large portion of protected woodland in close proximity to the application site has already been felled without approval. A tree replacement notice has been issued, and upheld on Appeal for the replacement of the trees which were felled; however, this matter is being dealt with separately to this current application. Although this loss of tree cover has affected the wooded character of the area, in due course the woodland will re-establish and once again be the feature it once was.
- 5.14 In relation to the above the removal of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a significant natural landscape feature. As such the proposal would be contrary to the objectives of Policies CP1, CP3, CP5 and EC1 of the Carlisle District Local Plan (2001-2016).

### Conclusion

- 5.15 For the reasons identified in the report it is recommended that the application is refused as it constitutes an irrevocable loss of a protected woodland and an important natural woodland feature. The consultation period for the application expires on 14th November and any additional comments that are received will be reported at the meeting.



**6. Human Rights Act 1998**

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

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

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

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

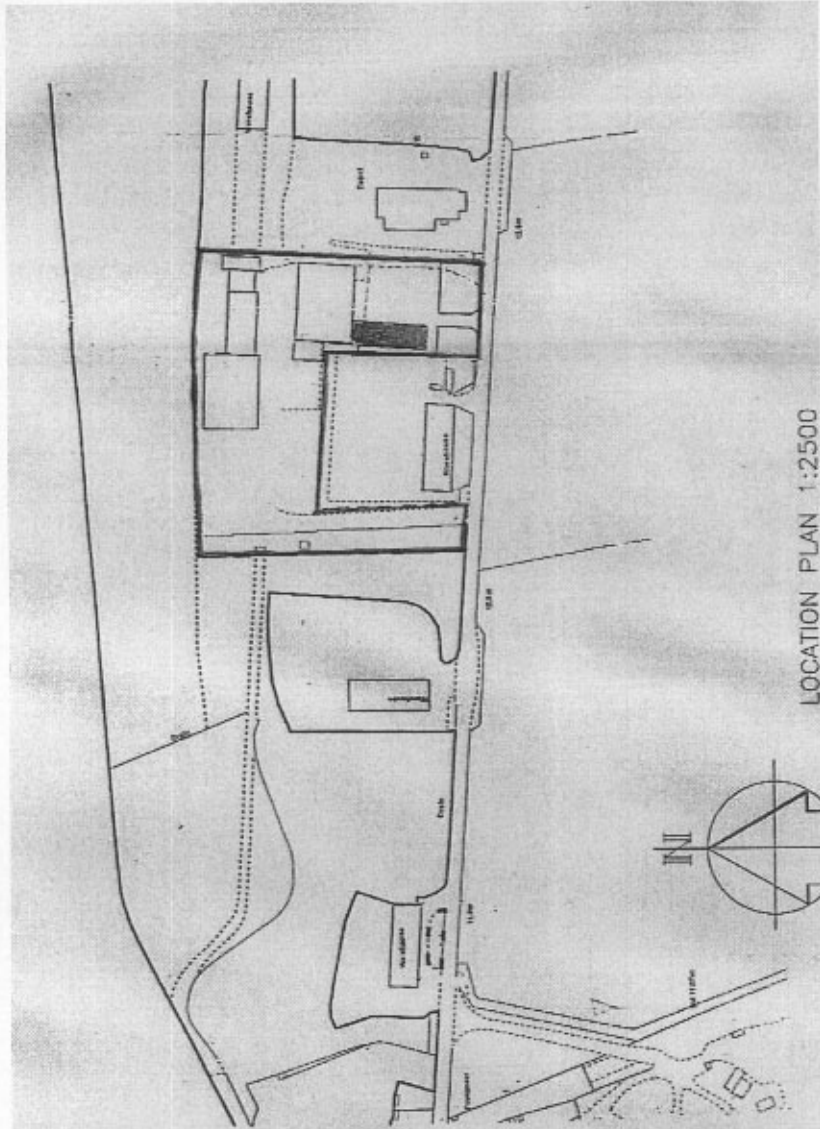
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 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.

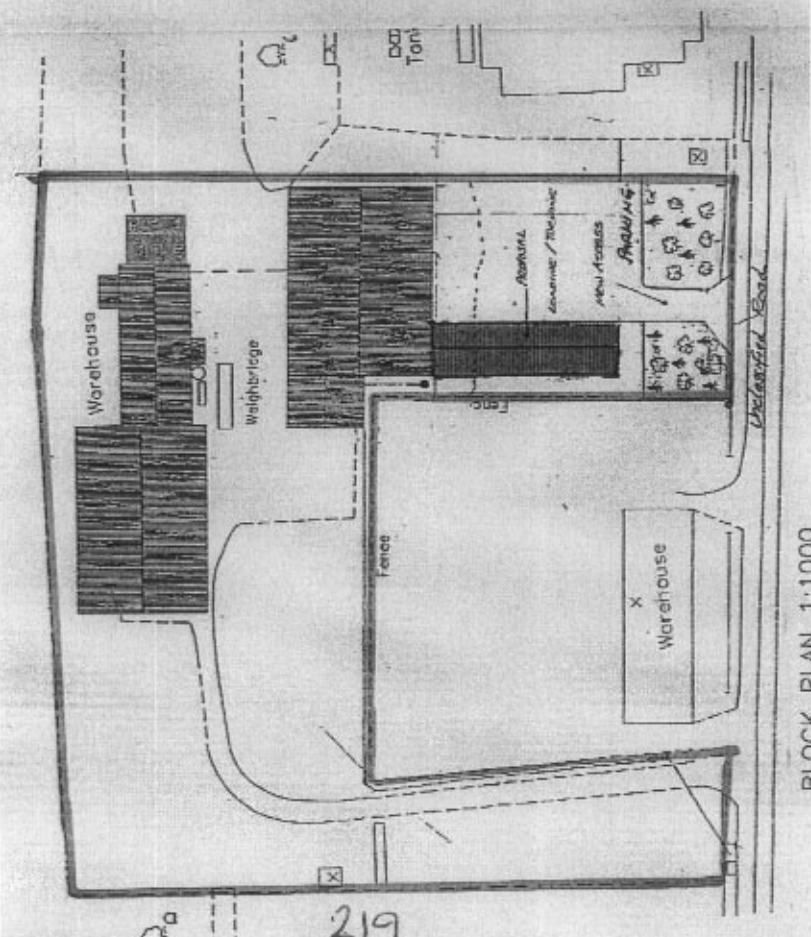
**7. Recommendation -**

1. **Reason:** In order to accommodate the proposed development it would be necessary to remove 2350 square metres of woodland, which is protected by Tree Preservation Order No.226. The irrevocable loss of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a significant natural landscape feature. As such the proposal is contrary to the objectives of Criteria 1 and 2 of Policy EC1 (Primary Employment Area - relating to Sandysike), the objectives of Policy CP1 (Landscape Character), Policy CP3 (Trees and Hedges on Development Sites), and criterion 6 of Policy CP5 (Design) of the Carlisle District Local Plan (2001-2016).

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LOCATION PLAN 1:2500



BLOCK PLAN 1:1000



EXISTING WEST ELEVATION 1:200

Roof and side cladding to be replaced with composite panels. Give Green 12027 to match existing.



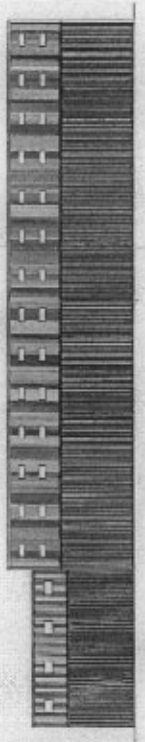
EXISTING EAST ELEVATION 1:200

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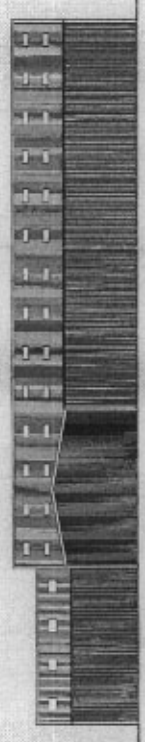
PROPOSED EAST ELEVATION 1:200

*Section with Doors  
Actual - give Green*

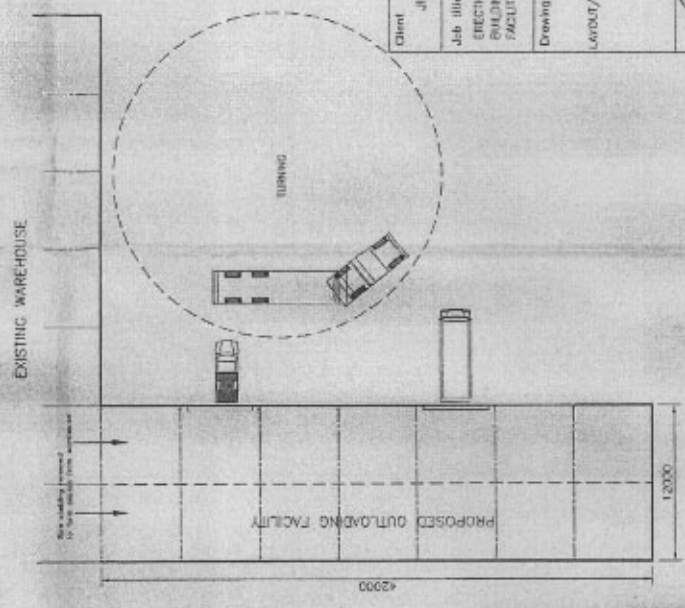


EXISTING SOUTH ELEVATION 1:200

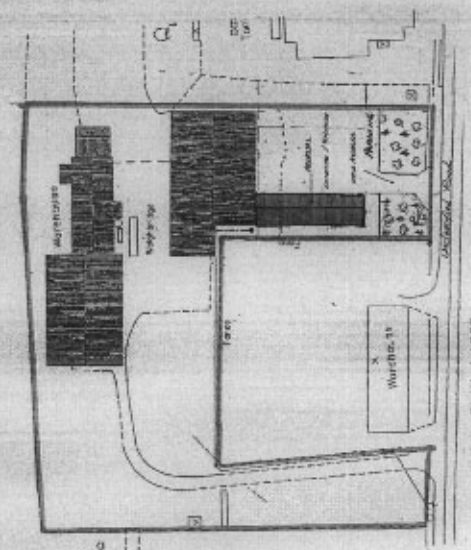
Roof and side cladding to be replaced with composite panels. Give Green 12027 to match existing.



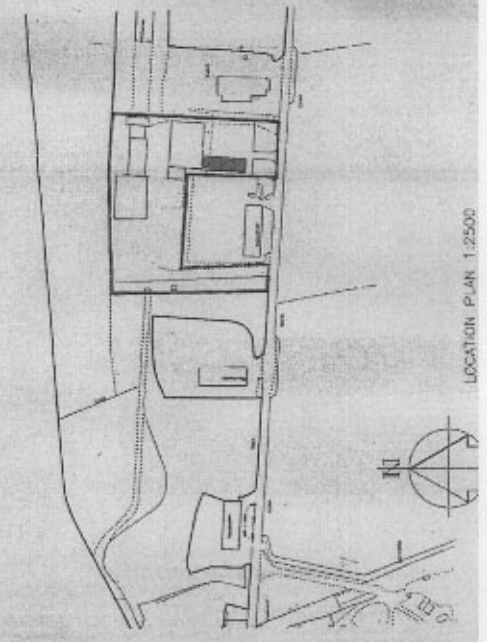
PROPOSED SOUTH ELEVATION 1:200



PROPOSED LAYOUT PLAN 1:200



LOCATION PLAN 1:2500



LOCATION PLAN 1:2500

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1 SEP 2008  
08/08/08

Client	JIM PEET (Agriculture) Ltd.
Job title	ERECTOR OF STEEL-FRAMED BUILDING TO PROVIDE OUTLOADING FACILITY AT SANDSICRE LONGTOWN
Drawing title	LAYOUT/ELEVATIONS/BLOCK/LOCATION
<p>G.N. TICKERING THE CITY OF VICTORIA NEW ZEALAND 1077-1082 1077-1082 1077-1082</p>	

Jim Peet Agriculture  
Erection of steel framed building to  
provide out loading facility at Sandysike.  
Proposed view from South  
Aug 07 JP/07/003



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- 1 SEP 2008  
08/08/08

# DESIGN AND ACCESS STATEMENT

APPLICANT:- Jim Peet (Agriculture)  
Beech House,  
Winskill,  
Penrith  
Cumbria  
CA10 1PD

AGENT:- G M Pickering  
The Old Vicarage  
Warden  
Hexham  
Northumberland  
NE46 4SL

SITE:- Jim Peet (Agriculture)  
Sandysike,  
Longtown  
Cumbria

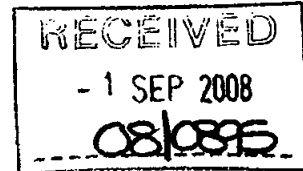
PROJECT:- Erection of Steel-Framed building 42.0m X 12.0m  
X 5.5m height to eaves.

BUILDING FUNCTION:- Provision of new out-loading facility for existing  
cattle food manufacturing operation.

BUILDING DESIGN:- This building has been designed to BS5950,  
to complement existing buildings within the site in  
respect of structural design, style and colours of  
claddings and to provide a building fit for purpose.

MATERIALS :- Painted steel portal frames with cold rolled  
galvanised "ZED" purlins.  
Cladding to roofs and elevations to be Plastisol  
coated steel composite panels – Olive Green  
12B27 This material achieves the "U" Values  
required in current building regulations.

ACCESS:- Floor level of proposal to be the same as adjoining  
warehouse from which pedestrian and fork-lift  
access is to be gained. The existing warehouse  
has provision for disabled access.  
All access points to new building to be ramped at  
1 in 15 from external yard level to finished floor  
level.



G.M. Pickering C.Eng.  
*[Signature]* 28/08/08  
JP/07/002

# Lowther Forestry GROUP

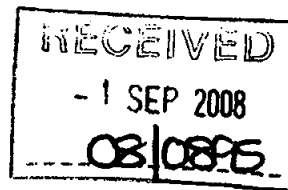


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Commercial Landscaping  
Forestry & Arboriculture  
Grounds Maintenance  
Environmental Services  
Fencing & Walling

IMJ/nw  
13<sup>th</sup> August 2008



Dear Sirs

## Woodland on Site of Jim Peet (Agriculture) Ltd, Sandysike Mill, Sandysike, Longtown

Further to your instruction we visited the site of your mill at the Sandysike Industrial area near Longtown to make an assessment of the woodland which is part of your property on that site and the possible impacts of the proposed extension to the working mill.

We were furnished by yourselves with plans of the area including details of a Tree Preservation Order, the appeal against the Tree Preservation Order, a legal opinion and the minutes of a meeting of the Development Control Committee which considered the appeal to the Tree Preservation Order and rejected the appeal. We were also furnished with the proposed plans for the extension of the Mill in relation to the woodland.

As part of our deliberations we have made reference to the Blue Book Tree Preservation Orders "A Guide to the Law and Good Practice"; British Standard 5837: "Trees in relation to Construction – Recommendations"; The Woodland Trust booklet "The Conservation and Restoration of Plantations on Ancient Woodland Sites" and the Julian Forbes-Laird document "Tree Evaluation Method for Preservation Orders (TEMPO)".

### The Woodland

The woodland in question is approximately 0.3ha of mostly broadleaved species standing as an isolated block to the south of the industrial development where it abuts the minor road which services all the industrial units in this area. The woodland is designated as W2 in the Tree Preservation Order 226 Woodland at Sandysike, Longtown. This Tree Preservation Order was imposed by Carlisle City Council and came into affect provisionally on 30<sup>th</sup> May 2007 and was recommended for confirmation by the director of Development Services at Carlisle City Council on 9<sup>th</sup> November 2007. The reasons for the imposition of the Tree Preservation Order are that the woodlands are a significant element in the character of the landscape, are highly visible and much of the woodland is classified as ancient semi-natural. This all accords with the recommendations as laid down in the Blue Book and as the Council clearly believed that the woodlands were under threat at the time, they were justified in imposing the order.

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The woodland in question, W2, does in fact have an interesting broadleaf make-up containing a number of Oak, Birch and Rowan with an under-story of bramble and other woodland flora. W2 however is not part of the ancient semi-natural block as identified by Natural England at this point. This is clearly demonstrated by reference to the government MAJIC website when interrogated for ancient semi-natural woodland, ancient replanted woodland and sites of special scientific interest (copy appended). There is clearly a very large block of ancient replanted woodland to the north of this site but the block in question does not fall within this category. Whilst the woodland displays an interesting character, most of the trees within it are not yet mature being juvenile and semi-mature.

The large woodland block to the north of the industrial development known as Hopesyke Wood was until very recently made up of alien conifers being at one time a Forestry Commission research block planted to study the viability of Western Hemlock as a timber crop in this region. Latterly this area has been felled under a Forestry Commission Woodland Grant Scheme and is being allowed to regenerate as native woodland which is mostly made of Birch drawn from locally abundant seed sources. This is clearly being successful and a native Birch woodland is establishing very well all across this site.

#### The Development

The proposals are to create a wagon loading area which extends out into this woodland from the existing factory with an access off the council highway. This will ensure that wagons will not have to access the site through an area where pedestrians regularly cross, increasing the health and safety aspects of the site but also ensuring that loading is carried out in a much more efficient manner.

This development will encroach into the woodland block and entail the felling of at least 50% of the area to make way for the development and the access. When applying the principles of British Standard 5837 to this development it is important to retain as many viable trees as possible which will continue to offer benefits for a long time to come. British Standard 5837 indicates in paragraph 6.1 that "Certain trees are of such importance and sensitivity as to prevent development occurring or to substantially modify its design and layout. However, care should be taken to avoid misplaced tree retention; attempts to retain too many or unsuitable trees on a site may result in excessive pressure on the trees during development work and subsequent demands for their removal. The end result may be fewer of less suitable trees than would be the case if arboricultural input, planning, selection, conservation and new planting is incorporated into the approved final design."

Unfortunately the design of the extension is dictated by the current building and the access, therefore the flow diagram which summarises planning for trees and development sites as part of British Standard 5837 cannot be applied in full. The part of British Standard 5837 which can be applied however is the protection of those trees which remain, both during the construction phase and afterwards. It is therefore important to identify which, if any, trees



can be retained as part of the development and protect them as per British Standard 5837.

Summary

Whilst we are aware that the reasons for the imposition of the original Tree Preservation Order were justified we feel that because this small block of woodland is an isolated island and because the very large block to the north is developing into a well integrated native woodland on an ancient site which is well able to compensate for the loss of the amenity of this small area, coupled with the council's own statement in paragraph 3.2 (i) that "Continuing development of the Sandysike industrial area will not be affected by this Order." The Council may consider revoking the Tree Preservation Order on part of this woodland area to allow the development to proceed.

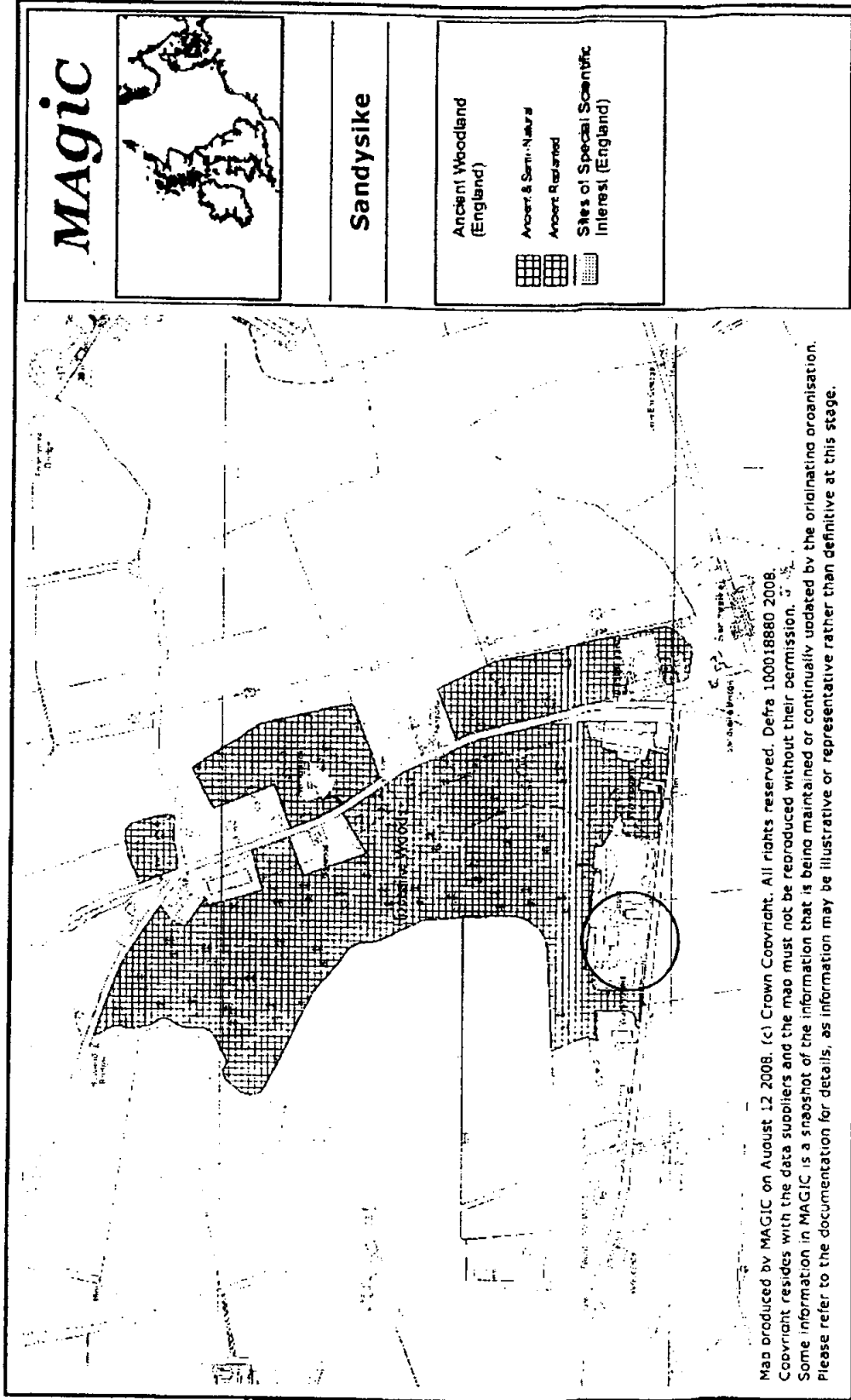
Your next course of action may be to take the advice of your planning consultant on the matter bearing in mind the comments made in this letter. A meeting on site with representatives of the Council may help to clarify the situation to see whether or not the Council would consider going forward with the application whilst saving and protecting as many trees as possible abiding by the principles of British Standard 5837.

Yours sincerely

IM Jack  
Divisional Manager

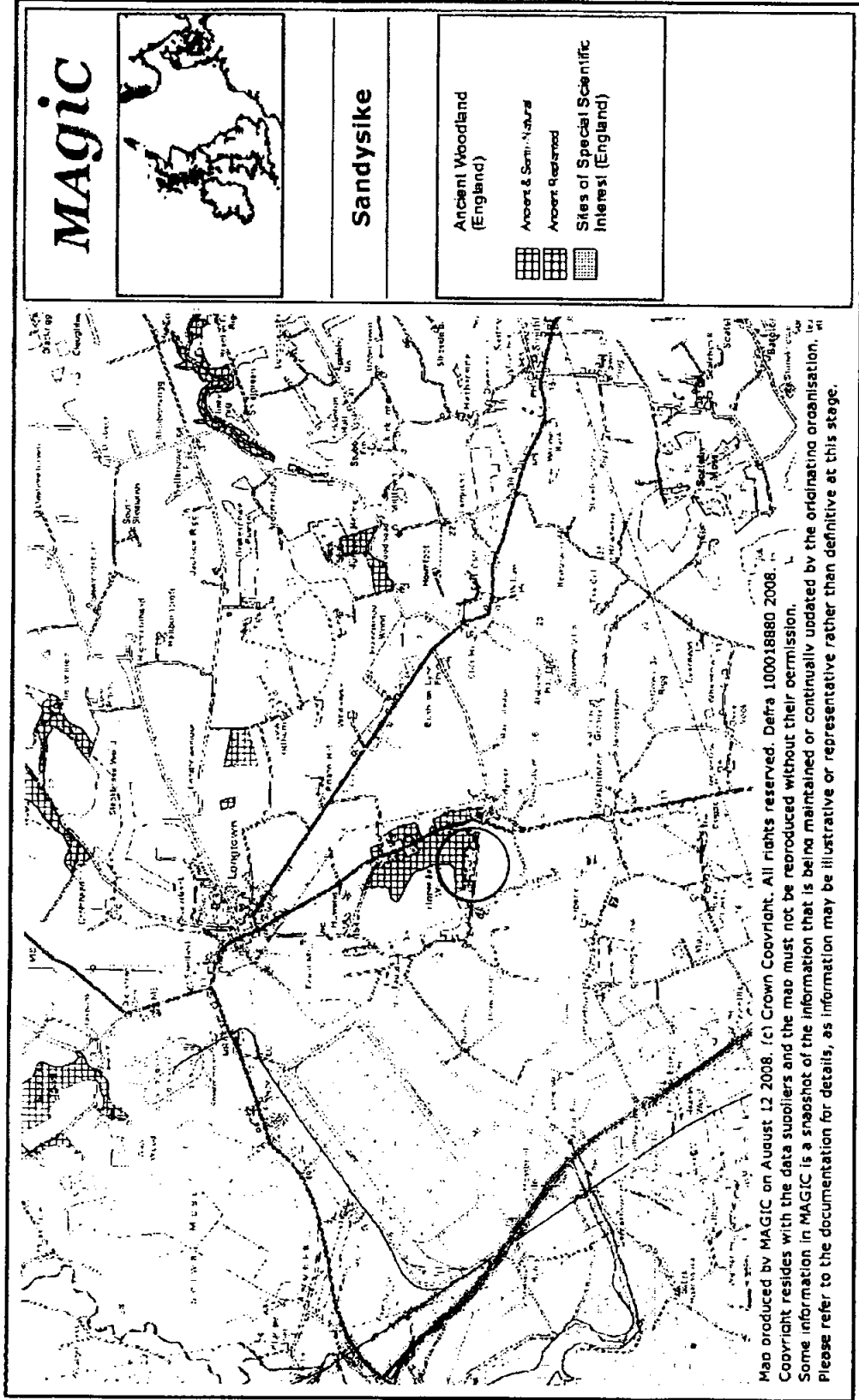
Enc.





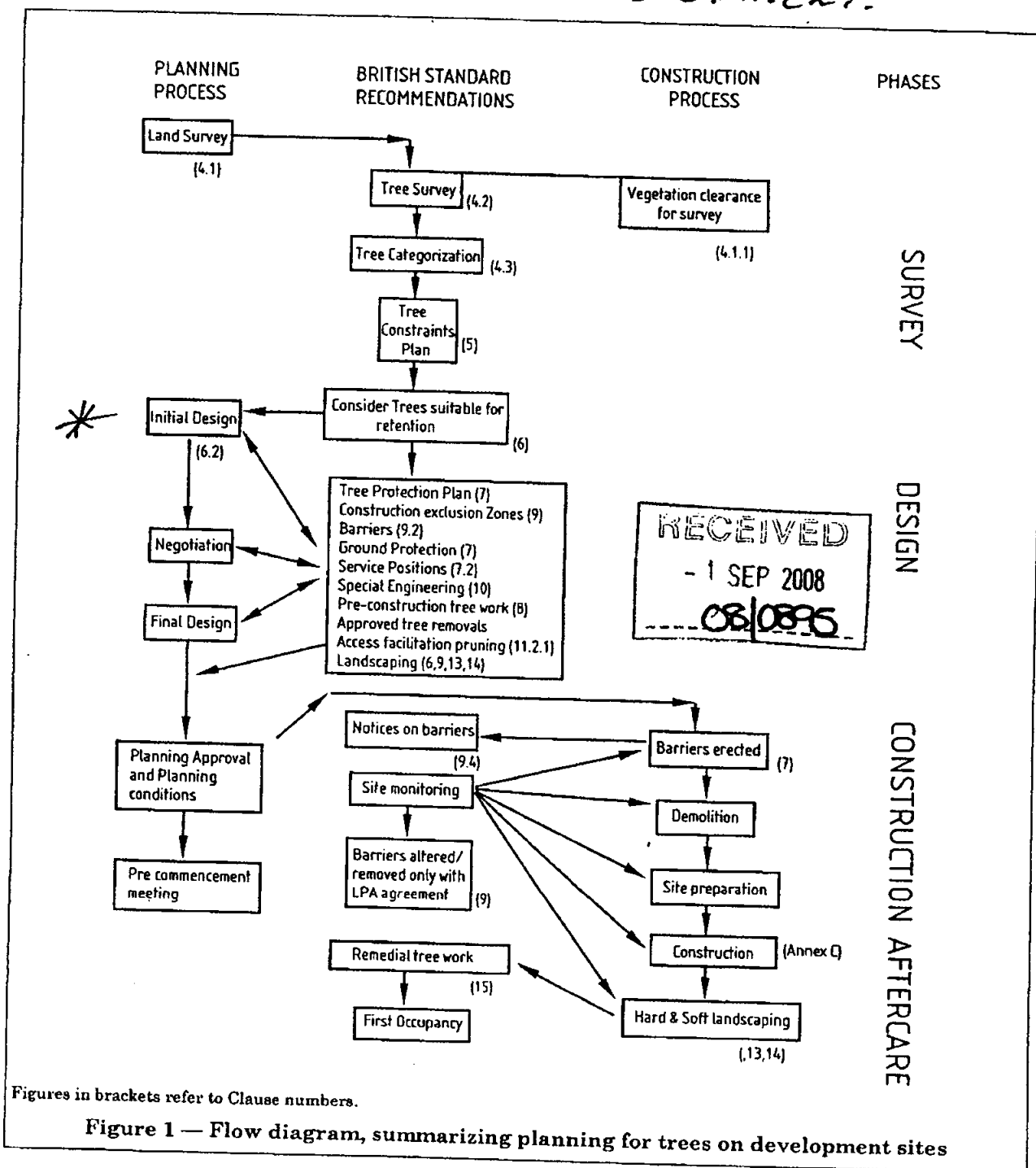
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BS 5837 FLOW DIAGRAM SHOWING THE STAGE AT WHICH THE GUIDANCE WOULD KICK IN AT SIM DEET SANDYSIKE DEVELOPMENT.



3.2.2 The layout of this standard follows the sequence of the flow diagram in Figure 1. Following the land survey (see 4.1) the existing trees on and adjacent to the site should be surveyed (see 4.2) and categorized (see 4.3). The constraints these trees pose should be plotted on a tree constraints plan (see Clause 5) and those selected for retention should be plotted on a tree protection plan as a result of the negotiations within the design process (see Clause 7). Areas for new landscaping should be identified at this time (see 6.2.2). The position of all excavations and any special engineering required can be specified in the form of arboricultural method statements. Once work is due to begin on site the arboriculturist should meet the site agent at a pre start meeting to ensure the correct erection of barriers and ground protection forming the construction exclusion zone (see Clause 9).

**JIM PEET AGRICULTURE LTD.**

**SANDYSIKE**

**Pre-development Arboricultural Report**

**Prepared at the request of**

**Mr J. Peet**

**11 September 2008**

**By**

2008/0895

**Luke Steer BSc.(Hons) Dip.Arb.(RFS) F.Arbor.A. MICFor.**

**Treescaping Consultancy Ltd.**

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## Summary

Mr J. Peet has instructed me to inspect the woodland in which it is proposed to construct an extension to the Jim Peet Agriculture Ltd. industrial site at Sandysike. I have been asked to provide a pre-development arboricultural report on whether and to what extent the woodland will be affected by the proposals and suggest ways to integrate it into the landscape. I have also been asked to comment on how policy issues affect the proposals.

I visited Sandysike on 8 September 2008. Currently the area of the proposed extension is woodland protected by Carlisle City Council Tree Preservation Order (TPO) 226 (2007).

The majority of the trees within the woodland are poor specimens that individually shouldn't be a constraint to development. The southern part of the woodland and its eastern and western edges are however a landscape feature.

Figure 1 is a plan of the existing site layout and Figure 2 shows the proposals which are to construct an extension to an existing industrial building and a loading/turning area between the existing building and the road.

From Figure 2 it can be seen that an area of woodland will have to be removed to enable the proposals to be implemented but a 23m wide strip consisting of a hedge, strip of grass, drainage ditch and 14-15m of woodland will be retained between the proposed development and the road.

Policies CP2 and EC2 of the local plan are both pertinent to this proposal but there is some tension between them. Policy CP2 aims to protect important trees and the area is designated as a Primary Employment Area under Policy EC2. With regard to Policy EC2 Section 4.11 of the Local Plan states that Carlisle City Council have been following a policy of granting permission to extend to the existing industrial premises' subject to improvements being carried out.

I suggest that the retention of the 23m strip of land containing 14-15m of woodland between the road and the proposed development will adequately screen it from the adjacent minor road and allow the area to be developed without compromising policy CP2 and thus create a reasonable balance between it and Policy EC2.

The retention of the wooded area between the proposed development and the road will screen it from the road and maintain one of the reasons for serving the TPO (Anon, 2000 and the Statement of reasons for serving TPO 226 (2007)) which is to protect public visual amenity.

I recommend that in addition to retaining the 23m wide strip of grass and woodland between the road and the proposed development hedges of native species should be established along the eastern and western boundaries of the site.

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## **1 INTRODUCTION**

### **1.1 Instruction**

I have been instructed by Mr J. Peet to inspect the woodland in which it is proposed to construct an extension to an industrial building on the Jim Peet Agriculture Ltd. site at Sandysike between Longtown and Carlisle. I have been asked to provide a pre-development arboricultural report on whether and to what extent it will be affected by the proposals, suggest ways to integrate it into the landscape. I have also been asked to comment on how policy issues affect these proposals.

### **1.2 Qualifications and experience**

I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture and list the details in Appendix 1.

### **1.3 Documents and information provided**

Mr J. Peet kindly provided me with copies of the following documents:

- notes of a meeting between Sue Dodwell of Woolerton Dodwell Associates and Charles Bennett, Tree and Landscape Officer, Carlisle City Council;
- a written opinion about Carlisle City Council TPO 226 protecting woodland at Sandysike, Longtown prepared by Mr Paul G. Tucker, Kings Chambers, Manchester, 15 October 2007; and
- A copy of the first schedule and plan of Carlisle City Council TPO 226, its covering letter dated 30 May 2007 and Statement of Reasons.

In addition to the above Mr G.M. Pickering, Consultant Engineer, kindly provided me with some photographs and plan JP/07/001 that shows the location, layout and elevations of the existing site and the proposals.

### **1.4 Relevant background information**

The area of the proposed extension is currently woodland that is protected as W2 by Carlisle City Council TPO 226, 2007.

## **1.5 Limitations**

This report is only concerned with assessing the condition of the trees and whether or not they may be affected by the proposals to construct an extension to the industrial site and includes an assessment based on the site visit and the documents listed in Section 1.3.

This report takes no account of whether the trees could affect the soil in the area in such a way as to cause the proposed development or other buildings and structures to suffer subsidence or heave damage.

This report doesn't take into account the possibility of extreme climatic events not normally expected in this locality. Such events could include, but are not restricted to, severe windstorms, floods or drought. This report also doesn't take into account the possibility of future outbreaks of pests or diseases.

Operations carried out in the vicinity of the trees, either in the past or future, could affect their health and stability; such operations could include, but are not restricted to, trenches dug for the installation or repair of utilities.

No decay detection equipment was used to help gather the data used in this report.

## 2 SITE VISIT AND OBSERVATIONS

### 2.1 Site visit

I carried out the site visit on 8 September 2008. All my observations were from ground level without detailed investigations and I estimated all dimensions unless otherwise indicated. The weather at the time of inspection was dull, breezy with showers and average visibility.

### 2.2 Site location and description

The Jim Peet Agriculture Ltd. site is located at Ordnance Survey grid reference NY 387 660 and approached from the A7 between Carlisle and Longtown. Figure 1 is a plan of the existing site layout. This plan is for illustrative purposes only and should not be used for directly scaling measurements. All the relevant information on it is contained within this report and the provided documents.

The woodland between the minor road and the existing industrial building to its north appears to be secondary woodland consisting mainly of pioneer tree species. The Oxford Dictionary of Plant Sciences (Allaby, 1998) defines secondary woodland as:

*“A woodland occupying a site that has not been wooded continuously throughout history (in Britain since the last ice advance). It may be the product of natural succession or of planting on formally unwooded land.”*

Magic Map ([www.magic.gov.uk](http://www.magic.gov.uk)) doesn't show the area that is the subject of this application as either 'Ancient Woodland' or as being protected by any wildlife conservation designations.

The approximate number of trees in each species present in the woodland is included in Table 1.

**Table 1:** the approximate number and species of trees growing in the woodland.

Tree Species	Number
Alder	15
Beech	4
Birch	71
Goat Willow	1
Holly	1
Oak	9
Rowan	11
Sycamore	4
<b>Total</b>	<b>116</b>

In addition to the trees listed in Table 1 there are a number of hawthorns and saplings from a range of species within the woodland.

There is a roadside drainage ditch at the south of the woodland and other drainage ditches within it. Generally the ground appears to be relatively wet and the presence of a significant number of alders, trees that are normally found in wet woodland, confirms this. There are the remains of a brick built structure in the woodland that indicates that it is secondary woodland that was previously used for another purpose.

There are a number of dead and uprooted or partially uprooted trees in the woodland and many other trees with significant defects and poor health.

### **2.3 The proposals**

It is proposed to construct an extension to an existing industrial building and a loading/turning area adjacent to it in an area that is currently woodland. The proposals are shown on the G.M. Pickering drawing JP/07/001 and Figures 2 and 3 of this report.

### 3 THE BRITISH STANDARD: TREES IN RELATION TO CONSTRUCTION – RECOMMENDATIONS (BS 5837, 2005)

#### 3.1 Tree categorisation

I assessed the retention categories of the trees in the woodland as recommended in Section 4.3, Tree categorization method and Table 1 of the standard (BS 5837, 2005). A copy of Table 1 is included in this report as Appendix 3.

#### 3.2 Tree protection

A construction exclusion zone based on the RPAs of retained trees should be protected during the development phase by the use of barriers and/or ground protection fit for purpose to ensure the successful long-term retention of the trees. Section 9.1.1 of the standard states:

*“All trees which are being retained on site should be protected by barriers and or ground protection, as recommended in Clause 7 [of the standard]. Vertical barriers should be erected and ground protection installed before any materials or machinery are brought onto the site and before any demolition, development or stripping of soil commences. Areas of new or retained structure planting should be similarly protected, based on the extent of the soft landscaping as shown on the approved drawings. Once erected, barriers and ground protection should be regarded as sacrosanct, and should not be removed or altered without prior recommendation by an arboriculturalist and approval of the local planning authority.”*

#### 3.3 Tree protection fences

With regard to barriers erected to protect trees Section 9.2.1 of the standard states:

*“Barriers should be fit for the purpose of excluding construction activity and appropriate to the degree and proximity of the work taking place around the retained tree(s). On all sites, special attention should be paid to ensuring that barriers remain rigid and complete.*

And Section 9.2.2 states:

*“In most cases, barriers should consist of a scaffold framework in accordance with Figure 2 [of the standard] comprising a vertical and horizontal framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels should be securely fixed with wire or scaffold clamps. Weldmesh panels on*

*rubber or concrete feet are not resistant to impact and should not be used.*

A copy of Figure 2 of the standard is included as Appendix 4 of this report. The weldmesh panels allow the trees to be inspected without having to dismantle the barrier.

## 4 POLICY

### 4.1 Carlisle City Council Local Plan (revised redeposit) 2001-2016

#### 4.1.1 Policy CP2: Trees and hedges on development sites

Policy CP2 lays out the requirements of Carlisle City Council regarding trees on proposed development sites and how those to be retained should be protected during the construction phase. This policy is supplemented by the Supplementary Planning Guidance (SPG) publication: Trees on Development Sites, published by Carlisle City Council in 1998. The guidance in this document has now largely been superseded by BS 5837 (2005).

With regard to policy CP2 Section 3.12 of the Local Plan states:

*“Tree preservation orders will be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. In order to assess amenity, the following key factors will be taken into account:*

1. *visibility - the extent to which the trees and woodlands can be seen by the general public;*
2. *individual impact - an assessment of the size and form of the tree, its future amenity value, its rarity, value as a screen or contribution to a conservation area;*
3. *wider impact - the significance of the trees in the local surroundings, taking into account how suitable they are to their particular setting as well of the presence of other trees nearby.”*

#### 4.1.2 Policy EC1: Primary Employment Areas

The proposal map (<http://www.carlisle.gov.uk/carlislecc/local-plan/propmap/mapfr044.html> accessed 10/9/2008) shows that the site that is the subject of this application is in an area designated as a Primary Employment Area.

With regard to policy EC1 Section 4.11 of the Local Plan states:

*“The Sandysike and Whitesyke areas are located some three kilometres south of Longtown with access to the former from the A7 trunk road and the latter from the A6071 Longtown- Brampton road. Much of both of the areas are now forestry plantations, but interspersed among these are a number of storage sheds erected by the RAF during the Second World War. Since the War, these sheds have been used for a variety of storage uses. Initially, these uses were subject to temporary planning permissions, but in the last few years the City Council has followed a policy of granting permanent permission and where appropriate, approving extensions subject to improvements being carried out.”*



#### **4.2 The City of Carlisle (Land at Sandysike, Longtown, Carlisle) Tree Preservation Order 2007 No 226**

The trees growing on the land that is the subject of this planning application are protected as W2 in Carlisle City Council TPO 226 (2007). The Statement of Reasons for serving the TPO are:

*"The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.*

*Policy E18 of the Carlisle District Local Plan states "Trees which contribute to amenity, and are under threat, will in appropriate cases be protected by means of Tree Preservation Orders, or conditions attached to planning permissions"*

*These two woodlands and the small group of trees are a significant element in the character of the landscape at this location. They are highly visible features and can be seen from both the A7 and the minor road in front of the old RAF sheds. Much of this woodland is classified as Ancient semi-natural woodland and has a high level of importance for the associated flora and fauna that it supports.*

*The area is designated as a Primary Employment Area within the emerging Carlisle Local Plan and the trees are under pressure for their removal to allow for expansion of the existing, and creation of new employment units.*

*To stop the continuing loss of woodland the Local Planning Authority considers it appropriate to place a Tree Preservation Order on these trees."*

The current Local Plan doesn't contain a Policy E2 so I presume that it has been superseded by Policy CP2.

#### **4.3 Resolving conflicts between the retention of trees and development**

It should be emphasized that where a tree or trees are categorized as suitable for retention because they have been assessed to be in either category A, B or C, it doesn't necessarily preclude development. The benefits of the proposed scheme should be assessed and compared with the benefits of retaining the tree(s).

## **5 TREE CONSTRAINTS**

### **5.1 The retention category of the trees**

I visually inspected the trees in the woodland using the guidance in BS 5837 (2005) and found that the majority are in retention categories C and R with only a few in category B and none in category A.

### **5.2 Visual amenity**

The majority of the trees aren't well-formed healthy, defect free specimens and in themselves shouldn't be a constraint to development but as a whole the southern edge of the woodland and to a lesser extent its eastern and western edges are a landscape feature that is visible from the minor road that runs adjacent to the site. I spent some time walking along the A7 and concluded that due to there being a number of trees and hedges between it and the woodland that is the subject of this application few if any of the trees in this woodland are visible from it. The majority of the trees within this woodland therefore provide little visual amenity.

### **5.3 Wildlife considerations**

I found no plants or animals within the woodland that I consider to be rare or endangered. I am not an ecologist and I recommend that if greater assurance is required one should be consulted.

## **6 ARBORICULTURAL IMPLICATION ASSESSMENT**

### **6.1 Tree felling**

It will be necessary to remove the northern part of the woodland and a strip to create access from the road to the proposed loading/turning area to enable the proposals to be implemented.

### **6.2 Visual amenity**

The woodland that is the subject of these proposals is adjacent to the minor road from the A7 at Sandysike to the industrial units along its length, farm land to its south, some residential properties and a scrap yard. If granted permission to implement these proposals it is proposed to retain a strip of land extending approximately 23m into the site from the edge of the road that contains 14-15m of woodland and the trees in this will screen the site from the road. People travelling east along this road will be able to glimpse the extension through the entrance of the property to its west but this is not over a long distance of road and it will be in keeping with the other buildings in the vicinity. When travelling to the west the neighbouring warehouse and the retained trees will obscure most of the site.

The site is screened from the A7 by a number of trees and hedges and if implemented I don't consider that either the proposed extension or the turning/loading area will be visible from it.

### **6.3 Wildlife**

When I visited the site I didn't find any signs of wildlife within the woodland that I know are rare or endangered. I therefore don't consider that loss of part of this woodland will significantly affect the ecology of the area.

## 7 DISCUSSION

### 7.1 Policy

#### 7.1.1 EC2

The local plan has designated the area where the site that is the subject of these proposals is situated as a Primary Employment Area for mixed commercial use. I understand that Longtown and the surrounding area is economically depressed and the creation of employment opportunities is desirable. The proposed extension to the Jim Peet Ltd industrial site at Sandysike will strengthen the viability of that business, enable it to increase the number of people it employs and buffer it against economic recession.

#### 7.1.2 CP2

Policy CP2 of the Local Plan states that:

*“Tree preservation orders will be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. In order to assess amenity, the following key factors will be taken into account:*

- 1. visibility - the extent to which the trees and woodlands can be seen by the general public;*
- 2. individual impact - an assessment of the size and form of the tree, its future amenity value, its rarity, value as a screen or contribution to a conservation area;*
- 3. wider impact - the significance of the trees in the local surroundings, taking into account how suitable they are to their particular setting as well of the presence of other trees nearby.”*

As mentioned above in Section 5.2 the only trees within the woodland that is the subject of this application that provide public visual amenity are those along its southern boundary and to a lesser extent also those along its eastern and western boundaries. It is proposed to retain a 23m wide strip that contains 14-15m of woodland between the road and proposed development to reduce the detrimental effect that implementing these proposals could have on public visual amenity. Few if any of the trees that are proposed to be removed can be seen from public rights of way.

Few of the trees in this woodland that will have to be removed to implement the proposals are fine, defect free, healthy specimens.

When I visited the site I didn't see any evidence to suggest that it provides habitat for any rare or endangered plants or animals thus indicating that these trees are of little significance within the surrounding wooded landscape.

### 7.1.3 Balancing policies EC2 and CP2

I suggest that granting consent to implement these proposals and the retention of the strip containing 14-15m of woodland between it and the road will maintain a suitable balance between the desire to maintain trees in the landscape and the drive to enhance employment opportunities in the area.

## 7.2 Tree Preservation Order

The TPO has been served to protect all the trees within the area of the proposed development. Government guidance (Anon, 2000: Section 3.1) states:

*"LPAs may make a TPO if it appears to them to be:"*

*"expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area."*

Anon (2000: Section 3.2) goes on to say:

*"In the Secretary of States view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified."*

Anon (2000: Section 3.3) suggests that if trees cannot be seen or are only barely visible from a public place it may only be justified to protect them in exceptional circumstances.

The government guidance quoted above indicates that the part of the woodland in which it is proposed to construct an extension to the existing industrial building and a loading/turning area is not suitable for protection by a TPO as the trees can't be seen from a public place. The majority of the trees aren't visible from a public place and their removal would not impact on the public's enjoyment of the area. It has been suggested that the public benefit of a strong and viable business providing employment for local people will be of greater benefit to the local community than the retention of the trees that currently can't be seen from a public place and will have to be removed to implement these proposals.

## 8 RECOMMENDATIONS

### 8.1 General precautions

The following general precautions should be taken during the construction phase:

- no materials or fuel should be stored within the RPAs of trees to be retained;
- mechanical equipment shouldn't be refuelled within the RPAs of retained trees;
- no cement should be mixed or stored within the RPAs of retained trees or areas where new trees are to be established;
- cement mixers shouldn't be washed within the RPAs of retained trees;
- no plant should be operated within the RPAs of retained trees unless the soil is suitably protected against compaction;
- no plant should be operated within areas where new trees are to be established unless the soil is suitably protected against compaction or measures are taken to relieve the compaction prior to the establishment of the new trees once the construction phase has been completed;
- the guidance contained within the National Joint Utilities Group Volume 4 (Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2, 2007); <http://www.njug.org.uk/>) should be followed when installing underground services within the RPAs of retained trees.

### 8.2 Tree work necessary to implement the proposals

I recommend that a 23m wide strip of land between the road and the proposed development site that contains about 14-15m of woodland should be retained to maintain the visual character of the area. The rest of the trees should be removed to allow the proposals to be implemented. I also recommend that the retained woodland should be thinned and the dead, unhealthy and structurally compromised trees removed. This will allow light to the woodland floor that will stimulate the growth of ground flora and young trees.

### 8.3 Tree protection

Once the trees to be removed have been felled a protective fence should be erected around the remaining ones prior to any other work taking place on the site. I suggest that the fence design shown in Figure 2 of BS 5837 (2005) and included as Appendix 4 of this report would be appropriate.

#### **8.4 Implementation of the tree work**

The recommended tree work should be carried out by a suitably qualified, competent, experienced and insured contractor. The contractor should carry out all tree work in accordance with the recommendations contained in the British Standard: *Recommendations for Tree Work* (BS 3998, 1989) as modified by research that is more recent.

#### **8.5 Tree planting**

I recommend that hedges of native species such as hawthorn, hazel and holly, should be established along the eastern and western boundaries of the site to integrate it into the landscape.

## 9 LEGAL CONSIDERATIONS

### 9.1 Protected trees

I understand that this woodland is protected by a tree preservation order (TPO) so it will be necessary to apply for permission from the local planning authority (LPA) before any work, other than certain exempted operations, can be carried out in it. If planning permission is granted I understand that the trees that would obstruct its implementation can be removed without requiring further permission under the terms of the TPO.

### 9.2 Wildlife conservation legislation

The nests of most birds are legally protected while they are in use. Bats are also legally protected and their roosts are protected whether they are in use or not. Tree surgeons should be aware of their duties under the legislation enacted to protect wildlife and carry out their site assessment and work accordingly. If bats are suspected English Nature should be consulted. The Forestry Commission and others produced a leaflet called: *Woodland Management for Bats* (2005) which contains some useful advice and is freely available from:

Forestry Commission  
Publications  
PO Box 25  
Wetherby  
West Yorkshire  
LS23 7EW  
  
Telephone: 0870 121 4180  
Email: [forestry@twoten.press.net](mailto:forestry@twoten.press.net).

On page 14 this publications states:

*'The Wildlife and Countryside Act 1981 makes it an offence to disturb, damage or destroy bats or their roosts (even if bats are not present in the roost at the time of any incident). The Act applies in both England and Wales, and requires consultations with the appropriate Statutory Nature Conservation Organisation [English Nature or The Countryside Council for Wales] before carrying out activities which might harm or disturb bats or their roosts (even if unoccupied).'*

*'The Act is amended by the Countryside and Rights of Way Act 2000 in England and Wales. This adds 'reckless' to the offence of damaging or destroying a place a bat uses for shelter or rest, or disturbing a bat while using a roost. Under EU Regulations damaging or destroying a breeding site or resting place is an absolute offence, regardless of whether the act of doing so may be considered reckless or deliberate.'*



## 10 CONCLUSIONS

Based on the discussions contained in this report I conclude that granting permission to implement the proposals will create a reasonable balance between policies EC2 and CP2 of the Local Plan.

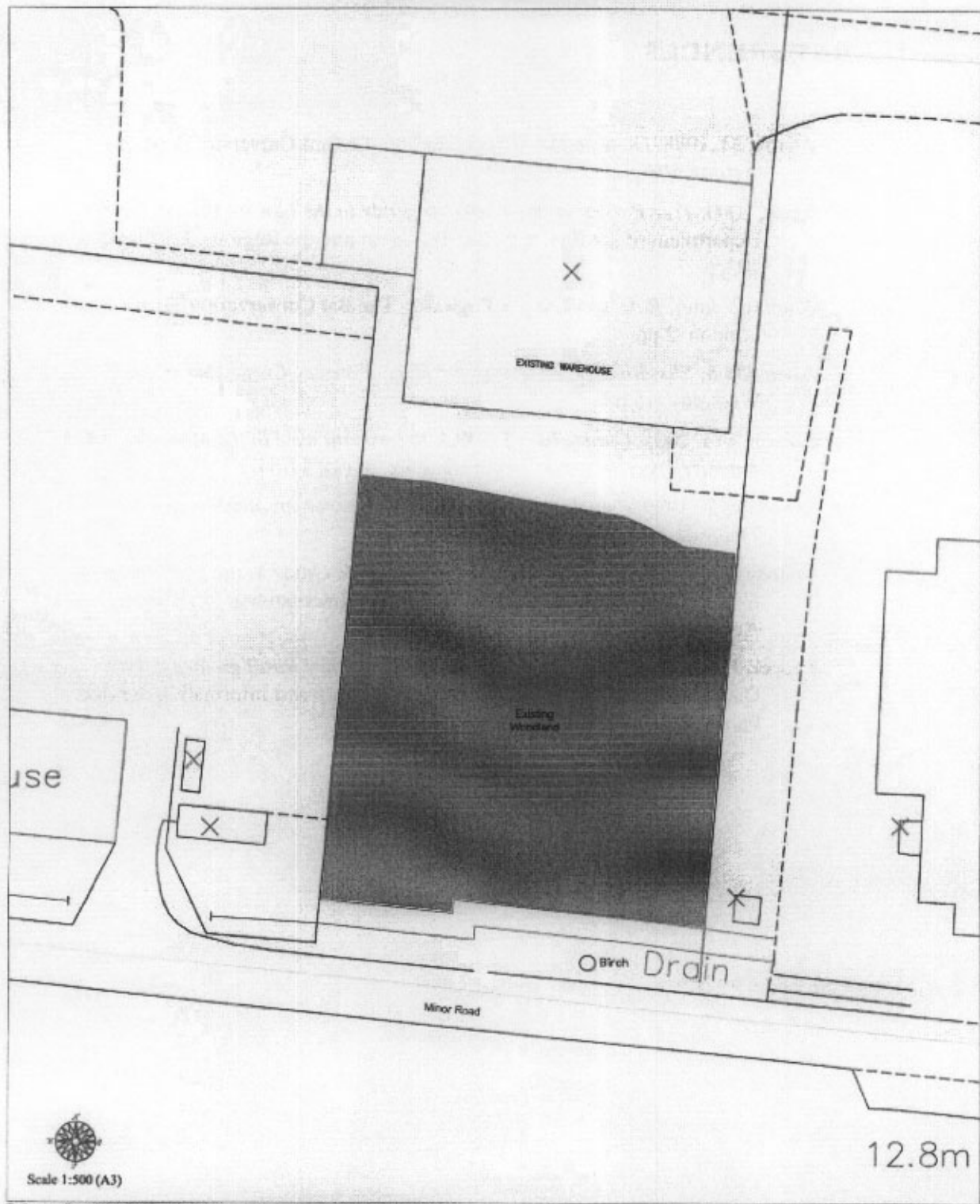
I also conclude that if the 23m strip containing 14-15m of woodland is retained implementing the proposals won't have a significant detrimental effect on the visual character of the area or its value for wildlife.

**Luke Steer BSc.(Hons), Dip.Arb.(RFS), F.Arbor.A. MICFor.**

## 11 REFERENCES

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# Jim Peet Agriculture Ltd.



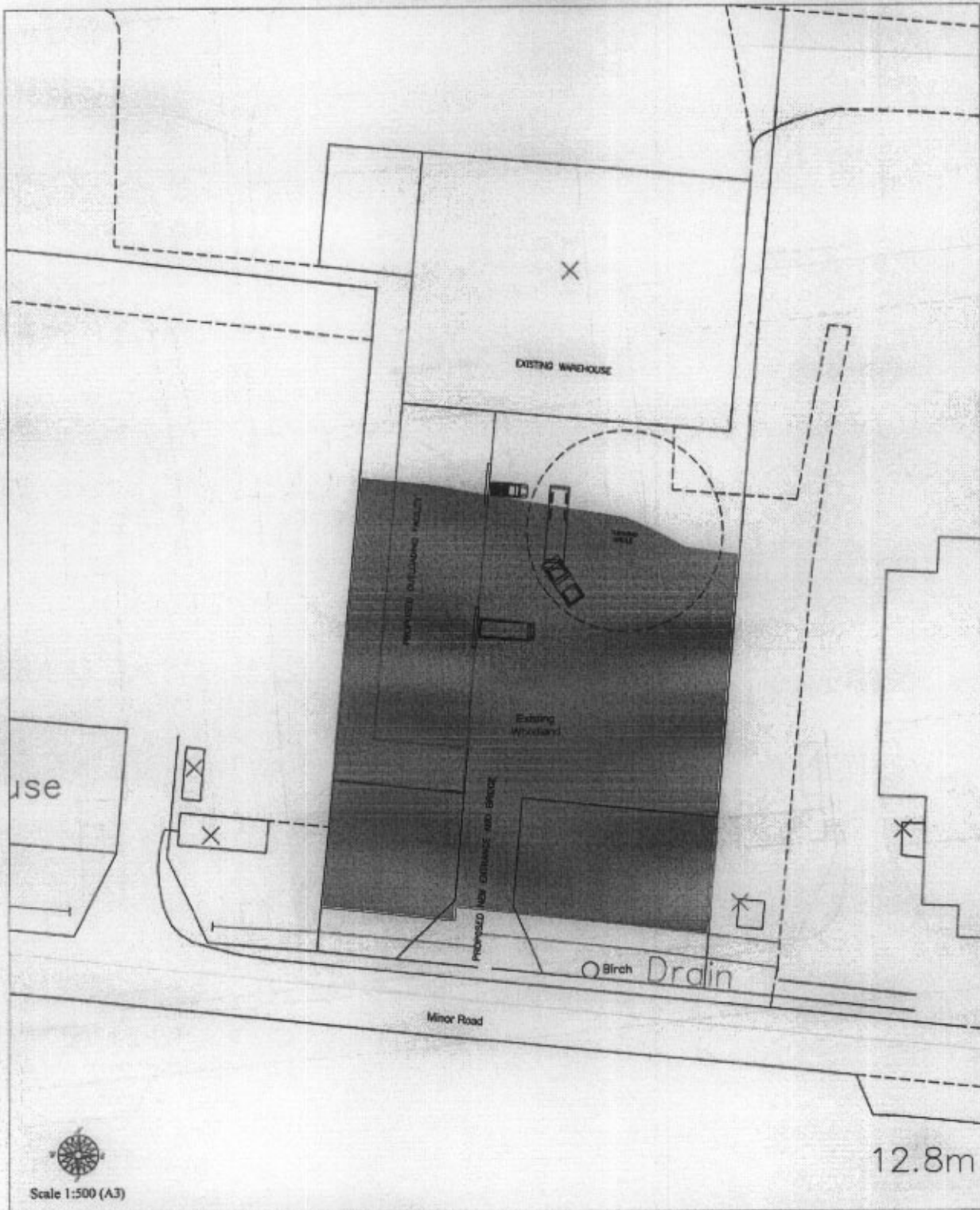
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Area of existing woodland.

Figure 1  
Ordnance Survey plan showing  
the existing site layout.

**Jim Peet Agriculture Ltd.**

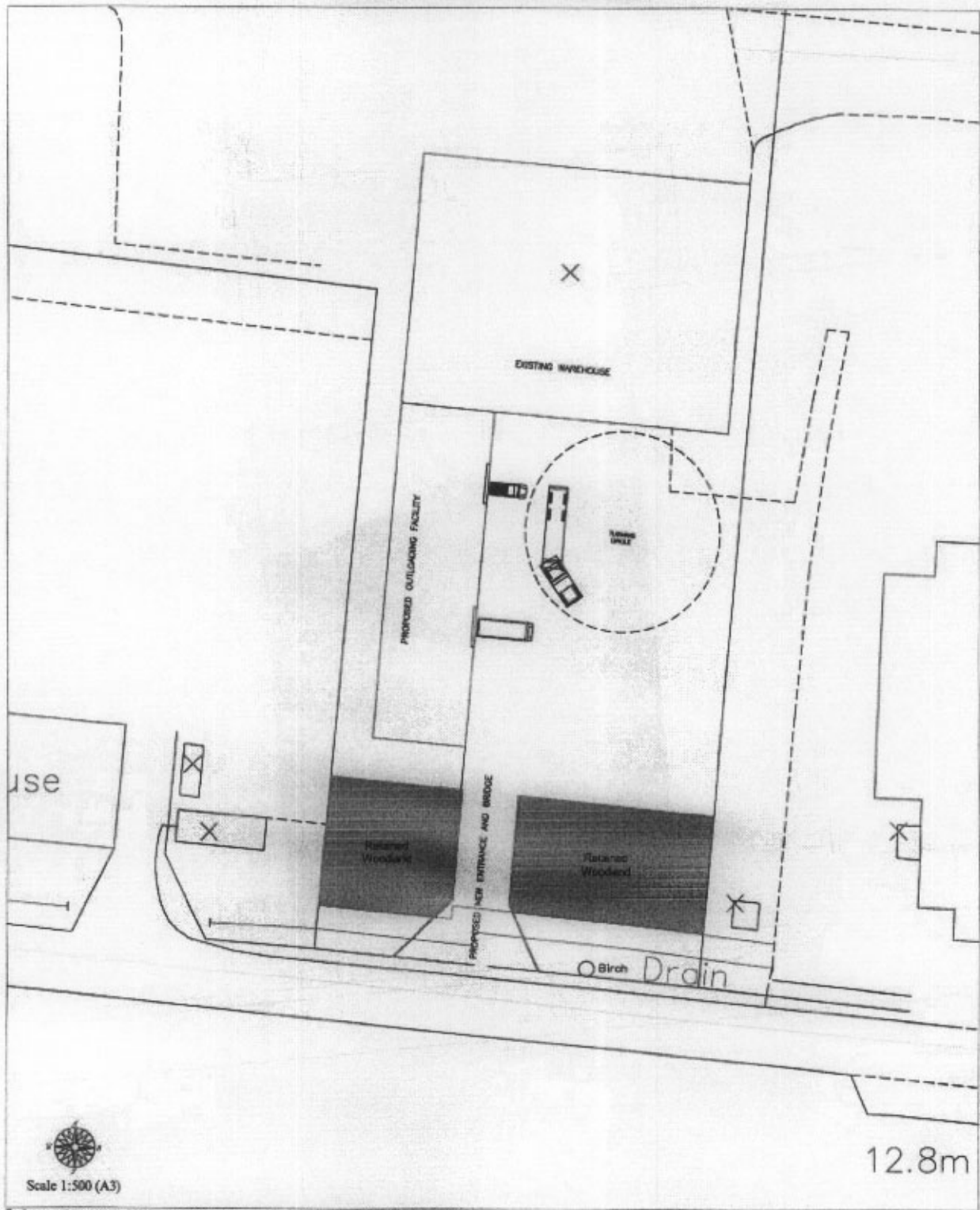


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 Area of existing woodland.

**Figure 2**  
Ordnance Survey plan showing the proposed site layout and the area of woodland that will be affected.

**Jim Peet Agriculture Ltd.**



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Area of retained woodland.



Tree protection fence.

**Figure 3**  
Tree protection plan showing the retained area of woodland and tree protection fences.

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## The qualifications and experience of Luke Steer

### 1. Qualifications

- Luke Steer was awarded a National Diploma in Arboriculture in 1989.
- In 1998 he graduated with an honours degree in Arboriculture and Amenity Forestry from the Forestry Department of the University of Aberdeen.
- In 1999 he passed the Royal Forestry Society's Professional Diploma in Arboriculture.
- In 2001 he passed the final examination of the Institute of Chartered Foresters and became a member of that institute in January 2002.
- In 2001 his application to become a Fellow of the Arboricultural Association was assessed to fulfil all the necessary requirements and he became a Fellow of the association later on that year.

### 2. Practical experience

Luke Steer has been working and studying within the field of arboriculture for over eighteen years, first as a tree surgeon and latterly in an advisory capacity. In September 1998 he started work on a short term contract reviewing Tree Preservation Orders for Chelmsford Borough Council. He stayed in this post until May 2000 after which time he became a Lecturer in Arboriculture and Forestry at Askham Bryan College, York. Between July 2002 and March 2006 Luke Steer was practicing part time as an arboricultural consultant and between January 2003 and March 2006 he was also working part time for the Lake District National Park Authority as one of their Landscape and Woodland Advisors responsible for all types of forestry and arboricultural issues within the national park. Since March 2006 Luke Steer has been working fulltime as an arboricultural consultant for his company Treescapes Consultancy Ltd. While acting as an arboricultural consultant he has completed a number of commissions covering a variety of different aspects of arboriculture:

- Carrying out an inspection of over 3000 street trees within a borough and making recommendations about their safety and management requirements;
- Inspecting all the trees and the risks they pose within a busy tourist venue in Lake District and making recommendations about how to manage those risks responsibly;
- Putting tree work out to tender and managing the resulting contracts;
- Developing proposals to bring back into management a neglected woodland garden in a popular part of the Lake District;
- Assessing whether trees may be affected by proposed construction work, and if so making recommendations about how to mitigate against such damage.
- Compiling arboricultural reports to advise both property owners and prospective property buyers about any risks which trees may pose to a property.

3. **Continuing professional development**

Luke Steer attends many conferences, seminars and workshops run by forestry and arboricultural organisations, colleges or universities.

4. **Relevant experience**

During his career Luke Steer has worked a lot with trees that are thought to be dangerous, firstly by judging how much of a risk the trees may pose, then how to make a tree safe and lastly by either carrying out the work or instructing others to carry out the required work.

5. **Membership of professional organisations**

In addition to the Arboricultural Association and the Institute of Chartered Foresters Luke Steer is also a Professional Member of the International Society of Arboriculture. He is a member of the Continuous Cover Forestry Group and the Royal Forestry Society of England, Wales and Northern Ireland.

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### Explanatory notes for some of the terms used in Appendixes 3 and 5

- **Mathematical abbreviations:** > = Greater than: < = Less than.
- **Compass Bearing:** N = north; S = south; E = east; W = west; NE = north-east; NW = north-west; SE = south-east; SW = south-west; NNE = north, north-east; NNW = north, north-west; ENE = east, north-east; WNW = west, north-west; SSE = south, south-east; SSW = south, south-west; ESE = east, south-east; WSW = west, south-west.
- **Tree Number:** This is the number used to indicate the trees approximate position on the plans inserted as Figures 3, 4 and 5. The number is also used in appendixes 3 and 5.
- **Species:** The species identification is based on visual observations and the common English name of what the tree appeared to be
- **DBH:** These figures relate to the diameter of the trunk 1.5m above ground level and are recorded in centimetres measured with a diameter tape. If, for whatever reason, the height was measured at a different height above the ground the height will be mentioned. More than one figure indicates that the individual is has a number of stems. Many stems are indicated with a 'M'. If the DBH has been estimated 'est' will appear in the column.
- **Height:** The height of the tree measured with a Sunto clinometer or a Truepulse 360b laser rangefinder.
- **Age Class:** Assessed as either:
  - Sapling or newly established = a size which could be easily transplanted;
  - Semi-mature = prior to seed bearing age and could be transplanted with care;
  - Juvenile Mature = young and if healthy growing rapidly, not yet achieved full mature height;
  - Young Mature = early maturity, not fully grown but of seed bearing age and may have achieved mature height;
  - Mature = fully grown, annual growth is much reduced;
  - Old Mature = old for the species, possibly starting to decline;
  - Ancient = exceptionally old for the species, the crown may be retrenching, provides many opportunities for wildlife and is likely to be an important habitat.
- **Health:**
  - Normal Vitality = normal growth and twig extension;
  - Moderate Vitality = reduced twig extension but other than that few signs of ill-health;
  - Early Decline = reduced twig extension and some dead twigs in the outer canopy;



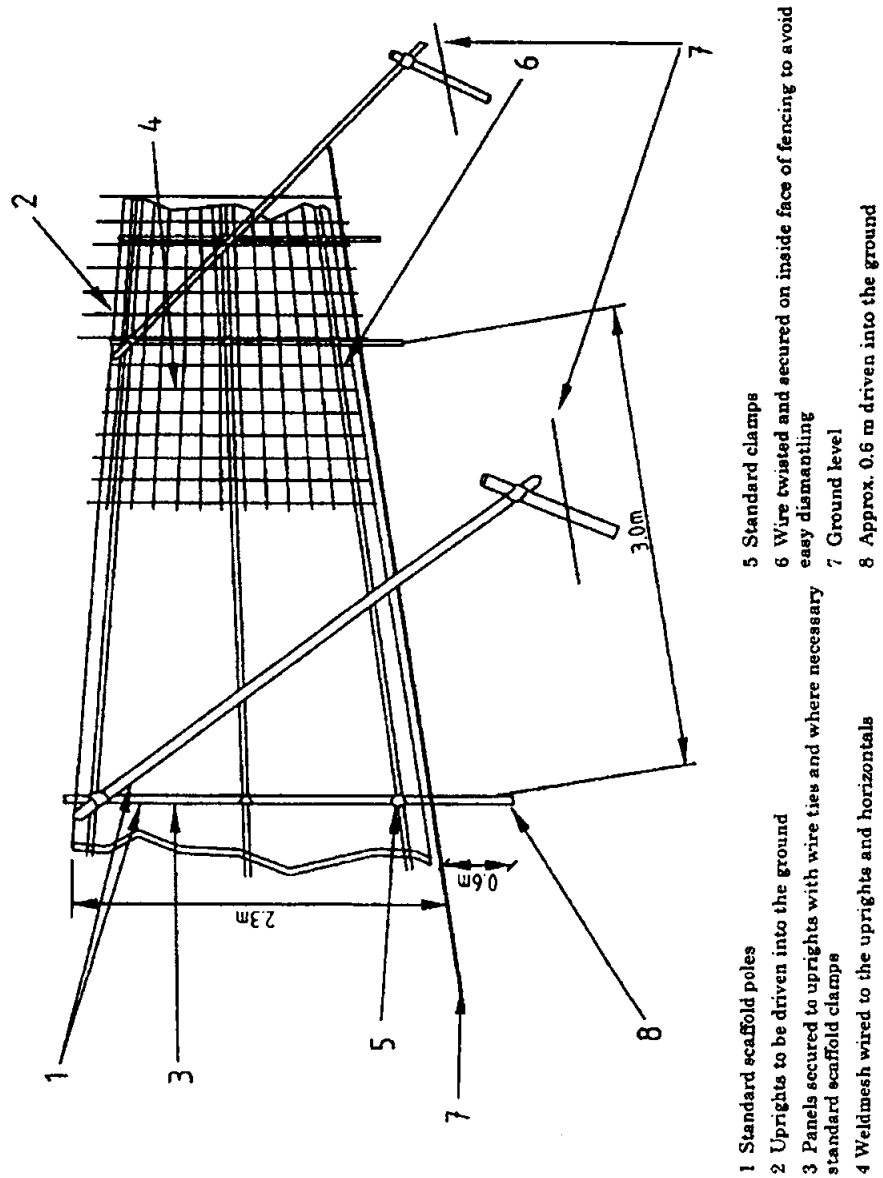
- Mid-decline = small internodes, the canopy may be thinning and contain dead twigs and/or branches in the outer canopy, older branch wounds that haven't occluded may be decaying and forming cavities;
- Severe Decline = sparse crown, numerous dead twigs and branches in the outer canopy, older branch wounds likely to be decaying and forming cavities;
- Dead.
- **Observations:** Other observations are listed in this column.
- **Defects:** This is the column where any of the trees defects are listed.
- **Severity of defect:** A subjective assessment of a combination of the likelihood of failure occurring. The defect shall be categorised as either: Minor, of little significance; Moderate, of some significance; or Major, a major defect that could cause the tree to fail at any time.
- **Remedial action:** General description of recommended work.
- **Details:** Elaboration of the Remedial action
- **Work Priority:**
  - High priority work should be carried out as soon as possible;
  - Medium priority work need not be carried out straight away but the trees should be inspected every twelve to eighteen months and after strong winds. If this work is not carried out straight away I recommend that provision is made in future budgets to have it carried out at a later date.
  - Low priority work need not be carried out straight away but defects have been noted that could develop over time; these trees should be inspected every twelve to eighteen months and after strong winds.
- **Work Category:**
  - Category 1 work is required to establish acceptable levels of safety for the site and should be carried out in the time scale indicated by the priority attached to the recommendation;
  - Category 2 work is advisory to establish high levels of arboricultural and silvicultural management of the existing trees and is not necessary for safety reasons.
- **Retention category:** The retention category assessed using the guidance in Table 1 of BS 5837, 2005 [see Appendix 5].
  - A) (light green) Trees of high quality and value: in such condition as to be able to make a substantial contribution (a minimum of 40 years is suggested);
  - B) (mid blue) Trees of moderate quality and value: those in such a condition as to make a significant contribution (a minimum of 20 years is suggested);
  - C) (grey) Trees of low quality and value: currently in adequate condition to remain until a new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm.;

R) (dark red) Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context be removed for reasons of sound arboricultural management.

- **Radius of the RPA:** The radius of a circular Root Protection Area (RPA) in metres as specified using the guidance contained in BS 5837 (2005).
- **Area of the RPA:** The area of the Root Protection Area (RPA) in square metres as specified using the guidance contained in BS 5837 (2005).



**British Standard: Trees in relation to construction – Recommendations  
(BS5837, 2005), Figure 2, Protective Barrier**



**Figure 2 — Protective barrier**

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**Glossary of standard terms used to describe tree related hazards and associated risks**

<b>TERM</b>	<b>INTERPRETATION</b>
<b>Adapted Growth*</b>	In tree biomechanics, the process whereby wood formation is influenced both in quantity and quality by the action of gravitational force and mechanical stresses on the cambial zone (This helps to maintain a uniform distribution of mechanical stress).
<b>Adventitious (Growth)*</b>	Shoots, roots or other plant organs which develop other than at their normal positions of origin (e.g. shoots which do not arise from terminal or auxiliary buds).
<b>Atypical Growth Patterns</b>	Swellings, excessive taper, lack of taper, reaction wood, localised changes in bark pattern, indicating altered mechanical loading.
<b>Bark Wound</b>	Wound not penetrating into the woody tissues.
<b>Buckling*</b>	An irreversible deformation of a structure subject to a bending load.
<b>Cambial Necrosis</b>	Death of cambium.
<b>Canker</b>	A lesion formed by the death of bark and cambium.
<b>Canopy*</b>	The topmost layer of twigs and foliage in a woodland, tree or group of trees.
<b>Cavity (Wet / Dry)</b>	Opening into a stem or branch. Water filled or relatively dry.
<b>Co-dominant Stems</b>	Two or more stems of similar diameters competing approximately evenly with each other.
<b>Compression Strength</b>	The ability of a material or structure to resist failure when subjected to compressive loading.
<b>Condition</b>	Where the term 'condition' is used in a survey it should not be taken as an indication of the safety of the tree. It is however an indication of the general vigour of the tree. Should any defects be apparent they would be listed separately in the survey.
<b>Coppice Re-growth</b>	Re-growth from the stump of a felled tree, irrespective of whether coppice growth was a management objective.
<b>Crown</b>	The branched, foliage bearing portion of a tree.
<b>Decurrent*</b>	In trees, a system of branching in which the crown is borne on a number of major widely-spreading limbs of similar size (see also <b>Excurrent</b> ).  In fungi with toadstools as fruit bodies, whose gills run some distance down the stem.  Also referring to leaf bases and other plant organs which extend down the stem.

<b>TERM</b>	<b>INTERPRETATION</b>
<b>Defect</b>	Distinct characteristic, resulting from growth patterns, damage or decay, that has resulted in reduced structural strength or stability.
<b>Delamination*</b>	The separation of layers from each other, sometimes visible as longitudinal splitting in the wood of a tree.
<b>Dieback*</b>	The death of part of a plant, usually starting from the distal point and often progressing in stages.
<b>Dominant Stem</b>	A stem exhibiting greater size and/or vigour than other stems originating from the same tree or stump.
<b>Dysfunction*</b>	In woody tissues, the loss of physiological function, especially water conduction.  Dysfunctional <b>sapwood</b> may have lost its ability to resist the ingress of other organisms such as decay fungi that, if they do colonise it, will eventually reduce its mechanical strength (see also <b>Functional Sapwood</b> )
<b>Epicormic Shoots</b>	Shoots arising from adventitious/epicormic buds. Usually located around damaged cambium, but also occurring in stressed trees and stems or branches newly exposed to higher levels of light. Some trees are genetically pre-disposed to producing large amounts of epicormic shoots in what appear to be normal conditions.
<b>Excurrent*</b>	In trees, a system of branching in which a single, distinct main stem bears a succession of branches whose diameter is progressively smaller towards the top of the tree.  Also pertaining to structures such as the midribs of leaves, which project beyond the lamina (see also <b>Decurrent</b> )
<b>Fruit Body</b>	Fungal sporophore – mushroom, bracket etc.
<b>Functional Sapwood*</b>	A term applied to living and conductive <b>sapwood</b> ; more properly 'physiologically functional sapwood', to avoid confusion with mechanical function, which continues after death (see also <b>Dysfunction</b> ).
<b>Girdling:-</b>	
<b>Wound</b>	Loss or partial loss of bark around the circumference of a stem or branch.
<b>Cord</b>	Constriction of a stem or branch, usually by a cord or wire.
<b>Root</b>	Constriction of stem base or primary roots by roots.
<b>Good / Weak Attachment</b>	Used to describe the stability of re-growth on topped, pollarded, coppiced or otherwise damaged trees. Also to describe the strength of branch and stem unions.
<b>Hazard Beam*</b>	An upwardly curved part on which strong internal stresses may occur without the compensatory formation of extra wood.
<b>Heartwood</b>	The dead or predominantly dead central wood or various tree species whose outer living wood, sapwood, has a finite and predetermined lifespan.

TERM	INTERPRETATION
<b>Included Bark in a Branch or Stem Union.</b>	The union of stems, branches or branches with stems where bark is ingrown. Symptoms of failure at included unions may include: outgrowth of tissues (bulging); atypical bark patterns such as streaks of juvenile bark; or cracking of bark.
<b>Lateral Branch(es)</b>	Side branches arising from a <b>Scaffold or Primary Branch</b> of a <b>decurrent</b> tree or the side branches of an <b>excurrent</b> tree.
<b>Leaver Arm*</b>	A mechanical term denoting the length of the leaver represented by a structure that is free to move at one end, such as a tree or one of its branches.
<b>Limited Decay</b>	Decay, which is limited in its distribution by chemical or anatomical boundaries within the affected part. Decay that is thus limited may eventually be able to break out from the limited zone, often after the tree has suffered a stressful event such as drought, root severance or a pruning episode.
<b>Lower Stem</b>	The lower third of the stem.
<b>Longitudinal Cracking</b>	Cracks extending longitudinally along the stem or branch and usually extending to the pith or beyond.
<b>Lower Crown</b>	Lower third of the crown.
<b>Mechanical Injury</b>	Injury resulting from any external impact.
<b>Mid Stem</b>	Middle third of stem length.
<b>Mid Crown</b>	Middle third of crown (height).
<b>Multi-stemmed</b>	More than two stems originating from or within one metre of ground level.
<b>Mycelium*</b>	The body of a fungus consisting of branched filaments (hyphae).
<b>Occluded Cavity/Wound</b>	Completely covered by growth of tissue since wounding.
<b>Partially Occluded Cavity/Wound</b>	Partially covered by growth of tissue since wounding.
<b>Pollarded**</b>	Past removal of the crown of a tree so as to encourage the development of numerous branches; <u>also</u> further cutting to maintain this growth pattern.
<b>Pollard Re-growth</b>	Shoots or branches arising from the point of pollarding or topping.
<b>Primary Branch</b>	Branch contributing to the main framework of the crown.
<b>Progressive Decay</b>	Decay not substantially restricted by the trees defences.
<b>Progressive Lean</b>	Continuing progression of lean (usually of a stem).
<b>Reaction Wood</b>	Woody tissues produced in response to mechanical stress.
<b>Reduced Vigour</b>	Indicated by reduced leaf and/or shoot size and distribution, possibly with dieback to outer crown.

TERM	INTERPRETATION
<b>Resistance*</b>	In tree health assessment, the ability of a tree to withstand particular adverse conditions or attack by a specific pest or pathogen.
<b>Rib**</b>	A long, narrow, axial protuberance, which often overlies a crack.
<b>Ripewood**</b>	The older central wood of those species in which sapwood gradually ages without being converted into heartwood.
<b>Root Heave</b>	Lifting root plate opposite to the lean of the stem, usually evident by mounding of soil and/or arching roots.
<b>Root Collar</b>	The interface of stem and roots usually characterised by increased stem taper.
<b>Sail Area of a Tree*</b>	A general term for the wind-intercepting area of a tree's crown which varies both with leaf cover and the orientation of leaves and twigs under different wind conditions.
<b>Sapwood*</b>	The living xylem of a woody plant, which either loses viability gradually over a number of years or decades or becomes converted into a distinct, largely dead heartwood (see also <b>functional</b> and <b>dysfunctional sapwood</b> )
<b>Scaffold or Primary Branch**</b>	The branches which form the main framework of the crown of a tree with a decurrent growth habit.
<b>Secondary Branch</b>	A second order branch, subordinate to a primary or scaffold branch and bearing sub-lateral branches
<b>Significant*</b>	In relation to health and safety, pertaining to hazards or risks which are deemed to exceed accepted standards of safety and which therefore require remedial or preventive action.
<b>Stag-headed*</b>	A state of dieback in which dead branches protrude beyond the current living crown.
<b>Stem/s</b>	The main supporting member (trunk) or members, supporting the <b>crown</b> .
<b>Stress*</b>	In plant physiology, a condition under which one or more physiological functions are not operating within their optimum range, for example due to lack of water, inadequate nutrition or extremes of temperature.
<b>Stress*</b>	In mechanics, a force acting on an object, measured per unit area of the object.
<b>Structural Roots***</b>	Long lived roots of large diameter (>25mm) which form the structural framework of the tree root system.
<b>Sub-dominant Stem</b>	One of a group of stems, being generally smaller than its neighbours.
<b>Sub-lateral branch</b>	Subordinate to a secondary branch and usually bearing only twigs.
<b>Subsidence*</b>	In relation to soil or structures resting in or on soil, a sinking due to shrinkage when clay soil dry out, sometimes due to extraction of moisture by tree roots.



<b>TERM</b>	<b>INTERPRETATION</b>
<b>Subsidence*</b>	In relation to branches of trees, a term that can be used to describe a progressive downward bending due to increasing weight.
<b>Trunk*</b>	The single main stem of a tree.
<b>Upper Crown</b>	Upper third of crown.
<b>Upper Stem</b>	Upper third of stem.
<b>Vigour*</b>	In a tree assessment an overall measure of the rate of (leaf and) shoot production, shoot extension or diameter growth.
<b>Walkover Survey/ Inspection`</b>	Inspection of trees within a defined area, carried out without invasive investigation, recording only those trees identified as containing defects that could be significant in relation to the level of public access or value of adjacent structures.
<b>Weak Attachment/ Branch Union</b>	Branch or stem attachment with increased failure potential due to defects at point of attachment.
<b>Wind Snap*</b>	The breaking of a tree stem by wind.
<b>Windthrow*</b>	The blowing over of a tree at its roots.
<b>Woundwood*</b>	Wood with <b>atypical</b> anatomical features, formed in the vicinity of a wound.  Also a term sometimes used to describe the occluding tissues around a wound in preference to the ambiguous term 'callus'.

Above list adopted from Ellison M.J. Pers Com 2001

\* From Lonsdale D. (1999). *Principles of Tree Hazard Assessment and Management*. HMSO, London. 218pp.

\*\* Adapted from Lonsdale D. (1999). *Principles of Tree Hazard Assessment and Management*. HMSO, London. 218pp.

\*\*\* From Roberts J. Jackson N. & Smith M. (2006) *Tree Roots in the Built Environment*. The Stationary Office, London. 488pp.



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## SCHEDULE B: Reports Requiring Further Information

08/1059

**Item No: 13**

Date of Committee 14/11/2008

**Appn Ref No:**  
08/1059

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

**Parish:**  
Wetheral

**Date of Receipt:**  
17/10/2008

**Agent:**  
HOLT Planning  
Consultancy

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Land At Former George P.H, Warwick Bridge,  
Carlisle, CA4 8RL

**Grid Reference:**  
347661 556851

**Proposal:** Mixed Development Comprising Retail Development With 24 Apartments  
(Revised Scheme)

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

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

This is a Major application with a local resident wishing to exercise their Right to Speak.

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

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

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

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Trunk Road/Motorway Affected**

The proposal relates to development which may affect the A74, M6 or A69.

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

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

**Local Plan Pol DP5 - Trunk Roads**

**Local Plan Pol CP2 - Biodiversity**

**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 CP10 - Sustainable Drainage Systems**

**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 EC13-Sustaining Rural Facilities&Services**

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

**Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.**

**Local Plan Pol H5 - Affordable Housing**

**Local Plan Pol H6 - Rural Exception Sites**

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

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

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

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

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

**Department for Transport (Highways Agency):** comments awaited;

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

**Northern Gas Networks:** No objections;

**Wetheral Parish Council:** comments awaited;

**Ramblers Association:** comments awaited;

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

**Cumbria Constabulary, Northern Community Safety Unit:** comments awaited;

**Planning & Housing Services - Housing Strategy, 7th Floor:** the affordable housing requirement in rural areas is for 20% on medium sites (below 25 units) so we would require 4 apartments, based on a 30% discounted sale basis to be allocated to qualifying local persons in need of affordable accommodation through the Council's Low Cost Home Ownership Register;

**Environmental Services - Green Spaces:** comments awaited.

### 3: Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Salon	Kutabuv Hair & Beauty 20/10/08	
	Co-op 20/10/08	
	7 High Buildings 20/10/08	
	8 High Buildings 20/10/08	
	9 High Buildings 20/10/08	
	10 High Buildings 20/10/08	
	11 High Buildings 20/10/08	
	12 High Buildings 20/10/08	
	Longthwaite Farmhouse 20/10/08	
	1 Longthwaite Farm Court 20/10/08	
	2 Longthwaite Farm Court 20/10/08	
	3 Longthwaite Farm Court 20/10/08	Objection
	4 Longthwaite Farm Court 20/10/08	Objection
	5 Longthwaite Farm Court 20/10/08	
	Cairn Cottage 20/10/08	
	Post Office 20/10/08	
	Troutbeck Cottage 20/10/08	
	1 Cairn Mill 20/10/08	
	2 Cairn Mill 20/10/08	
	3 Cairn Mill 20/10/08	
	4 Cairn Mill 20/10/08	
	5 Cairn Mill 20/10/08	
	6 Cairn Mill 20/10/08	
	2 Waters Meet 20/10/08	
	Beck Grange 20/10/08	
	Burnside Cottage 20/10/08	
	Jasmine House 20/10/08	
	Warwick Mill Business Centre 20/10/08	

1 Low Buildings	20/10/08	
2 Low Buildings	20/10/08	
3 Low Buildings	20/10/08	
4 Low Buildings	20/10/08	Comment Only
1 High Buildings	20/10/08	
2 High Buildings	20/10/08	
3 High Buildings	20/10/08	
4 High Buildings	20/10/08	
5 High Buildings	20/10/08	
6 High Buildings	20/10/08	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to thirty seven neighbouring properties. The notification period expires on the 21st November 2008.

3.2 At the time of preparing the report one letter has been received making the following comments on the proposal.

1. Shadow plans – these don't show shadows to the properties to the North East elevations, i.e. Low Buildings.

2. There is still allusion to a "hot food takeaway" as a typical use for a local centre. Again, I would strongly object to a takeaway in the near vicinity on the grounds of anti-social behaviour it would invariably bring.

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

4.1 In 1983, under application 83/0430, permission was given for an extension to the car park.

4.2 In 1990 and 1991, under application no.s 90/0134 and 90/0383, planning permission and advertisement consent were given for the erection of an extension to the public house and installation of signage.

4.3 In 1993 and 1994, under application no.s 93/0014 and 94/0674, advertisement consent were given for the installation of additional signage.

4.4 In 1996, application 96/0222, permission was given for the enclosure of part of scrubland to form a beer garden and childrens play area.

4.5 In July 2008, application 08/0735, planning permission was sought for mixed development comprising retail development with 24 apartments.

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

##### **Introduction**

1 The site of the former George P.H. is located on the southern side of the A69



opposite the junction with Waters Meet. To the west there is Cairn Beck and its associated weir; a terrace of three dwellings in the form of Beck Grange, Burnside Cottage and Jasmine House; and, two semi-detached houses known as Cairn Cottage and Ivy Cottage. Beck Grange and Burnside Cottage are single storey properties constructed externally with sandstone and rendered walling with slate roofs. A principle bedroom of Beck Grange has four windows facing east towards the site, although the same room is also served by a three pane opening on the north elevation. Jasmine House, Cairn Cottage and Ivy Cottage are two storey houses. On the opposite side of the road there are the two storey houses at Waters Meet and the three storey block of flats at Cairn Mill. The flats at Cairn Mill have brick and rendered walls with a tiled roof. To the east there is Mill Lane, which is also a public footpath, leading to the terraced houses at Low and High Buildings, Warwick Mill (Business Village) and Longthwaite Farm. The access to the aforementioned Lane also serves the neighbouring commercial properties, namely Troutbeck Cottage (B&B), a post office, Kutabuv (hair salon) and a Co-op shop.

- 5.2 The George P.H. has been demolished, the site cleared and fenced off although there are mature trees still present following Cairn Beck. A 150mm drainage pipe crosses the site.
- 5.3 There are currently two pedestrian islands opposite Beck Grange and Troutbeck Cottage to help pedestrians cross the A69. A bus stop is also located to the immediate north of the application site. The vehicular access for Beck Grange, Burnside Cottage, Jasmine Cottage and Cairn Cottage is approximately 40 metres to the west of the application site.
- 5.4 Warwick Mill and High Buildings, located approximately 220 metres to the south of the site, are grade II Listed Buildings .

## **Background**

- 5.4 The current application involves the redevelopment of the site by the erection of a three storey building to provide two retail units (respectively 3,380 sqft/314 sqm and 660 sqft/61 sqm) and five two bed flats on the ground floor; ten two bed flats on both the proposed first and second floors. The proposed building has been split into a series of elements (including a clock tower) with two linking glazed features, reinforced externally through the proposed use of either brick or rendered walls but unified by Artstone detailing under primarily slate roofing. The proposed layout plan shows the proposed retail units to be served by a total of 13 parking spaces of which four are designated for disabled drivers. The proposed flats are shown to have 28 parking spaces, a secure residents' cycle store, and, a recycling compound. The larger retail unit is to have a store and a service area. It is understood that the end users for the proposed retail units remain undecided despite the illustrative annotation on the submitted plans. The applicant's agent has previously confirmed that there is no intention of including dominant A3 (restaurant and cafe), A4 (drinking establishment) and A5 (hot food takeaway) uses and would be happy for a condition to be imposed restricting the retail use to Class A1.

5.5 The application is accompanied by a Planning-Design Statement, Sequential Test and Exceptions Test, Flood Risk Assessment, Transport Statement and "shadow plans".

5.6 The Planning-Design Statement explains, amongst other things, the following.

1) This application is in effect a resubmission of application 08/0735 that is presented in parallel but includes a number of amendments in response to comments made by third parties and consultees.

2) The site as a public house gained an unenviable reputation that was the focus of much attention for all the wrong reasons; in marked contrast to the popularity of the adjacent small convenience store, post office and hairdressers. The proposal is principally founded in the strongly held notion that this is a vitally important site to the future of this local service centre.

3) Under the Local Plan Warwick Bridge is one of the larger local service centres.

4) Policy EC12 of the Local Plan considers economic and commercial growth in particular proposals for sustaining rural services. Ministerial advice in PPS6 regards villages like Warwick Bridge as possibly performing the role of a "local centre" in retail planning terms. The area for retail provision is well below the nominal 1500sqm advised in the Local Plan for neighbourhood stores in/adjacent district centres. It is considered that the scale of the proposed retail provision to be modest (gross c.420sqm including ancillary office, internal amenity and storage provision). The application site has immediate access to public transport and affords the opportunity for more effective "one stop" shopping in relation to adjacent outlets.

5) Paragraph 2.57 of PPS6 advises that "The need for local shops and services is equally important within urban and rural areas...local authorities should take a positive approach to strengthening local centres..."

6) The existing adjacent provisions, in particular the Co-op is cramped and constrained yet still very popular. Nonetheless, this, along with the post office are regarded as relatively fragile in terms of their long term viability with no opportunity to improve and/or expand. It is considered that the proposal would prove mutually beneficial to these existing provisions and secure a more robust long-term future for local amenities; bearing in mind the advice in PPS6 confirming that competition is not a planning matter.

7) In the case of housing, the Local Plan provides for an 80-20% split between the City and rural areas with the focus upon Brampton and Longtown at a rate of c.65 units per annum (JSP – Policy H17). The current proposal is for 24 apartments, which due to its nature is impossible to physically phase. This represents just over one-third of one year's housing provision for the rural area of the District. Warwick Bridge is recognised as one of the largest service centres and certainly one of the most sustainable in terms of its strategic location on the A69. An additional 24 units would equate

to just a c.6% increase in the number of households in the settlement.

8) The scheme is to provide a "landmark" building accentuating this pivotal location within the communal heart of the settlement, onto the A69 at the juncture with Warwick Mill and adjacent well-used local services.

9) Only a scheme for apartments built adjacent/over the ground floor retail provision would be operationally suited to this environment, on this scale. The idea of providing dwellinghouses in this situation would be unworkable and highly inefficient. The development of apartments makes for a highly efficient use of this most sustainable site within Warwick Bridge, equating to c. 90dph (gross). The small-medium sized two bed apartments would be relatively affordable at just c.£120k, help smaller households and those downsizing, add to the mix and choice of housing in the locality.

10) There is no recorded or apparent/evidential archaeological or biodiversity interest on or adjacent this cleared previously developed land, and there are no listed buildings nearby, nor is it materially affecting a conservation area or any other area based designation or landscape of special interest.

11) The building will be fully Part M compliant.

12) Opportunities for sustainable design solutions are limited in respect of energy use, although measures will be put in place for composting of garden waste, the attenuating and storage of surface water for use on-demand, and facilitating other waste collection and recycling.

13) The applicant is prepared to make a financial contribution to improvements to an identified local play area facility, as well as provide a bus shelter on the A69.

- 5.7 The Sequential Test and Exceptions Test statement has been submitted in recognition that the land lies within Flood Risk Zone 3a wherein proposals for "more vulnerable" uses including housing are made subject to the Sequential Test. It is argued that this site is an important regenerative asset which is needed to sustain the local community and accordingly it is believed that there are no reasonable alternatives outside this settlement. The Exceptions Test demonstrating that wider sustainability benefits of the proposal outweighing the flood risk, and that the development is "safe" and residual flood risk can be overcome to the satisfaction of the Environment Agency.
- 5.8 The submitted Flood Risk Assessment (FRA) recommends the provision of storm water storage tanks and grey water recycling facilities; the discharge of surface water to Cairn Beck through a non-return valve so as much storage capacity as possible may be conserved during the onset of a storm; building up the river banks adjacent Cairn Beck to retain a 1 in 100 year storm; setting minimum floor levels across the site in line with EA advice. The FRA advises that these measures will address the flood risk facing this site without causing material harm elsewhere.
- 5.10 The Transport Statement concludes that the volumes of proposed traffic

generated by the proposed development are not significant in that they fall below the threshold of a 10% increase over existing flows normally set to define a significant impact on the adjacent highway network.

## Assessment

- 5.11 On the information so far available it is considered that there are nine principle issues.
1. Whether the proposal represents a sustainable form of development in terms of its location, and, in the context of PPS1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS3:Housing, PPS6: Planning for Town Centres, PPS7:Delivering Sustainable in Rural Areas, and, PPG 13:Transport.
  2. Whether the proposal complies with the Sequential Test of PPS25:Development and Flood Risk.
  3. Whether the application would be detrimental to highway safety.
  4. Whether the application accords with PPS 3:Housing with particular regard to provision of affordable housing in a sustainable location.
  5. Whether the proposal safeguards the character of the area.
  6. Whether the application has fully taken into consideration the requirements of PPS1 and PPS 9:Biodiversity and Geological Conservation re. ecology.
  7. Whether the application safeguards the living conditions of neighbouring residents.
  8. Whether the proposal is contrary to Policy EC13 of the Local Plan.
  9. Whether there are any material considerations which are sufficient to outweigh any conflict.
- 5.12 Items 1 to 9 are, in addition, tied up with an overall assessment of whether the proposed development accords with the Development Plan having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
- 5.13 When considering 1. the relevant question revolves around sustainability in the sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is also reiterated in PPS 7 with the emphasis on good quality development within existing towns and villages. It is an approach which underpins Policies DP1, H1 and EC12 of the Carlisle District Local Plan 2001-2016 of the Local Plan that seek to encourage development

(inclusive of residential schemes) within identified sustainable locations.

- 5.14 In the case of the current proposal, Warwick Bridge is identified as a Local Service Centre. It is evident that an element of the site falls outside the settlement boundary.
- 15 Government advice contained in PPS 25 (for example para. D2) highlights that a risk-based Sequential Test should be applied at all stages of planning. The overall aim being to steer new development to areas at the lowest probability of flooding (Zone 1). Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.
- 16 The application site falls within flood zone 3a and involves residential development which falls within the "more vulnerable" category and retail floor space which is classed as "less vulnerable" under Table D2 of PPS 25. In such a policy background there is an obvious worry that the proposal involves going from a less vulnerable to a more vulnerable use in flood zone 3a. This aside, Table D1 of PPS 25 highlights that "more vulnerable" development should only be permitted in this zone if the Exception Test, as identified in para. D9 of PPS 25 is passed, namely: a) the development provides wider sustainability benefits to the community that outweigh flood risk; b) should be on developable previously developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on previously developed land; and, c) a Flood Risk Assessment must demonstrate that the development will be safe without increasing flood risk elsewhere, and, where possible, reduce flood risk overall.
- 5.17 When considering the issue of affordable housing, PPS 3 explains in para. 30 that such provision should be within market towns and villages but also within small rural communities as rural exception sites. This is reflected in para. 8 of PPS 7 which states that: "...the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages." This situation is reflected in Policies H5 and H6 of the Carlisle District Local Plan 2001-2016. Policy H5 sets thresholds for the provision of affordable housing; whilst H6 acknowledges that residential development may be permitted in locations where such development would not usually be permitted provided that it meets certain criteria. The criteria of Policy H6 include that the proposal is for low cost affordable housing to meet an identified need; and, the proposal is well related to the settlement were the need has been identified. In the case of issue 4), the applicant has agreed to the recommendations of the Council's Housing Strategy Officer.
- 5.18 In relation to ecology, the application site is located within close proximity of a tributary of the River Eden SSSI/SAC. In the light of the distances involved it is not considered that there will be any direct adverse impact on the integrity of the SSSI/SAC. However, because the tributary feeds into the River Eden there is the potential for adverse effects from pollutants and sediments etc reaching the Beck and then being transported downstream to the SSSI/SAC. In this

context it is considered appropriate to impose relevant conditions concerning the provision of a non permeable barrier and ensuring no plant and/or machinery are stored near the Beck during construction; the undertaking of a satisfactory means of surface water drainage; and, the provision of a buffer strip between the development and Cairn Beck. A condition can also be imposed concerning the clearance and suitable disposal of any Japanese Knotweed currently on the site.

5.19 When assessing the proposal with regard to the living conditions of the neighbouring residents, the potential areas of concern relate to the extent of any overshadowing/losses in light, overlooking (with particular regard to proposed flats 9, 10, 19 and 20 and their relationship to Beck Grange), delivery and opening hours of the proposed retail units, the use of the proposed service yard, the nature of the retail use, and, the location/design of the bin store. The revised plans indicate that proposed flats 19 and 20 on the second floor are to have obscurely glazed windows on the south-west elevation. However, a concern still remains with regard to the windows serving proposed flats 13 and 14. The proposed delivery and opening hours of the retail units are also to be confirmed. However, the submitted shadow plans show that the neighbouring property will be overcast by the proposed building in the morning but definitely clear of any shadows by mid day.

5.20 When considering highway safety and the character of the area, the comments of the Highways Agency and further information from the applicant are awaited. It is acknowledged that there is a statutory duty under Section 66(1) of the Town and Country Planning Act 1990 to have special regard to the desirability of preserving the settings of Listed Buildings. This is reiterated in PPG15: Planning and the Historic Environment. In the case of High Buildings and Warwick Mill it is considered that, because of the distances involved and intervening vegetation and/or buildings, that the impact of the proposal would be limited with the remaining views of the landscape unaltered.

5.21 In regard to Policy EC13 and the need to sustain rural facilities, it is evident that the former public house has been demolished and the site cleared. This decision was made by the applicant not only in the context of the vandalism and anti-social behaviour taking place at the premises, but also, with acknowledgement to the presence of The Haywain P.H. at Little Corby.

### **Other Matters**

5.22 The applicant has sought to overcome the concerns of United Utilities by adjusting the size of the proposed store serving the larger retail unit although clarification on the means of support for the proposed first and second floors above is required. Any potential remediation of contamination can be resolved through the imposition of a relevant condition.

### **Conclusion**

5.23 It is acknowledged that the proposal is contrary to the sequential test contained in PPS 25. Nevertheless, this is considered to be outweighed in terms of the potential benefits that the proposal would represent to the settlement in terms

of brownfield development, an employment opportunity for local people, potential less reliance on travelling to main centres for "everyday" goods and social inclusion. The scheme can also be designed to take account of any flood risk. This aside, there are matters of detail and/or comments awaited from interested parties with particular regard to highway safety, the impact of the proposal on the character of the area, living conditions of neighbouring residents, and, any contribution required towards public open space.

5.24 An updated report will be presented to Members following receipt of the awaited information and responses.

## **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";

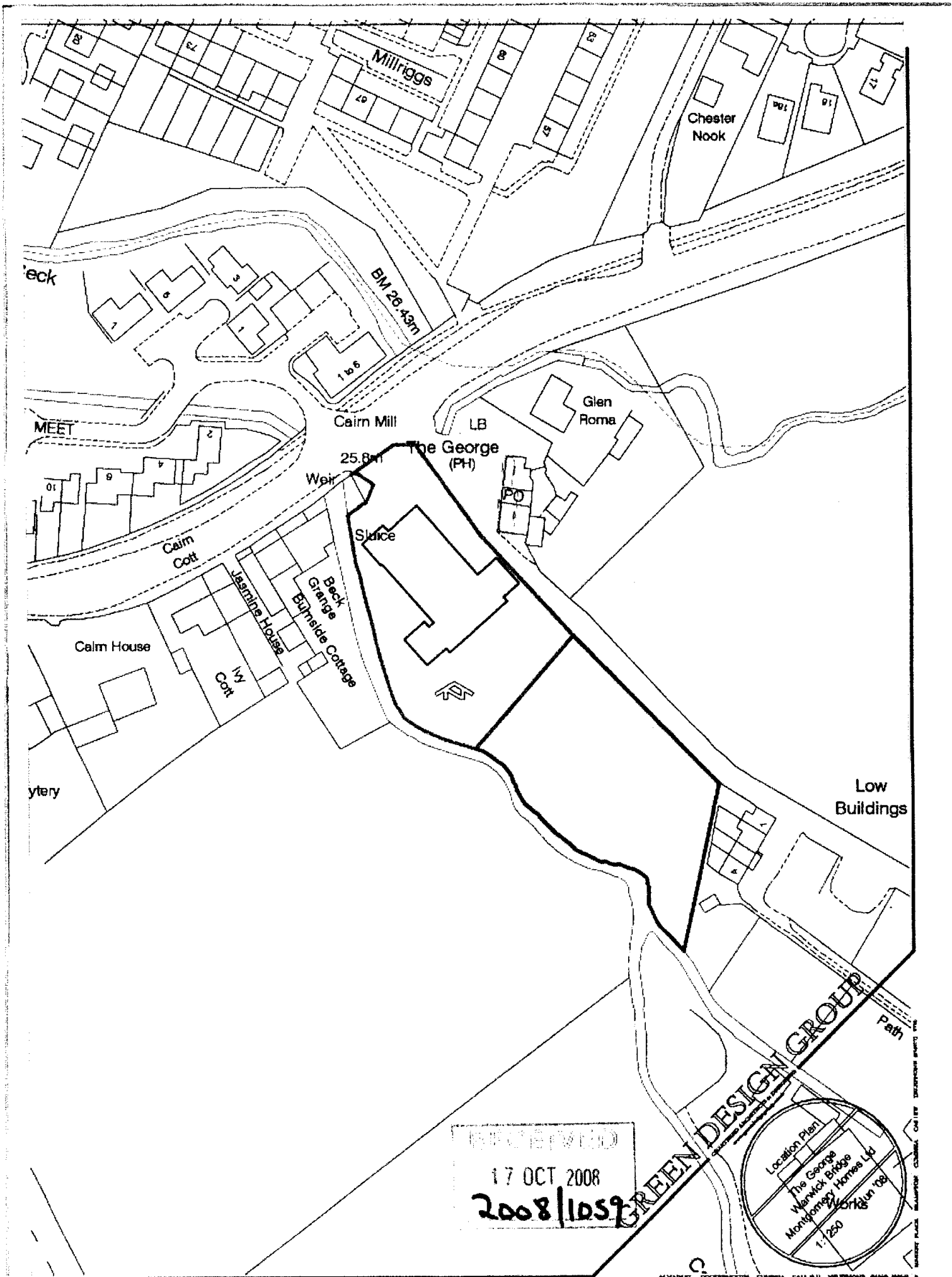
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary.

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

At the time of preparing the report further information from the applicant and consultation responses are awaited; and, the notification period has yet to expire.

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**GREEN DESIGN GROUP**

Location Plan  
 The George  
 Warwick Bridge  
 Montgomery Homes Ltd  
 Works  
 1:250

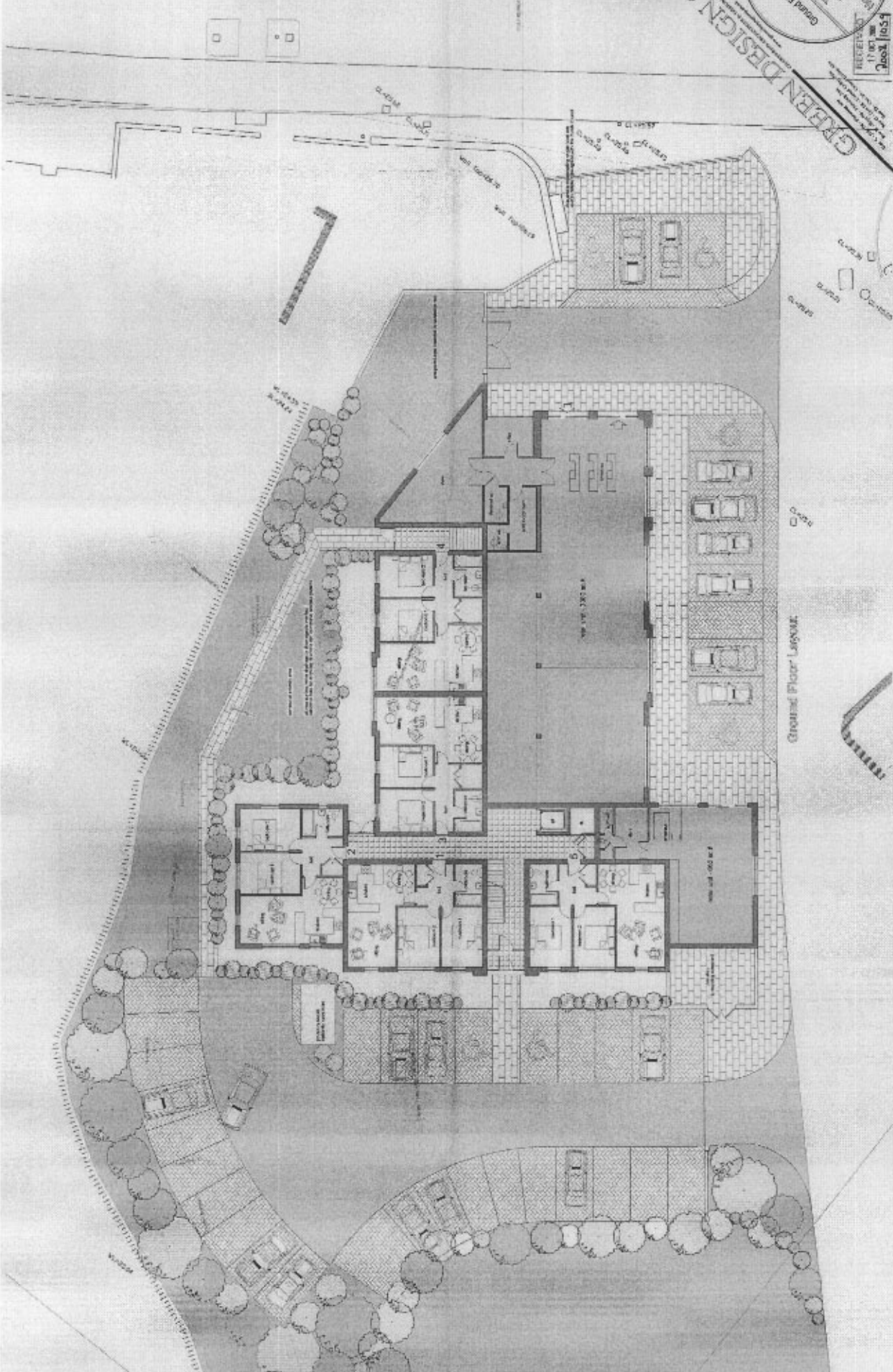




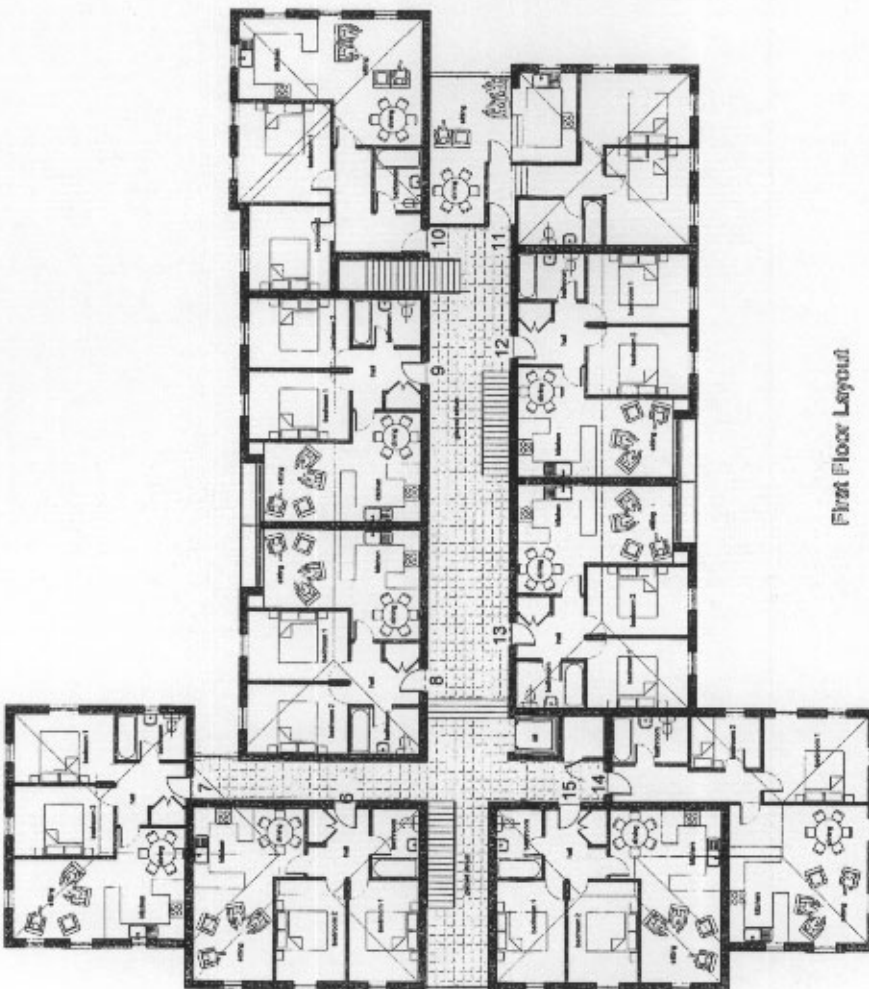
GREEN DESIGN GROUP

08/18/2003  
The quantity  
of plants and  
materials shall  
be as shown  
on the drawings  
unless otherwise  
noted.

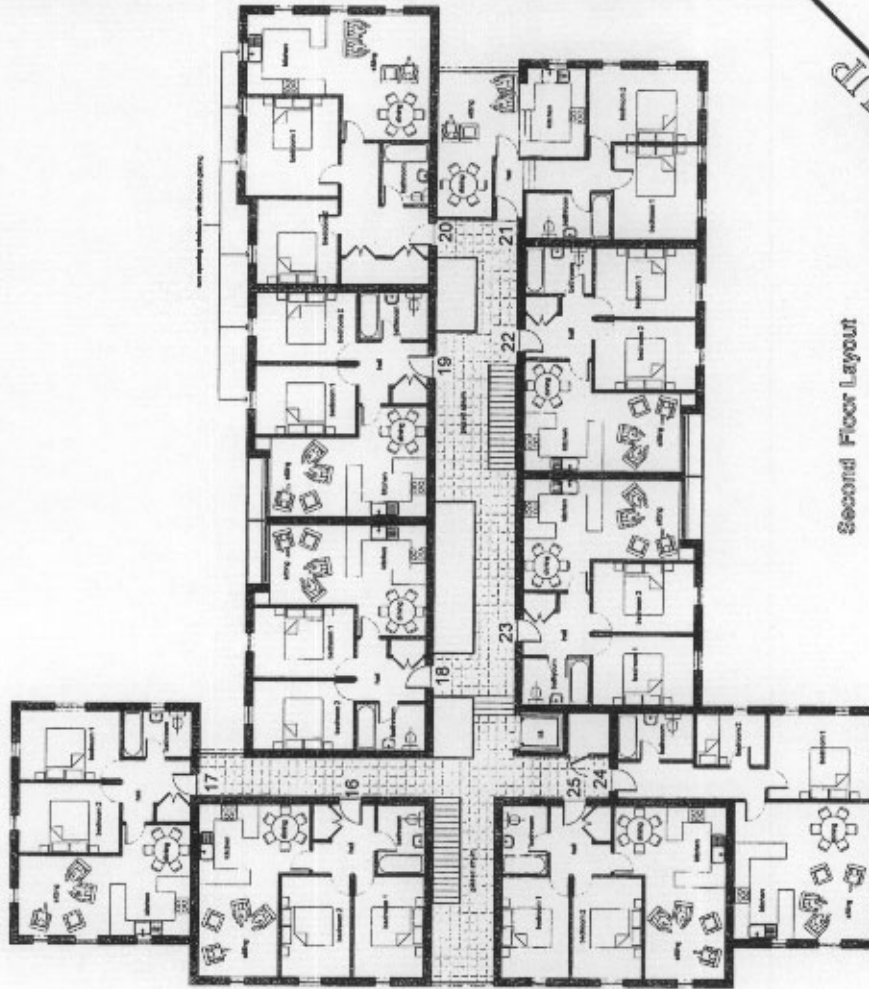
ES&J  
Landscape Architecture  
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Ground Floor Layout



First Floor Layout



Second Floor Layout

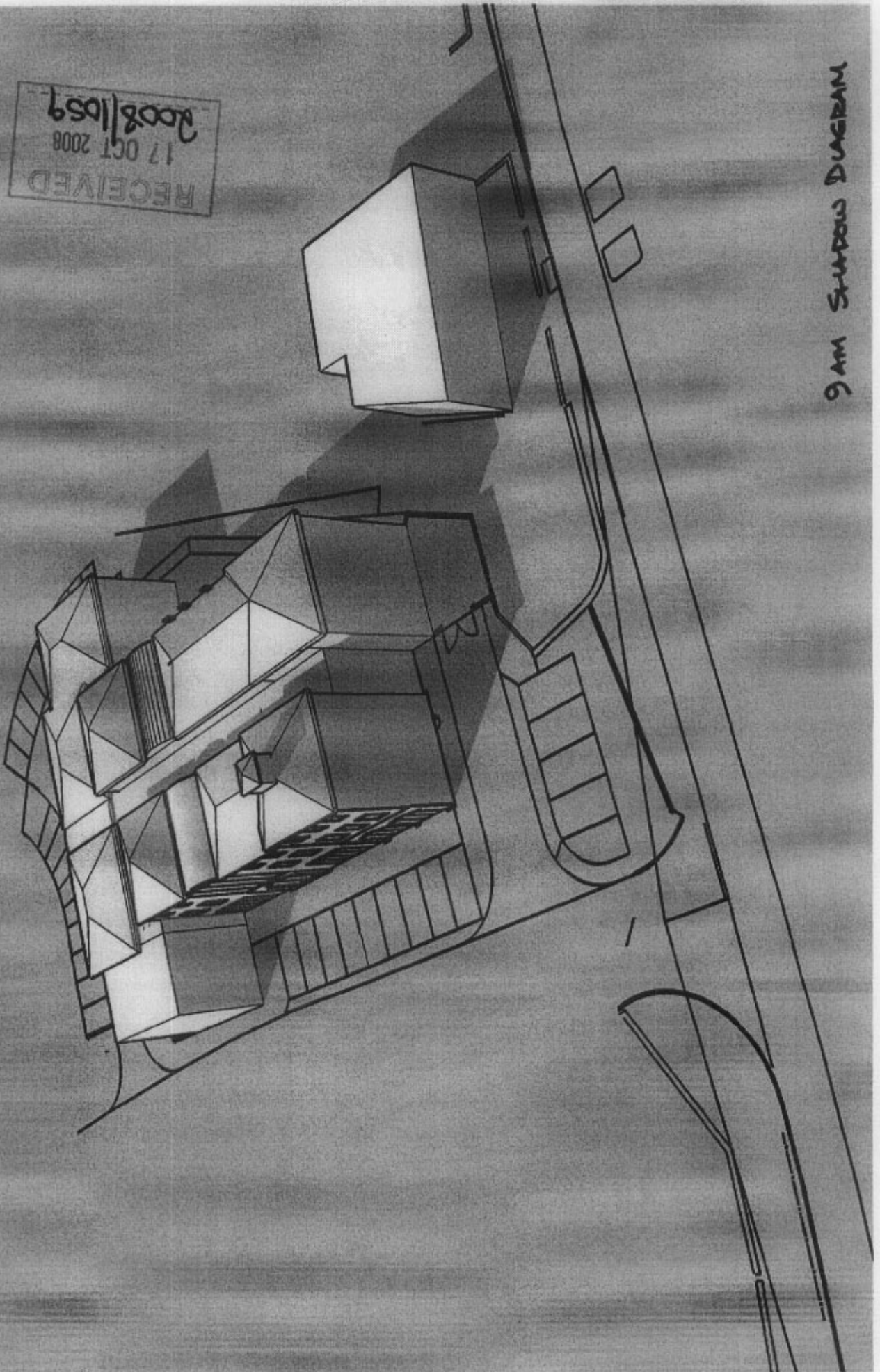
GREEN DESIGN GROUP

1st & 2nd Floor Layouts  
 The George Washington Bridge  
 and Raddi Outlets  
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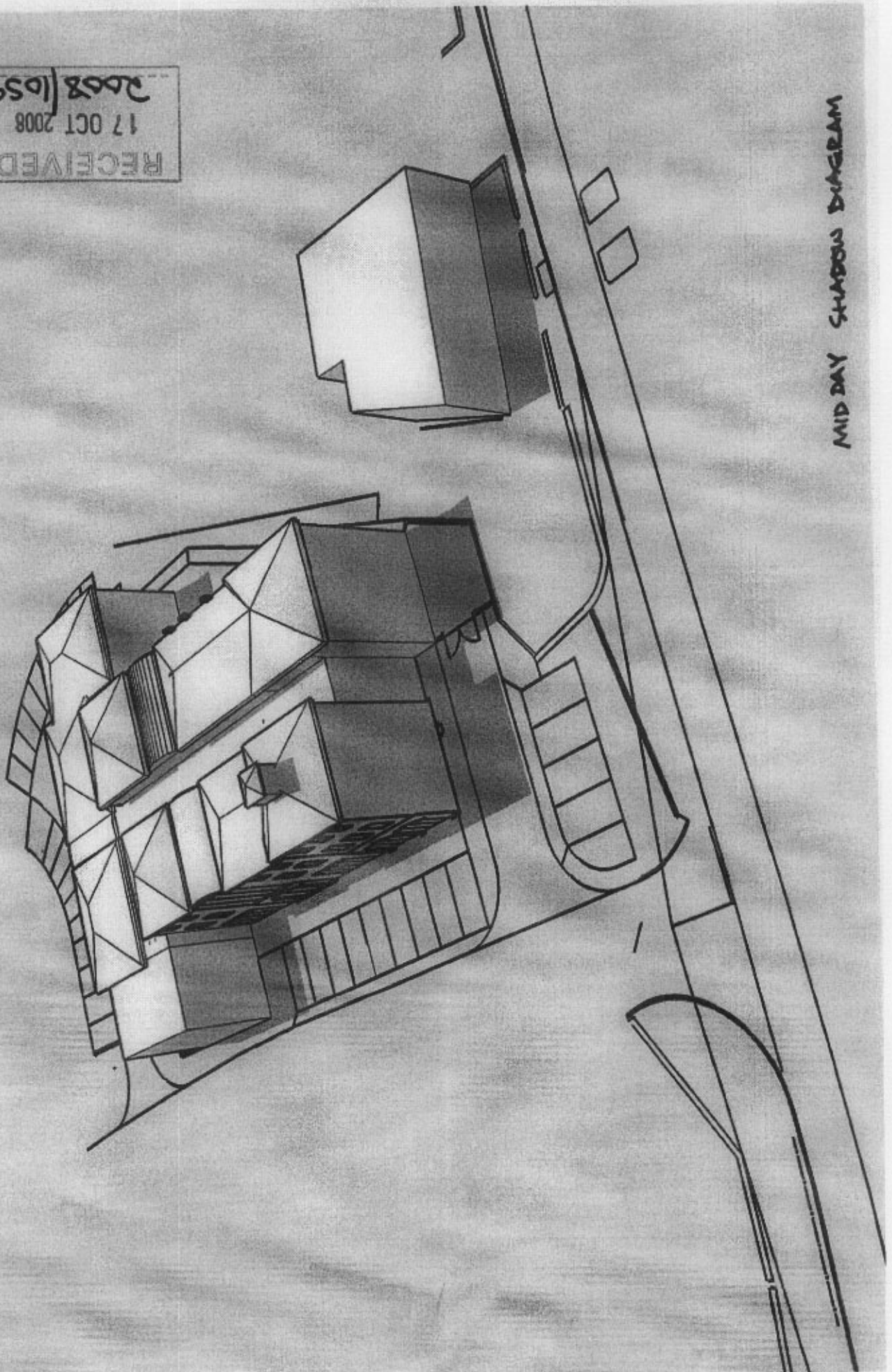


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9 AM SHADOW DIAGRAM

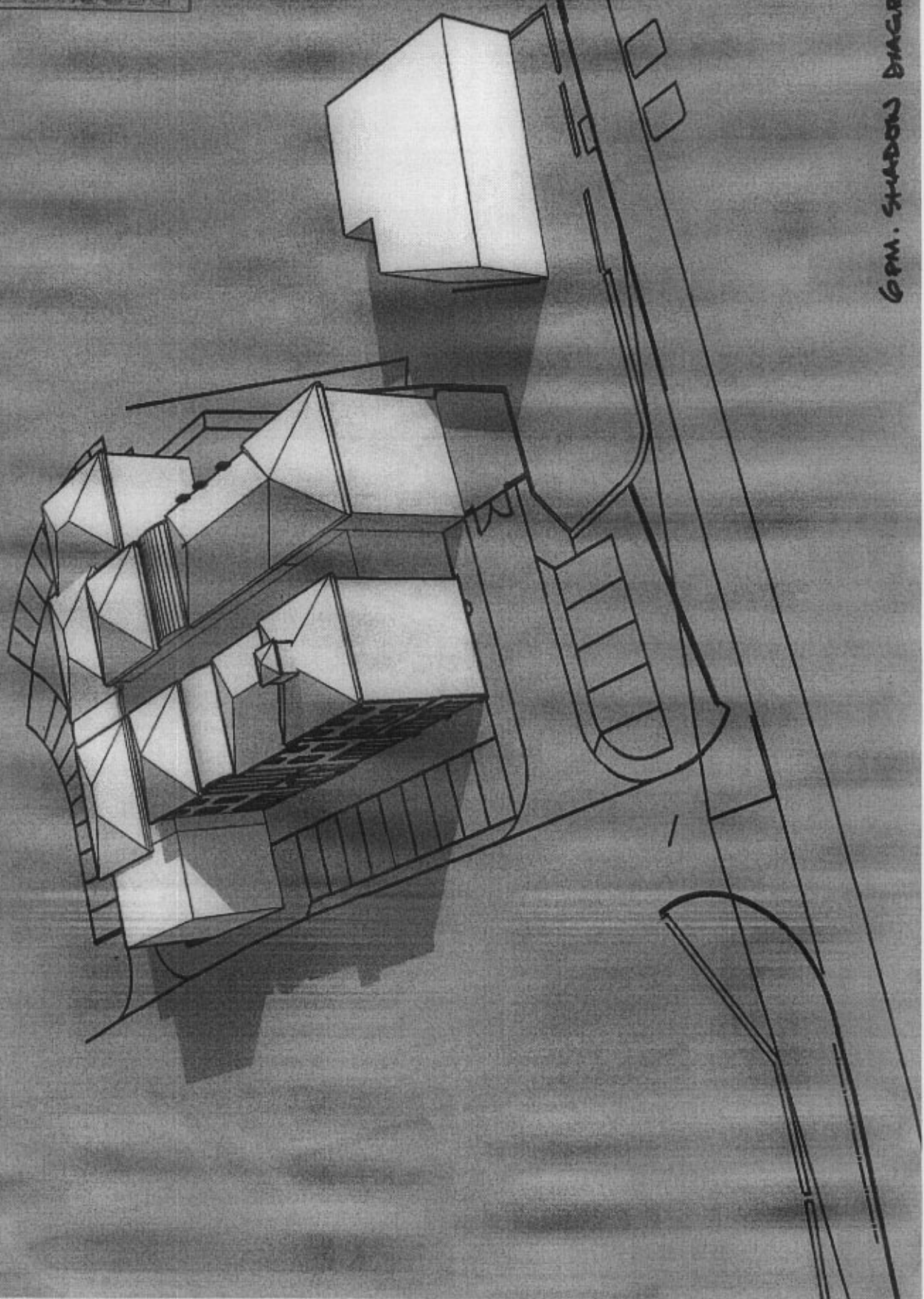


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MID DAY SHADOW DIAGRAM

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2008/1059



6PM. SHADOWS DIAGRAM

## SCHEDULE A: Applications with Recommendation

08/0976

Item No: 14

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0976

**Applicant:**  
Carlisle City Council

**Parish:**  
Rockcliffe

**Date of Receipt:**  
30/09/2008

**Agent:**  
Johnston & Wright

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank Caravan Site, Low Harker, Carlisle, CA6  
4DG

**Grid Reference:**  
338453 560929

**Proposal:** Redevelopment Of Existing Caravan Site For Use By The Travelling Community, Including Demolition Of Existing Toilet Block, Road Layout And Hard Standings; Realignment Of Site Road Layout To Provide A Fewer Number Of Pitches (15no), Each With New Amenity Block, Standing Space For Static Caravan, Standing Space For Touring Caravan And Vehicle Parking; New Office/community Building; New Play Area And Landscaping

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

### Reason for Determination by Committee:

This is an application that, although relates to operational development, has significant implications concerning the Council's ability to fulfil its obligation to provide sufficient designated Gypsy and Traveller sites.

#### 1. Constraints and Planning Policies

##### **Trunk Road/Motorway Affected**

The proposal relates to development which may affect the A74, M6 or A69.

##### **Local Plan Pol CP1 - Landscape Character**

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

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

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



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

**Local Plan Pol CP10 - Sustainable Drainage Systems**

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

**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 H14 - Gypsies and Travellers**

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

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

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

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

A water supply can be made available to the proposed development.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability.

United Utilities will only consider the adoption of surface water sewers draining to a balancing pond (as opposed to any other SUDS structure), providing the following conditions are met: -

- \* The Local Authority takes responsibility for the maintenance of the pond
- \* The freehold of the land on which the pond lies is transferred to the Local Authority
- \* United Utilities is provided with a deed of "Grant of Rights" to discharge into the pond in perpetuity. Such a deed would necessarily contain provisions against development within the balancing pond, and against altering its topography, or making connections to it.
  
- \* That measures have been taken to prevent flooding of properties

\* That a legal agreement is in place between all parties.

A section 104 (Water Industry Act 1991) agreement for the surface water sewers draining to the balancing pond, will not be entered into until every condition described above has been met;

**Cumbria Constabulary, Northern Community Safety Unit:** it is proposed that this development shall achieve 'Secured by Design' accreditation and therefore look forward to receiving the appropriate application form in the event of this application being approved;

**Department for Transport (Highways Agency):** comments awaited;

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

**Rockcliffe Parish Council:** comments awaited;

**Kingmoor Parish Council:** the Parish Council do not meet again until 20th November 2008 and I have been instructed by the Chairman to formally request an extension to the 21-day consultation period so that the above application can be considered at that meeting. I should then be able to provide the parish council's response no later than Monday 24th November 2008.

The Council does have a Planning Committee that consists of three councillors but they consider that this application needs to be discussed at a full council meeting where the public are able to attend and it is on that basis that the extension to the 21-day period is requested.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	Ghyll Bank Stables	10/10/08
	Ghyll Cottage	10/10/08
	Ghyll Bank House	10/10/08
	Ghyll Bank Caravan Park	10/10/08
	2 Old Harker	10/10/08
	10 Whitehall Drive	10/10/08
	Hesket Park	14/10/08

3.1 This application has been advertised by a site notice and the direct notification of the occupiers of six neighbouring properties. At the time of preparing the report one letter of comment and an e-mail raising objections to the the proposal have been received.

3.2 The letter commenting on the proposal has been submitted by a consultant who acts on behalf of the Gypsy and Traveller community and makes the following comments/ observations:

1. I support the move by the Council to make provision in this area given the difficulties experienced elsewhere. If you have not done so already, I suggest you arrange an informal session with local Gypsy-Travellers to seek their views on the layout and site management issues. In particular, I think you may find that they will want to know how the site is to be run and organised and by whom. For many security of tenure and site management will be of utmost concern.

2. I support the inclusion of a communal building, especially one with visitor parking, a meeting room where health visitors and TES staff can meet families and maybe arrange tuition for older children. I support also (if indeed this is intended) a communal launderette area for those unable to afford to install washing machines or who want to use the space in their limited kitchens for other uses.

3. I think the layout makes good use of the site and I believe it is a layout that will find favour with site occupants. I support the idea of a small fenced off children's play area and suggest you include seating for older people too. I support the retention of much of the natural landscaping.

4. However, in my opinion the plots are far too small. Unless you have reason to believe that intended occupants are likely to be single persons, older couples or couples with small families (not typical of most Gypsy-Traveller families in my experience) you would do better to provide fewer larger plots. You will note the requirements of the Swale and Young families on adjoining sites. There is barely room for a static caravan on your plots (could this please be checked – it looks very tight indeed and some caravans appear to but/almost overhang the car park area). No plot is large enough for a twin unit mobile home. Most families rely on their second touring caravan as overflow bedroom space for children but on most plots there is not room for a second caravan to be sited over 6m from the main caravan and over 6m from an adjoining plot, rendering it unsuitable for residential occupation. This limits plots to very small family sizes. I urge you to reconsider the design and maybe include a few double plots for larger families needing twin unit mobile homes whilst retaining a supply of small plots for elderly, childless couples or single people. Otherwise, large extended families who might otherwise occupy a single plot are going to spill out onto 3-4 plots.

5. The proposed amenity blocks are also very small and fail to respect the guidance in CLG Designing Gypsy and Traveller Sites May 2008. I presume that grant aid is to be sought so fail to understand why the size was limited for cost reasons. I am increasingly being asked to submit applications for larger day rooms but it is difficult to judge at present what is acceptable. I refer you to para 7.17 which requires amenity blocks to have room for a kitchen and dining area. As families become more settled many living in their touring caravans will want a sitting area with sofa/ TV and dining table as their caravans are for bedrooms only. I refer to the suggested layout in Annex B6. In a northerly location such as Carlisle I do suggest there is a need for large amenity blocks as for much

of the year families can not live outdoors. As the plots are not big enough for twin unit mobile homes (possibly not large enough for single units either) there is a greater need for larger day rooms. I am also finding that many families prefer a larger day room to twin unit mobile homes due to the cost of purchasing twin units and their limited 'shelf life'. The blocks would be unsuitable for a wheelchair users-there simply is not the space to manoeuvre.

6. The parking spaces appear to be too small for commercial vehicles such as transits/ pickups.

7. It may be advisable to set the security gate further into the site so that a caravan towed by a car can clear the road. At present it looks as though it is set back no more than 5-6m from the road. If you look at the combined length of a touring van and car on the plan you will understand the point I am making.

8. I support the provision of small sheds. Might I suggest these are large enough to take a bicycle. Now that Gypsy-Travellers are more settled so some are beginning to have bicycles and this is to be encouraged just as it is for settled community.

9. I question how north and east facing amenity blocks are going to benefit from solar panels on their front aspect.

10. There is no room for visitors who may arrive in caravans. It is often a good idea to have a transit area for families and friends passing through. Otherwise turning heads within the site are likely to be blocked with caravans.

11. I note that external lighting is to be provided but no details are given.

### 3.3 The letter of objection makes the following points:

1. I am told that this site has been identified as the preferred option for a Municipal Gypsy site. As a local member of the Low Harker community, we have neither been informed of, or taken part in this study, nor have we had any opportunity to challenge the findings, until we are able to do this no development should be allowed to go ahead. This site was not identified in the Local Plan as a Gypsy camp and is currently for use by all not exclusively Gypsies.

2. The Ghyll Bank site was given permission for fifteen pitches in 2005 after appeal and that only went through on the premise that permission had existed previously, when the site was used by the original Motorway construction workers and the permission was never rescinded. I believe though I can't find any documents that the council originally objected to this earlier proposal.

3. The size of this development and the new offices, roads and facilities means that this application should in my opinion be treated as a "new"

development, to that end there is a Moratorium on all new building in this area. Low Harker is a Rural area not part of the Urban sprawl of Carlisle city and should be kept that way.

4. There are no facilities to speak of locally. Nearest schools, Rockliffe, Blackford, most Gypsy families attend Houghton school all of these are over two miles away. Nearest shop is Asda which is one and a half miles. Nearest Doctor Stanwix or Longtown three and six miles respectively. There are no Bus services in Low Harker which means that Journeys to any of the above will cause an increase in vehicular journeys and extra carbon emissions etc, which the Council should be discouraging. There is a permanent site at Houghton which is well run and has excellent facilities close by including shops, school and bus services.

5. The unclassified road that the site is on has a seven ton weight limit which is frequently flouted by wagons, no lighting and no footpaths. there have been several serious accidents at the site entrance, the latest on September the first this year. This road has become very busy since the opening of Asda and Kingmoor Park, it is used as a rat run by those coming from Longtown or needing easy access to the Motorway. My wife refuses to walk from the nearest Bus stop at Harker Park after dusk as it is too dangerous.

6. The Carlisle to Rockliffe road which any resident of the site would need to use to get into town or Asda has also got much busier with Sawmill Traffic and the closure of access from the A74 means that nearly every Bin wagon now goes that way. This road also has no lighting or footpaths either.

7. Part of this site directly backs on to the new M74 extension, apart from the obvious danger to children of being so close to the Motorway I believe the council will be leaving itself wide open to having to provide very costly Noise attenuation screening in the future if this development were to proceed.

8. The site is also directly opposite the National grid premises which has an Electrified fence round the property, I would not like any child to be electrocuted through natural inquisitiveness.

9. The site License was cut to fifteen by the appeals Inspector to safeguard the surrounding community, since then the owner has sold off several small parcels of land which have now retrospective planning applications submitted, 08/0350, 07/0522, 06/0561, 08/0754. which amount to another seven caravan pitches, the License application should be reduced by this amount to eight Pitches in Total allowing for fifteen in total and no further planning granted.

10. If you were to allow this development to proceed, we fear that the Council also wants to use part of the site as a Transit camp, we would be grateful if you could impose conditions on them to consult with the Local

community before going ahead with any applications.

11. Finally I believe the Local community mix will no longer be sustainable and this development will cause a Longstanding community to disappear in favour of one which did not exist less than four years ago, this has obvious Human Rights implications and should not be allowed to happen.

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

- 4.1 The site has a planning history which goes back to 1975, when permission was refused for the erection of two dwellings. Another outline application for residential development was refused in 1980.
- 4.2 In 1994, under application 94/0863, permission was granted for the use of the site as a touring caravan site and caravan storage area, subject to conditions which linked the number of touring caravans to 30, and occupation to 14 days. Further conditions prohibited static caravans and limited the use of the site for tourers to March to October.
- 4.3 In June 1996, reference number 96/0369, an application for a warden's dwelling and shop was refused and an appeal against this decision was dismissed.
- 4.4 In October 2000, reference number 00/0774, permission was granted for one caravan to be occupied during the winter up to 31st January 2001.
- 4.5 In February 2001, application 01/0091 was submitted, seeking permission for amendments to the conditions attached to permission 94/0863 to allow unrestricted occupation for 12 static caravans and 18 tourers. This application was refused for the following reason:-  
  
"The proposed alterations to the pattern of use of the caravan site would result in the establishment of a separate, permanent residential development in a location distinct from any recognised settlement and contrary to policies H6 and EM13 of the Carlisle District Plan."
- 4.6 In August 2001, these proposals were re-submitted as application 01/0735, but this was again refused in February 2002, for the same reason as above.
- 4.7 In October 2002, a further application was made to vary the conditions to allow all year round occupation of 30 touring caravans for up to 28 days. This application was likewise refused, but an Appeal against this decision was allowed in August 2003.
- 4.8 In 2005, application 05/0263, permission was given for the use of fifteen pitches for permanent occupation.

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

## Introduction

- 5.1 This application seeks approval for operational development on the existing caravan site at Ghyll Bank Park. The operational development consisting of the demolition of the existing toilet block, realignment of the site road to provide 15 pitches with amenity blocks, a new office/community building, new centralised play area and landscaping. As well as an amenity block each pitch is shown to have standing space for a static caravan, touring caravan and vehicle parking.
- 5.2 The application is the result of a review carried out by the City Council into the provision of authorised accommodation sites for the Gypsy and Traveller Community under the Housing Act 2004, that placed an obligation on local housing authorities to assess the accommodation needs of Gypsies and Travellers in their area and to develop a strategy to address their needs.
- 5.3 The site is located to the north of the A74 with access achieved via the classified road that runs from Low Harker to the Harker Bridge crossing. An unclassified lane runs to the west of Ghyllwood, opposite the Harker electricity sub-station and buildings occupied by FPL and Haulage Express Ltd. To the immediate south there is an existing private Gypsy -Traveller site for a single family known as Cryndlebeck Stables (formerly Ghyll Bank Stables) and a caravan storage compound (i.e. "Carlisle Caravan Storage" ) based from Ghyll Bank House and the associated annexe referred to as Ghyll Cottage. The site is bounded by mature hedges along the north, east, and south boundaries with mature trees and shrubs along the west boundary, which opens onto fields.
- 5.4 Members will also be aware that under application reference number 07/0522 temporary planning permission has been given for a private Gypsy-Traveller site at Ghyll Bank Stables. The Council are also considering two current applications for private Gypsy-Traveller sites within the immediate vicinity (application numbers 08/0350 and 08/0754) at Ghyll Bank Yard and Deerview.
- 5.5 The submitted plans show that the proposed community building to have a floor area of 81.3 sq metres and constructed externally with brick walls and reclaimed slate roofs. Twin solar panels are shown on the south elevation. The proposed amenity blocks consist of a kitchen, store room and bathroom with a lean to for the storage of bins. The aforementioned blocks are also proposed to be constructed in brickwork with reclaimed slate roofs.
- 5.6 The application is accompanied by a a Design and Access Statement, an outline specification of materials, and an ecological design option appraisal. The Design and Access Statement explains, amongst other things, that:
  - 1) The provision of authorised sites is intended to reduce the incidence of unauthorised encampments, which have sometimes created tensions between Gypsies and Travellers and the settled community. The Communities and Local Government Department has set up a Gypsy and

Traveller Site Grant Scheme available to Local Authorities for the provision of new sites and the refurbishment of existing sites. The design proposals have been prepared to meet the requirements of a Good Practice Guide "Designing Gypsy and Traveller Sites" published by CLG and against which Grant Bids are assessed.

2) Carlisle City Council submitted an application for funding under the above grant scheme to CLG at the end of July 2008 to develop the existing Ghyll Bank site. The application site has been selected because it is located close to routes used by the travelling community and already has planning consent (ref. 05/0263) for development of 15 pitches for permanent occupation as a site for the travelling community.

3) The intention is for the site to be purchased by the City Council from the existing owner who is to provide new boundary fencing around his existing site manager's house, which will remain in his ownership in the south east corner of the existing site.

4) It is proposed to provide controlled access to the site by means of a lockable gate barrier and /or rise and fall bollards controlled from the adjacent site manager's office. The perimeter of the site will be secured by retaining and infilling existing gaps in the mature hawthorn hedge around the north, east and south boundaries. A 2000mm high timber vertically boarded fence will be erected along the east boundary onto the open field and a secure gate installed at the existing pedestrian field access from the site. The site office / community building is to be located adjacent to the site entrance to monitor access / exit from the site. Windows and doors will be specified to a robust security standard and a security detection system is to be installed together with a CCTV installation to be monitored from the Civic Centre. The individual Amenity buildings are to have doors and windows specified to a robust security standard. Site lighting is to be installed to provide an even spread of light to BS5489 and the amenity buildings are to have external lights. The detail design of the scheme will be developed to meet Secured by Design requirements.

## **Background**

5.7 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two "private" gypsy sites within the District, namely Hadrians Park and Ghyll Bank (Caravan) Park.

5.8 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.

5.8 In relation to Ghyll Bank there is permission for 15 permanent pitches and 15 pitches that allow occupation for up to 28 days. Although having been used by Gypsy families, there are, however, no conditions that restrict occupation of any pitch to Gypsies or Travellers.



- 5.9 The official biannual counts of Gypsy caravans show that between January 2004 and January 2006 the number of caravans at Ghyll Bank and Hadrians Park varied between 64 and 94. During the same period there were 3 occasions when unauthorised caravans were noted – 3 in July 2004, 6 in January 2005 and 4 in January 2006. A count by the City Council on the 5<sup>th</sup> September 2006 notes 15 caravans at Ghyll Bank and 50 at Hadrians Park. As such there were vacancies although this was likely to be on the transit rather than the permanent pitches.
- 5.10 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to both Hadrians Park and Ghyll Bank. In addition, the University of Salford published in March 2008 a draft final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).
- 5.11 On the 1<sup>st</sup> May the transit site at Hadrians Park was closed and the caravans removed. On the 20<sup>th</sup> November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian's Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian's Park although there is anecdotal evidence of a limited and restrictive re-use.
- 5.12 Following a visit on the 24<sup>th</sup> October 2007, it became apparent that Ghyll Bank Caravan Park was being referred to as Ghyll Bank Park and marketed on the basis of "creating a relaxed lifestyle for the over 50's" with one park home in situ. On the 15<sup>th</sup> May 2008, the owner's son verbally confirmed that, apart from members of the family there were no other individuals residing at the premises.
- 5.13 The Report of the Panel into the North West Draft Regional Spatial Strategy (RSS) Examination in Public was concerned that the Strategy was deficient in a number of respects, including the failure to deal with Gypsies and Travellers.
- 5.14 In May 2007 the North West Regional GTAA was published which identified a need for more site accommodation for Gypsies and Travellers within the North West region. Over the next 5 years (2006-2011) the quantified need was for around 332-386 additional permanent pitches and between 55-139 transit pitches across the North West. The regional accommodation need was broken down so that in the case of Cumbria the total additional residential need between 2006-2011 was identified as 12 plus 16 pitches for Travelling Show people. The total additional residential need for Cumbria between 2011-2016 was then estimated to be 30 i.e. a total additional need between 2006-2016 of 42 plus 16 pitches for Travelling Show people.
- 5.15 In March 2008 the University of Salford published a draft final report of the Cumbria GTAA. The aforementioned report of the Cumbria GTAA has

concluded that between 2007-2016 there is an additional need within Carlisle District for 39 pitches and plots and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches.

- 5.16 The findings of the draft final report of the Cumbria GTAA and concerns over provision within the District following the "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, provided the context for the review that was carried out by the City Council into the provision of authorised accommodation sites for the Gypsy and Traveller Community under the Housing Act 2004. It was as a result of the aforementioned review that led to the idea of the City Council purchasing Ghyll Bank Park from the existing owner.

### **Assessment**

- 5.17 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 5.18 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.
- 5.19 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options.
- 5.20 The North West of England Plan Regional Spatial Strategy to 2021 does not appear to contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District local Plan 2001 –2016 does provide guidance. The aforementioned Policy requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. Namely, the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and, the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.
- 5.21 The application needs to be viewed in the context of the site's existing authorised use as a caravan park. This aside, it is considered that the main issues with regard to this application are:

- 1) the effect of the proposal on the character/appearance of the surrounding area;
- 2) the suitability of the proposed means of drainage;
- 3) the impact on the living conditions of neighbouring residents; and
- 4) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally.

- 5.22 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. The intention is for the rural character of the surrounding area to be maintained by the retention of the existing mature perimeter hedges and trees and by a high level of landscaping around each pitch. Although it will be necessary to fell some trees within the site to accommodate the proposed layout of pitches, the central tree area will be largely retained by locating the play area adjacent to it. The proposed amenity blocks will appear as small buildings in a landscaped setting.
- 5.23 The proposed means of foul drainage can be the subject of a relevant condition with the level of use of the site not intensified in comparison to the existing authorised use.
- 5.24 In regard to the question of need, it is not contested that there is a national, regional and county need for gypsy site provision. In the case of the Carlisle area, the re-opening of the transit site at Hadrians Park will not address the stated need for permanent pitches.

### **Other Matters**

- 6.1 In the case of the request submitted by Kingmoor Parish Council a response has been made by the Case Officer that explains under the Parish Charter all Local Councils have not only undertaken to respond to all consultations on planning applications within statutory time periods, but also adopt standard procedures that enable the Council to respond to consultations within Planning Authorities deadlines. It is recognised that there is an element of discretion over the precise dates within which the consultation responses of the Parish Council can be received. This is, however, generally on the proviso that it accords with the Planning Authority's prescribed deadline for processing an application, and because of the timetable for Committee Meetings, such discretion has been restricted. It is apparent that the current application falls outside of the Parish of Kingmoor, is specifically concerned with operational development as opposed to a change of use, and does not intensify the use in comparison to what has already been given planning permission. As such the onus is considered to be on the Parish Council to submit it's formal observations prior to the 14th November 2008.
- 6.2 At the time of preparing the report a response is awaited from Housing Services to the comments expressed on the design details of the current proposal.

## Conclusion

- 7.1 The proposal inevitably raises questions over how the Council addresses the general need for the area which is, in itself, dependent on the submission of a successful grant bid to the Department of Communities and Local Government. On the basis of the foregoing and the acknowledged need, the recommendation is for approval of the application subject to the awaited comments of interested parties and the resolution of any design issues.

## 6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 the Right to respect for private and family life. Article 1 of protocol 1 relates to the Protection of Property and bestows the Right for the Peaceful enjoyment of possessions. If a neighbouring resident becomes unable either to sell their home/business or to experience the Right for Peaceful enjoyment of possessions then it could be alleged that the Council will have contravened the above Human Rights.
- 6.4 In response, it is considered that the proposal relates to an authorised site whilst this application also affords the opportunity for the use of the site to be controlled through the imposition of relevant conditions. In such circumstances any noise and disturbance from the application proposal can be considered commensurate with that of the existing use and therefore not unreasonable.
- 6.5 Conversely, if there is no suitable alternative accommodation, eviction from any other unauthorised site would undoubtedly force members of the Gypsy and Traveller community to lose their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights.

**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. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006.

**Reason:** The local planning authority wish to control the precise use of the site in order to ensure that the accommodation needs of Gypsies and Travellers are met within the District.

3. There shall be no more than 15 pitches on the site and on each of the pitches hereby approved no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed at any time, of which only one caravan shall be residential mobile home unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

4. No commercial activities shall take place on the land, including the storage of materials.

**Reason:** In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

5. No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

**Reason:** In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

6. The erection of the community building hereby approved shall not take place until samples of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

7. The erection of any amenity block hereby approved shall not take place until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

8. No external lighting shall be installed or erected within the site until details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To minimise light pollution and safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

9. Other than those trees identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

**Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policies CP3 and H14 of the Carlisle District Local Plan 2001-2016.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any plot hereby permitted or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

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

11. No development approved by this permission shall be commenced until a scheme for the conveyance of foul and surface water drainage has been submitted to and approved by the local planning authority. No part of the development shall be brought into use until such scheme has been constructed and completed in accordance with the approved plans.

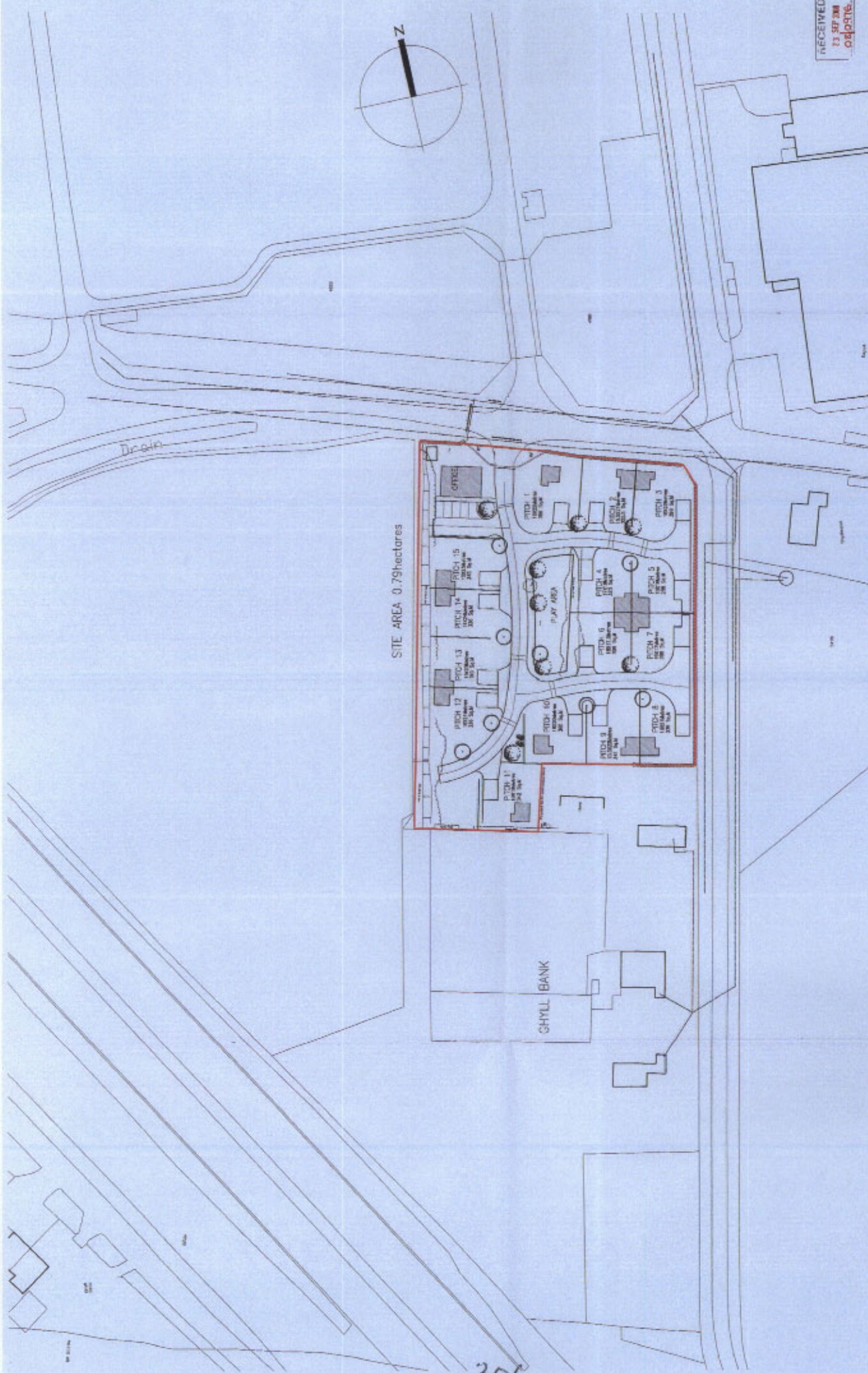
**Reason:** To prevent pollution of the water environment and thus comply

with Policies CP10, CP11 and CP12 of the Carlisle District  
Local Plan 2001-2016.

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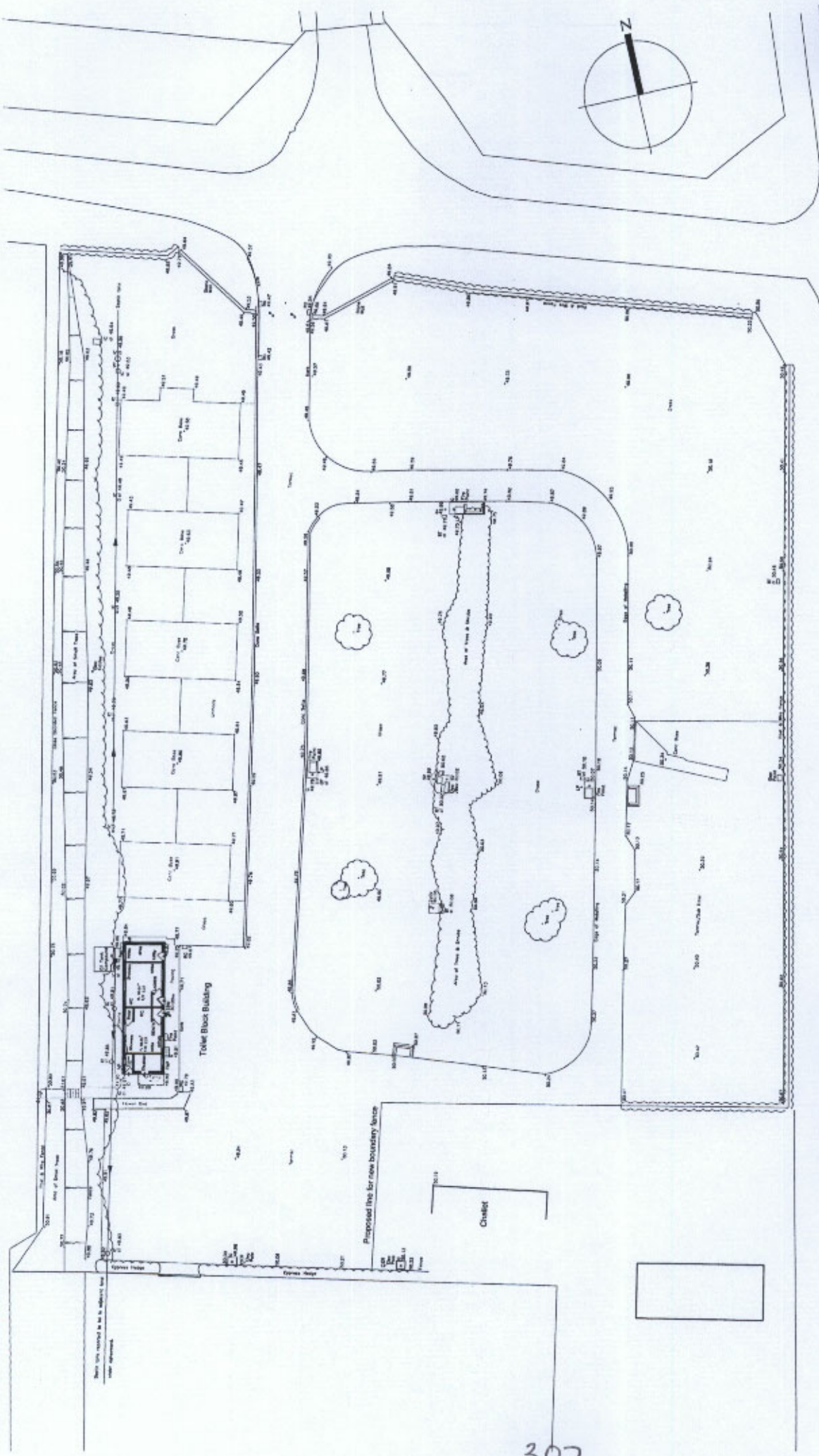
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**Johnston and Wright** Chartered Architects  
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 Email: johnstonwright@johnstonwright.co.uk  
 Project: Chyll Bank Gypsy and Traveller Site for Carlisle City Council  
 Drawing: BLOCK PLAN (PITCH LAYOUT) AS PROPOSED  
 Scale: 1:500 Date: 06/06 Drawn by: Number: 1400/07  
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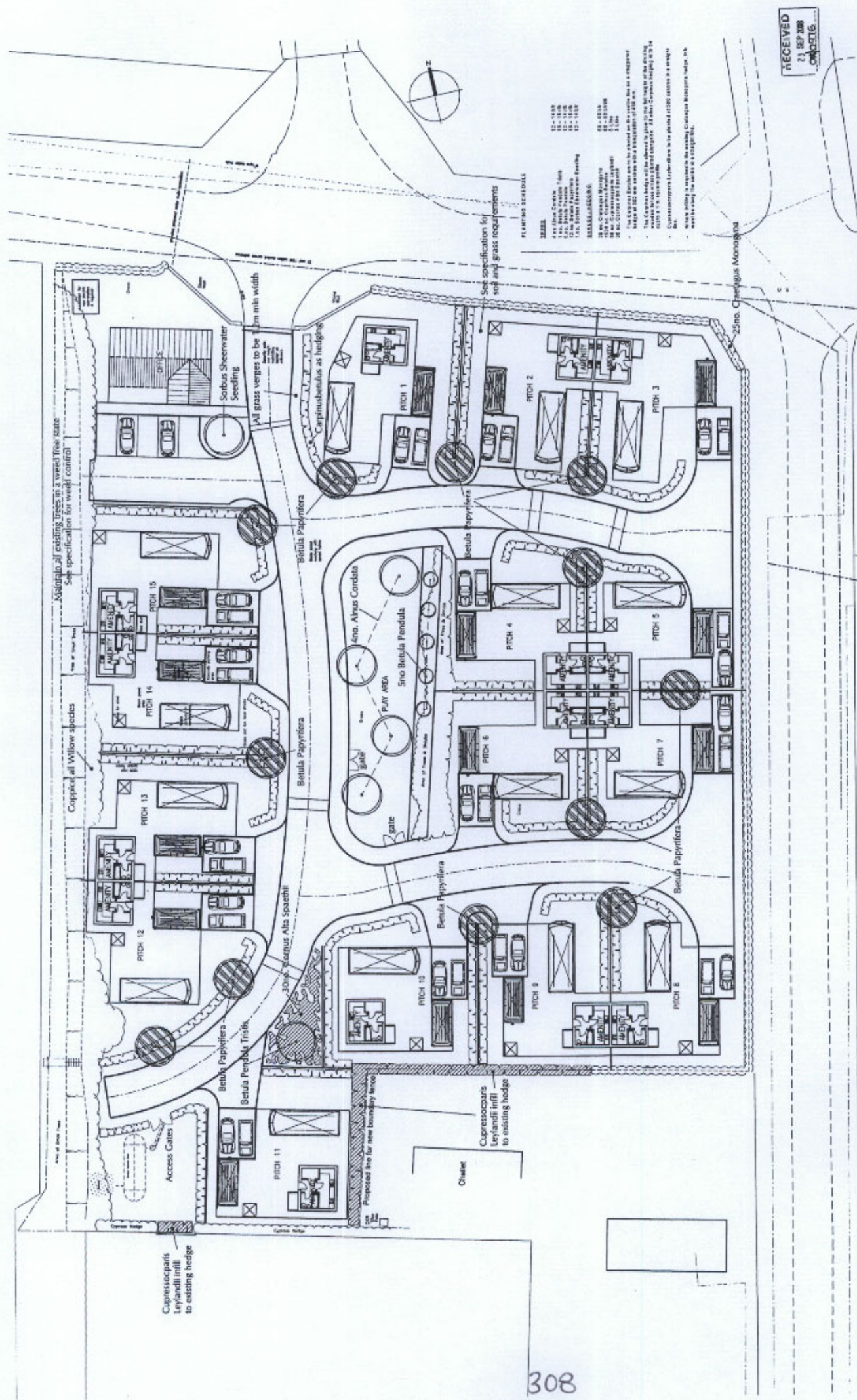


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 e-mail: jw@jwright.co.uk

Project: Ghyll Bank Gypsy and Traveller Site for  
 Corbridge City Council  
 Drawing: SITE PLAN

Scale: 1:500  
 Date: 23/09/06



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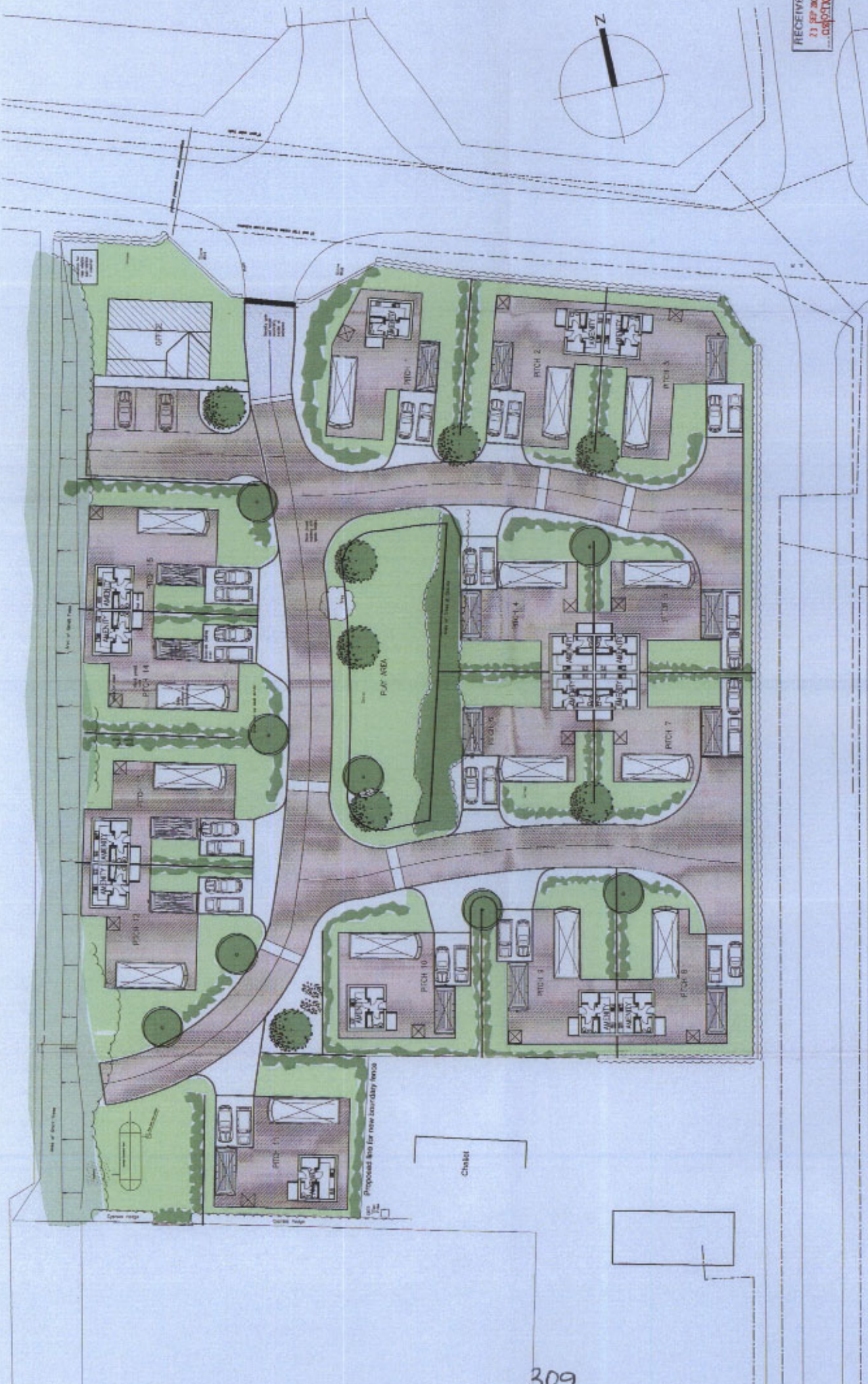
**Johnston and Wright** Chartered Architects  
15 Castle Street Corbridge, Co. Durham, UK. Tel: 01667 523161 Fax: 01667 515259  
e-mail: jrw@jrwarchitects.co.uk

Project: Ghyll Bank Gypsy and Traveller Site for Carlisle City Council

Drawing: SITE LAYOUT  
LANDSCAPING PROPOSALS

Scale: 1:200 Date: 06/08 Drawn: em Number: 114/00/DB

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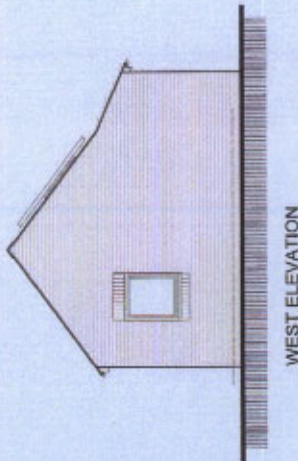


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23 SEP 2006  
08:09 AM

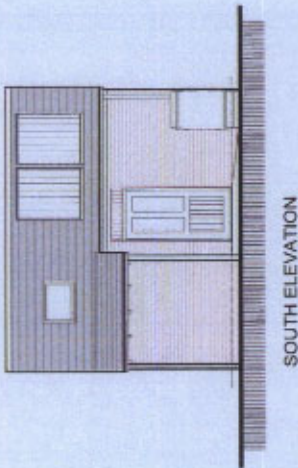
**Johnston and Wright** Chartered Architects  
15 Crabb Street, Cardiff, Cardiff, SA1 1RQ. Tel: +44 (0)1222 325100 Fax: +44 (0)1222 515599  
e-mail: johnstonwright.co.uk

Project: Chyll Bank Gypsy and Traveller Site for  
Cardiff City Council  
Drawing: SITE LAYOUT  
AS PROPOSED  
Scale: 1:200 Date: 06/06 Drawn: am Number: 11400/03C  
THIS DRAWING IS THE PROPERTY OF JOHNSTON AND WRIGHT ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THE DRAWING. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

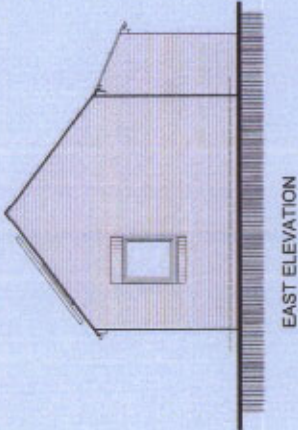
Revisions:  
1. 01/06/06 - Initial issue - 11400/03C  
2. 07/06/06 - 2nd issue - 11400/03C  
3. 07/06/06 - 3rd issue - 11400/03C



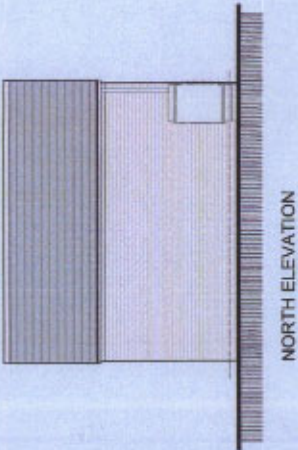
WEST ELEVATION



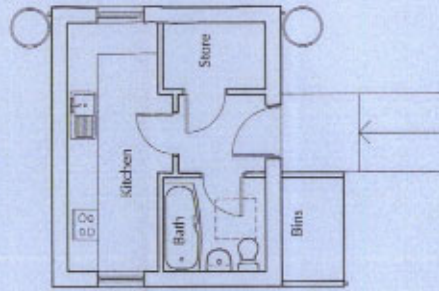
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



GROUND FLOOR PLAN  
AREA 18.6 m<sup>2</sup>

OUTLINE SPECIFICATION

WALLS:

THERMOPLAN CLAY BLOCKS FACED WITH RED FACING BRICK

ROOF:

RECLAIMED SLATE OR CONCRETE TILE

WINDOWS AND DOORS:

UPVC FRAMES WITH DOUBLE GLAZING

RAINWATER GOODS:

GALVANISED STEEL GUTTERS AND DOWNPIPES TO WATER BUTTS / SOAKAWAYS.

HEATING:

ELECTRIC PANEL RADIATORS

HOT WATER:

TWIN SOLAR PANELS WITH ELECTRIC TOP UP

SINGLE BLOCK UNIT  
(PITCH 01 DRAWN)

310

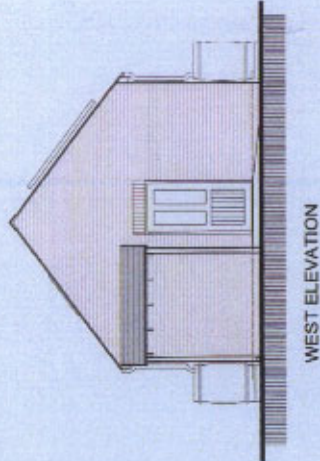


**Johnston and Wright** Chartered Architects  
15 Cash Street, Gdansk, Gdansk 80-103, Poland. Tel: +44 (0) 1223 323101 Fax: +44 (0) 1223 315399

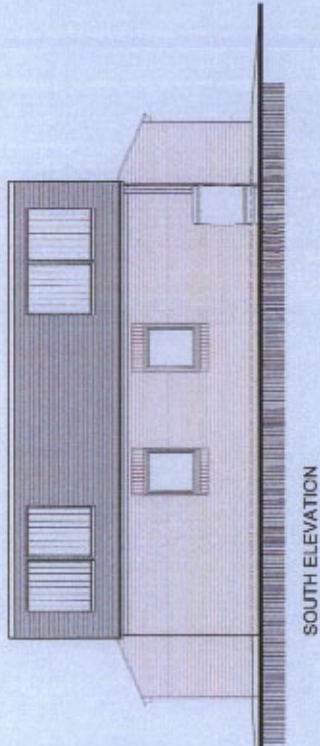
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Client: Carlisle City Council

Drawings: Amenity Building  
Single Unit

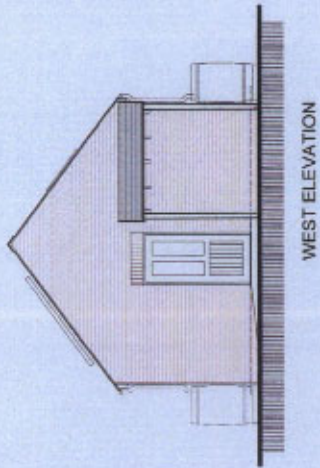
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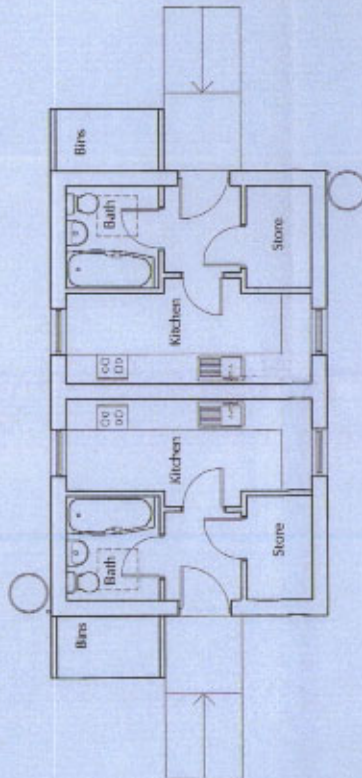
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SOUTH ELEVATION



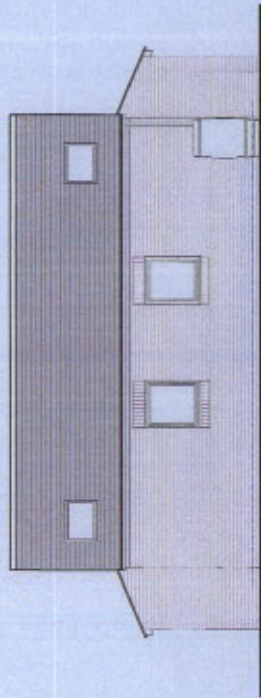
WEST ELEVATION



GROUND FLOOR PLAN  
AREA 18.6 m<sup>2</sup>



NORTH ELEVATION



OUTLINE SPECIFICATION

WALLS:

THERMOPLAN CLAY BLOCKS FACED  
WITH RED FACING BRICK

ROOF:

RECLAIMED SLATE

WINDOWS AND DOORS:

UPVC FRAMES WITH DOUBLE GLAVING

RAINWATER GOODS:

GALVANISED STEEL GUTTERS AND  
DOWNPIPES TO WATER BUTTS /  
SOAKAWAYS.

HEATING:

ELECTRIC PANEL RADIATORS

HOT WATER:

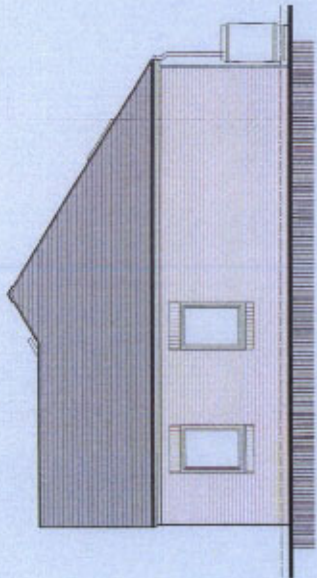
TWIN SOLAR PANELS WITH ELECTRIC  
TOP UP



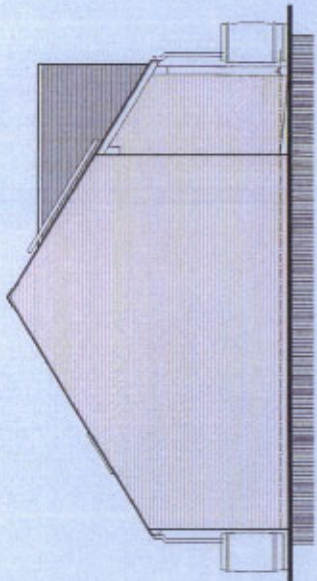
**Johnston and Wright** Chartered Architects  
15 Castle Street, Castle Causeway, CAS 002 tel: +44 (0) 1226 525101 fax: +44 (0) 1226 515529  
e-mail: johnstonwright.co.uk

Project: Ghyll Bank Gypsy and Travellers Site  
for Carrise City Council  
Drawing: Amenity Building  
Double Unit  
Scale: 1:50 Date: 17/08 Number: 1400-05

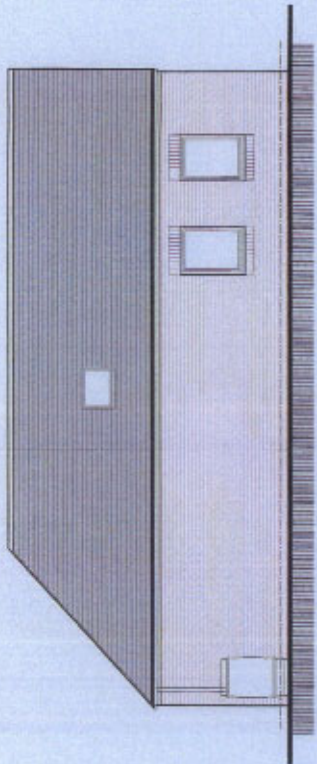
**DOUBLE UNIT  
(PITCH 02 AND 03 DRAWN)**



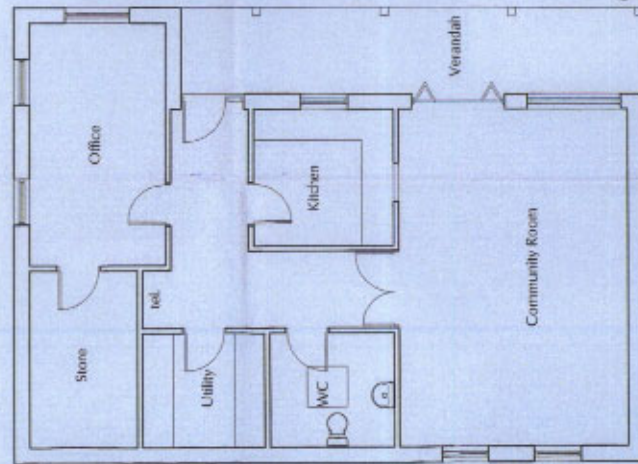
EAST ELEVATION



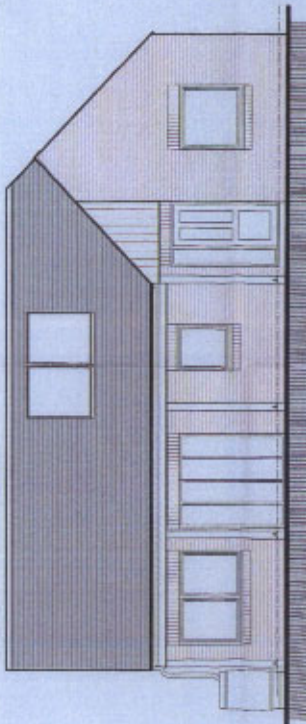
WEST ELEVATION



NORTH ELEVATION



GROUND FLOOR PLAN  
AREA 81.3m<sup>2</sup>



SOUTH ELEVATION

OUTLINE SPECIFICATION

- WALLS:  
THERMOPLAN CLAY BLOCKS  
FACED WITH RED FACING BRICK
- ROOF:  
RECLAIMED SLATE
- WINDOWS AND DOORS:  
PPC ALUMINIUM FRAMED WITH  
DOUBLE GLAZING
- RAINWATER GOODS:  
GALVANISED STEEL GUTTERS AND  
DOWNPIPES TO WATER BUTTS/  
SOAKAWAYS
- HEATING:  
ELECTRIC PANEL RADIATORS
- HOT WATER:  
TWIN SOLAR PANELS WITH ELECTRIC  
TOP UP



OFFICE / COMMUNITY BUILDING

**Johnston and Wright** Chartered Architects  
15 Cado Street, Carisle, Carisle, CO5 1EP. Tel: +44 (0) 1206 935161. Fax: +44 (0) 1206 935199  
E: j.andr@johnstonwright.co.uk W: www.johnstonwright.co.uk

Project: Ghyll bank Gypsy and Travellers Site  
for Carisle City Council  
Drawing: Community Building

Scale: 1:50 Date: 07/08 Drawn by: Number: J1400-06

## SCHEDULE B: Reports Requiring Further Information

08/0754

Item No: 15

Date of Committee 14/11/2008

**Appn Ref No:**  
08/0754

**Applicant:**  
Mr Johnstone

**Parish:**  
Rockcliffe

**Date of Receipt:**  
15/08/2008

**Agent:**  
Heine Planning  
Consultancy

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Deerview, Adj Ghyll Bank Caravan Site, Low  
Harker, CA6 4DG

**Grid Reference:**  
338416 560977

**Proposal:** Change Of Use To Caravan Site With Associated Works (New Access, Hard Standing, Brick Wall, Amenity Block, Landscaping And Septic Tank) For Single Gypsy Family (Partly Retrospective)

**Amendment:**

---

**REPORT**

**Case Officer:** Angus Hutchinson

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

In the light of the history of the neighbouring site and the on-going efforts of the Council in addressing the current shortfall in provision.

#### **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.

##### **Local Plan Pol CP1 - Landscape Character**

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

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

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



**Local Plan Pol CP10 - Sustainable Drainage Systems**

**Local Plan Pol CP11-Prot.Groundwater's & Surface Waters**

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

**Local Plan Pol H14 - Gypsies and Travellers**

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

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

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.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development;

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

**Environmental Services - Environmental Quality:** comments awaited;

**Rockcliffe Parish Council:** consideration was given to a retrospective planning application for change of use to a caravan site etc, for a single Gypsy family at the above location - appn ref 08/0754. It was resolved that:

The Parish Council understands that the City Council is at present applying for funding for a site to accept gypsies and travellers to prevent "one off" applications of this type being allowed. They would therefore oppose this development. It is also not in the local plan. There is room on the existing site next door at Ghyll Bank Caravan Park, and this applicant, in the view of the Parish Council, should be redirected there. Finally, allowing this application to go through would merely create a precedent and would further encourage similar applications;

**Northern Gas Networks:** no objections;

**Cumbria County Council - (Highway Authority):** no objection to the application but would recommend that 4 conditions are imposed.

## **3. Summary of Representations**

## Representations Received

Initial:

Consulted:

Reply Type:

2 Old Harker

Objection

3.1 One objection letter has been received and the following points have been raised:

1) I would object once again on the grounds that full planning permission will set a precedent and would allow the other applications for the Ghyll Bank site who have applied for consent but been limited to a maximum of three years stay. application no 07/0522 along with application 08/0350 which is under consideration.

2) This is now the fourth retrospective planning application for the Ghyll Bank complex. The Planning Appeals Inspector limited the number of pitches on this site to a maximum of fifteen, in his opinion any increase would have a major detrimental impact on the surrounding established community of Low Harker. These applications are in my opinion an underhand way of increasing the number of pitches above the limit recommended by the Inspector by a further seven placings now making the pitches available 22.

3) The Ghyll Bank site is nowhere near full (my last count of caravans was five) Mr Francis stated on the last application that he had no problem with the Families using his site, there is a marked reluctance on the part of Travellers to use this site. On the grounds of need there are sufficient places both on the Ghyll Bank site and at Hadrians Park less than a couple of miles away to accommodate any need. Your figures show a provision of 100 pitches and the 2007 Biannual count showed occupancy of between 64 and 94.

4) Ghyll Bank although used by the Travelling community is not a designated Gypsy site under the Local Plan and as such should have the same Moratorium on building imposed as the rest of the surrounding area ie: only infill housing allowed in Todhills. Low Harker is a unique community nestled between the A7 and the Rockcliffe road and would lose visual amenity and character The Ghyll Bank site is very visual, this application in particular is right next to the road which is also a well known dangerous junction. There was an accident there as recently as the first of September this year.

5) Policy H14 Carlisle and District Local Plan 2001-2016 (Any proposal should not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site). I believe that this development will do all of these. The other retrospective applications were granted due to the closure of the Transit site at Hadrians camp, this has now been re-opened and having spoken to Mr Bowman he has no problem with

people using the Transit site in a responsible manner.

6) Circular 01/2006 states:

Sustainable communities : Increased provision is likely to damage the established community of Low Harker irreparably.

Education: Local provision (The nearest schools are at Rockcliffe or Blackford both over two miles away neither having a local bus service from Low Harker this will mean an increase in car journeys to either of these schools)

Health: Local provision (Nearest doctor is either Stanwix or Longtown again both over a couple of miles away, nearest bus to Longtown is an 800 yard walk to Harker or a 500 yard walk to Crindledyke for Stanwix, neither of these roads have pavements). I still believe the ratio of Travellers to Local people is wrong especially if the Ghyll Bank site is ever to become fully populated and could lead to unrest.

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

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

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

##### **Introduction**

- 5.1 Deerview is to the immediate west of Ghyll Bank Caravan Park, Low Harker. At the time of the site visit, the property comprised of a partly erected boundary wall with 1.4 m high piers to be infilled with fence panels and what appears to be an installed septic tank.
- 5.2 The application site, which measures approximately 12m by 42 m, is located to the east of the A74 on the southern side of the road leading from Harker Bridge to Low Harker. There is a mature hedge approximately 2 metres high to the immediate east and west as well as a field access. To the immediate south and west there is an open field; to the south-east Ghyll Bank Caravan Park, a caravan storage compound (i.e. "Carlisle Caravan Storage" ) based from Ghyll Bank House, and an existing private Gypsy -Traveller site for a single family known as Cryndlebeck Stables (formerly Ghyll Bank Stables).
- 5.3 This application seeks permission for the change of use of to a private Gypsy-Traveller site comprising two caravans and a utility block served by a septic tank. The caravans would comprise a static caravan or single unit mobile home and touring caravan. The utility block, which is shown to measure 4 metres by 5 metres and constructed externally with brick walling and a tiled roof, would provide the necessary bathroom, laundry and cooking facilities.
- 5.4 The application is accompanied by a letter from the agent inclusive of a Design and Access Statement which, amongst other things, makes the

following points.

1. The site would be occupied by a single Gypsy family i.e. Mr Mark Johnstone and his daughter Charley.
2. The existing hedgerow along the road frontage forward of the boundary would be continued to comprise a mixture of hawthorn and privet with two standard trees.
3. Mr Johnstone is a Scottish Traveller born at Bellshill, Lanarkshire. His wife died very suddenly from a brain tumour on the 14th April 2008. He is a general dealer and still travels all over the Scotland and England. He is presently doubling up on Plot 8 occupied by his sister in law at Mellishaw Park Lancaster. This is where his wife was taken ill and died and as such there are too many bad memories for him and his daughter and they do not want to stay. He feels that he has need to be settled especially as he wants somewhere for his daughter to live whilst he is travelling. That is why he has decided to make a site of the land owned at Low Harker.
4. Mr Johnstone has previously stopped on Mr Francis' site at Ghyll Bank. He bought the land off someone who in turn had bought it from Mr Francis. He has owned it for about 2 years. He has cousins who live in the Carlisle area.
5. The site is not within an AONB or County Landscape. It is accepted that the proposal is harmful to the character and appearance of the open countryside in so far as use is made of the corner of a large field. However, the proposal is small scale with a road frontage of less than 15m; the area is not designated; it is well screened on the eastern side and along the road frontage; it adjoins a much larger caravan site; it is located in an area characterised by other mixed development; and no business use is proposed from the site.
6. The site is located on the edge of Carlisle within reasonable distance of shops and other community facilities such as schools etc and given the small scale of the proposal it is most unlikely to have any impact on adjoining land uses in terms of traffic, noise, disturbance etc.
7. Regard should also be had to guidance on housing in of PPS3 Housing. Paragraph 71 states that where authorities cannot demonstrate an up to date five year supply of deliverable sites, they should consider favourably planning applications for housing having regard to other policies of the PPS.

## **Background**

- 5.5 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two "private" gypsy sites within the District, namely Hadrians Park and Ghyll Bank (Caravan) Park.
- 5.6 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the

pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.

- 5.7 In relation to Ghyll Bank there is permission for 15 permanent pitches and 15 pitches that allow occupation for up to 28 days. Although having been used by Gypsy families, there are, however, no conditions that restrict occupation of any pitch to Gypsies or Travellers.
- 5.8 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to both Hadrians Park and Ghyll Bank. In addition, the University of Salford has subsequently published in March 2008 a draft final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).
- 5.9 On the 1<sup>st</sup> May the transit site at Hadrians Park was closed and the caravans removed. On the 20<sup>th</sup> November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian's Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian's Park although there is anecdotal evidence of a limited and restrictive re-use.
- 5.10 Following a visit on the 24<sup>th</sup> October 2007, it became apparent that Ghyll Bank Caravan Park was being referred to as Ghyll Bank Park and marketed on the basis of "creating a relaxed lifestyle for the over 50's" with one park home in situ. On the 15<sup>th</sup> May 2008, the owner's son verbally confirmed that, apart from members of the family there were no other individuals residing at the premises.
- 5.11 The Report of the Panel into the North West Draft Regional Spatial Strategy (RSS) Examination in Public was concerned that the Strategy is deficient in a number of respects, including the failure to deal with gypsies and travellers. The Panel recommended in paragraph R2.1 that a partial review of the RSS is carried out as soon as possible, with a view to publication of the revised RSS not later than 2009 and that this should include Accommodation for Gypsies and Travellers.
- 5.12 In May 2007 the North West Regional GTAA was published which identified a need for more site accommodation for Gypsies and Travellers within the North West region. Over the next 5 years (2006-2011) the quantified need was for around 332-386 additional permanent pitches and between 55-139 transit pitches across the North West. The regional accommodation need was broken down so that in the case of Cumbria the total additional residential need between 2006-2011 was identified as 12 plus 16 pitches for Travelling Show people. The total additional residential need for Cumbria between 2011-2016 was then estimated to be 30 i.e. a total additional need between 2006-2016 of 42 plus 16 pitches for Travelling Show people.
- 5.13 In March 2008 the University of Salford subsequently published a draft final

report of the Cumbria GTAA. The aforementioned report of the Cumbria GTAA has concluded that between 2007-2016 there is an additional need within Carlisle District for 39 pitches and plots and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches.

- 5.14 In the context of the findings of the draft final report of the Cumbria GTAA, the "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, this has naturally raised concerns over provision within the District.
- 5.15 Members will also be aware that under application reference numbers 07/0522 and 07/1083 temporary planning permission has been given for private Gypsy-Traveller sites not only at Ghyll Bank Stables but also Parkfield Stables, Newtown. In addition, the Council is currently processing applications 08/0350 and 08/0976 relating to land within the immediate vicinity involving Gypsy/Traveller sites.

### **Assessment**

- 5.16 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 5.17 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.
- 5.18 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options. Paragraphs 45 and 46 explain that where there is unmet need but no available gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need (as in this case), local planning authorities should give consideration to granting a temporary permission. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
- 5.19 The North West of England Plan Regional Spatial Strategy to 2021 does not contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District local Plan 2001 –2016 Revised Redeposit Draft does provide guidance. The aforementioned Policy requires that where there is an identified need the City Council will consider the provision of Gypsy and

Traveller sites and that they will be acceptable providing that they meet five criteria. Namely, the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and, the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.

- 5.20 On this basis it is considered that the main issues with regard to this application are:
- 1) the effect of the proposal on the character/appearance of the surrounding area;
  - 2) the suitability of the proposed means of foul and surface water drainage; and
  - 3) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.
- 5.21 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. It could therefore be argued that the development would have the effect of interrupting the rural character of the area. In mitigation, the site is neighboured by development in the form of Ghyll Bank Caravan Park.
- 5.22 In regard to the issue of drainage, there are concerns over the suitability of the proposed means of drainage, particularly in the absence of a drainage report from a qualified engineer.
- 5.23 In regard to the question of need, it is not contested that there is a national, regional and county need for gypsy site provision. In the case of the Carlisle area, the re-opening of the transit site at Hadrians Park will not address the alleged need for permanent pitches.
- 5.24 The applicant and his daughter currently reside in Lancaster with his sister in law and wish to move because of the memories following the death of his wife. If planning permission was to be refused for the current proposal this would not appear to lead to moves to evict them from the site.
- 5.25 At the time of preparing the report clarification has been sought from the agent on whether the applicant has explored the availability and suitability of other sites within England and Wales. However, the application has been submitted in the context where the Council is expected to make adequate provision for Gypsy accommodation in the area.

## **6.0 Conclusion**

- 6.1 In relation to this application there is an acknowledged short-term need for

Gypsy and Traveller accommodation. However, in this instance there are serious reservations over the suitability of the proposed means of drainage and clarification has been sought on the availability and suitability of other sites within England and Wales.

6.2 An updated report will be presented to Members.

## **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;

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

Information material to the consideration of the application is awaited from or on behalf of the applicant.

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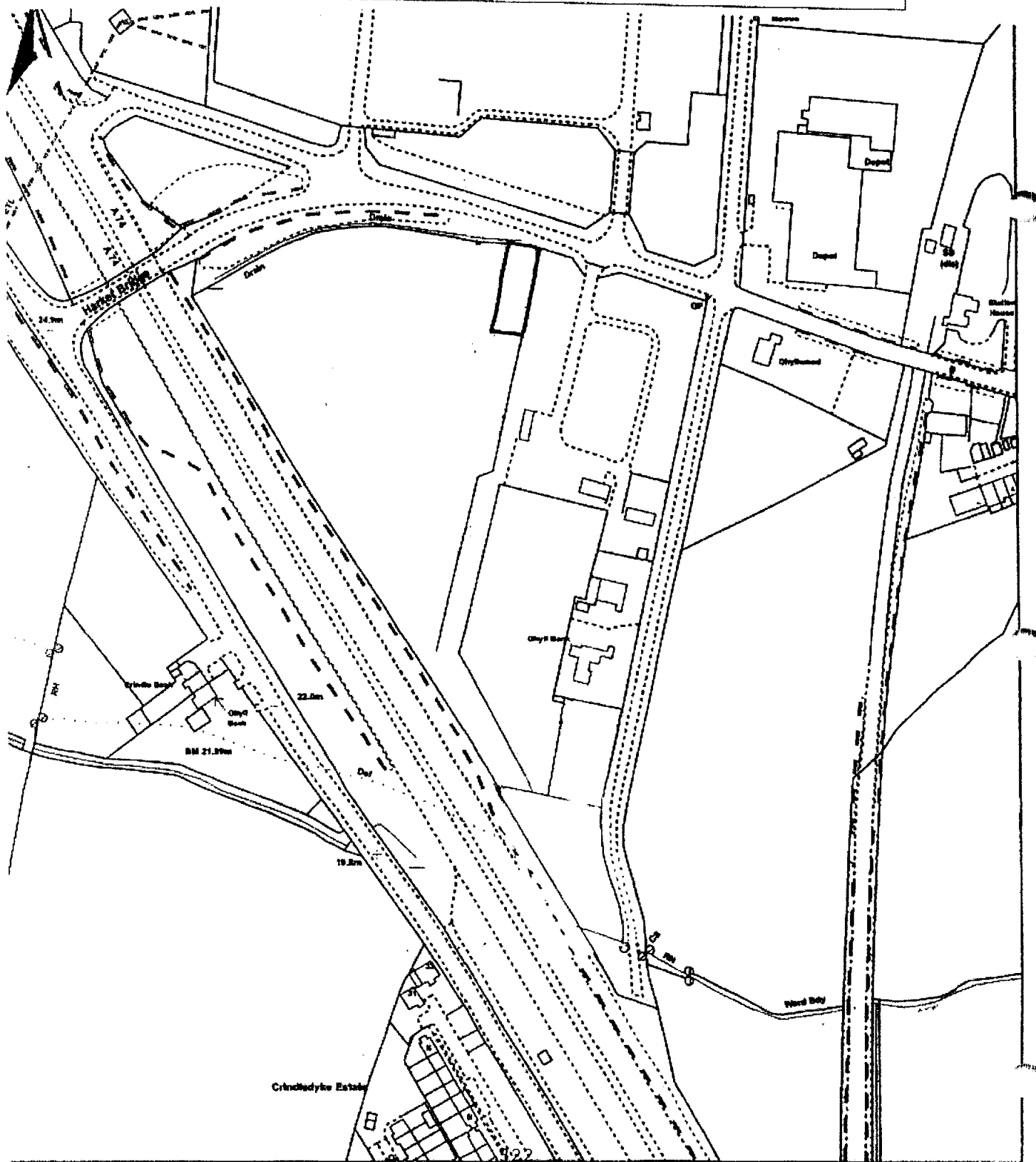
25 JUL 2003  
08/0754

DEERVIEW, LAND ADJOINING GHYLL BANK, LOW HARKER, CARLISLE

Client: MR MARK JOHNSTONE

**Drwg 1 LOCATION PLAN**

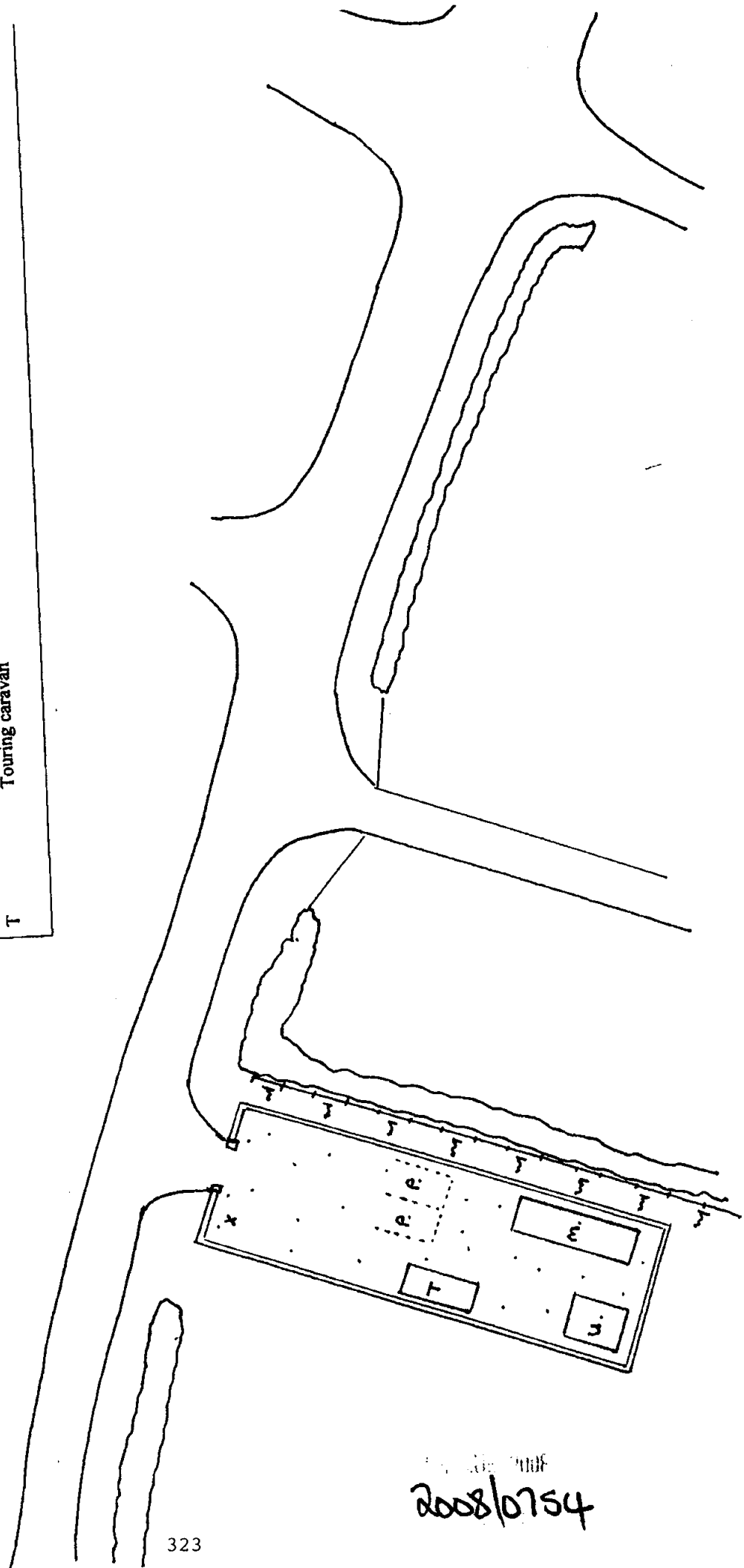
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DEERVIEW, LAND ADJOINING GHYLL BANK, LOW HARKER, CARLISLE  
 Client: MR MARK JOHNSTONE  
**Drwg 2 PROPOSED SITE BLOCK PLAN (REV A)**

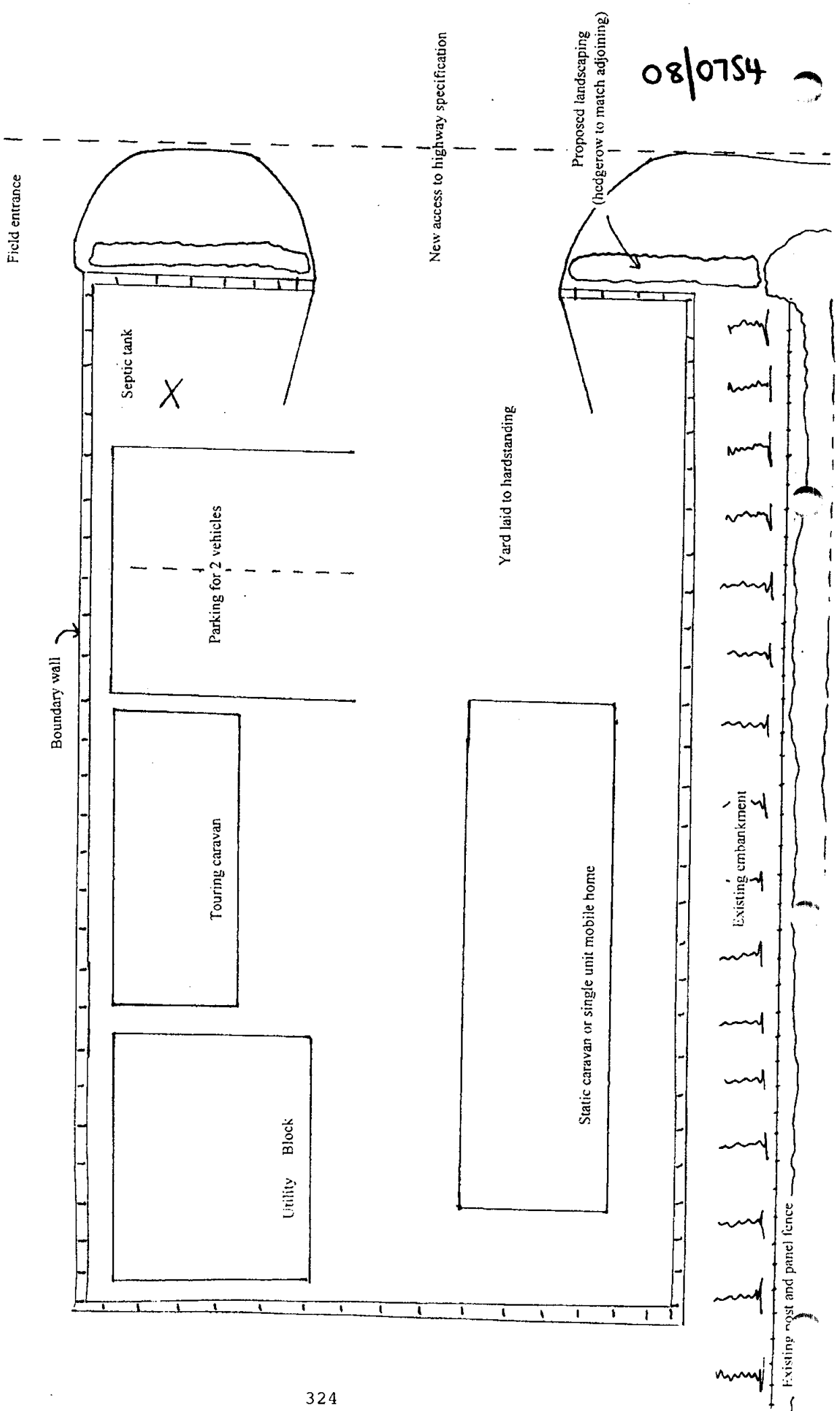
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<b>Key</b>		Blockwork wall		Panel fence
	Embankment		Hedgerow	
	Hard standing	X	Septic tank	
U	utility block	M	Mobile home	
T	Touring caravan	P	Parking space	

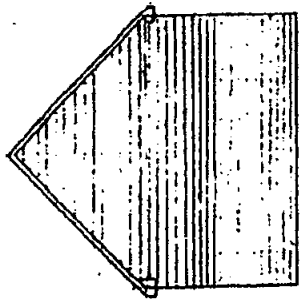


2008/0754

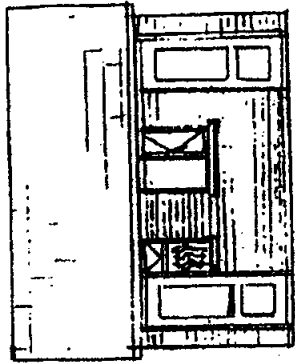
DEER VIEW, LAND ADJOINING GHYLL BANK, LOW HARKER, CARLISLE Client: MR MARK JOHNSTONE  
Drwg 2 PROPOSED SITE PLAN Scale 1:100



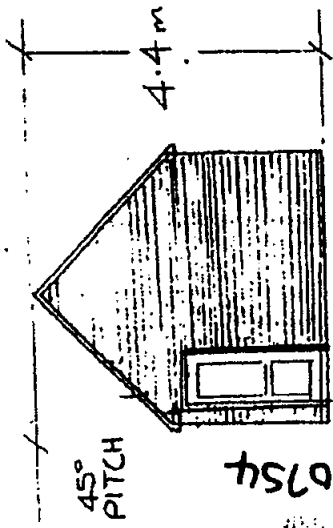
08/0754



END ELV.



VIEW "A"



END ELV.

45° PITCH

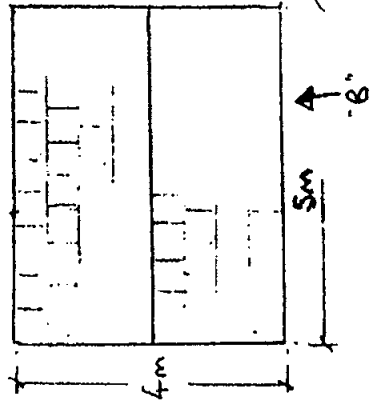
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3.0m

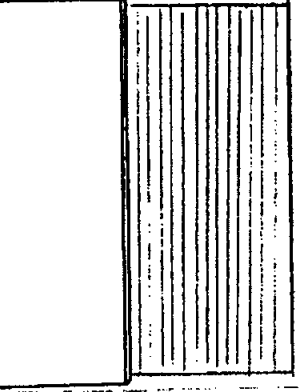
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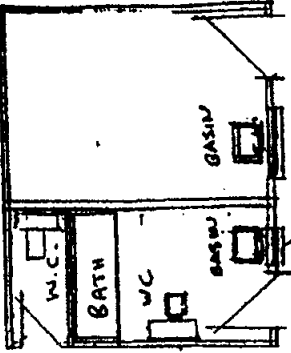
"A"



PLAN VIEW



VIEW B (REAR)



FLOOR PLAN

**Proposed Utility/ Bathroom block**  
 Scale 1/100  
 Face brickwork to suit LPA  
 Tiles to suit LPA  
 Foul water to septic tank  
 Surface water to new soakaway

## SCHEDULE B: Reports Requiring Further Information

08/0350

Item No: 16

Date of Committee 14/11/2008

**Appn Ref No:**  
08/0350

**Applicant:**  
Mr Young

**Parish:**  
Rockcliffe

**Date of Receipt:**  
16/04/2008

**Agent:**  
Heine Planning  
Consultancy

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank Yard, Low Harker, Carlisle, CA6 4DG

**Grid Reference:**  
338443 560750

**Proposal:** Change Of Use To Caravan Site For Two Caravans, Amenity Block,  
Septic Tank/ Cesspool, Stable Barn

### **Amendment:**

1. Revised block plan received 30.07.08 showing the re-siting of the proposed stable barn.

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### **REPORT**

**Case Officer:** Angus Hutchinson

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

In the light of the history of the neighbouring site and the on-going efforts of the Council in addressing the current shortfall in provision.

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

**Local Plan Pol CP1 - Landscape Character**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP10 - Sustainable Drainage Systems**

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

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

## Local Plan Pol H14 - Gypsies and Travellers

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** the layout details shown on the submitted plan are considered satisfactory from a highway perspective;

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

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

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers;

**Department for Transport (Highways Agency):** it is noted that there are to be no alterations to access from the public highway, either vehicular or pedestrian; and, that the site does not form a boundary with the A74 trunk road.

It should also be emphasised, however, that any drainage system or disposal of effluent ought in no way to connect to the existing or proposed drainage system for the A74 /M6 highway improvement scheme.

Subject to the above therefore, the Agency has no objections to this proposal;

**Rockcliffe Parish Council:** the Parish Council wish the matter to be left in the hands of the Planners.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Ghyll Bank Stables	15/05/08	Support
Ghyll Cottage	15/05/08	Undelivered
Ghyll Bank House	23/05/08	
Ghyll Bank Caravan Park	23/05/08	
2 Old Harker		Objection

3.1 This application has been advertised in the form of a site notice and the direct

notification of the occupiers of two neighbouring properties. At the time of preparing the report verbal concerns have been expressed on behalf of the owners of adjoining land concerning the proposed means of foul drainage.

3.2 The occupiers of Cryndlebeck Stables have written to explain that they are in full support of the proposal because they are not harming anyone, and they just want to bring up their family with the basic amenities most people take for granted such as education and doctors.

3.3 In addition an e-mail has been received objecting to the proposal on the following grounds:

1) I would like to object to this application on the grounds that it would set a precedent if permanent planning consent was granted. It would allow the other Travelling Family who applied for retrospective planning permission, last year ( application no 07/0522) to have their decision overturned. They have identical circumstances and the three year maximum stay was both realistic and acceptable to ourselves as neighbours. Longer than three years the applicants could surely not be considered as travellers.

2) The permanent site at Ghyllbank is nowhere near full, (my last count of caravans was four). Mr Francis has stated that he has no objection to Travellers Gypsies or the General public on his site, the reluctance to go their lies with the families themselves. I do find it strange that the land was sold to them by Mr Francis himself.

3) In the covering letter with this application it is stated that the work that has been carried out (without planning permission) has cost thousands of pounds. As an ordinary citizen if I applied retrospectively and was turned down then I would have to remove any services or buildings regardless of cost.

4) My other objections to the original application still applies, on the grounds of need there are sufficient places both at Ghyllbank and Hadrians camp 2 miles away to comply with criteria H20 as given in the local plan. The plan has already been the subject of objection by Kingmoor properties who wished to build houses adjacent to this site but were turned down on the basis that any development would seriously undermine the character of the area. There has been much written about the lack of impact of the development on neighbouring property, these two sites are visible and do affect the Visible Amenity of my property being one field away some 3 - 400 yards.

5) I strongly believe that the ratio of Gypsies / Travellers to Local people is wrong especially if the Ghyll bank site were to become fully populated. Finally I would refer you to the decision on the application 07/0522 " But for the special circumstances of the applicant (Namely the temporary closure of the Transit site at Hadrians camp) Permission would not be forthcoming."

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

- 4.1 In relation to Ghyll Bank Stables planning permission was given in 2006, under application 06/0561, planning permission was given for the change of use from waste ground to land for keeping of horses with erection of stable block with midden and hardstanding.
- 4.2 In July 2007, application 07/0522, a temporary permission for 3 years was given for Ghyll Bank Stables to be used by a single Gypsy family.

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

##### **Forward**

- 5.1 Members will recollect that during the previous Meetings in May and July 2008 it was resolved to defer consideration of the proposal in order to allow Officers to clarify the situation regarding land ownership, the possible presence of sewers/drains within the site and to obtain a revised layout plan which re-orientates the proposed stable barn depending on established need.
- 5.2 As a result, the applicant's agent has submitted a completed Certificate B and notified the registered land owner. A revised block plan has been submitted revising the location of the proposed barn.
- 5.3 A copy of a Deed from the owner of the neighbouring property at Ghyll Bank House/Ghyll Cottage has been received under which there appears to be a stipulation for a significant part of the current application site to remain "unbuilt upon" because of the location of the soakaway serving Ghyll Bank House/Ghyll Cottage.

##### **Introduction**

- 5.4 Ghyll Bank Yard is to the immediate south of Ghyll Bank House at Ghyll Bank, Low Harker. The site currently comprises 3 tourers, a portaloo and timber shed. Mr W H and Mrs M Young reside at the premises with their three children aged 6, 8 and 10.
- 5.5 The site is located to the east of the A74 with access achieved via an unclassified lane to the west of Ghyllwood, opposite the Harker electricity sub-station and buildings occupied by FPL and Haulage Express Ltd. There is a mature hedge approximately 3 metres high along the frontage with the access lane. The northern and western boundaries are delineated by a 2 metre high timber panel fence; the southern boundary by palisade fencing. To the immediate north and west there is a caravan storage compound (i.e. "Carlisle Caravan Storage" ) based from Ghyll Bank House; and, to the south an existing private Gypsy -Traveller site for a single family known as Cryndlebeck Stables (formerly Ghyll Bank Stables). The site is also set within the general context of Ghyll Bank Caravan Park which is located to the north. The applicant's agent has indicated her understanding that the site was a



surfaced yard previously ancillary to the Carlisle Caravan Storage premises.

- 5.6 This application seeks permission for the change of use of to a private Gypsy-Traveller site comprising two caravans, an amenity block and, stable. The caravans would comprise a mobile home and tourer. The amenity block, which is shown to measure 4 metres by 5 metres and constructed externally with brick walling and a tiled roof, would provide the necessary bathroom, laundry and cooking facilities. The proposed amenity block would be served by a septic tank or cess pool depending on ground conditions. The proposed barn is located in the south-western corner and measures 13.7 metres by 7.6 metres with a ridge height of 3.9 metres. The submitted plans indicate the barn to be constructed utilising brickwork and galvanised sheeting.
- 5.7 The application is accompanied by an explanatory letter from the agent, a Design and Access Statement and a letter from the Headteacher of Houghton C of E School copies of which have been attached to this report. The agent has also explained that if permission is granted it is intended to connect to water and electricity supplies jointly with the occupiers of Cryndlebeck Stables.

## **Background**

- 5.8 Prior to May 2007 there was provision for at least 100 caravans for use by the Gypsy community comprising two "private" gypsy sites within the District, namely Hadrians Park and Ghyll Bank (Caravan) Park.
- 5.9 In the case of Hadrians Park there is planning permission for 30 permanent pitches and 30 transit pitches for one caravan each. The relevant site licence conditions allow for a total of 70 caravans on the site. Of these, 16 of the pitches are not restricted to occupation by Gypsies and thus there is capacity for 54 exclusively Gypsy caravans at Hadrians Park.
- 5.10 In relation to Ghyll Bank there is permission for 15 permanent pitches and 15 pitches that allow occupation for up to 28 days. Although having been used by Gypsy families, there are, however, no conditions that restrict occupation of any pitch to Gypsies or Travellers.
- 5.11 In the intervening period there have, however, been a series of changes in the provision for Gypsies and Travellers with regard to both Hadrians Park and Ghyll Bank. In addition, the University of Salford has subsequently published in March 2008 a draft final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).
- 5.12 On the 1<sup>st</sup> May the transit site at Hadrians Park was closed and the caravans removed. On the 20<sup>th</sup> November 2007 during a Special Neighbourhood Forum meeting held at Houghton School, the proprietor allegedly explained that he wanted the freehold of Hadrian's Park; he would be willing to spend his own money to carry out all necessary upgrades; and, he was intending to re-open the transit site. At the time of preparing this report, the transit site has yet to be upgraded at Hadrian's Park although there is anecdotal evidence of a limited and restrictive re-use.

- 5.13 Following a visit on the 24<sup>th</sup> October 2007, it became apparent that Ghyll Bank Caravan Park was being referred to as Ghyll Bank Park and marketed on the basis of "creating a relaxed lifestyle for the over 50's" with one park home in situ. On the 15th May 2008, the owner's son verbally confirmed that, apart from members of the family there were no other individuals residing at the premises.
- 5.14 The Report of the Panel into the North West Draft Regional Spatial Strategy (RSS) Examination in Public was concerned that the Strategy is deficient in a number of respects, including the failure to deal with gypsies and travellers. The Panel recommended in paragraph R2.1 that a partial review of the RSS is carried out as soon as possible, with a view to publication of the revised RSS not later than 2009 and that this should include Accommodation for Gypsies and Travellers.
- 5.15 In May 2007 the North West Regional GTAA was published which identified a need for more site accommodation for Gypsies and Travellers within the North West region. Over the next 5 years (2006-2011) the quantified need was for around 332-386 additional permanent pitches and between 55-139 transit pitches across the North West. The regional accommodation need was broken down so that in the case of Cumbria the total additional residential need between 2006-2011 was identified as 12 plus 16 pitches for Travelling Show people. The total additional residential need for Cumbria between 2011-2016 was then estimated to be 30 i.e. a total additional need between 2006-2016 of 42 plus 16 pitches for Travelling Show people.
- 5.16 In March 2008 the University of Salford subsequently published a draft final report of the Cumbria GTAA. The aforementioned report of the Cumbria GTAA has concluded that between 2007-2016 there is an additional need within Carlisle District for 39 pitches and plots and an additional transit need in Cumbria as a whole between 2007-2016 of 35 pitches.
- 5.17 In the context of the findings of the draft final report of the Cumbria GTAA, the "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, this has naturally raised concerns over provision within the District.
- 5.18 Members will also be aware that under application reference numbers 07/0522 and 07/1083 temporary planning permission has been given for private Gypsy-Traveller sites not only at Ghyll Bank Stables but also Parkfield Stables, Newtown. In addition, the Council is currently processing applications 08/0754 and 08/0976 relating to land within the immediate vicinity involving Gypsy/Traveller sites.

## **Assessment**

- 5.19 At a general level, government advice is contained in Circular 8/93 "Award of Costs incurred in Planning and other Proceedings" and Circular 11/95. Consideration also needs to be made with regard to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.

- 5.20 Specific advice is contained in Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites". Circular 01/2006 seeks, amongst other things, to create sustainable communities where gypsies have fair access to suitable accommodation, education, health and welfare provision. It advises that Development Plan Documents must allocate sufficient sites for gypsies and travellers, and that sites must be demonstrably suitable, and likely to be made available.
- 5.21 Circular 01/2006 also highlights that material considerations will include the existing and planned provision of, and need for, sites in the area, the accuracy of the data used to assess need, information on pitch availability on public and private sites, personal circumstances and alternative accommodation options. Paragraphs 45 and 46 explain that where there is unmet need but no available gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need (as in this case), local planning authorities should give consideration to granting a temporary permission. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.
- 5.22 The North West of England Plan Regional Spatial Strategy to 2021 does not contain any policy on Gypsies and Travellers. Policy H14 of the Carlisle District local Plan 2001 –2016 Revised Redeposit Draft does provide guidance. The aforementioned Policy requires that where there is an identified need the City Council will consider the provision of Gypsy and Traveller sites and that they will be acceptable providing that they meet five criteria. Namely, the proposal will not compromise the objectives of the designation of an Area of Outstanding Natural Beauty or Landscape of County Significance; there would be no adverse impact on the local landscape; appropriate access and parking can be achieved; the proposed site is reasonably accessible to community services; and, the proposal would not adversely affect the amenities of adjacent occupiers by way of noise, vehicular or other activities on site.
- 5.23 On this basis it is considered that the main issues with regard to this application are:
- 1) the effect of the proposal on the character/appearance of the surrounding area;
  - 2) any adverse impact on the upgrading of the A74;
  - 3) the suitability of the site for such purposes adjoining the A74 and with regard to any means of drainage;
  - 4) the impact on the living conditions of neighbouring residents;and,
  - 5) whether there are any other considerations sufficient to clearly outweigh any harm with specific regard to the need for and availability of sites generally, the specific needs of the applicant and his family, and the matter of their Human Rights.

- 5.24 When considering the impact of the proposal on the character and appearance of the area, the site is read as being within an area of scattered development associated with the countryside. It could therefore be argued that the development would have the effect of interrupting the rural character of the area. In mitigation, the site is neighboured by development in the form of Ghyll Bank House and the associated commercial storage of caravans and, Cryndlebeck Stables. The site is also screened by the existing mature hedge along the road frontage.
- 5.25 In regard to the upgrade of the A74, the Highways Agency have not raised any objections providing that any drainage system or disposal of effluent does not connect to the existing or proposed drainage system for the A74 /M6 highway improvement scheme.
- 5.26 In the absence of noise mitigation measures, it is unclear whether this site represents a longer-term solution. Nevertheless, it is appreciated that a residential dwelling in the form of Ghyll Bank House/Ghyll Cottage neighbours the site. The imposition of a condition requiring the provision of suitable noise attenuation is considered to be an onerous burden should Members consider that the proposal meets a short term need.
- 5.27 When considering the issue of drainage, there are concerns not only over the suitability of the site with regard to its use as a soakaway serving the septic tank of the neighbouring property but also the implications for the effectiveness of the soakaway should the proposed development go ahead. It also appears that even if permission was to be given, its implementation would be contrary to an existing Deed.
- 5.27 When considering the living conditions of neighbouring residents, with particular regard to Cryndlebeck Stables and Ghyll Bank House it is evident that the proposed structures are sited away from the respective boundaries. The proposed stable barn, whilst at a higher level than Ghyll Bank Stables does not run the whole length of the relevant boundary and should be partially screened by the planting on both sides of the site. The principle outlook from the mobile home at Ghyll Bank Stables is south into the yard area. Clarification has also been sought on the anticipated number and type of animals associated with the use of the proposed structure.
- 5.28 In regard to the question of need, it is not contested that there is a national, regional and county need for gypsy site provision. In the case of the Carlisle area, the re-opening of the transit site at Hadrians Park will not address the alleged need for permanent pitches.
- 5.29 The applicant and his family also have a current and immediate need for accommodation. The applicant and his wife have 3 children. If planning permission were to be refused and if this led to moves to evict them from the site it would undoubtedly disrupt the education of the children with little hope of any continuity being achieved from an itinerant roadside existence.
- 5.30 Members should also be aware that, if it were considered there is no suitable alternative accommodation, forcing the applicant and his family to leave the

site would result in them losing their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights. Furthermore, in the light of the recently published draft final report of the Cumbria GTAA, the Council will be expected to make adequate provision for Gypsy accommodation in the area. Consequently any interference with the applicant and his family's human rights resulting from eviction from the site could be considered disproportionate to the harm caused to the public interest by the retention of the site particularly if for a limited time period.

## **6.0 Conclusion**

- 6.1 On the basis of the foregoing, with particular regard to the acknowledged short-term need and the current proposal relating to Ghyll Bank Caravan Park (subject of application 08/0976) the recommendation would have been to grant a temporary permission. There are, however, serious reservations over the suitability of the site with regard to its use as the soakaway of the septic tank serving the neighbouring dwelling and the absence of a suggested alternative means of drainage for that property.
- 6.2 An updated report will be presented to Members once clarification has been received from the applicant's agent clarifying how her client wishes to proceed with the proposal.

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

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 Article 8 the Right to respect for private and family life. Article 1 of protocol 1 relates to the Protection of Property and bestows the Right for the Peaceful enjoyment of possessions. If the applicant is given permission for a gypsy site because the Council cannot fulfil its obligation to provide sufficient designated gypsy sites and a neighbouring resident becomes unable either to sell their home/business or to experience the Right for Peaceful enjoyment

of possessions then it could be alleged that the Council will have contravened the above Human Rights.

- 6.4 In response, it is considered that noise from any generator and nature of the use of the site can be controlled through the imposition of relevant conditions. In such circumstances any noise and disturbance from the applicant's family and vehicles can also be considered commensurate with that of a family dwelling and therefore not unreasonable.
- 6.5 Conversely, the applicant and his wife have 3 children. If planning permission were to be refused this would inevitably lead to moves to evict them from the site. In the event of this happening, and if considered that there is no suitable alternative accommodation, eviction would undoubtedly disrupt the education of the school age children with little hope of any continuity being achieved from an itinerant roadside existence. Forcing the applicant and his family to leave the site would also result in them losing their homes. This would represent an interference with their home and family life, respect for which is incorporated in Article 8 of the European Convention on Human Rights. Furthermore, in the light of the recently published draft final report of the Cumbria GTAA the Council, will be expected to make adequate provision for Gypsy accommodation in the area. Consequently any interference with the applicant and his family's human rights resulting from eviction from the site could be considered disproportionate to the harm caused to the public interest by the retention of the site particularly if for a limited time period.

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

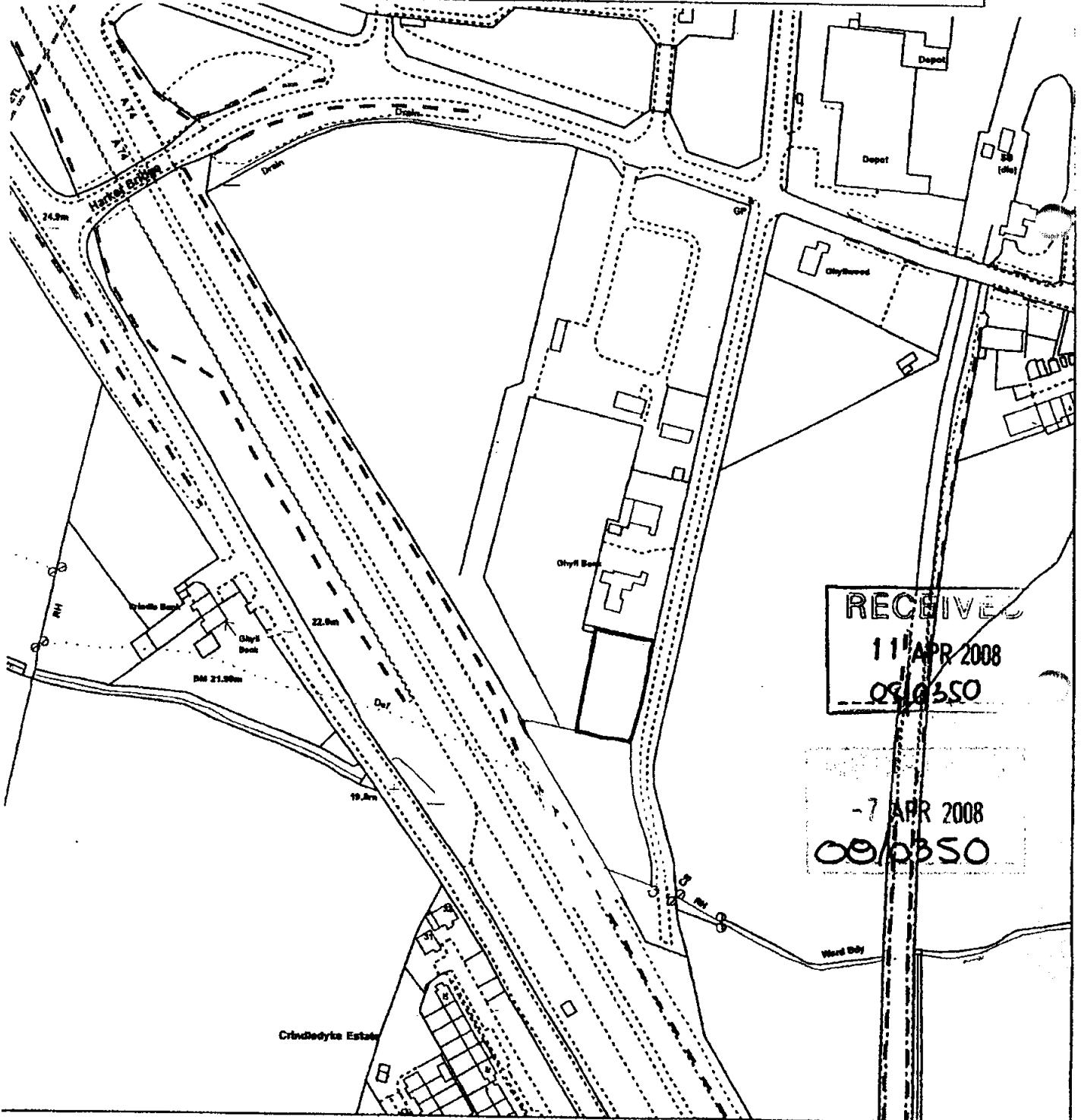
At the time of preparing the report clarification is awaited from the applicant's agent on what basis he wishes the current application to be considered in the light of the site's use as a soakaway serving the septic tank of the neighbouring property and the absence of any suggested alternative means of drainage.

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Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

### Location Plan

Scale: 1:1250



RECEIVED  
11 APR 2008  
09/0350

-7 APR 2008  
09/0350

Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

### Block Plan

Scale: 1:500

MH Plinth for Mobile Home

T Touring van

D Day Room

 Stable barn

 Existing timber panel fencing

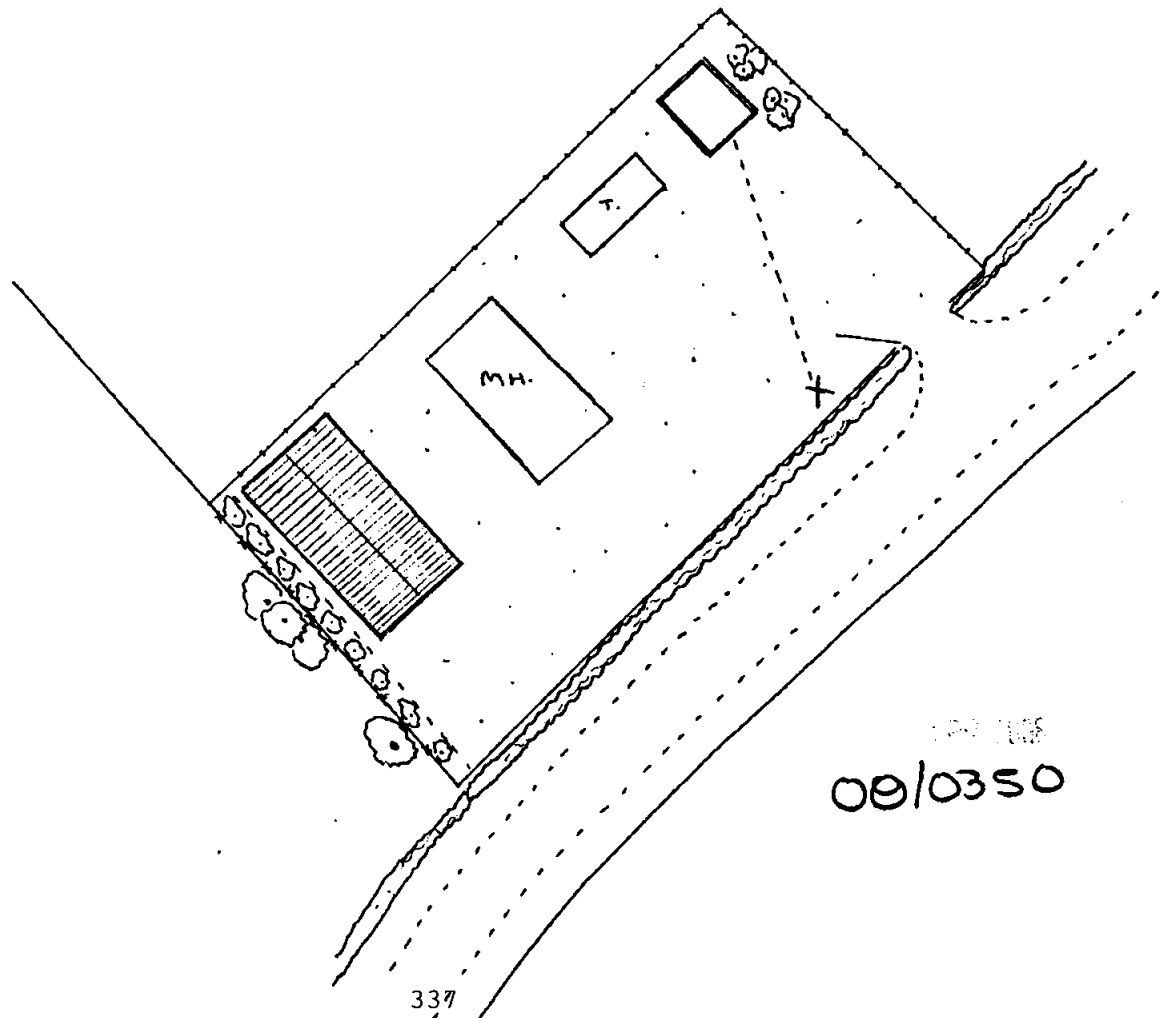
 Existing steel fencing

 Existing trees and shrubs

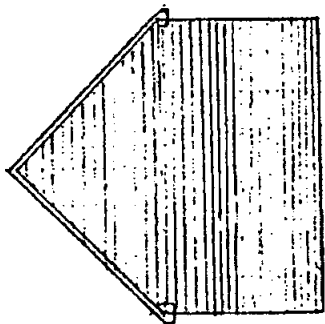
 Existing hedgerow to retain

 Hardstanding

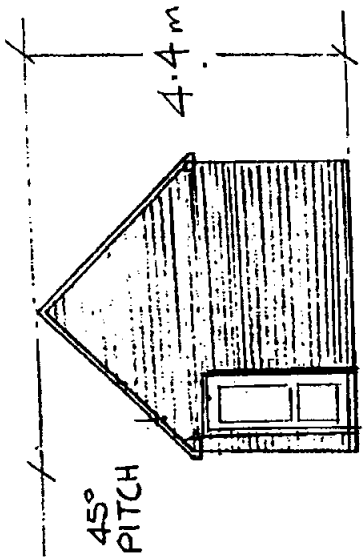
X Septic tank







END ELV.

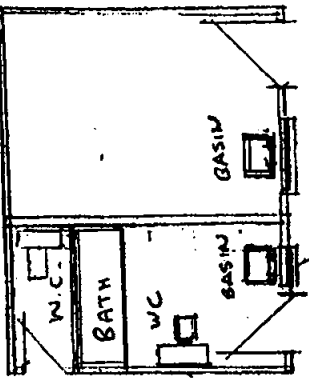


45° PITCH

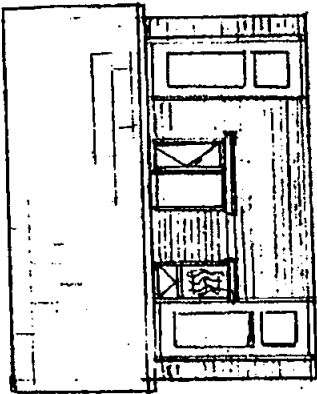
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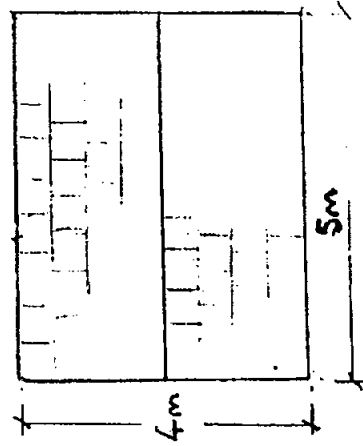
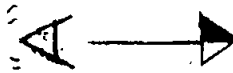
3 m



FLOOR PLAN



VIEW "A"



PLAN VIEW

**Proposed Utility/ Bathroom block**

Scale 1/100

Face brickwork to suit LPA

Tiles to suit LPA

Foul water to septic tank

Surface water to new soakaway

00/0350

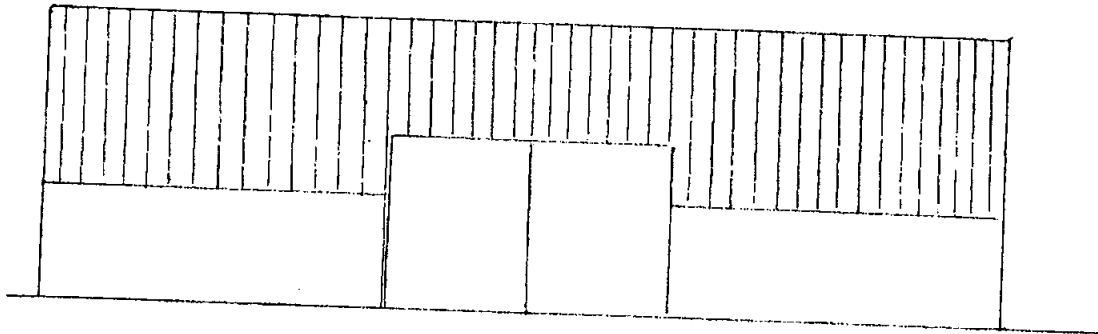
Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

## PLAN AND ELEVATION FOR STABLE BARN

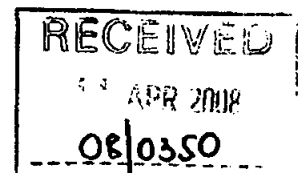
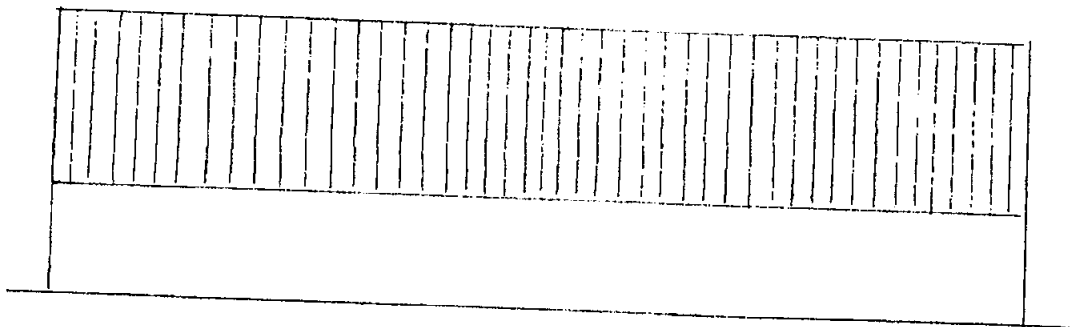
Scale: 1:100

Specification: 7.6m wide, 13.7m long, 3.9m high  
Concrete plinth, steel frame, brick base for lower 1.5m, profile galvanised sheets to upper wall and roof

FRONT ELEVATION



REAR ELEVATION



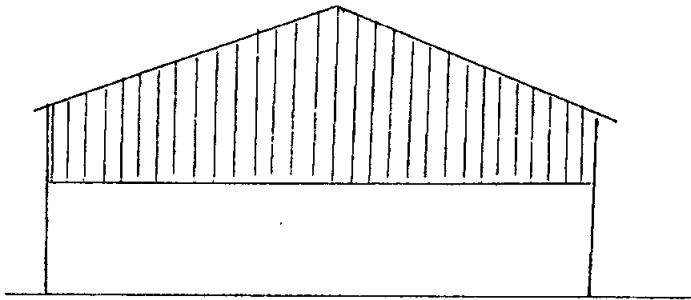
Yard off Ghyll Bank, Low Harker, Carlisle  
Mr and Mrs W Young

## PLAN AND ELEVATION FOR STABLE BARN

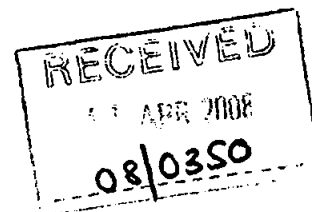
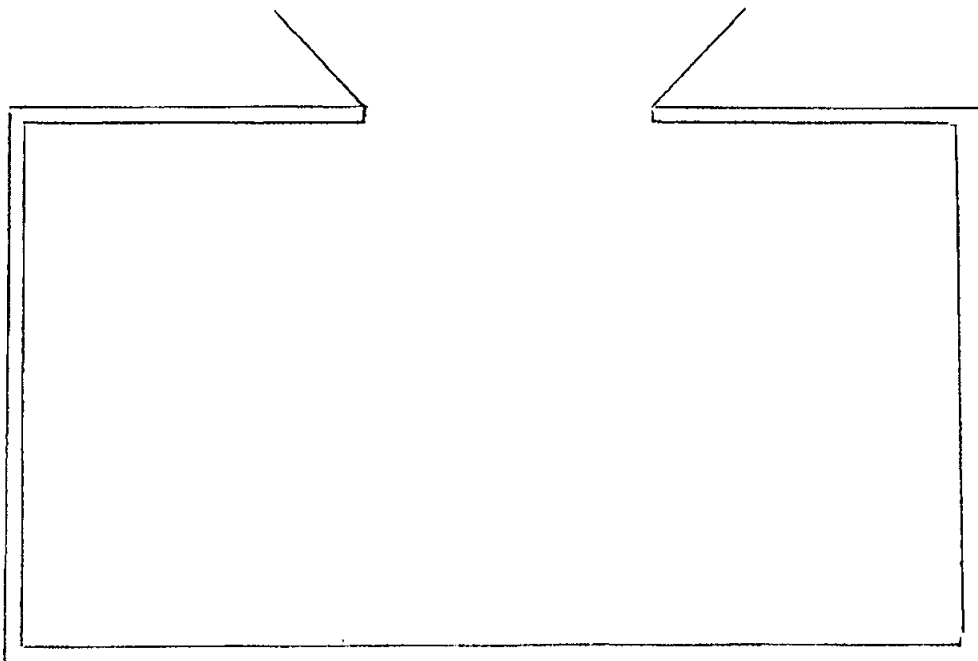
Scale: 1:100

Specification: 7.6m wide, 13.7m long, 3.9m high  
Concrete plinth, steel frame, brick base for lower 1.5m, profile galvanised sheets to upper wall and roof

### SIDE ELEVATION



### FLOOR PLAN



## SCHEDULE A: Applications with Recommendation

08/0972

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**Item No: 17**

Date of Committee: 14/11/2008

**Appn Ref No:**

08/0972

**Applicant:**

Cumbria Police Authority

**Parish:**

Carlisle

**Date of Receipt:**

17/10/2008

**Agent:**

Taylor Young

**Ward:**

Harraby

**Location:**

Cumbria Constabulary, Police Custody Suite,  
Brunel Way, Durrhill Industrial Estate, Carlisle,  
CA1 3NQ

**Grid Reference:**

341815 554709

**Proposal:** Construction Of Police Divisional Headquarters Including Operational Police Station And Associated Storage, Parking And Landscaping Etc. Minor Alteration To Existing Custody Unit To Move An Access Door From The South To The North Side And An External Access Stair To The Roofspace (Revised Application)

**Amendment:**

---

**REPORT**

**Case Officer:** Richard Maunsell

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

This application is brought for determination by Members of the Development Control Committee on the basis that it is a major application which is in the public interest.

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

**Contaminated Land**

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

**Local Plan Pol EC1 - Primary Employment Areas**

**Local Plan Pol LE29 - Land Affected by Contamination**

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

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

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

**Environmental Services - Food, Health & Safety:** comments awaited;

**Environment Agency (N Area (+ Waste Disp)):** the site is located within Flood Zone 1 (Low Probability) as defined in Table D.1 of Planning Policy Statement 25 (Development and Flood Risk) (PPS25), which replaced PPG25 in December 2005.

The Agency provided no comments on previous application 06/0150 as it should have been dealt with using 'Local Guidance' by your LPA.

This should have included implementing 'Flood Risk Standing Advice' and requesting a Flood Risk Assessment (FRA) to support the application.

For developments of 1 hectare or greater in Flood Zone 1, where the risk of flooding from rivers or the sea is classified as low, a Flood Risk Assessment is still required, but it should be focused on the management of surface water run-off.

It appears that application 06/0150 was granted permission without a supporting FRA. Additionally, no surface water disposal conditions were included on the decision notice.

Since this period, Flood Risk Standing Advice has changed and the Agency are now required to be consulted with the FRA on developments in excess of 1 hectare.

The Agency have been in contact with the applicant's consulting engineers in order to seek confirmation of the surface water management details.

The Agency understand that the whole of the site was previously either buildings or hard surfaces.

United Utilities require that the existing surface water connection in Brunel Way is used, including the existing diameter of the connection so that the maximum outflow cannot be increased from the former use.

The proposed development includes the following measures which will reduce the rate and quantity of surface outflow:

- the roof includes an area of green roof which will absorb and attenuate part of the outflow.

## SCHEDULE A: Applications with Recommendation

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- some areas of the external works are soft landscaping.
- a surface water storage tank of 20,000 litres is to be included and used for vehicle washing (operational police vehicles are regularly washed).
- the surface water tank will also be used for flushing WCs in the new building (a total of 43 WCs and urinals).
- surface water run off will also pass through a Class 1 petrol interceptor and by pass separator with silt trap.

Confirmation of the above satisfies that Agency's concerns that as part of the new development the quantity and quality of surface water leaving the site will be reduced and improved.

Ground investigation and remediation of contaminated soils has already taken place at this site, therefore, there should be no further land quality concerns. As a result, the Agency have no objections to the proposal.

If contamination is discovered during the construction, the Environmental Health section of the City Council should be contacted and the problem should be addressed to the satisfaction of the Planning Authority;

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

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

**Development Services - Property Services:** comments awaited;

**Environmental Services - Environmental Quality:** comments awaited;

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

**Cumbria Constabulary - Crime Prevention:** comments awaited;

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

**Development Services Planning & Housing Services - Local Plans:** car parking provision has been revised to accommodate an extra 26 spaces. An additional 8 motorcycle spaces are to be proposed, 4 extra disabled parking spaces and a substantial number, 27, of additional cycle parking spaces. This improved parking provision is supported by Policies CP15 and CP16 of the adopted Carlisle District Local Plan 2001-2016. Policy CP16 seeks to encourage the use of alternative means of transport to the private car, which helps to reduce emissions, improve safety and gives significant health benefits.

An alteration is proposed to the location of the solar panels which will now be placed in a less obtrusive position on the roof of rear garages.

Two important security measures are proposed in the amended application. One gives security enhancement for the entrance at the south end of the site. The other

## SCHEDULE A: Applications with Recommendation

08/0972

relocates the public car park entry point to reduce the risk of ram raid attack on the front entrance. These measures create a safer, more secure site and environment, and are in general agreement with the principles for designing out crime outlined in the Council's draft SPD 'Designing Out Crime' which include:

- Creating a safer, more secure environment;
- Making crime more difficult to commit.

The revised details of the application are acceptable.

**Northern Gas Networks:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	TMS	21/10/08
Proctor Welding and Engineering Supplies	21/10/08	
	Carlisle Window Systems	21/10/08
	Solway	21/10/08
	Trade Centre	21/10/08
	Qic Print	21/10/08
	CNC Electrical Supplies	21/10/08
	Lynx	21/10/08
	Howarts Garage	21/10/08
	Trade Quip	21/10/08
10 Bridge Terrace	21/10/08	

- 3.1 This application has been advertised by means of a site notice, a press 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 In 1988, planning permission was granted for the erection of a grain silo.
- 4.2 Planning permission was granted in 1989, for the erection of 2no. grain silos.
- 4.3 In 2006, outline planning permission was granted for the erection of a Police Operational Building (Custody Unit) and associated parking (Phase 1 of 2, second phase to incorporate Divisional HQ).
- 4.4 Later in the same year, planning consent was granted for the erection of a custody unit together with an access road and parking provision.

- 4.5 Planning permission was granted in 2007 for the construction of police Divisional Headquarters including operational police station and associated storage, parking and landscaping etc. Minor alteration to existing Custody Unit to move an access door from the south to the north side and an external access stair to the roofspace.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This revised application seeks full planning permission for the construction of Police Divisional Headquarters including an operational police station and associated storage, parking and landscaping on the former Rathbones Site, Brunel Way, Durranhill Industrial Estate, Carlisle. The application also involves minor alterations to the existing Custody Unit to move an access door from the south to the north side and an external access stair to the roofspace to incorporate an access to the proposed new building. The site is located within a Primary Employment Area.

#### Proposal

- 5.2 The application seeks consent for the erection of a headquarters building for Cumbria Constabulary. Construction work has been progressing on site for some considerable time in accordance with the previous consent and the majority of the structure is complete.
- 5.3 The building is sited close to the frontage with Brunel Way and would be three storeys in height at this point. The front elevation will be finished in masonry terracotta blocks with high window openings. The two floors above will be fully glazed and shaded by a large roof overhang with an array of wide glass louvres. The entrance to the building will be framed by two three storey stone clad piers between which would be vertical strips of coloured glass. The roof will be finished in aluminium with ventilation flues protruding from the roof.
- 5.4 The area between the frontage and Brunel Way will provide thirty eight car parking spaces and four spaces suitable for use by disabled persons. This will form the public element of the parking provision with access taken directly from Brunel Way.
- 5.5 The building occupies almost the entire frontage of the site in a rectangular shape. The mono pitched roof slopes up to rear of the building and would then reduce to two storeys in height and will include the formation of a green roof. A glazed vertical atrium will also be situated in either corner of the rear of the building. A roofed link will also be constructed to link access to the Custody Unit.



## SCHEDULE A: Applications with Recommendation

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- 5.6 Access for staff vehicles is taken from Brunel Way, utilising the existing access to the Custody Unit and will provide a total of one hundred and forty six parking spaces plus two spaces for disabled persons for staff at both the Custody Unit and the Headquarters. There would also be provision for cycle storage and, motorcycle parking together with provision for specialist and operational vehicles.
- 5.7 The application is a revised application to that approved in 2007 with the main changes being:
- incorporation of security gates, fencing and pedestrian gates at the main vehicular entrance;
  - relocation of vehicular access at the junction of the public car park with Brunel Way;
  - insertion of 2no. additional windows at first floor level in the north gable;
  - revision of staff and operational vehicle parking to incorporate 20 additional vehicles; and
  - relocation of solar panels from the front elevation to the garage building to the rear of the main building together with the siting of an air source heat pump and access ladder.

### Assessment

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP9, CP15, CP17, EC1, LE29 and T1 of the Carlisle District Local Plan 2001-2016. It is considered that there are six main planning issues raised by this proposal.

#### 1. The Principle Of Development

- 5.9 The site is designated as being a Primary Employment Area and in consideration of this application Policy EC1 of the Carlisle District Local Plan 2001-2016 is appropriate. This policy seeks to retain land within such designated areas for employment purposes within the B1, B2 and B8 uses classes. Exceptions may be permitted where: the existing use of the site adversely affects or could adversely affect adjacent residential properties; or the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and the alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced. Furthermore, Policy DP1 of the Local Plan requires that development proposals should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.
- 5.10 The site is brown field land and is also immediately adjacent to other existing development. The siting of the proposed headquarters building has been placed wholly within the boundaries of the brown field site. Although the site is a Primary Employment Area, it is considered that the employment of the

## SCHEDULE A: Applications with Recommendation

08/0972

Police in this location is appropriate and will fulfil an overall strategic requirement for the City as a whole. There are a number of vacant sites on the estate, which are available for other employment uses. Furthermore, the principle of development on this site has already been established through the historic planning applications that have been granted consent on this site.

- 5.11 The proposed development is to replace the facilities lost in Rickergate following the flooding in January 2005. These facilities have been temporarily replaced by an office at the Citadel with police vehicles occupying part of the highway. It is understood that there is no potential to return to Rickergate due to inadequate facilities and high premiums for the insurance of the building. Most of the police services for Carlisle and the surrounding area are operating from temporary accommodation that is in several locations which is not efficient or effective.
- 5.12 It is understood that a police presence within the City Centre would remain although the location for this has not been established but it is unlikely to remain at the Citadel.
- 5.13 The need for this facility can be deemed as a material consideration. Section 17 of the Crime and Disorder Act 1998 promotes the practice of partnership working and states:

*"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area."*

- 5.14 The headquarters are required by the Police Authority in order to enable its effective response to criminal behaviour and in this regard Section 17 is relevant.

### 2. Scale And Design

- 5.15 Development should be appropriate in terms of quality to that of the surrounding area and development proposals should incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This is reflected in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 5.16 The area is diverse in terms of the scale, design and materials and many of the buildings have been in situ following the development of the industrial estate. The appearance of the building would be different to the character and appearance of the estate but would the proposal involves a contemporary design with an appropriate use of materials; furthermore, the building incorporates modern materials that would assist in promoting the

## SCHEDULE A: Applications with Recommendation

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energy efficiency of the building. The building is striking in appearance as would be expected from a major public building but would be reasonable in scale and well related to the surrounding buildings.

- 5.17 The revisions to the siting of the solar panels and air source heat pump do not detract significantly from the character of the building as approved by the previous consent. The design would not be obtrusive or detrimental to the character of the area.
- 5.18 The proposed landscaping aspect to the site would further enhance the public aspect of the building.

### 3. Effect On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.19 Planning policies require that development proposals do not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or is visually intrusive. The proposed building is appropriate to the overall scale of buildings within the estate. In this respect it is not considered that the proposal that is being presented for consideration would be disproportionate or obtrusive and it is not considered that the occupiers of the adjacent buildings would suffer from an unreasonable loss of daylight or sunlight.
- 5.20 The nearest residential properties are approximately 200 metres to the south of the application site in Harraby Grove that is accessed by way of a public footpath leading from Brunel Way. This footpath is used by members of the public linking London Road with the industrial estate and whilst the development of this site may increase pedestrian flows along this route, it is not considered that this would occur to such a degree as to be detrimental to the living conditions of the occupiers of these properties.

### 4. Traffic Issues

- 5.21 Policy T1 of the Local Plan requires that there is sufficient parking provision within the site for the relevant development. The overall level of parking provision within the site, including the custody element would be one hundred and forty six parking spaces plus two spaces for disabled persons for staff at both the Custody Unit and the Headquarters. There would also be provision for cycle storage and, motorcycle parking together with provision for specialist and operational vehicles.
- 5.22 The applicant has submitted a Transport Impact Assessment in support of the application which concludes by stating that the proposal will generate approximately 78 trips in the morning and 81 trips in the afternoon. The previous use as a bakery would have generated an estimated 95 and 88 trips respectively. Given the surrounding road network and bus routes near to the site, and the number of proposed vehicle movements, the report raises no highway objections.

### 5. Public Access

- 5.23 The design and layout of the building is required to be designed meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of Policy CP15 of the Local Plan. Although the building is three storeys, the development will also incorporate automatic entrance doors, level access and a lift allowing access to the upper floors.

### 6. Drainage Issue/ Green Design

- 5.24 The design of the building takes into account energy efficiency and will achieve a Building Research Establishment Environmental Assessment Method (BREEAM) 'Excellent' rating. This would be achieved through the incorporation of local materials, a green roof, low energy environmental design utilising ground source heat pump for heating and cooling water, solar water heating tubes, rainwater recycling for vehicle washing and grey water installation for WC flushing.
- 5.25 Consequently, although the site was previously occupied by a building together with large areas of hardstanding, the proposed building aims to reduce the amount of surface water run-off that would discharge into the water network which would reduce the pressure on the infrastructure within the City.

## Conclusion

- 5.26 In overall terms, the police headquarters building represents use of a brown field site within the boundaries of the urban area. It is not considered that the fear of crime is sufficient as a sole reason for refusal. In this instance the applicant, being the Police, should be best placed to manage the fear of crime. The building will be of benefit to the wider community of not only Carlisle District but North Cumbria and these wider benefits must be weighed against any perceived disbenefits to the immediate area. The principle of development within the site is considered to be acceptable and the building is well related to the existing buildings and does not result in any harm to the visual amenity of the area. The design of the building, the fenestration and the use of materials are appropriate and it is not considered that the occupiers of neighbouring properties would be adversely affected, in accordance with current planning policies. The revisions to the approved scheme do not raise any fundamental planning issues and it is considered, on balance, that the application should be granted.

## 6. Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

08/0972

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

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

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

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

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

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

1. Any access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

2. Within 6 months of the Police Divisional Headquarters (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

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

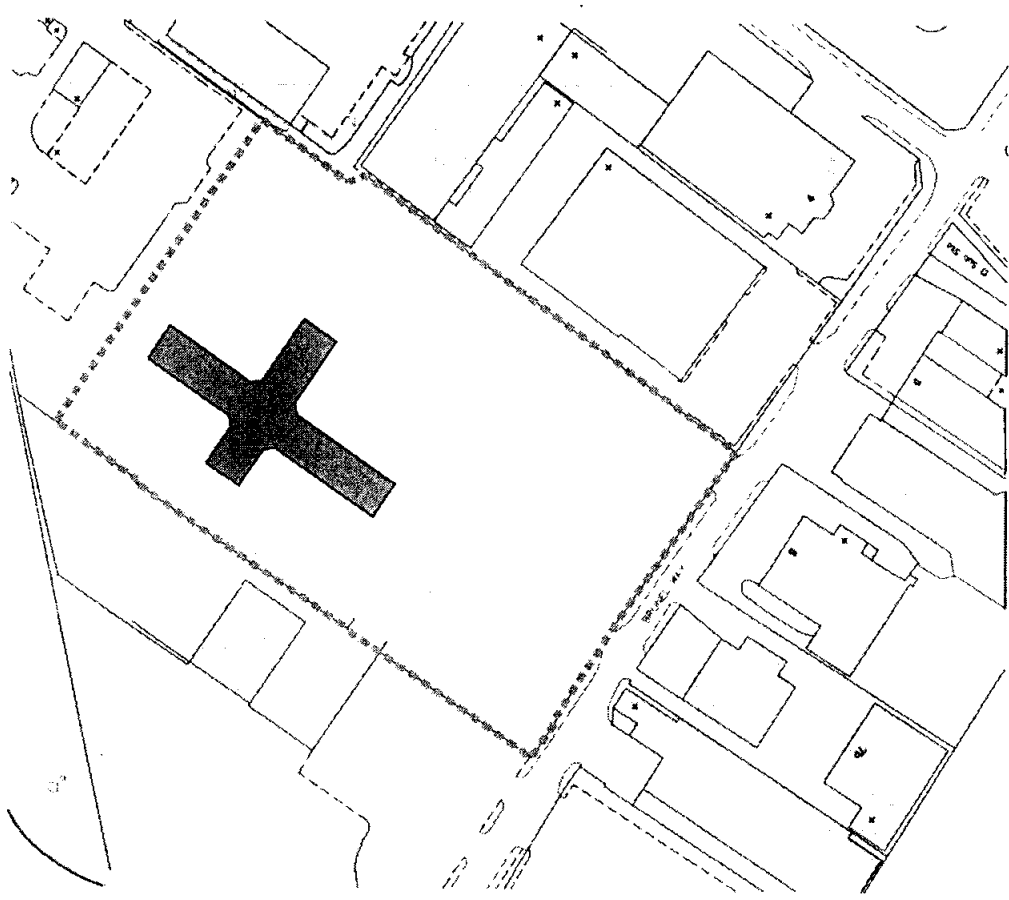
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 Durranhill Industrial Estate

<b>PRELIMINARY</b>	<p><b>CUMBRIA CONSTABULARY          DURRANHILL BCU          CARLISLE</b></p> <p>Site Location Plan:          Brunel Way          Durranhill Industrial Estate          Durranhill          Carlisle          CA1 3NQ</p> <p>Scale: 1:1250 @ A3          Reviewed by: RWW</p>	<p>job: 3655          drawing: L(90)01          rev: --</p>
<p><b>taylor young </b></p> <p>chadsworth house          wilmslow road          randolph          cheshire          SK9 3np</p> <p>tel: 01625 542 200          fax: 01625 542 250          mail: taylor.young.co.uk          www: taylor.young.co.uk</p>		
<p>architects          interior design          landscape architecture          regeneration          town planning          urban design          3D visualisation</p>		

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**To Public / Staff Car Parking Area**

Public	Staff
Standard	38
Disabled	4
Motor Cycles	2
<b>Total</b>	<b>44</b>

**To Specialised Vehicles / Motor Cycle Garage**

Motor Cycles	Motor Cycles
6	4
<b>Total</b>	<b>4</b>

**Cycle Store**

6	30
<b>Total</b>	<b>30</b>

**PLANNING**

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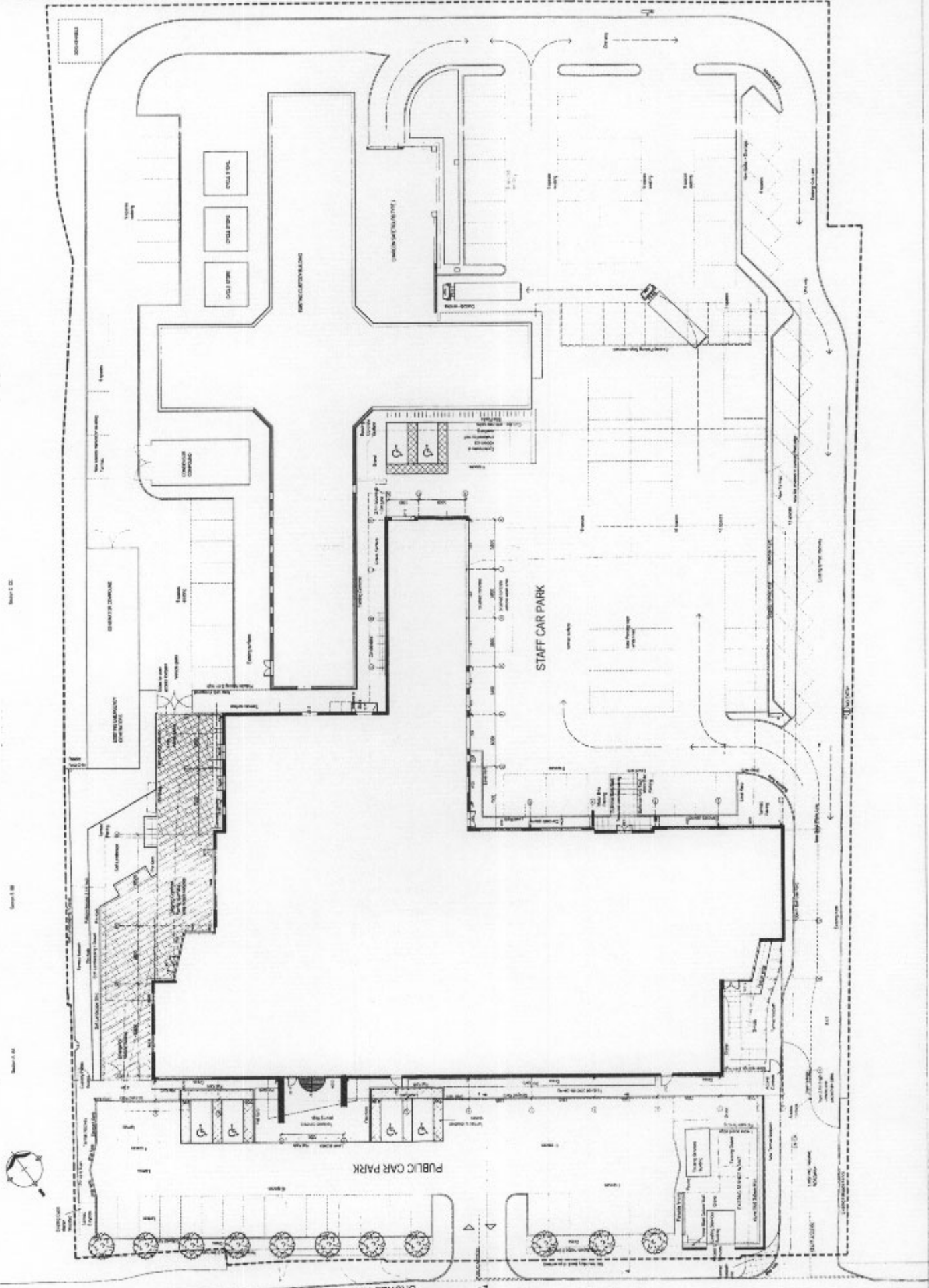
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Sheet 1 of 2

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**PLANNING**

CUMBRIA CONSTABULARY  
 DURRANHILL BCU  
 CAVELISLE

Proposed Security Gates

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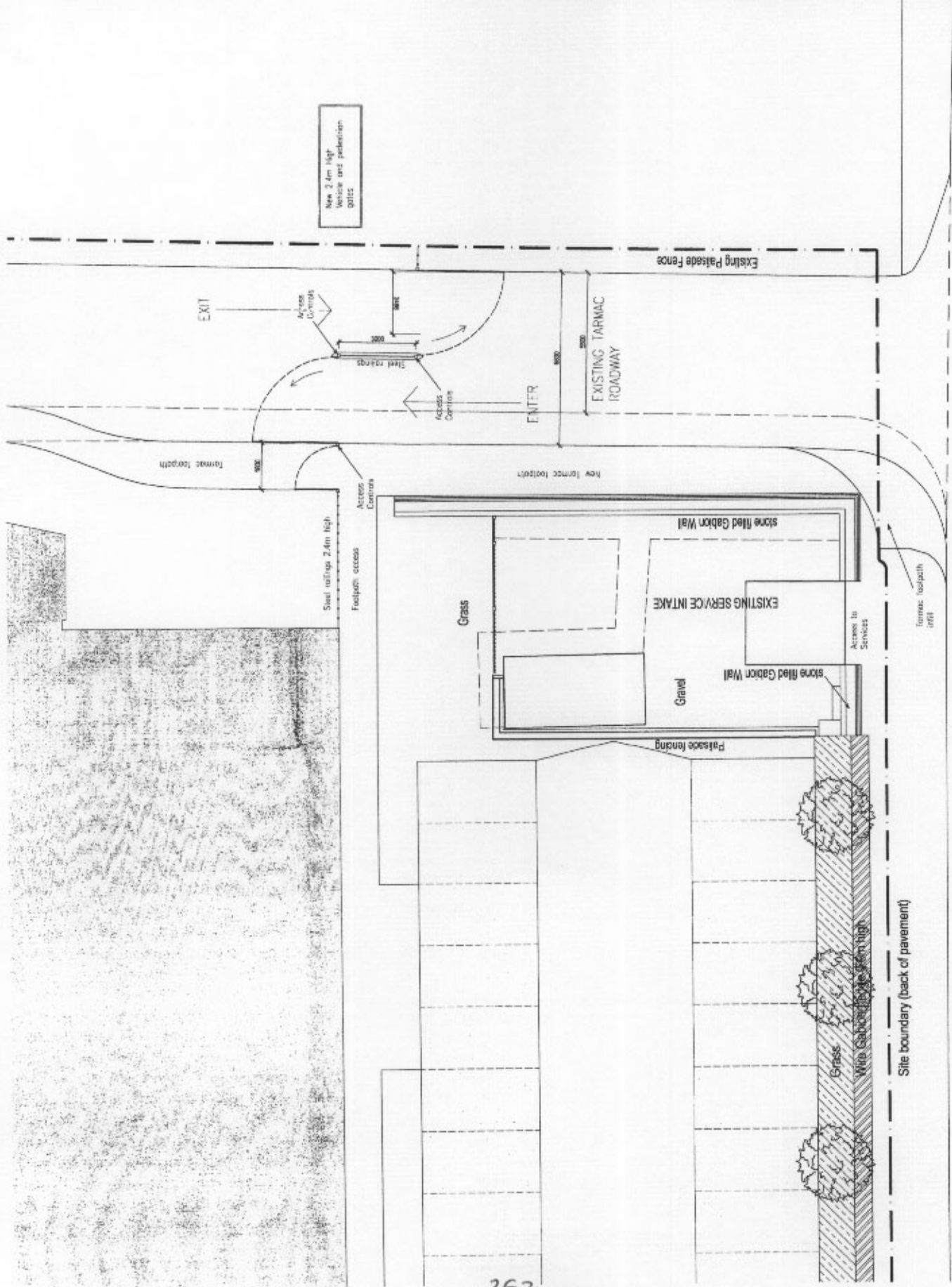
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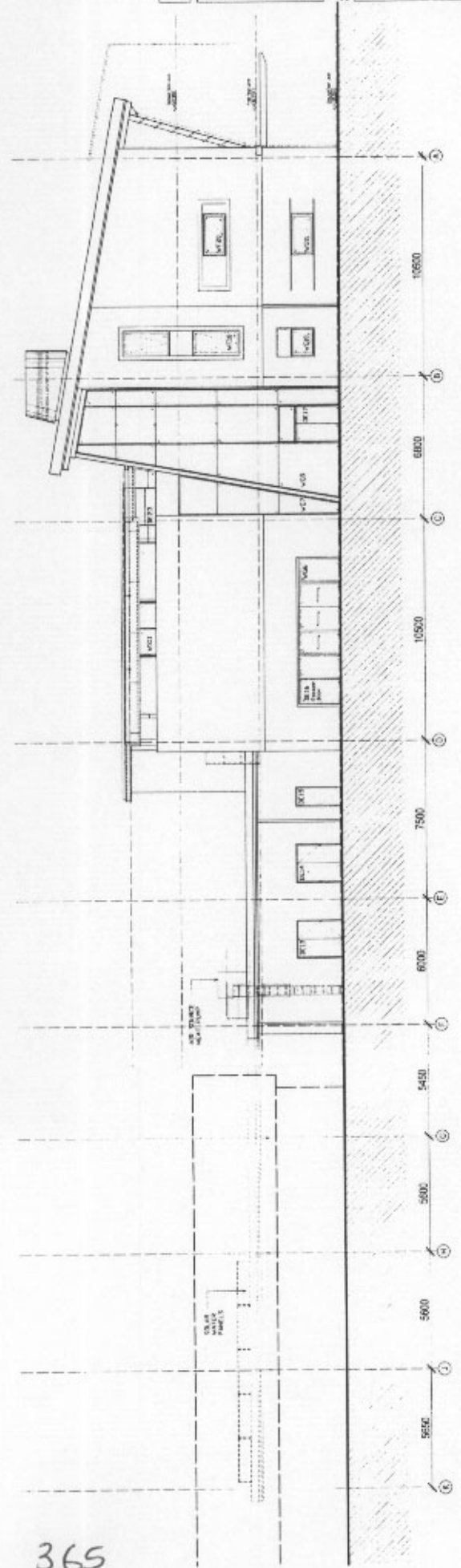
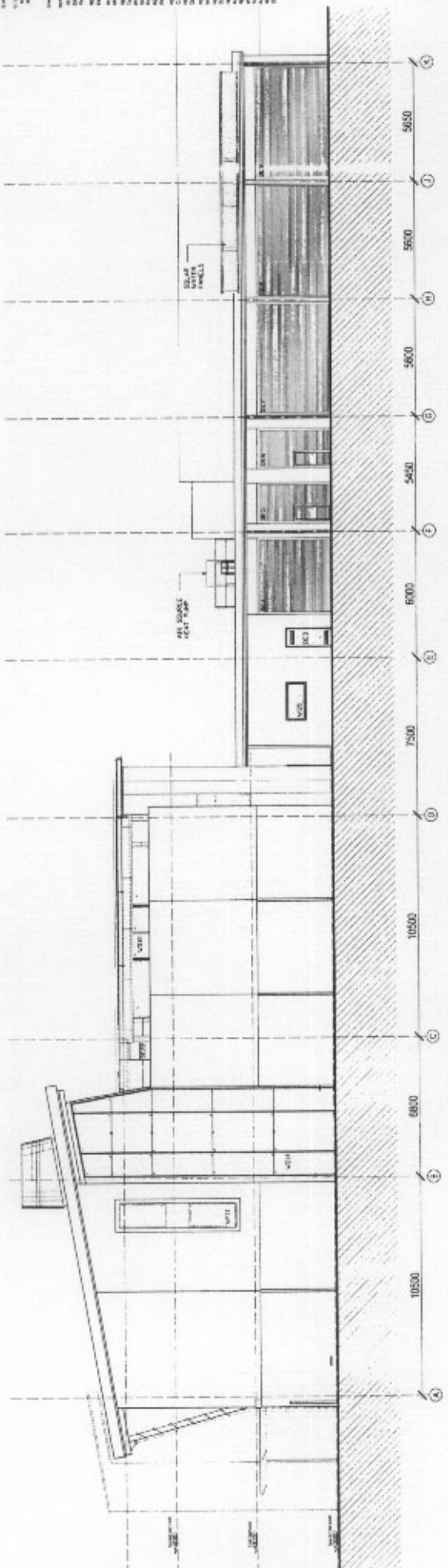








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**PRELIMINARY**

CUMBERA CONSULTANCY  
 111/113  
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Progressive Site Evaluation

Scale: 1:100 (plan)  
 Prepared by: PWS

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 interior designers  
 landscape architects  
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 civil engineers

## SCHEDULE A: Applications with Recommendation

08/1010

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**Item No: 18**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/1010

**Applicant:**  
Carlisle YMCA

**Parish:**  
Carlisle

**Date of Receipt:**  
02/10/2008

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

**Ward:**  
Castle

**Location:**  
22 - 24 Fisher Street, Carlisle, Cumbria

**Grid Reference:**  
339949 556066

**Proposal:** Change Of Use Of No.24 To Residential - 9 Bedsits And 2 Shared Flats With Multi Purpose Hall. Change Of Use Of No.22 To Residential - 1 Shared Flat.

Refurbishment Of Existing Retail, Cafe, Offices And Social Facilities. Alterations Required To Form YMCA Carlisle Foyer Which Will Provide Supported Housing Accommodation For Young People And Enhance The Range Of Facilities And Services Available To Them

**Amendment:**

---

**REPORT**

**Case Officer:** Angus Hutchinson

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

In the light of the previous refusal of planning permission and the significance of the site as a local landmark.

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

##### **Listed Building**

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

##### **Conservation Area**

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

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

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

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

08/1010

**Local Plan Pol CP7 - Use of Traditional Materials**

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

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

**Local Plan Pol EC6 - Primary Shopping Frontages**

**Local Plan Pol EC9 - Use of Upper Floors**

**Local Plan Pol LE8 - Archaeology on Other Sites**

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

**Local Plan Pol LE13 - Alterations to Listed Buildings**

**Local Plan Pol LE15 - Change of Use of Listed Buildings**

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

**Local Plan Pol LE19 - Conservation Areas**

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

**Environmental Services - Food, Health & Safety:** no observations;

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

**Development Services Planning & Housing Services - Conservation Section:** comments awaited;

**Conservation Area Advisory Committee:** the Committee's views on this application were similar to those given for the previous application. The height and overall volume of the proposed building are too great and do not relate well to the adjoining listed building or the unlisted building on the south side. The proposed building's faults are considered to be exaggerated by the overhanging eaves and canopy of the upper floor;

**Development Services Planning & Housing Services - Urban Designer:** this application addresses the same site as a previous application 08/0087 which was recommended for approval but refused at Planning Committee. The application has been revised in the light of comments made at Committee and by subsequent comment made by officers. In my view the scheme now makes a stronger positive contribution to the streetscape of Fisher Street, and given the constraints imposed by the frame of the existing building, an acceptable solution has been achieved.

The visual subdivision of the plot into two halves, bisected by the feature sandstone

## SCHEDULE A: Applications with Recommendation

08/1010

column, reduces the adverse visual impact of the existing building, and better reflects the narrow plot boundaries typical to Fisher Street. The combination of stone plinth with brick upper storeys also reflects the materials palette of the area. The vertical orientation of the windows is also to be welcomed, along with lead detailing to the projecting bays. The three dimensional rendition of the proposal suggests that the proposal could be a positive and dynamic addition to the streetscene, and remediate the negative streetscape impact of the existing building. At 4 storeys, I do not consider that this proposal is out of scale with the rest of the street, or that it overbears significantly on the adjacent listed building.

I do however feel that the x4 window openings onto Fisher Street require some additional thought in two areas: Firstly, that the windows abutting the central column would be better if separated from this column by a portion of brickwork, rather than directly abutting as shown. Secondly, that the soldier course lintel above the x4 windows over the vehicle arch would be more visually convincing if a stone lintel were used to match the cill below. If used, this span should be bridged either in a single piece of masonry or if subdivided, divided by a central keystone. Abutting sections of stone without a keystone should not be used unless structurally plausible.

I believe that subject to the minor amendments suggested above, this application should be recommended for approval;

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

**Cumbria County Council - (Archaeological Services):** the site has been the subject of an archaeological desk-based assessment and the results indicate that it lies in an area of high archaeological potential in the historic core of Carlisle. There is a strong likelihood that archaeological remains relating to the Roman settlement, and medieval and post medieval city survive on the site, as shown by numerous archaeological investigations in the immediate vicinity. Any such remains would be damaged or destroyed by the proposed development.

Consequently, it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development and advise that this work should be commissioned and undertaken at the expense of the developer. It is considered that this programme of work can be secured through the inclusion of two conditions in any planning consent;

**Cumbria Constabulary - Crime Prevention:** the security measures relating to this application were submitted as part of application 08/0367;

**Planning & Housing Services - Housing Strategy:** the City Council has promoted and supported the scheme including funding initial feasibility studies and drawings, working in partnership with the YMCA. The Council has recently committed up to £400,000 of capital for the scheme and has submitted a bid for £1,000,000 to the CLG on the YMCA's behalf for a Hostels Capital Improvement Grant.

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

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The provision of a Foyer will meet a significant need for the supply of young peoples housing in Carlisle.

The YMCA building is in an ideal location because of its proximity to the town centre and will give agencies including the YMCA, the City Council, Children's Services and Connexions the ability to centralise and co-ordinate a range of services for young people. These will provide for both young people who will live there and others who can access the social and communal facilities and services which will be available. The scheme is also located near to the Council's own homelessness services at John Street and will form part of integrated resource provision for homeless people from 16 to 25 and those over 25.

The scheme and layout have been designed to utilise the space and facilities within the existing listed building and reconfigure the internal space and facade of the 1960s extension to the west side of the building. In order to enable the scheme to work in terms of the accommodation and support services the minimal number of flats needed is 17. In order to achieve this and provide the services and facilities needed for customers and staff which are part of a Foyer the space has had to be reconfigures and the building extended upwards. The Foyer itself is an exciting innovative project aimed at and providing services for, young people. By its nature it will be a dynamic and forward-looking service and it seems appropriate therefore that the design of the building should reflect this approach.

There is a clear need for this type and amount of housing for young people in Carlisle. In the past 9 months there have been around 35 young people who have been accepted as homeless in Carlisle (in the previous year there were 50 similar cases). The City Council's homelessness service gave advice and assistance to another 150 young people who were homeless or threatened with homelessness but for whom we could not provide accommodation or who we did not have a duty to accommodate.

There are key gaps in the supply of housing for young people all of which the Foyer will contribute significantly to meeting, including emergency direct access accommodation and longer term housing with support. The Carlisle Young Peoples Housing Panel, a multi-agency group, has identified that there is a shortage of medium to high support accommodation for young people in Carlisle and supports the development of the Foyer as a way of meeting needs of young people who are homeless or vulnerable.

Homelessness has increased in Carlisle significantly since 2001. The three biggest causes of homelessness are a loss of private rented accommodation, parents no longer willing to accommodate their children and the violent breakdown of a relationship involving partners.

The number of young people (under 25s) making homeless applications to the Council and being accepted as priority need has increased substantially. Those aged 16 and 17 have increased. There is a chronic shortage of temporary, short and long term, supported accommodation.

The Council has a duty to house homeless 16 and 17 year olds who are not defined



## SCHEDULE A: Applications with Recommendation

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as "relevant children" and to assist Children's Services in accommodating those who have been looked after, within the care system. We have identified an increase in the number of 16 and 17 year olds presenting as homeless. There is a need to increase the provision of suitable accommodation within the City and further look at support provided, for example mediation services, floating support. The Council has a duty to find temporary accommodation for all young people aged 16-17, young people leaving care at 18 years of age and older care leavers who are vulnerable up to the age of 21. The Homelessness Review also noted the difficulty for young people to find private rented sector accommodation.

The Council is working together with key RSLs to improve the provision of: emergency and direct access accommodation; supported accommodation; move on accommodation; affordable social housing; develop and improve the services which help prevent people from becoming homeless; develop higher standards of temporary accommodation offered to homeless people and to avoid wherever possible the use of bed and breakfast accommodation; expand the housing options for all households, especially in high costs/demand areas, to help reduce homelessness across Cumbria; and develop better support services to help homeless people.

The housing strategy and homelessness action plan for Carlisle identifies the need to provide a Foyer in Carlisle and the Carlisle Community Plan identifies a need for an additional 20 units of supported accommodation for young people by 2012. The strategy also noted:

"...There are many vulnerable households particularly badly affected by homelessness - in particular, to help those who are young and those who lose their home by being the victims of domestic violence."

The City Council's new Homelessness Strategy identifies the foyer as a key component of its approach to tackling youth homelessness in the City.

**Development Services Planning & Housing Services - Access Officer:** it is accepted that there are limitations within this application which restrict access in some areas or during certain times. This aside, the disabled toilet facilities on the ground and first floors should be unisex; the shower facilities should be suitable for the disabled and there should be provision for both males and females.

Policy CP15 of the Local Plan should be complied with as well as Approved Document M. The applicant should be aware of the duties under the DDA;

**Cumbria Fire and Rescue Service:** no comment to make. Once occupied the building will be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005;

**Northern Gas Networks:** no objections.

### 3. Summary of Representations

## SCHEDULE A: Applications with Recommendation

08/1010

### Representations Received

Initial:	Consulted:	Reply Type:
20 Fisher Street	08/10/08	
Central Methodist Church	08/10/08	
15 Fisher Street	08/10/08	
Suite 1	08/10/08	
26 Fisher Street	08/10/08	
28 Fisher Street	08/10/08	
30 Fisher Street	08/10/08	
Stocklund House	08/10/08	
31 Castle Street	08/10/08	
33 Castle Street	08/10/08	
35 Castle Street	08/10/08	
37 Castle Street	08/10/08	
39 Castle Street	08/10/08	
The Deanery	08/10/08	

- 3.1 This application has been advertised in the form of a press notice, site notice and the direct notification of the occupiers of 13 neighbouring properties. No formal or informal observations have been received although the notification period expires on the 7th November 2008.

### **4. Planning History**

- 4.1 In 1997, under application reference numbers 97/864 and 97/0865, advertisement and listed building consent were given for the erection of an illuminated shop projecting sign.
- 4.2 In April 2008, under application 08/0086 planning permission was refused for changes to both 22 and 24 Fisher Street to create a YMCA Foyer Centre.

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

#### **Introduction**

- 5.1 The YMCA lies on the south-west side of Fisher Street at the junction with Market Street to the east of the retail premises at Carlyle Court and west of the RAOB club and Fisher Street Galleries. To the south and south-west there are Hoopers, Classics, and, Stocklund House (with its associated car parking) which front Castle Street. On the opposite side of the road there are offices at 15 Fisher Street and the Central Methodist Church.
- 5.2 The existing YMCA premises consists of two distinct elements, namely 22 and 24 Fisher Street. 22 Fisher Street is a grade II listed building which appears to date from the early nineteenth century and comprises a shop, "drop in" and former cafe on the ground floor with offices and meeting rooms

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

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above. 24 Fisher Street dates from the 1960's and provides car parking on the ground floor with a sports hall on the first floor.

- 5.3 The YMCA is located within the City Centre Conservation Area and neighboured by listed buildings at 9, 11, 13, 18 and 20 Fisher Street.

### **Background**

- 5.4 Members will recollect that in April of this year, under application reference number 08/0086, planning permission was refused for changes to both 22 and 24 Fisher Street to create a YMCA Foyer Centre. This was on the basis that the form and finishes of the proposed building were considered to be incongruous to the detriment of the setting of the neighbouring listed building and character of the area. The current application, and the following item (ref. no. 08/1011) have been submitted on the basis of addressing the aforementioned reason for refusal.
- 5.5 Under the current application, 22 Fisher Street is proposed to consist of: a) basement floor - two music studios and male/female toilets; b) ground floor - a retail unit and cafe/relaxation area; c) first floor - support offices, meeting room, toilets and changing facilities; and, d) second floor - converted to a two bed flat. An existing two storey extension at the "rear" would be demolished and replaced by a glazed staircase and lift.
- 5.6 24 Fisher Street is proposed to be radically altered externally and internally by the introduction of an additional floor within the existing space and the construction of a further floor above set back on the Fisher Street frontage. The submitted plans show the first floor to be multi purpose space and three self-contained residential units. The proposed second and third floors will each have three bedsits and a three bed flat. Externally, the Fisher Street elevation involves the building being clad in buff sandstone and lead with aluminium window frames. The proposed "rear" elevation is to have rendered and lead clad walls.
- 5.7 The application is accompanied by a Design and Access Statement, Listed Building and Conservation Area Appraisal, a Strategic Review, and Archaeological Desk Based Assessment. The overall purpose of the proposed Foyer Centre is to support young people to access opportunities by creating resources and enhancing the range of facilities available.

### **Assessment**

- 5.8 When assessing this application it is considered that the main issues revolve around whether the advantages outweigh any disadvantages associated with a) impact on the Listing Building and Conservation Area; b) the conditions of the occupiers of neighbouring properties; and, c) archaeology.
- 5.9 In relation to a) it is evident that the proposed alterations to 22 Fisher Street are limited with the scheme submitted on the basis of retaining all significant architectural features. In the case of 24 Fisher Street, the proposal is a

contemporary solution involving two projecting bay windows at first and second floor levels, that is considered to represent a considerable improvement on the existing structure. Concerns will exist over the scale and massing of the proposed new build although efforts (in terms of materials and the setting back of the third floor element) have been made to minimise the impact.

- 5.10 The proposed works do not fundamentally alter the relationship of the existing buildings to the neighbouring properties. The proposed uses are also considered to be consistent with those neighbouring the site although an important element to the success of the project will be the effective management of the premises.
- 5.11 Finally, the County Archaeologist has not raised any objections to the proposal based on the submitted Assessment.

### **Other Matters**

- 5.12 The submitted Design and Access Statement confirms that the proposed design will be fully compliant with the requirements of Part M of the Building Regulations and the Disability and Discrimination Act.

### **Conclusion**

- 5.13 This application relates to a sensitive site within the City Centre Conservation Area adjoining a grade II listed building. It is appreciated that concerns will exist over the scale and massing of the new build but, in overall terms, it is considered that the advantages (as highlighted in the comments from Housing Services) of this revised scheme outweigh the disadvantages and the proposal is recommended for approval subject to the awaited comments from interested parties.

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

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

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

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

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

## SCHEDULE A: Applications with Recommendation

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

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

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

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

2. Before the commencement of the development hereby permitted the following details shall be submitted to and approved in writing by the local planning authority:

- a) the coursing, colour and external finish of the proposed buff sandstone cladding;
- b) the design of the cills and parapet;
- c) the window details, colour of the frames and opening action;
- d) the design of the proposed gutter/roof overhang and downpipes;
- f) the design of the proposed ornamental grilles and any gates fronting Fisher Street;
- g) the colour and finish of the external render and lead cladding; and,
- h) the glazing details of the proposed staircase on the south-west elevation.

**Reason:** To safeguard the character of this Listed Building and the City Centre Conservation Area in accordance with Policies LE12, LE13, LE15, LE17 and LE19 of the Carlisle District Local Plan 2001-2016.

3. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. This written scheme will include the following components:

- a) an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation; and,
- b) an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

## SCHEDULE A: Applications with Recommendation

08/1010

**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 LE08 of the Carlisle District Local Plan 2001-20116.

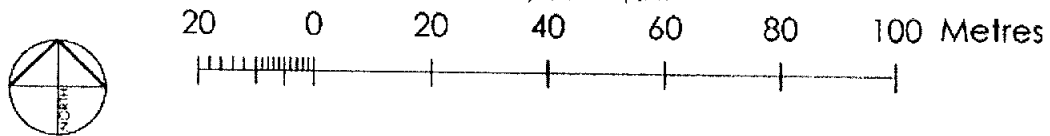
4. Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried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

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy E29 of the Carlisle District Local Plan and Policy LE08 of the Carlisle District Local Plan 2001-20116.

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08/1010

Project  
**CARLISLE YMCA FOYER**  
 22/24 FISHER STREET  
 Drawing  
**SITE LOCATION PLAN**

Scale: 1:1250 Date: 12/07 Drawn: R.W. Comp No: C1 Number: 06120-11

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 22/24 FISHER ST CARLISLE  
 Drawing  
 SITE BLOCK PLAN

Scale 1/200 Date 12/07 Drawn R.J.W. Checked C.I. Number 06120-10

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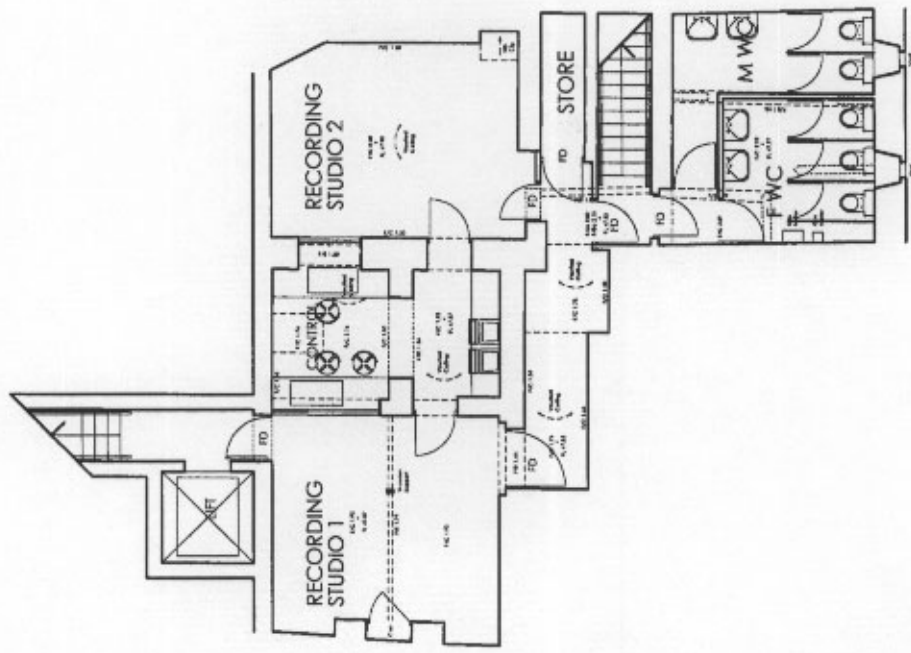
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A 08/07 REVISED PER STRATEGY

B 11/07 GENERAL AMENDMENTS

C 12/06 PER STRATEGY

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08/10/00

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Project: **CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
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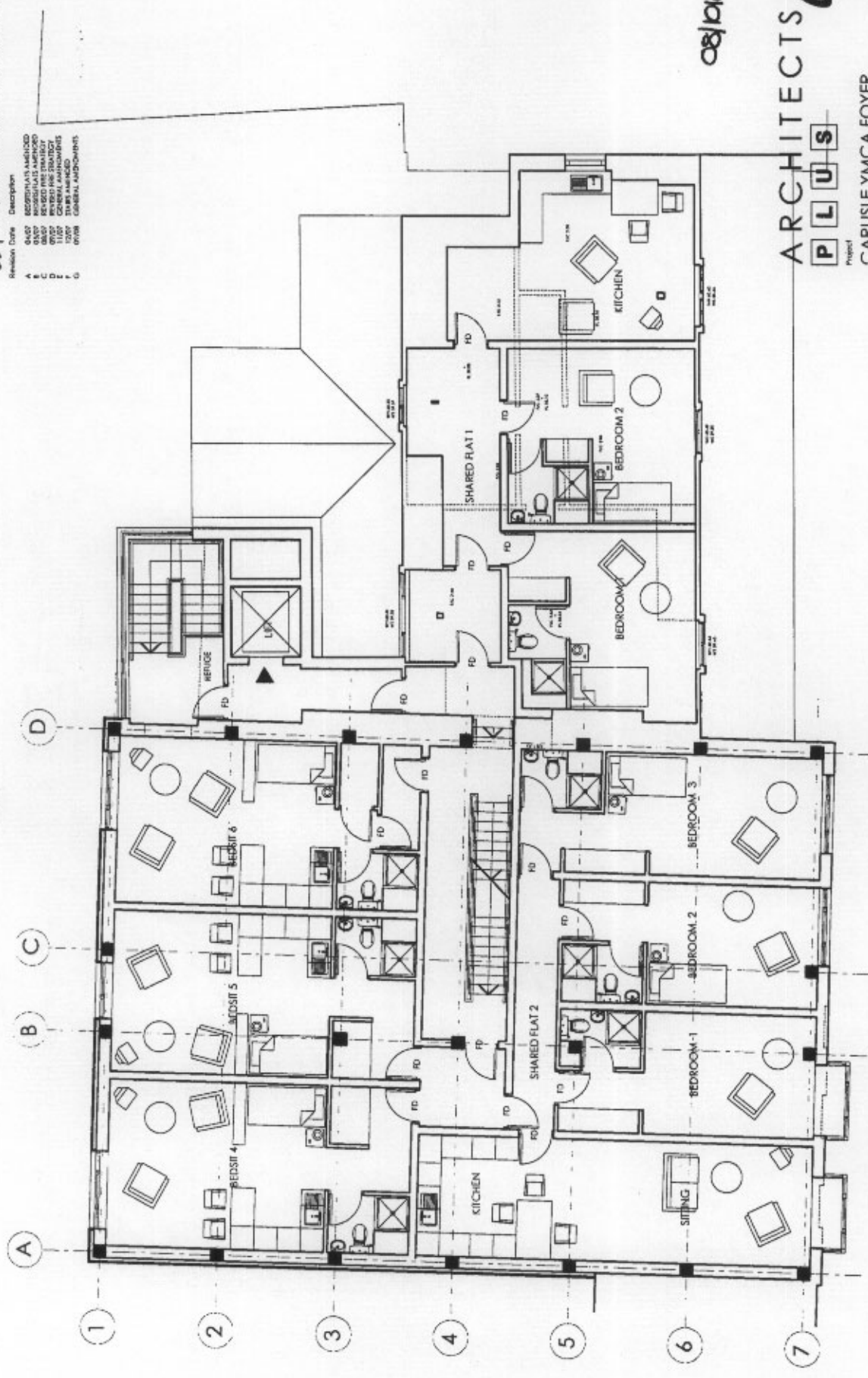




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 A   04/07   BEDROOMS AMENDED  
 B   04/07   BEDROOMS AMENDED  
 C   07/07   BEDROOMS AMENDED  
 D   07/07   BEDROOMS AMENDED  
 E   11/07   GENERAL AMENDMENTS  
 F   07/08   GENERAL AMENDMENTS  
 G   07/08   GENERAL AMENDMENTS

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**22/24 FISHER ST CARLISLE**  
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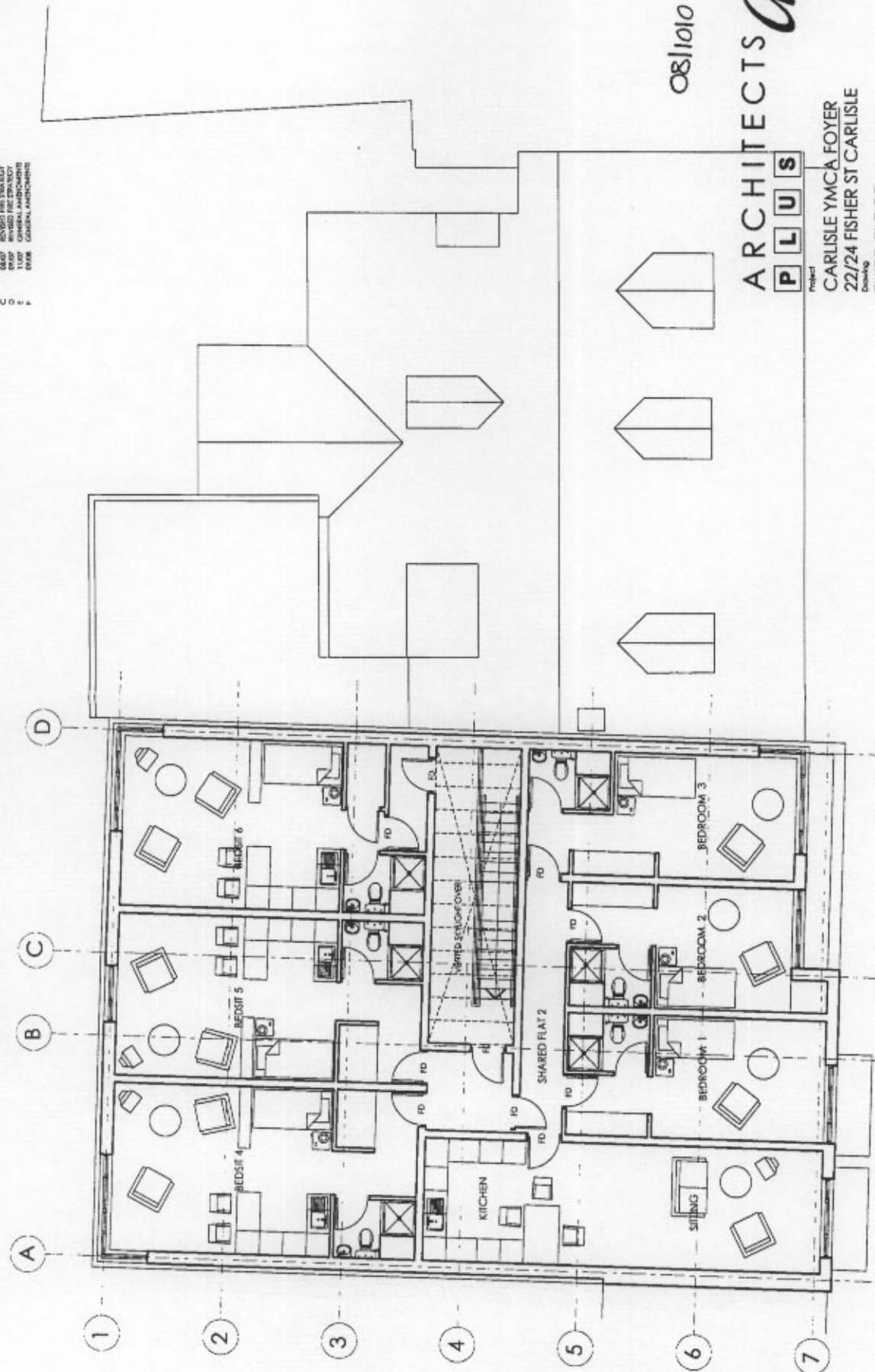
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A	04/07	REVISIONS AWARDED	EJM
B	05/07	REVISIONS AWARDED	EJM
C	06/07	REVISIONS AWARDED	EJM
D	07/07	REVISIONS AWARDED	EJM
E	11/07	GENERAL AMENDMENTS	EJM
F	01/08	GENERAL AMENDMENTS	EJM



08/10/10

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**22/24 FISHER ST CARLISLE**  
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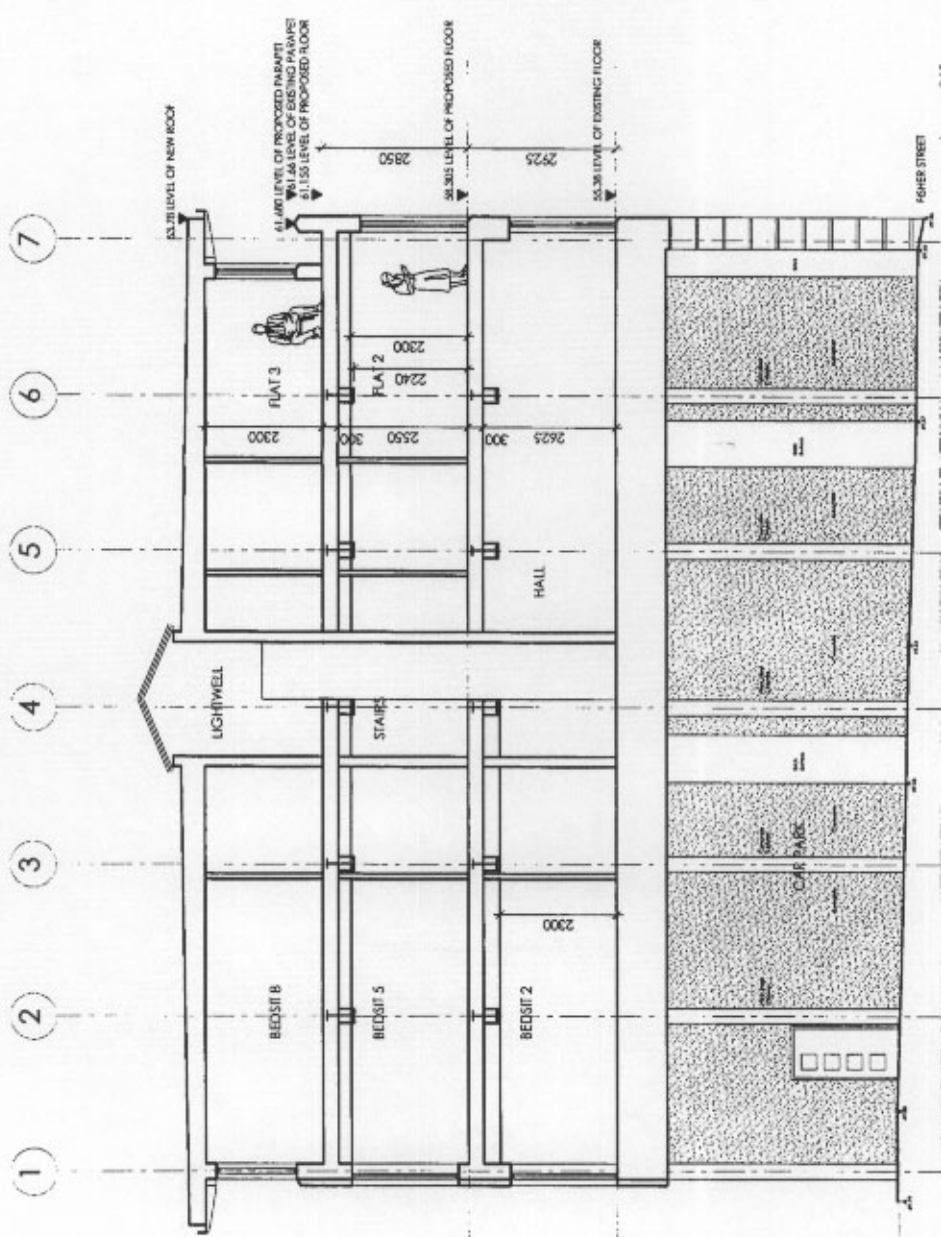
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 D 08/08 ORIGINAL AMENDMENTS

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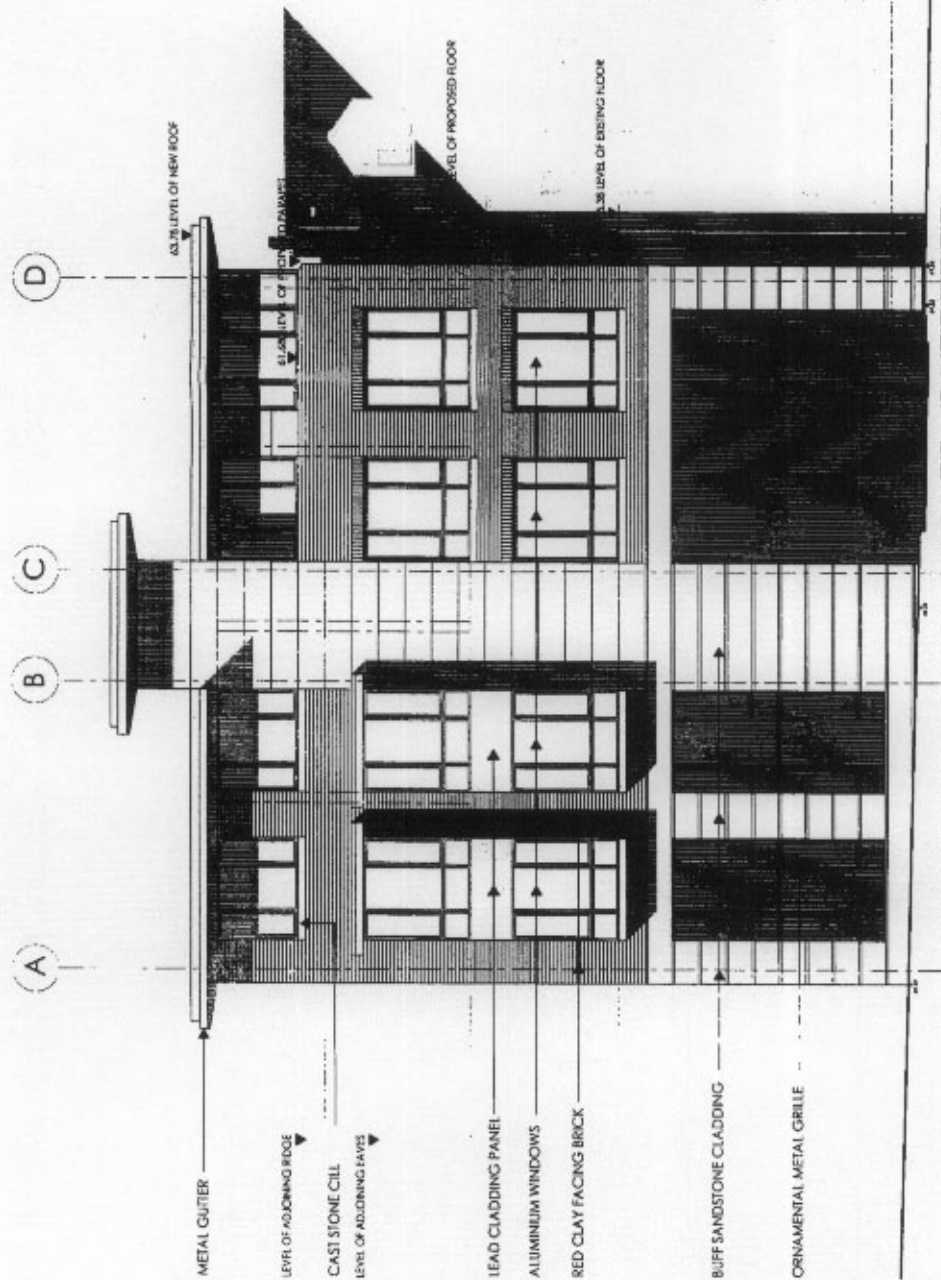
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 22/24 FISHER ST CARLISLE  
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2	01/10	GENERAL ARCHITECTURE	RJW
3	01/10	GENERAL ARCHITECTURE	RJW
4	01/10	REVISIONS	RJW



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08|1010

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Project  
**CARLISLE YMCA FOYER**  
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 Drawing  
**FISHER ST / NE ELEVATION**

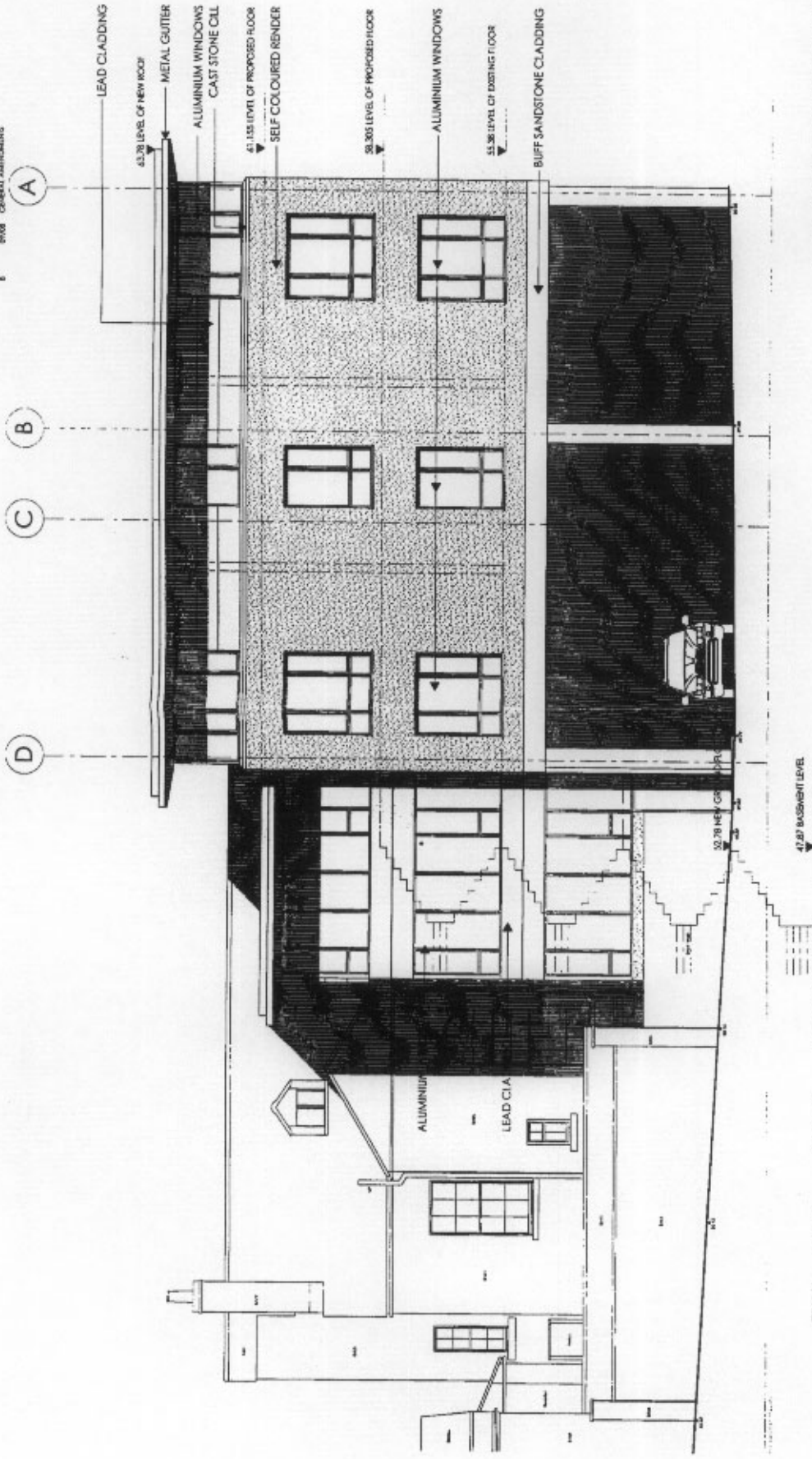
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 1 1/100 04/07 R/JW C/A  
 2 05/10/08 C/S/AL AMENDMENTS

PROJECT: CARLISLE YMCA FOYER  
 22/24 FISHER ST CARLISLE  
 DRAWING: REAR / SW ELEVATION



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
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**22/24 FISHER ST CARLISLE**  
 Drawing: **REAR / SW ELEVATION**

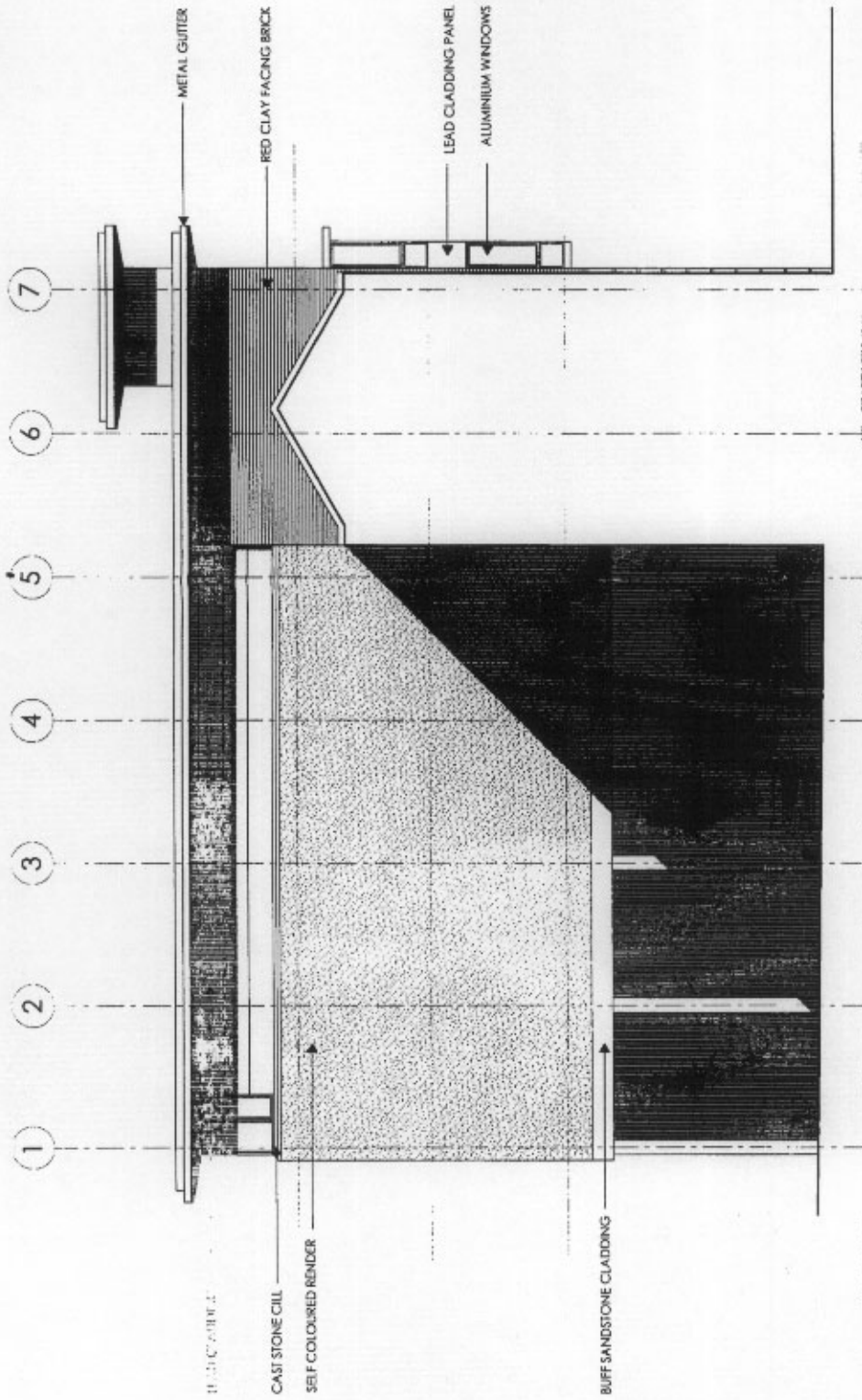
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 Revised by  
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Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
 Drawing  
**SIDE / SE ELEVATION**

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08/1016

## SCHEDULE A: Applications with Recommendation

08/1011

---

**Item No: 19**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/1011

**Applicant:**  
Carlisle YMCA

**Parish:**  
Carlisle

**Date of Receipt:**  
02/10/2008

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

**Ward:**  
Castle

**Location:**  
22-24 Fisher Street, Carlisle CA3 8RH

**Grid Reference:**  
339949 556066

**Proposal:** Internal & External Alterations Leading To Change Of Use Of No. 24 To Residential, 9 Bedsit & 2 Shared Flats, & Multi Use Hall. Change Of Use Of No. 22 To Residential, 1 Shared Flat, & Refurbishment Of Existing Retail Unit, Cafe, Offices & Social Facilities (Revised Application) (LBC)

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

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

In the light of the previous refusal of planning permission and the significance of the site as a local landmark.

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

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

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

**Local Plan Pol LE13 - Alterations to Listed Buildings**

**Local Plan Pol LE15 - Change of Use of Listed Buildings**

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

**Development Services Planning & Housing Services - Conservation Section:** comments awaited;

**Conservation Area Advisory Committee:** the Committee's views on this application were similar to those given for the previous application. The height and overall volume of the proposed building are too great and do not relate well to the

## SCHEDULE A: Applications with Recommendation

08/1011

adjoining listed building or the unlisted building on the south side. The proposed building's faults are considered to be exaggerated by the overhanging eaves and canopy of the upper floor;

**Development Services Planning & Housing Services - Urban Designer:** this application addresses the same site as a previous application 08/0087 which was recommended for approval but refused at Planning Committee. The application has been revised in the light of comments made at Committee and by subsequent comment made by officers. In my view the scheme now makes a stronger positive contribution to the streetscape of Fisher Street, and given the constraints imposed by the frame of the existing building, an acceptable solution has been achieved.

The visual subdivision of the plot into two halves, bisected by the feature sandstone column, reduces the adverse visual impact of the existing building, and better reflects the narrow plot boundaries typical to Fisher Street. The combination of stone plinth with brick upper storeys also reflects the materials palette of the area. The vertical orientation of the windows is also to be welcomed, along with lead detailing to the projecting bays. The three dimensional rendition of the proposal suggests that the proposal could be a positive and dynamic addition to the streetscene, and remediate the negative streetscape impact of the existing building. At 4 storeys, I do not consider that this proposal is out of scale with the rest of the street, or that it overbears significantly on the adjacent listed building.

I do however feel that the x4 window openings onto Fisher Street require some additional thought in two areas: Firstly, that the windows abutting the central column would be better if separated from this column by a portion of brickwork, rather than directly abutting as shown. Secondly, that the soldier course lintel above the x4 windows over the vehicle arch would be more visually convincing if a stone lintel were used to match the cill below. If used, this span should be bridged either in a single piece of masonry or if subdivided, divided by a central keystone. Abutting sections of stone without a keystone should not be used unless structurally plausible.

I believe that subject to the minor amendments suggested above, this application should be recommended for approval;

**Environmental Services - Environmental Quality:** no observations on the proposals.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
	20 Fisher Street	09/10/08
	Central Methodist Church	09/10/08
	15 Fisher Street	09/10/08
	Suite 1	09/10/08
	26 Fisher Street	09/10/08

## SCHEDULE A: Applications with Recommendation

08/1011

28 Fisher Street	09/10/08
30 Fisher Street	09/10/08
Stocklund House	09/10/08
31 Castle Street	09/10/08
33 Castle Street	09/10/08
35 Castle Street	09/10/08
37 Castle Street	09/10/08
39 Castle Street	09/10/08

- 3.1 This application has been advertised in the form of a press notice, site notice and the direct notification of the occupiers of 13 neighbouring properties. No formal or informal observations have been received although the notification period expires on the 7th November 2008.

### 4. Planning History

- 4.1 In 1997, under application reference numbers 97/864 and 97/0865, advertisement and listed building consent were given for the erection of an illuminated shop projecting sign.
- 4.2 In April 2008, under application 08/0086 planning permission was refused for changes to both 22 and 24 Fisher Street to create a YMCA Foyer Centre.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 The YMCA lies on the south-west side of Fisher Street at the junction with Market Street to the east of the retail premises at Carlyle Court and west of the RAOB club and Fisher Street Galleries. To the south and south-west there are Hoopers, Classics, and, Stocklund House (with its associated car parking) which front Castle Street. On the opposite side of the road there are offices at 15 Fisher Street and the Central Methodist Church.
- 5.2 The existing YMCA premises consists of two distinct elements, namely 22 and 24 Fisher Street. 22 Fisher Street is a grade II listed building which appears to date from the early nineteenth century and comprises a shop, "drop in" and former cafe on the ground floor with offices and meeting rooms above. 24 Fisher Street dates from the 1960's and provides car parking on the ground floor with a sports hall on the first floor.
- 5.3 The YMCA is located within the City Centre Conservation Area and neighboured by listed buildings at 9, 11, 13, 18 and 20 Fisher Street.

#### Background

## SCHEDULE A: Applications with Recommendation

08/1011

- 5.4 Further to the report accompanying reference number 08/1010 this application seeks listed building consent for the proposed alterations with specific regard to 22 Fisher Street to create a YMCA Foyer Centre. 22 Fisher Street is proposed to consist of: a) basement floor - two music studios and male/female toilets; b) ground floor - a retail unit and cafe; c) first floor - support offices, meeting room, toilets and changing facilities; and, d) second floor - converted to a two bed flat. An existing two storey extension at the "rear" would be demolished and replaced by a glazed staircase and lift.
- 5.5 The application is accompanied by a Design and Access Statement and Listed Building and Conservation Area Appraisal.

### Assessment

- 5.6 When assessing this application it is considered that the main issue revolves around the impact of the proposed works on a grade II listed building.
- 5.7 It is evident that the proposed alterations to 22 Fisher Street are limited with the scheme submitted on the basis of retaining all significant architectural features. The proposed new build element (i.e. glazed staircase and lift), whilst a contemporary solution, is not considered to be incongruous in the context of the existing structure.

### Conclusion

- 5.8 In the context of the report accompanying application 08/1010, it is considered that the proposal is acceptable and recommended for approval subject to the awaited comments from interested parties.

## 6. Human Rights Act 1998

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

## SCHEDULE A: Applications with Recommendation

08/1011

- 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 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.

---



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Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER STREET**  
 Drawing  
**SITE LOCATION PLAN**

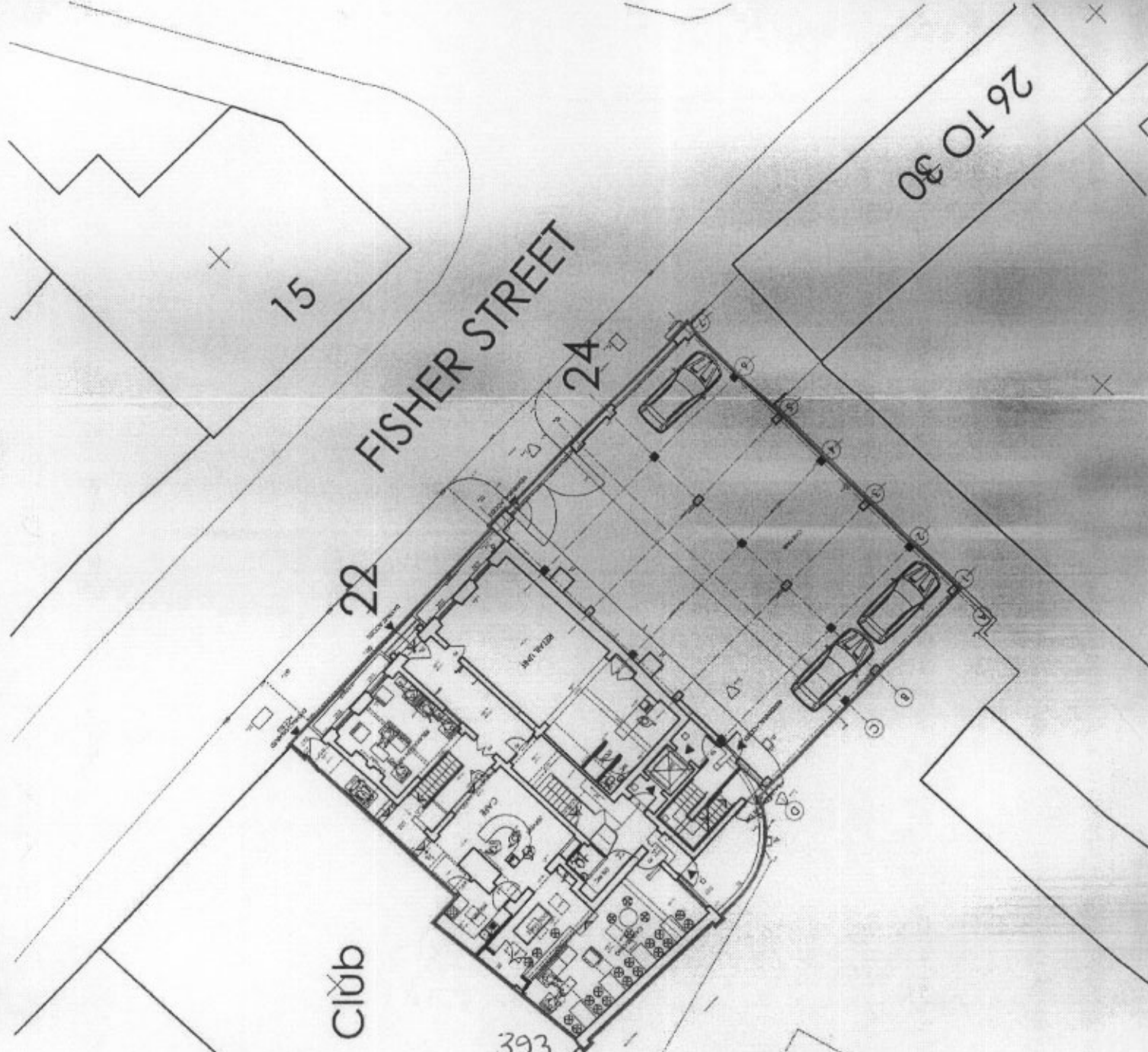
Scale: 1/1250 Date: 12/07 Drawn: R.W. Checked: C.I. Number: 06120-11

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 22/24 FISHER ST CARLISLE  
 Drawing  
 SITE BLOCK PLAN

Scale	Date	Drawn	Computed	Number
1/200	12/07	RJW	CI	06120-10

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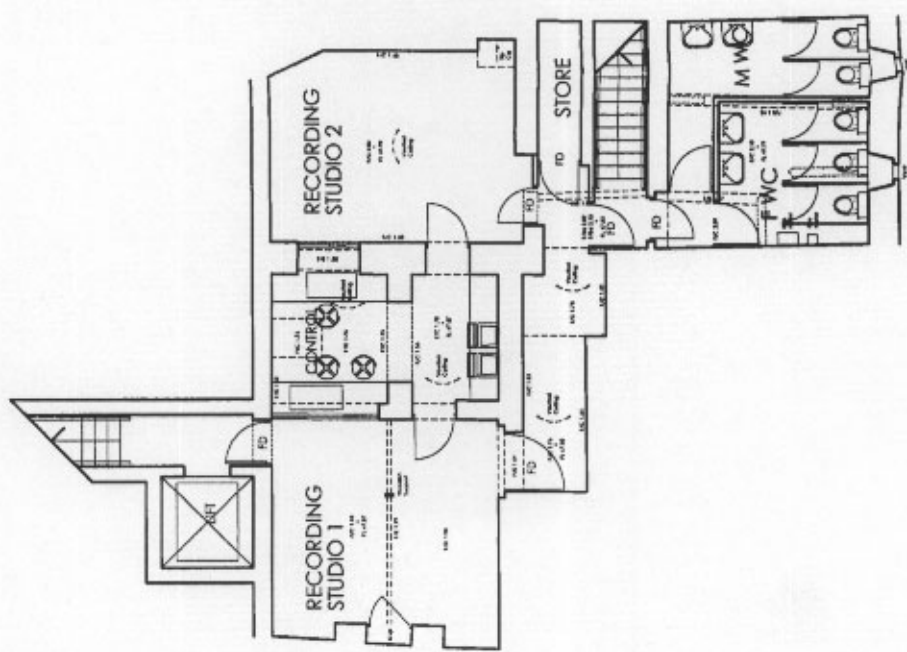


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Revision Date Description  
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2008/10/11



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**P L U S**

Project  
 CARLISLE YMCA FOYER  
 22/24 FISHER ST CARLISLE  
 Drawing  
 BASEMENT

Scale 1/100 Date 12/06 Drawn R/W Comp.No. C-4 Number 06120-01D

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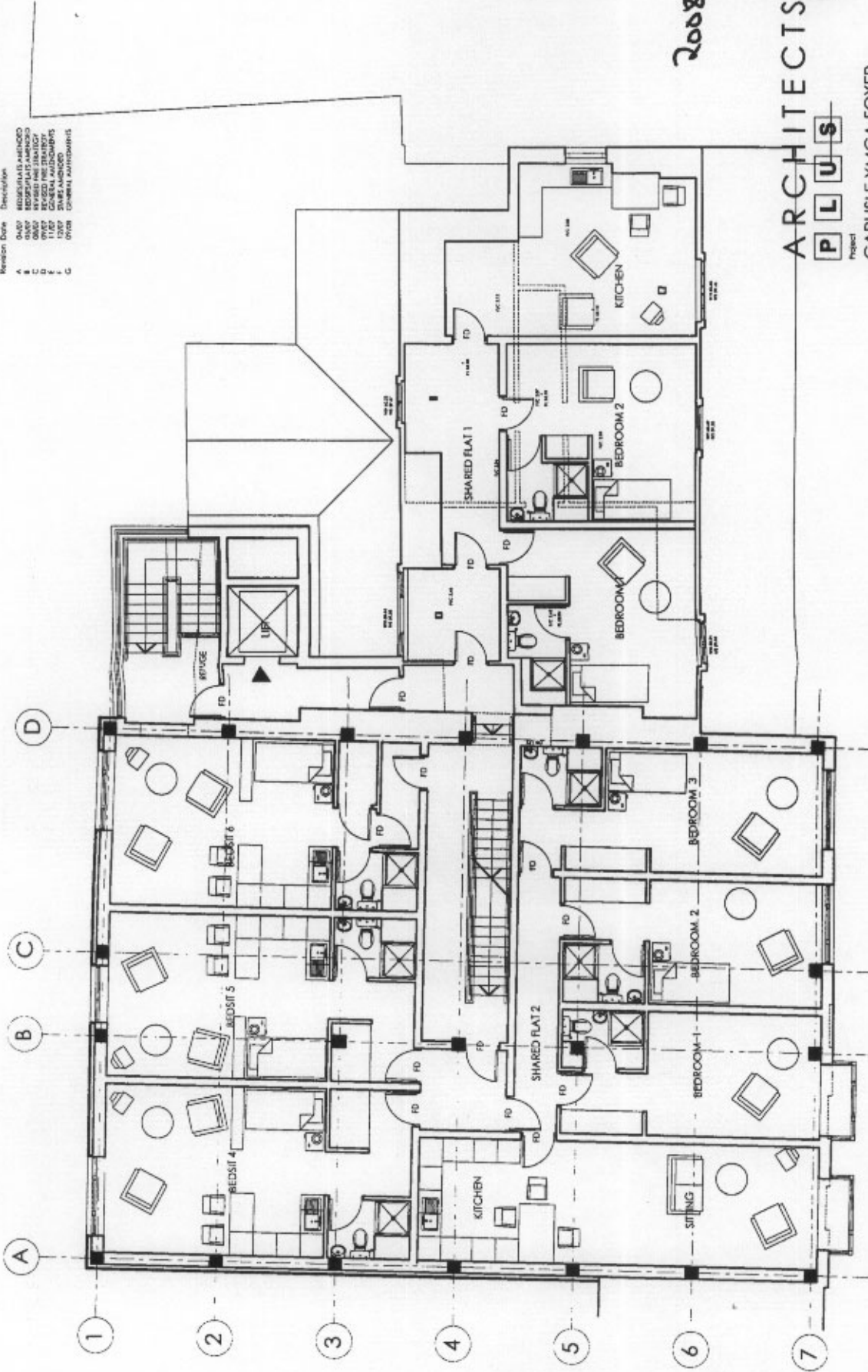




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Revision Date Description  
 A 04/07 BEDSIT FLATS APPROVED  
 B 05/07 BEDSIT FLATS APPROVED  
 C 06/07 REVISED FINE STRATEGY  
 D 11/07 GENERAL AMENDMENTS  
 E 12/07 STAIRS APPROVED  
 F 01/08 GENERAL AMENDMENTS



2008/10/11

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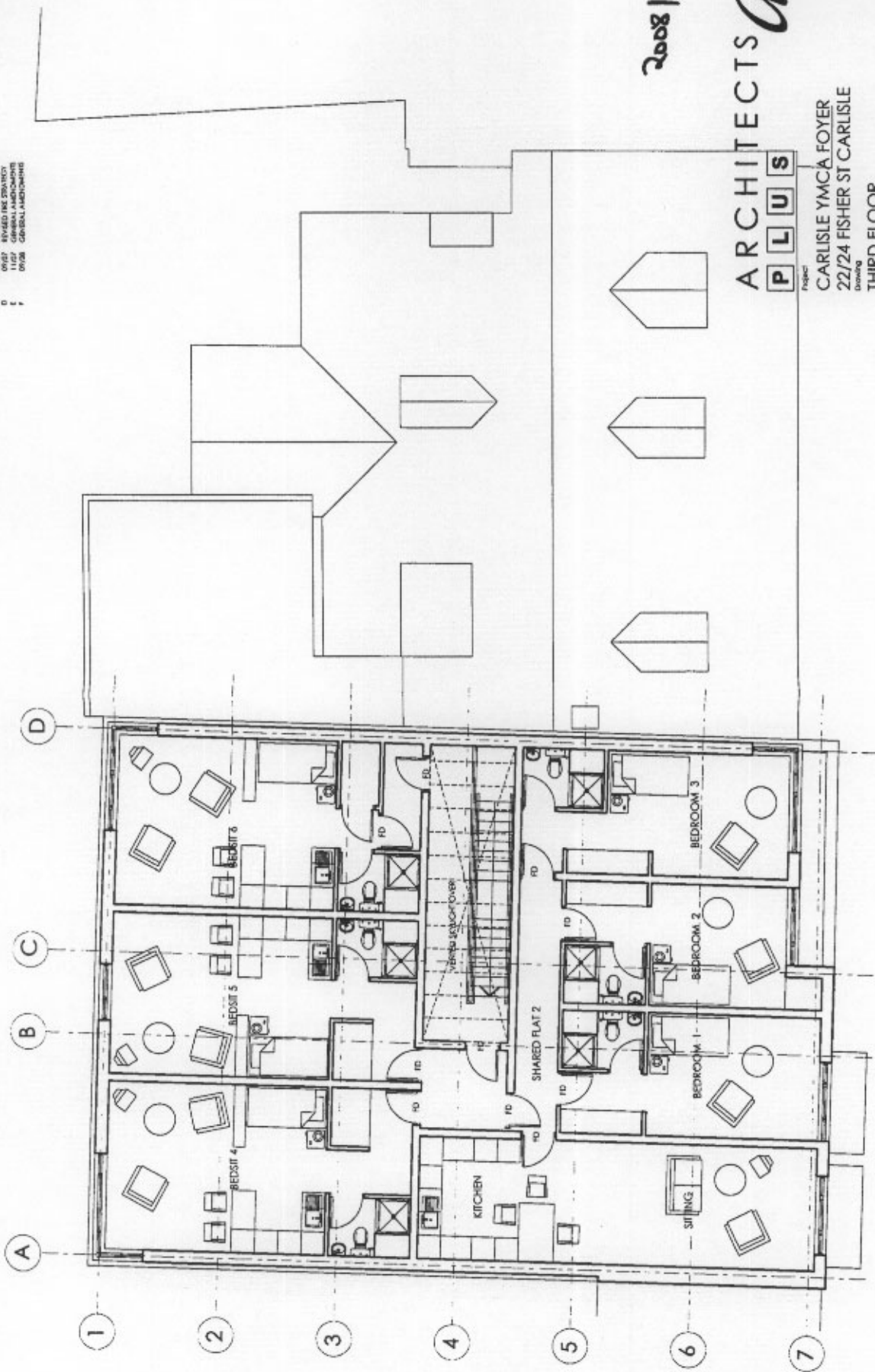
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 CARLISLE YMCA FOYER  
 22/24 FISHER ST CARLISLE  
 Drawing  
 SECOND FLOOR

Scale 1/100  
 Date 12/06  
 Drawn R/W  
 Checked C/A  
 Number 06120-04G

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Revision	Date	Description	Prepared by
A	04/07	ISSUED FOR TENDER	BJW
B	04/07	ISSUED FOR TENDER	BJW
C	05/07	REVISED FOR TENDERS	BJW
D	05/07	REVISED FOR TENDERS	BJW
E	05/08	ISSUED FOR TENDER	BJW
F	05/08	ISSUED FOR TENDER	BJW



2008/10/11

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Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
Drawing  
**THIRD FLOOR**

Scale 1/100  
Date 12/06  
Drawn R/JW  
Comp No C4  
Number 06120-05F

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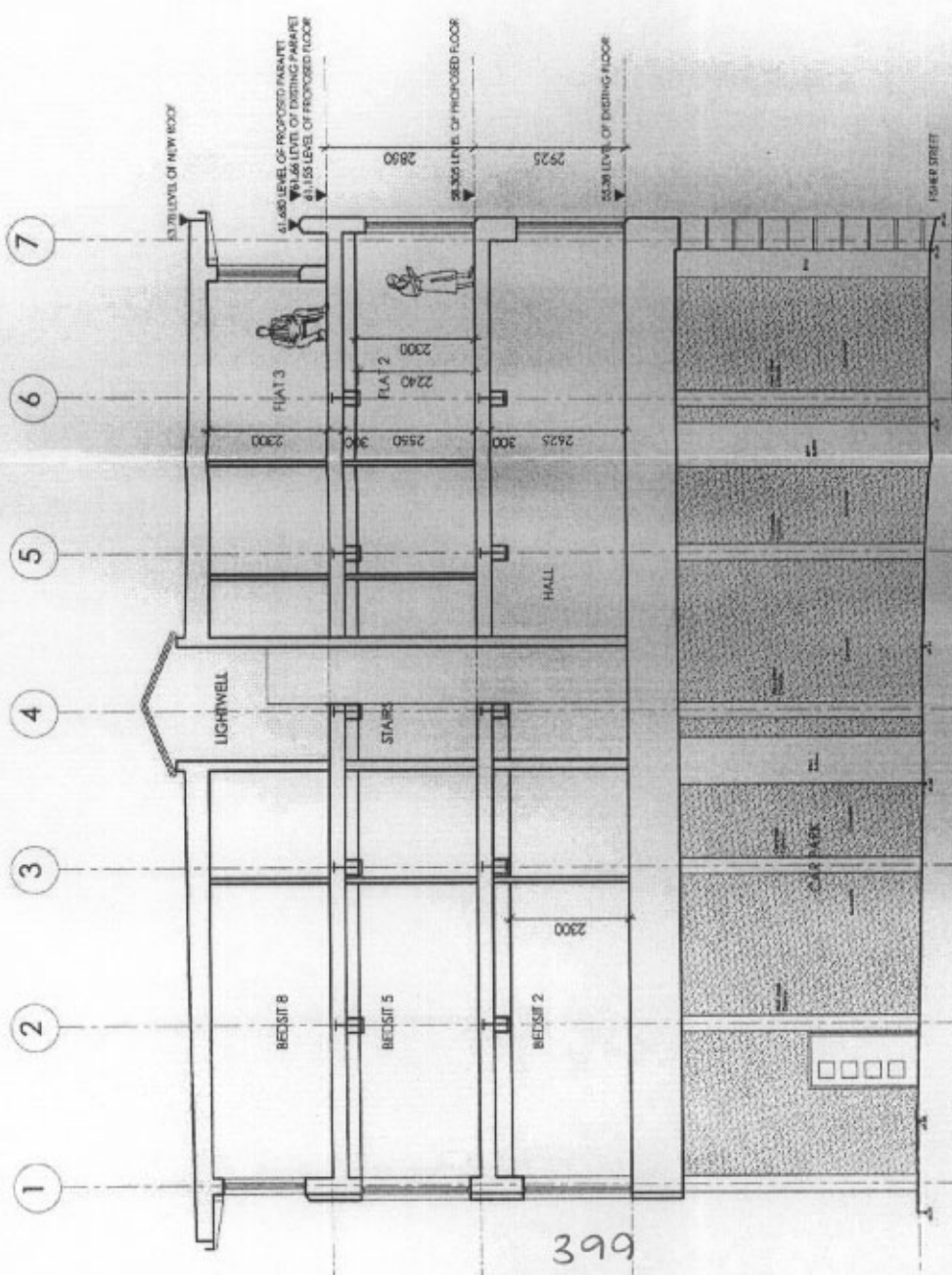
Revision Date Description

4 R/W BEDROOMS AMENDED

5 R/W STAIRS AMENDED

6 R/W STRUCTURE AMENDED

7 R/W CENTRAL AMENDMENTS



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Project  
CARLISLE YMCA FOYER  
22/24 FISHER ST CARLISLE  
Drawing

Scale Date Drawn Checked  
1/100 12/06 R/W C4

Number  
06120-06D

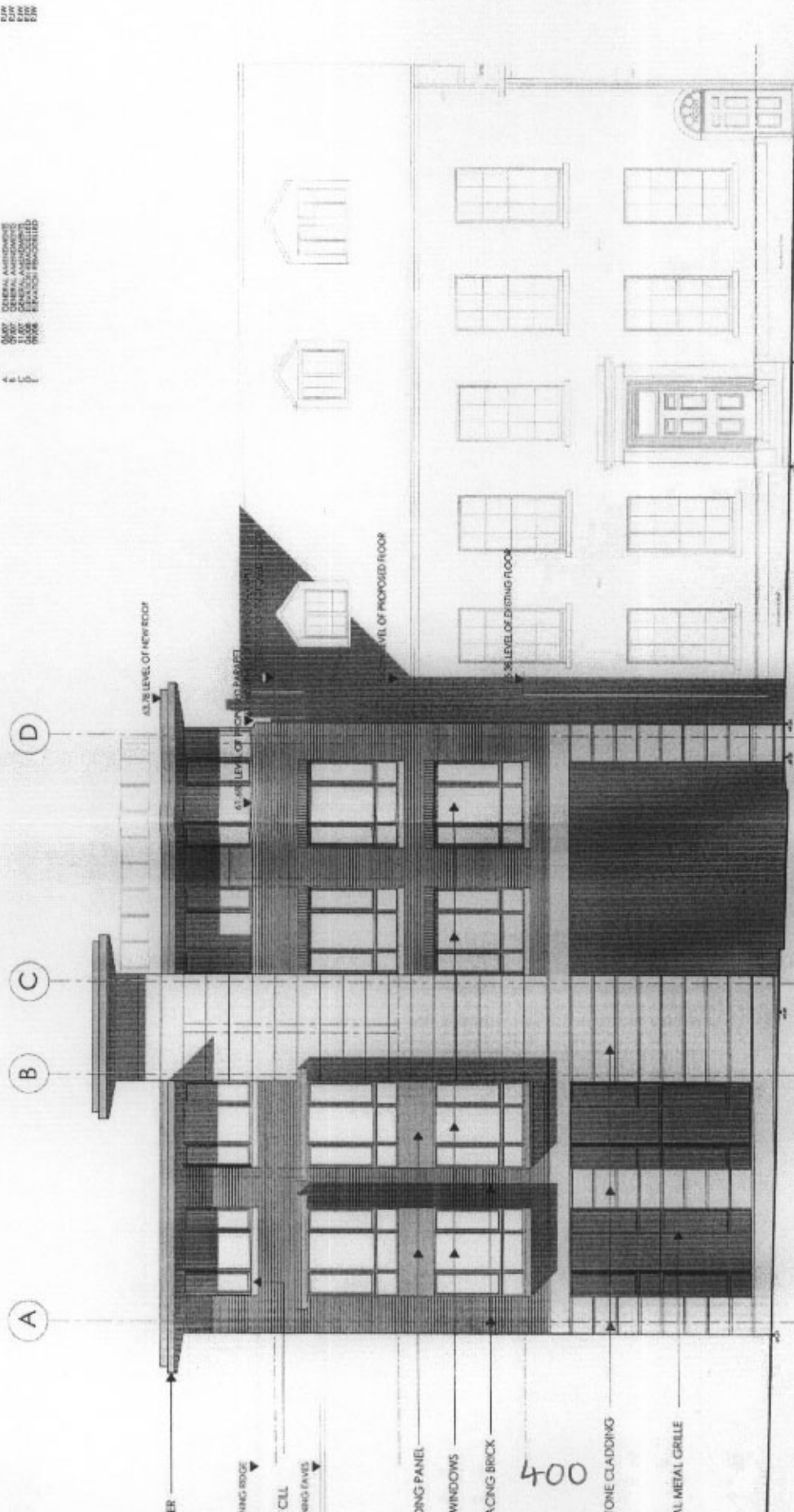
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Checked by:  
 EFW  
 EFW  
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Revision Date Description  
 4 1/10/07 GENERAL AMENDMENTS  
 3 11/07 GENERAL AMENDMENTS  
 2 08/07 GENERAL AMENDMENTS  
 1 07/07 GENERAL AMENDMENTS



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**P L U S**

Project:  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
 Drawing:  
**FISHER ST / NE ELEVATION**

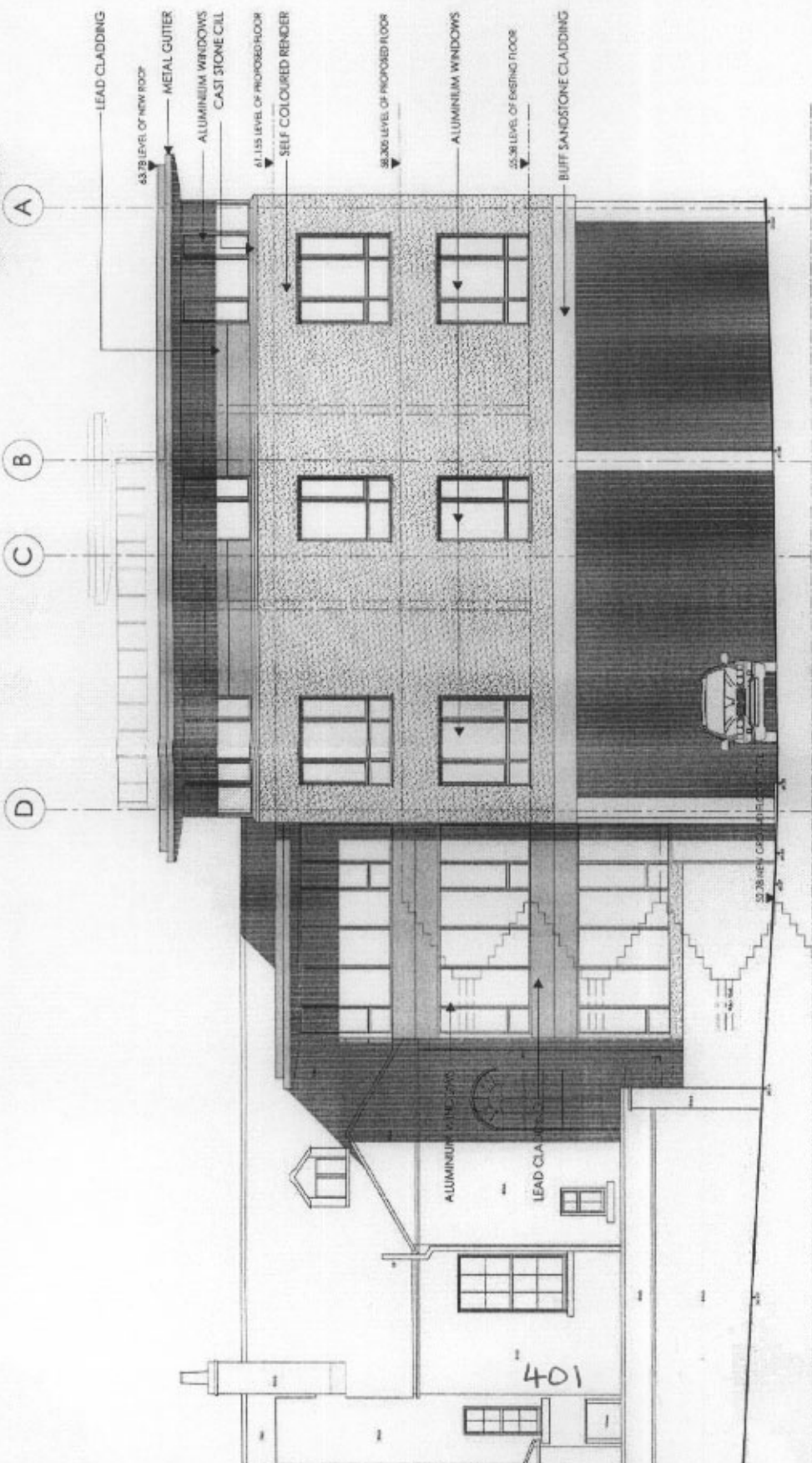
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 2008/1011

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 Version: 01/06  
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 Drawn by: R. J. W.  
 Checked by: R. J. W.  
 Date: 04/07/08  
 Project: CARLISLE YMCA FOYER



**ARCHITECTS** **a+**  
**P L U S**

Project: CARLISLE YMCA FOYER  
 22/24 FISHER ST CARLISLE  
 Drawing: REAR / SW ELEVATION

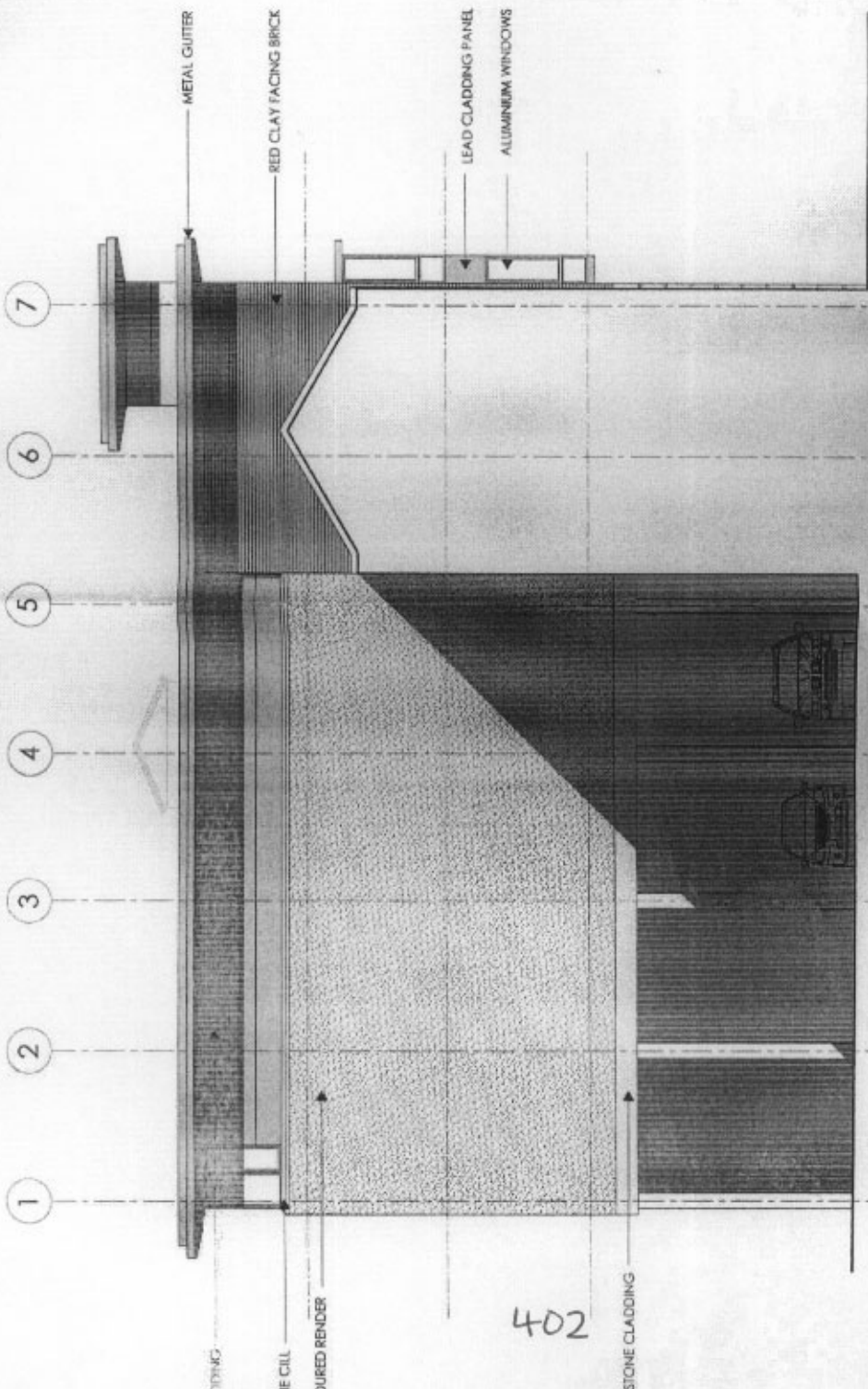
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 Date: 04/07  
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 Checked: G. GIBB  
 Approved: G. GIBB  
 Date: 02/10/11



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Project  
**CARLISLE YMCA FOYER**  
**22/24 FISHER ST CARLISLE**  
 Drawing  
**SIDE / SE ELEVATION**

Scale 1/100  
 Date 04/07  
 Drawn R/JW  
 Checked C/A  
 Number 06120-09A

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## SCHEDULE A: Applications with Recommendation

08/1047

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**Item No: 20**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/1047

**Applicant:**  
Mr Geoff Simpson & Miss  
Sarah Jane Taylor

**Parish:**  
Carlisle

**Date of Receipt:**  
14/10/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
154 Lansdowne Crescent, Carlisle, CA3 9ER

**Grid Reference:**  
340166 558017

**Proposal:** Change of Use of Amenity Land to Domestic Curtilage (Part  
Retrospective Application, Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Richard Maunsell

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

This application is brought for determination by Members of the Development Control Committee due to the anticipated number of objections from the occupiers of neighbouring properties.

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

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

**Environment Agency (N Area (+ Waste Disp)):** no objection.

Gosling Sike is a main river and the Agency retains a statutory right of access. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior written consent of the Agency is required for any works in, over, under or within 8 metres of the 'main river';

## SCHEDULE A: Applications with Recommendation

08/1047

**Northern Gas Networks:** comments awaited;

**Cumbria Constabulary, Northern Community Safety Unit:** comments awaited;  
and

**Environmental Services - Green Spaces:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
159 Lansdowne Crescent	15/10/08	
161 Lansdowne Crescent	15/10/08	
152 Lansdowne Crescent	15/10/08	
158 Lansdowne Crescent	15/10/08	Objection
140 Lansdowne Crescent	15/10/08	
142 Lansdowne Crescent	15/10/08	
144 Lansdowne Crescent	15/10/08	
146 Lansdowne Crescent	15/10/08	
148 Lansdowne Crescent	15/10/08	
150 Lansdowne Crescent	15/10/08	
107 Beech Grove	15/10/08	
109 Beech Grove	15/10/08	
111 Beech Grove	15/10/08	
	15/10/08	
105 Beech Grove		
DMS, 105 Beech Grove	15/10/08	
3 Cedar Grove	15/10/08	

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of sixteen of the neighbouring properties. At the time of writing one letter of objection has been received and the main issues raised are summarised as follows:

1. The footpath is used by a variety of people, not just dog walkers as stated by the applicant;
2. It is unclear from the drawings whether the plans show the existing arrangement or the proposed. If it is a plan of what is already in place, then it is not an accurate representation; and
3. If this application is approved it could set a precedent which could lead to problems resulting from enclosed alleyways.

### 4. Planning History

## SCHEDULE A: Applications with Recommendation

08/1047

- 4.1 Planning permission was granted in 1992 for the erection of a part single/ part two storey rear extension.
- 4.2 Earlier this year, a retrospective application for the change of use of amenity land to domestic curtilage was withdrawn prior to determination.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

- 5.1 This application seeks retrospective planning permission for the change of use of amenity land to domestic curtilage on land adjacent to 154 Lansdowne Crescent, Carlisle. The site previously formed grassed areas adjacent to Lansdowne Crescent and adjacent to the footpath leading from Lansdowne Crescent and Beech Grove. The site is within a Primary Residential Area.
- 5.2 The proposed extended curtilage forms an 'L' shaped parcel of land that encloses the northern and eastern boundary of the site. It comprises a 2.2 metre wide strip that occupies the full length of the northern boundary, extending approximately 1.7 metres beyond the existing rear curtilage. The proposed north east corner of the site would taper in to the south-east boundary of the site, adjacent to the footpath leading to Beech Grove. The land will be bounded by a 1.8 metre high timber fence and will be used as domestic curtilage.

#### Background

- 5.3 This is a revised application from that submitted earlier this year whereby the area of land to the east of the property, adjacent to the public footpath, has been reduced in scale and tapers in from north to south to reduce the intrusion into land close to the footpath.

#### Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6 and CP17 of the Carlisle District Local Plan 2001-2016.
  1. Principle Of Development
- 5.5 The area of land is one of several pieces land found in residential areas throughout the City that contribute to the overall visual character and appearance of the areas. Planning policies within the Local Plan seek to retain Amenity Open Spaces but these only relate to specifically designated areas, of which the application site is not; therefore, there is no policy presumption in favour of the retention of these areas and each application for the change of use has to be considered on its merits.

## SCHEDULE A: Applications with Recommendation

08/1047

- 5.6 In terms of its visual impact it should be noted that the existing boundary to 158 Lansdowne Crescent is immediately adjacent to the footpath whilst neighbouring boundaries are set further back, leaving substantial grassed areas which continue along either side of the footpath. In light of this, it is considered that the loss of this particular area of open space is not significant or that it would detract from the visual amenities of the surrounding area. The new fencing proposed is considered to be in keeping with the style of boundary treatment of the existing property and that is typically found in the locality. Due to the position of the application site in relation to the neighbouring properties it is considered that the proposal will not adversely affect the amenity of those properties.
2. Scale And Design
- 5.7 Planning policies require that development proposals should have regard to the scale, character and layout of the surrounding development. The boundaries adjoining Lansdowne Crescent undulate along the street frontage. The scale of proposal is not significant and an area of grass still exists between the boundary and the public footpath.
- 5.8 Undoubtedly, the extension of the boundary to the rear will extend the fence closer to the line of the public footpath. A balance has to be struck in the determination of this application as to whether the character and appearance of the area would be significantly and adversely affected to such a degree as to warrant refusal. The application has been amended from that submitted earlier this year with the effect that the extended curtilage tapers away from the footpath and reduces the visual intrusion. Whilst there would be a visual change, it is not considered that the development would be sufficiently detrimental as to warrant refusal of the application.
3. Effect On The Living Conditions Of Occupiers Of Neighbouring Properties
- 5.9 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape.
- 5.10 The nearest property to the proposed fencing, which would enclose the extended curtilage, is 158 Lansdowne Crescent; however, given the orientation of this dwelling to the application site and the distance it is located from it (11 metres), the living conditions of the occupiers of the property would not be adversely affected.
4. Potential For Crime
- 5.11 Planning policies seek to minimise the potential for crime and development proposals must contribute to creating a safe and secure environment, minimising the opportunity for crime.

## SCHEDULE A: Applications with Recommendation

08/1047

- 5.12 Section 17 of the Crime and Disorder Act 1998 promotes the practice of partnership working and states:

*"Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area."*

- 5.13 Officers were concerned with the original application insofar as the proposed rear boundary was to be parallel with the existing, which would then return at ninety degrees to the property. This would leave a secluded area adjacent to the footpath that would provide the potential for persons to loiter in an area where the lighting levels would be minimal. The applicant has amended the application details to eradicate this potential issue. As a consequence, persons using the footpath and entering from Lansdowne Crescent will have a clear and unobstructed view through to Beech Grove.

### Conclusion

- 5.14 In overall terms, there is no presumption in favour of the retention of the land for its current use. The scale and design of the development would not be wholly obtrusive in the context of the character of the area and the development would not adversely affect the living conditions of the occupiers of the neighbouring properties by poor design, unreasonable overlooking and an overbearing development. In all aspects the proposals are considered to be compliant with the objectives of the Local Plan policies.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered against the above but in this instance it is

## SCHEDULE A: Applications with Recommendation

08/1047

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

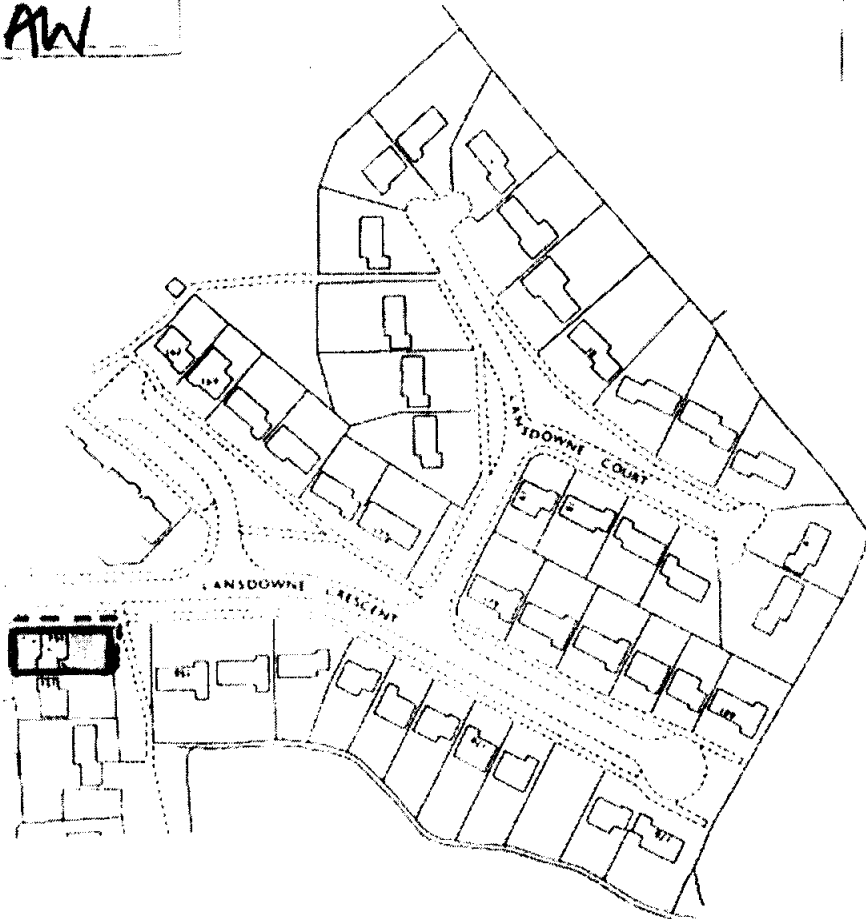
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**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).

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<b>H.M. LAND REGISTRY</b>		TITLE NUMBER	
		<b>CU38429</b>	
ORDNANCE SURVEY PLAN REFERENCE	NY 4058	SECTION B	Scale 1:1250
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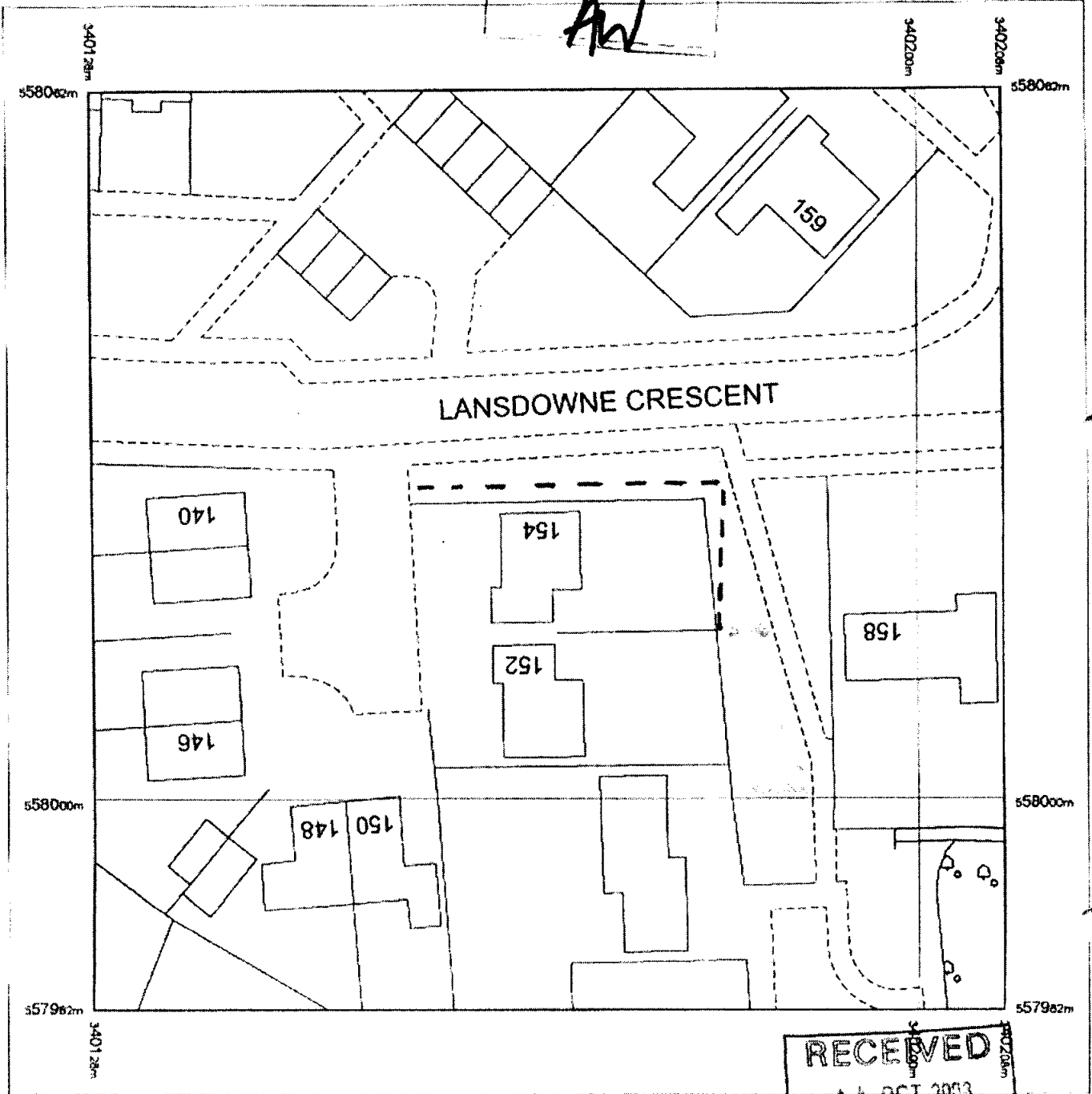
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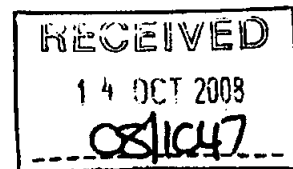
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TOTAL P.02

**TO WHOM  
IT MAY CONCERN**

Mr G Simpson is applying to Carlisle City Council for use of land adjacent to 154 Lansdowne Crescent to be included in garden Area. Any person(s) with any objections to ownership please make written representations to Planning Dept, Civic Centre, Carlisle within 21 days.



2008/10/14

# SCHEDULE A: Applications with Recommendation

08/1094

---

**Item No: 21**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/1094

**Applicant:**  
Mrs Jennifer Thomlinson

**Parish:**

**Date of Receipt:**  
28/10/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
20 Waverley Road, Stanwix, CARLISLE CA3 9JU

**Grid Reference:**  
339762 557824

**Proposal:** Two Storey Side Extension And Single Storey Rear Extension To Provide Garage, W.C, Enlarged Kitchen/Dining & Conservatory With Bathroom And Enlarged Bedroom Above (Revised Application)

**Amendment:**

---

## REPORT

**Case Officer:** Barbara Percival

### Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee as the applicant is an employee of the City Council.

### 1. Constraints and Planning Policies

Local Plan Pol H11 - Extns to Existing Resid. Premises

Local Plan Pol CP5 - Design

### 2. Summary of Consultation Responses

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

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

18 Waverley Road  
22 Waverley Road

29/10/08  
29/10/08

## SCHEDULE A: Applications with Recommendation

08/1094

10 Waverley Road

29/10/08

- 3.1 This application has been advertised by the direct notification of the occupiers of three neighbouring properties. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

- 4.1 In 2008, under planning reference 08/0710, planning permission was refused for the erection of two storey side extension together with single storey extension to provide kitchen and sunroom.

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

#### **Introduction**

- 5.1 This application seeks approval to extend a semi-detached dwelling on the north side of Waverley Road close to its junction with Waverley Gardens. The property is constructed of smooth facing bricks to the ground floor with roughcast rendering to upper storey walling and is roofed in concrete roof tiles. It is bounded to each flank and its rear boundary by a 1.8 metre high larch lap fence.

#### **Background**

- 5.2 It is proposed to extend the property by the addition of a two story side and single storey rear extension to provide a ground floor garage, w.c., enlarged kitchen/dining room, and conservatory with a bathroom and enlarged bedroom above the proposed garage and kitchen/dining room. The side extension would be 2.4 metres wide and extend 11 metres rearwards along the boundary with the adjacent property to an eaves height of 5.5 metres. The rear extension is single storey which would project 3 metres from the existing rear wall of the property and be 8.85 metres wide. It is proposed to have a lean-to roof, its maximum height being 4.3 metres. Both extensions are to be built of facing brickwork and roofed in concrete roof tiles to match the existing property.

#### **Assessment**

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H11 and CP5 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposals raise the following planning issues:

## SCHEDULE A: Applications with Recommendation

08/1094

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

- 5.5 It is acknowledged that the adjacent property, 22 Waverley Road, has a window serving its kitchen which would be 2.7 metres from the proposed extension. It is, further, noted that there is an existing 1.8 metre high boundary fence, the kitchen is dual aspect with an additional window and door serving the same room and that only window to be inserted into the proposed gable would serve a w.c. At the recent Local Plan Inquiry the City Council presented an explanation of primary windows and dual aspect habitable rooms. Although the Inspector disagreed with some aspects of Policy CP5 he did not take issue with the explanation of primary windows. Based on the foregoing it is considered that the proposal would not adversely affect the living conditions of its neighbours through loss of light of overdominance to warrant refusal. In order to further protect the living conditions of the occupiers of 22 Waverley Road a condition has been included within the decision notice removing Permitted Development Rights for additional windows on the gable elevation.

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

- 5.6 The scale and height of the proposed two storey and single extension is comparable to the existing property. The extensions would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed side and rear extension would complement the existing dwelling in terms of design and materials to be used.

### 3. Other Matters

- 5.7 Members should be aware that the applicant's husband is an employee of the City Council; however, he has not been involved in the determination of the application outside of his role as applicant.

### Conclusion

- 5.8 At the time of preparing the report the statutory time period for responses to be made, has not expired.
- 5.9 It is, nonetheless, considered that the proposals are acceptable and Members will be recommended to approve the application subject to no material planning issues being raised during the remainder of the consultation period.

## 6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the

## SCHEDULE A: Applications with Recommendation

08/1094

consideration of planning proposals, the most notable being:

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

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

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

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

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

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the ground floor window to the w.c. in the gable elevation of the building shall be obscure glazed, to a minimum of Factor 3, and thereafter retained as such to the satisfaction of the Local Planning Authority.

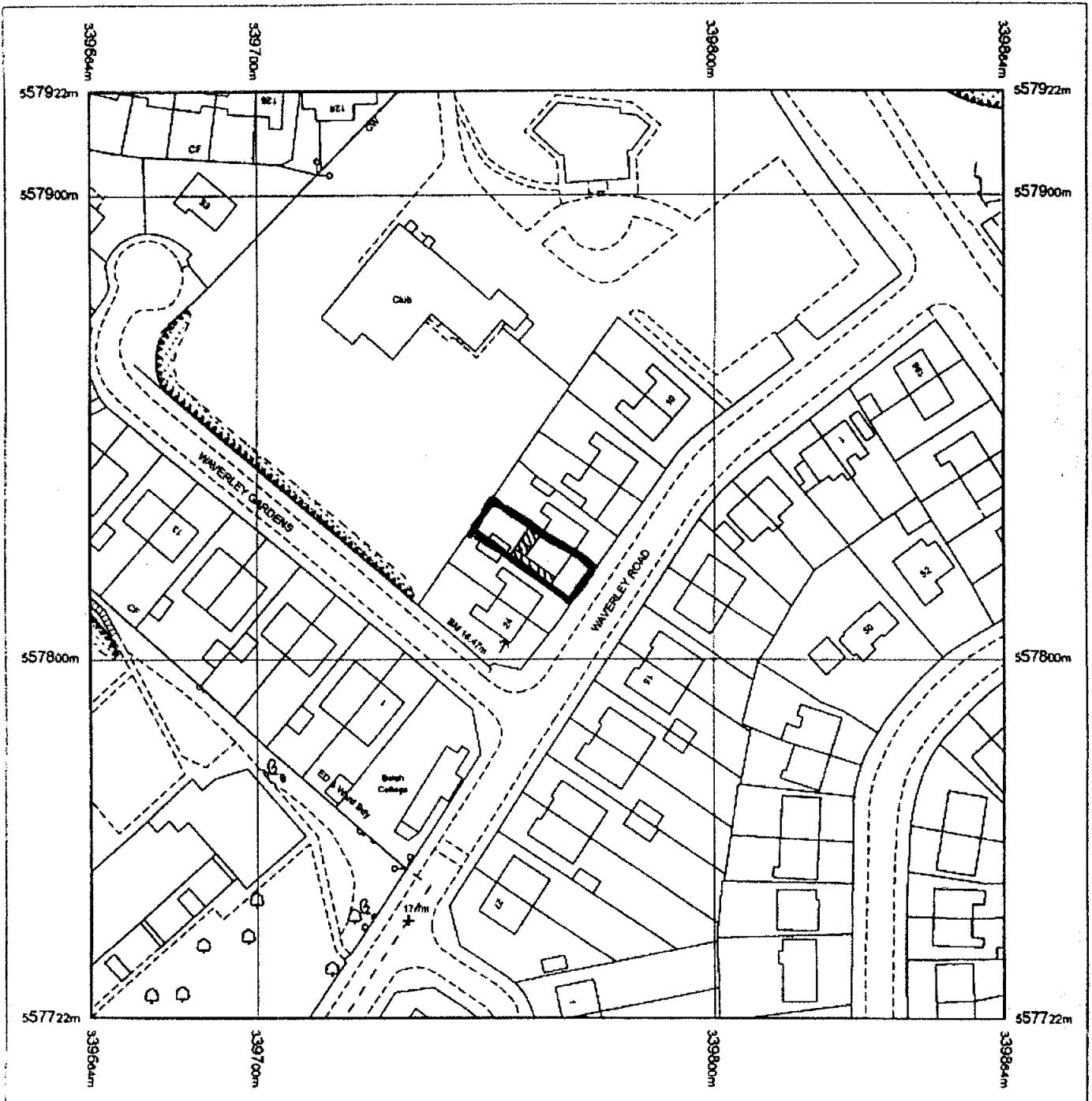
**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H11 of

**SCHEDULE A: Applications with Recommendation**

08/1094

the Carlisle District Local Plan 2000-2016.

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2D WAVERLEY ROAD  
 CARLISLE  
 CA3 9JU

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 08/1094

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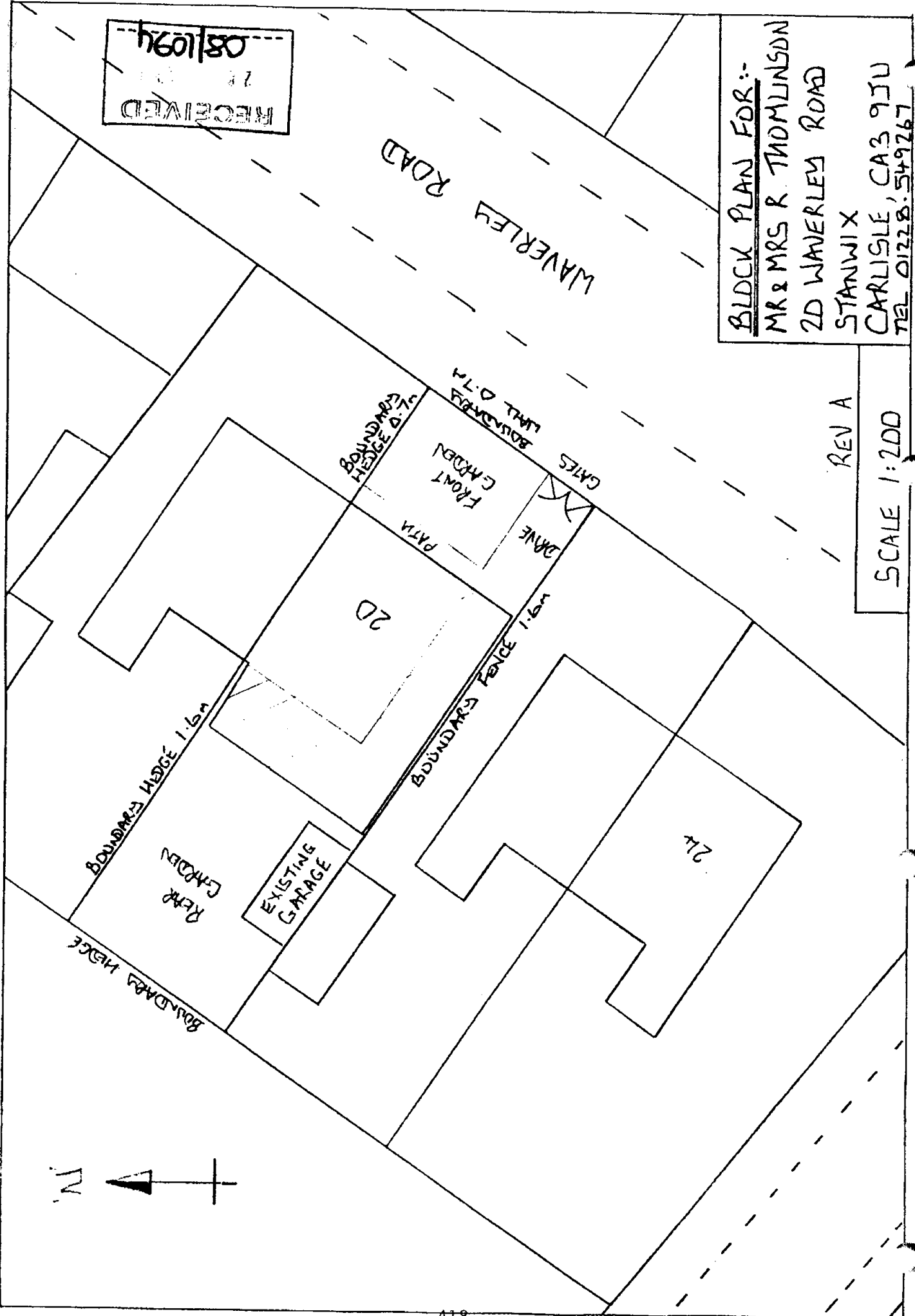
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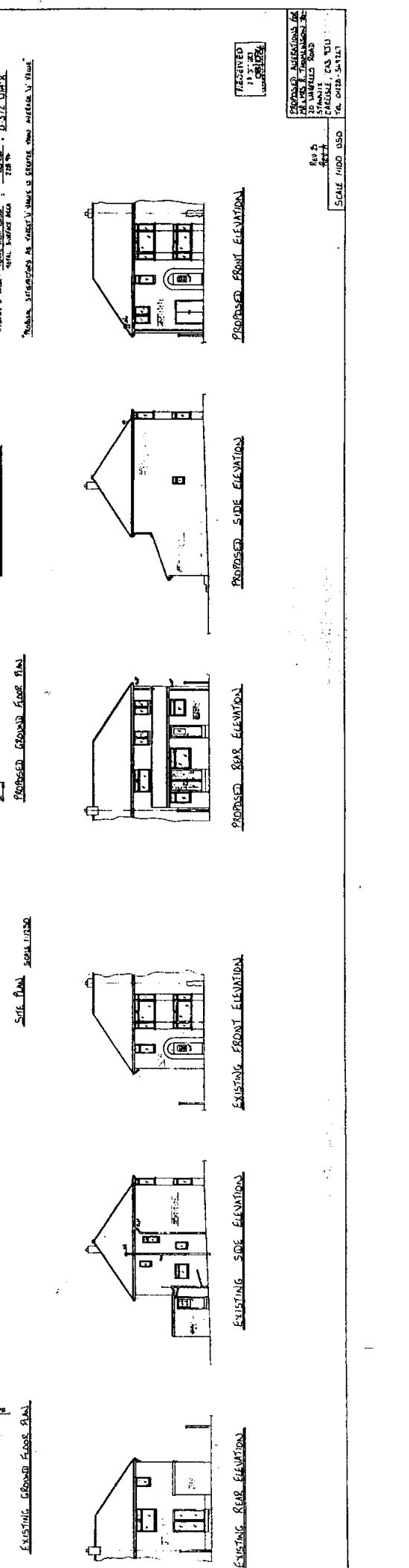
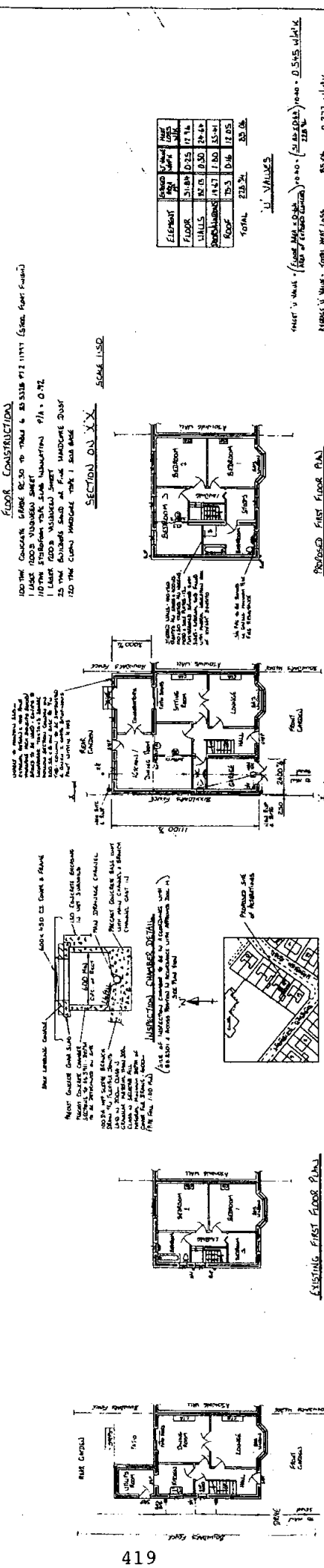
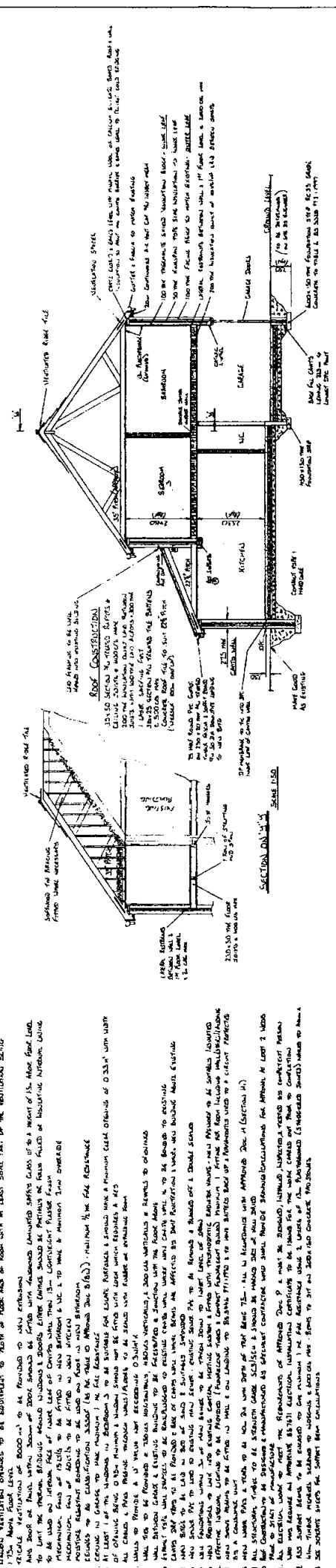
BLOCK PLAN FOR:-  
MR & MRS R. THOMLINSON  
2D WAVERLEY ROAD  
STANWIX  
CARLISLE, CA3 9JU  
TEL 01228 549267



REV A

SCALE 1:200

- NOTES**
1. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES.
  2. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE.
  3. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL MECHANICAL CODES.
  4. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PLUMBING CODES.
  5. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
  6. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL SAFETY CODES.
  7. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ENVIRONMENTAL PROTECTION AGENCY (EPA) REGULATIONS.
  8. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL OCCUPATIONAL SAFETY AND HEALTH (OSHA) REGULATIONS.
  9. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LABOR RELATIONS BOARD (NLRB) REGULATIONS.
  10. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL CONSUMER PROTECTION ACT (CPA).
  11. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL TRADE SECRET PROTECTION ACT (TSPA).
  12. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PATENT AND TRADEMARK OFFICE (PTO) REGULATIONS.
  13. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL COPYRIGHT ACT (CA).
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  33. ALL NEW CONSTRUCTION TO BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL PATENT AND TRADEMARK OFFICE (PTO) REGULATIONS.



**U. VALUES**

ELEMENT	R	U-VALUE	AREA	U-VALUE
FLOOR	5.184	0.25	17.76	0.45
WALLS	8.76	0.20	28.44	0.40
ROOF	1.27	0.15	17.05	0.23
<b>TOTAL</b>				<b>0.37</b>

## SCHEDULE A: Applications with Recommendation

08/0841

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**Item No: 22**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0841

**Applicant:**  
Mrs Jane Turnbull

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
15/08/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Wreay Syke Cottage, Wreay, Carlisle, Cumbria,  
CA4 0RL

**Grid Reference:**  
343550 549170

**Proposal:** Erection Of Dwelling For Local Occupancy (Outline) (Re-Submission)

**Amendment:**

---

### REPORT

**Case Officer:** Dave Cartmell

#### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as an objection has been received from a statutory consultee ( St Cuthberts Without Parish Council).

#### 1. Constraints and Planning Policies

Local Plan Pol CP1 - Landscape Character

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

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

Local Plan Pol H5 - Affordable Housing

#### 2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): initially advised that as the

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

08/0841

C1041 is the main distributor road into /out of Wreay any access onto this road will need to conform to the highest standards. This is especially true in this case, where this proposal will represent the first residential dwelling when entering the village. On this section of road a national speed limit applies and the site should therefore provide the 2.4 metres by 215metres visibility splay required for this speed limit. This visibility however is not achievable at this location.

Considering the lack of speed data for this section of road I have to recommend refusal as I must then use the current speed limit to adjudge the visibility splay requirements.

Highways advised that if the Council were minded to grant permission then it is recommended that the following conditions are included:

The development shall not commence until visibility splays providing clear visibility of 2.4metres x 160 metres measured down the centre of the access road and 1metres above 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. To support Local Transport Plan Policies: LD7, LD8

No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the Local Planning Authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

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

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7, LD8

Following receipt of information direct from traffic consultant re survey location and results ( which showed a mean speed of 37mph) Highways confirmed that there were no objections subject to a condition requiring the sightline dimensions to be amended to 2.4m by 120m - which Highways advise can be achieved at this location;

## SCHEDULE A: Applications with Recommendation

08/0841

**Community Services - Drainage Engineer:** Reply awaited

**United Utilities (former Norweb & NWWA):** No objection

**Development Services Planning & Housing Services - Housing Strategy:** No comment.

**Development Services Planning & Housing Services - Local Plans:** My comments regarding application 08/0537 still stand in respect of the current application. My objection to 08/0537 related to the fact that there was consent for a dwelling on land owned by the applicant and her sister. It was felt that this dwelling could meet the applicants need. A subsequent meeting with the applicant and case officer has resulted in additional supporting information being submitted with this application which states that the applicant no longer owns the land which has planning consent as this has transferred to her sister as it forms part of her sisters garden. This therefore clarifies the situation confirming that her need is currently still unmet.

I therefore consider that the applicant has provided sufficient evidence to support this application for a local needs dwelling and have no objection to this proposal.

The comments on the previous application were as follows:

'This application is for the erection of a family home to cater for the needs of an existing resident family in Wreay whose current living arrangements are not satisfactory. Policy H1 of the Carlisle District Local Plan revised re-deposit draft (as amended by the Inspector's Report) lists Wreay as a settlement suitable for small-scale infill development where it meets the criteria set out in the policy and is evidenced by a local need to be in the location specified. The applicant has submitted a statement of local need in support of the application which sets out her longstanding links with Wreay and the situation she and her family are in respect of their need for an additional dwelling in the village.

The draft planning obligations SPD which will shortly be out to public consultation sets out the criteria against which evidence supporting local needs housing will be assessed. The criteria are as follows:

- Existing residents who need separate accommodation in the locality;
- People who need to live in proximity to the key local services they provide;
- People who have long standing links with the local community such as the elderly, who need to be close to relatives;
- People who have accepted a job offer in the locality.

In terms of the criteria 'locality' refers to the Parish within which the need is identified, where there is a local service centre within the particular Parish development should be directed to it with applicants demonstrating why their need cannot be accommodated there.

Wreay falls within the Parish of St Cuthbert Without which does not contain any local service centres therefore consideration need not be given to any other settlements within the Parish prior to considering Wreay.

## SCHEDULE A: Applications with Recommendation

08/0841

The applicant has stated in her letter of support that her need is based on longstanding links to the area, and the requirement for separate accommodation for her and her family who are currently living with her sister and her family which is no longer considered to be an acceptable arrangement. The draft SPD states that long standing links relates to people who currently live in the area but are no longer adequately housed as well as people who have lived in the Parish for most of their life (e.g. over half of their lifetime or for a continuous period of 10 or more years). From the supporting information submitted it would appear that the applicant would meet both these definitions of long standing links to the area. Based on this information the applicant would appear to meet the criteria for demonstrating local need.

Whilst the application site is not infill as stated in policy H1, the proposed dwelling would replace an existing nissen hut which currently stands on the site and could, provided careful consideration is given to design and materials at reserved matters stage, improve the appearance of the area.

I am aware that the applicant has an extant planning consent for a dwelling in the garden of Wreay Sike Cottage which was granted prior to the change in planning policy requiring evidence of local need for a dwelling in Wreay. It could therefore be argued that this dwelling could cater for the housing need of the applicant if it were to be built. As there is only evidence to support the need for 1 dwelling I do not consider that it would be appropriate for consent to be granted for this additional dwelling unless 04/0599 and 06/0808 applications are revoked'

**St Cuthberts Without Parish Council:** advise that the Parish Council wish to confirm their previous comments - considered to be outside the village boundary, and therefore, not infill within the terms of the Local Plan.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Wreay Syke Fold House	Bourne 21/08/08	Comment Only Objection
Littleway		Support

3.1 Publicity was given to the application by site notice, press notice and direct notification of neighbours. Two letters of support for the application were received and one letter of objection. The grounds of objection were that:

1. the village is not designated for additional housing and development; and
2. there is insufficient drainage available for the treatment of waste effluent

via a septic tank, ground conditions are unfavourable for discharges to the ground and expansion and relocation of the current wastewater treatment works would result in significant environmental impact.

The objection was subsequently withdrawn when it was clarified that the foul drainage will be disposed of via a private treatment plant.

### **4. Planning History**

- 4.1 Planning permission for a similar development ( 08/537) was refused on the grounds that: (1) the applicant had failed to establish that there is a local need specific to this location and (a) the proposal does not constitute infill development and (b) the indicative dimensions of the building could result in a house of a scale inappropriate to this location and (2) the access is unsatisfactory.

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

#### **Introduction**

- 5.1 This is an application for outline planning permission with all matters reserved for a new dwelling for local occupancy on land to the north of Wreay Syke Cottage on the east side of the unclassified road linking Wreay with Carlisle.
- 5.2 The site measures approximately 2500 square metres and the indicative position of the house is shown in a demarcated area extending to 770 square metres adjacent to the northern boundary, set back 10 metres from the road measures and served by the existing field access. The following scale parameters for the house are shown:
1. height 7-9 metres
  2. width 10-12 metres
  3. length 11-13 metres.

The house footprint size could range between 121 square metres and 156 square metres with a maximum height of 9 metres.

- 5.3 Part of the site is currently occupied by a nissen hut ( 80 square metres) and open storage and externally stored equipment associated with its former use by a builder.

#### **Background**

- 5.4 The applicant submitted two letters in support of the application and referred

## SCHEDULE A: Applications with Recommendation

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to a letter ( dated 21 May 2008) submitted with the earlier (unsuccessful) application ( 08/837) relating to the applicant's long term connection with Wreay and current personal circumstances. In the earlier letter the applicant had advised that:

1. she moved to Wreay Syke Cottage ( the home of her grandparents) in 1984 aged 4, attended the village primary school and later married in the local church
2. she now lives with her husband, her sister and husband (with several children under 10) at Wreay Syke Cottage
3. very few properties appear for sale in Wreay and those which are available are outwith her budget
4. building a home is the only affordable choice and she is in a fortunate position of owning the land on which she hopes to build
5. the development site contains a sizable tin shed which is a ' bit of an eyesore' which would be removed and enhance the local environment.

5.5 The information submitted in support of this application is as follows:

1. proof ( Land Registry register of title) that the applicant now no longer has an ownership interest in the site within the curtilage of the adjacent Wreay Syke Cottage granted reserved matters permission (06/808); and
2. a statement of intent to build an 'environmentally friendly' dwelling including a geothermal heat source system and high standards of insulation
3. the absence of the applicant's name from the Carlisle Electoral Register is explained by the fact that (1) the family have been based in Scotland in recent years due to the husband's work but as he is now due to return to work in Cumbria, they are in the process of selling their house in Scotland (2) to assist in dealing with an illness within the family Mrs Turnbull lived temporarily nearby with her husband's family in Dalston and because of the impending employment change, and the fact that her son is due to start a local nursery, she is now resident with her sister at Wreay Syke Cottage. In view of the circumstances the applicant advises that ' Electoral Registers have not been a concern - I don't think I am on any at present'
4. a search for a suitable infill site within the village of Wreay has proved unsuccessful ( The applicant points out that even if sites had been available they would be at a price unaffordable to her, as it is only because she owns the application site that building becomes an affordable option.)
5. the application site is within the village signs and is a brownfield site and;



## SCHEDULE A: Applications with Recommendation

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6. she is prepared to enter into a Section 106 Agreement to ensure that the house remains available for local need ( ie affordable housing)
- 5.6 The applicant has also submitted the results of a Speed Survey carried out near the proposed access point to the site. This has established that the mean speed of vehicles passing the site would justify sightlines of 2.4 metres by 120 metres which County Highways advise can be achieved on land within the applicant's control.

### Assessment

- 5.7 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy, as expressed through Planning Policy Guidance Notes/Planning Policy Statements) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) ( adopted 9/9/2008) and the North West of England Plan Regional Spatial Strategy to 2021.
- 5.8 PPS 13 ( Transport) advocates the importance of reducing reliance on the private car.
- 5.9 In consideration of this application Policies DP1, CP1, CP4, CP5, CP12, H1 and H5 of the Carlisle District Local Plan (2001 - 2016) ( adopted 9/9/2008) are relevant. These policies seek to ensure that, in the context of the Spatial Strategy and Development Principles set out in the adopted Local Plan, new housing development outwith Carlisle should be in locations which will assist in reducing the need to travel and therefore be focussed on the two Key service Centres ( Brampton and Longtown) and small scale development in the Local Service Centres.
- 5.10 The only exception with regard to housing in the rural area is small scale infilling ( defined as development between an otherwise continuous frontage) within specified settlements where it is evidenced by local need to be in that location. The relevant policies seek to ensure that the development:
  1. is well related to (a) the landscape of the area and does not intrude into open countryside and (b) the scale, form and character of the existing settlement
  2. in terms of siting, layout and design, is well related to existing property in the village and does not adversely affect the amenity of neighbouring property
  3. has adequate access and parking
  4. does not lead to loss of amenity space within or at the edge of the

## SCHEDULE A: Applications with Recommendation

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settlement

5. does not result in the loss of the best agricultural land
  6. includes adequate arrangements for the disposal of foul and surface water drainage
- 5.11 Wreay is identified in the Revised Redeposit Draft (2001-2016) (as amended by the Inspector in April 2008) as a settlement where small scale infilling (development between an otherwise continuous frontage) will be allowed where there is evidence of a local need. The key issues in relation to this application are whether (1) there is evidence of a local need to be in this location and (2) the site meets the above criteria.
- 5.12 With regard to local need, Local Plans Section have produced a draft Supplementary Planning Document (SPD) on Planning Obligations which includes the proposed criteria against which evidence supporting local needs housing will be assessed. The draft recommendations have been approved by Council for public consultation and it is therefore considered appropriate to use the draft proposals to assess this application.
- 5.13 The proposed criteria are as follows:
1. existing residents who need separate accommodation in the locality;
  2. people who need to live in proximity to the key local services they provide;
  3. people who have long standing links with the local community such as the elderly, who need to be close to relatives;
  4. people who have accepted a job offer in the locality.
- 5.14 In terms of the criteria, 'locality' refers to the Parish within which the need is identified, and where there is a Local Service Centre within the particular Parish, development should be directed to it. Where the proposed site lies outwith the Local Service Centre, applicants should demonstrate why their need cannot be accommodated there. Wreay falls within the Parish of St Cuthbert Without which does not contain any Local Service Centres therefore consideration need not be given to any other settlements within the Parish prior to considering Wreay.
- 5.15 The applicant has stated in her letter of support that her need is based on longstanding links to the area, and the requirement for separate accommodation for her and her family who are currently living with her sister and her family which is no longer considered to be an acceptable arrangement. The draft SPD states that 'long standing links' relates to people who currently live in the area but are no longer adequately housed as well as people who have lived in the Parish for most of their life (e.g. over half of their lifetime or for a continuous period of 10 or more years). From the supporting information submitted it would appear that the applicant would meet both

## SCHEDULE A: Applications with Recommendation

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these definitions of long standing links to the area. Based on this information the applicant would appear to meet the criteria for demonstrating local need.

- 5.16 With regard to the need for the dwelling to be satisfied on this particular site and the extent to which it relates to the objectives of the Local Plan and the issues raised by the Parish Council:
1. the applicant has no longer any ownership interest in the site for which there is an extant planning permission within the curtilage of the adjacent Wreay Syke Cottage (06/808).
  2. there is no village boundary for rural settlements ( other than for Local Service Centres).
  3. the applicant has advised that foul drainage will be disposed of by a septic tank/ private treatment plant within the grounds of the property. Surface water will be disposed of via a soakaway. A condition can be attached to ensure that details are submitted of the method of treatment and disposal.
  4. as the application site is not strictly infill as defined in the adopted Local Plan, it is considered that the application should be assessed against the criteria for the location of new housing development as set out in Policy H1 and the sustainability objectives of the Local Plan.
- 5.17 Considering the proposal against these criteria and the sustainability objectives:
1. the site of house includes land currently occupied by a nissen hut ( 80 square metres) and open storage of building equipment ( including scaffolding).The remainder of the site (approximately 1700 square metres) is part of a field. Although the site lacks any significant natural screening ( there are mainly fences on the northern and western boundaries and no enclosure on the east) it is considered that there is sufficient space to achieve a landscaping scheme which would integrate a house of appropriate scale and design into the landscape.
  2. the applicant has indicated a range of possible house dimensions ( including a ridge height of up to 9m). Given the location on the edge of the village and the character of the nearest houses it is considered that the house should not exceed one and a half storeys. This requirement could be covered by a condition.
  3. although outwith the main concentration of development within Wreay, the proposed development lies immediately north of Wreay Syke Cottage and opposite is a single storey cottage ( Wreaysike Fold). Approximately 60 metres to the north, on the opposite side of the road, is another cottage ( Candlemas).
  4. the application is supported by the occupier of the only immediately

## SCHEDULE A: Applications with Recommendation

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adjacent property (Wreaysike) and the indicative siting of the proposed house is approximately 22 metres from that property. The nearest property to the south is 60 metres distant. It is not therefore considered that the proposed development will adversely affect the amenity of neighbouring property.

5. subject to conditions being attached with regard to sightlines and the provision within the site for the parking, turning and loading/unloading of vehicles, County Highways have no objection to the proposal.
6. the best quality agricultural land is defined as Grades 1, 2 and 3a. The land at Wreay is Grade classified generally as Grade 3 but is not subdivided. It is considered that the loss of approximately 0.17 ha of this grade of land, from a field which does not form part of an agricultural holding, is not a significant issue.

5.18 As the applicant is currently resident in a property adjoining the site, it is not considered that there will any significant change to the amount of travel by car. It can therefore be argued that the proposal accords with the sustainability objectives of the Development Plan.

### Conclusion

5.19 In conclusion therefore:

1. there is evidence of a general local housing need in the rural area of Carlisle (and in this specific case, local need in Wreay) and the applicant is prepared to enter into a Section 106 Agreement to ensure that the house will remain available in perpetuity as 'affordable housing' to satisfy local need,
2. while the proposed development is not on an 'infill site' and is outwith the main concentration of buildings in Wreay, the development will result in the removal of a non-conforming use and a non-traditional building and there are existing dwellings immediately to the south, and on the opposite side of the road
3. it is considered that, with appropriate conditions with regard to the form of development and landscaping, the proposal would not result in such significant harm to the character of the landscape or existing settlement as to warrant refusal of the application.
4. On balance it is considered that the reasons for refusal of the previous application have been addressed and the principle of residential development of the site is acceptable. The application is therefore recommended for approval subject to the applicant entering into a Section 106 Agreement to ensure that the dwelling is available as affordable housing for local need in perpetuity and to appropriate conditions.

## SCHEDULE A: Applications with Recommendation

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### 6. Human Rights Act 1998

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

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

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

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

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

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

### 7. Recommendation - Grant Permission

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

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

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

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

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

## SCHEDULE A: Applications with Recommendation

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

3. The dwelling shall be in the form of a single or one and a half storey construction only.

**Reason:** In the interests of preserving the character of the area and to accord with Policies CP1, CP5 and H1 of the Carlisle District Local Plan (2001 - 2016) ( adopted 9/9/2008).

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

**Reason:** To prevent pollution of the water environment in accordance with the objectives of Policy CP12 of the Carlisle District Local Plan (2001 - 2016) ( adopted 9/9/2008)

5. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 160 metres to both sides of the access, measured down the centre of the exit road and the nearside channel line of the trunk road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

6. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the local planning authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and

## SCHEDULE A: Applications with Recommendation

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manoeuvring areas facilities constructed. The approved parking, loading and unloading and manoeuvring facilities shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport policies LD7 and LD8.

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

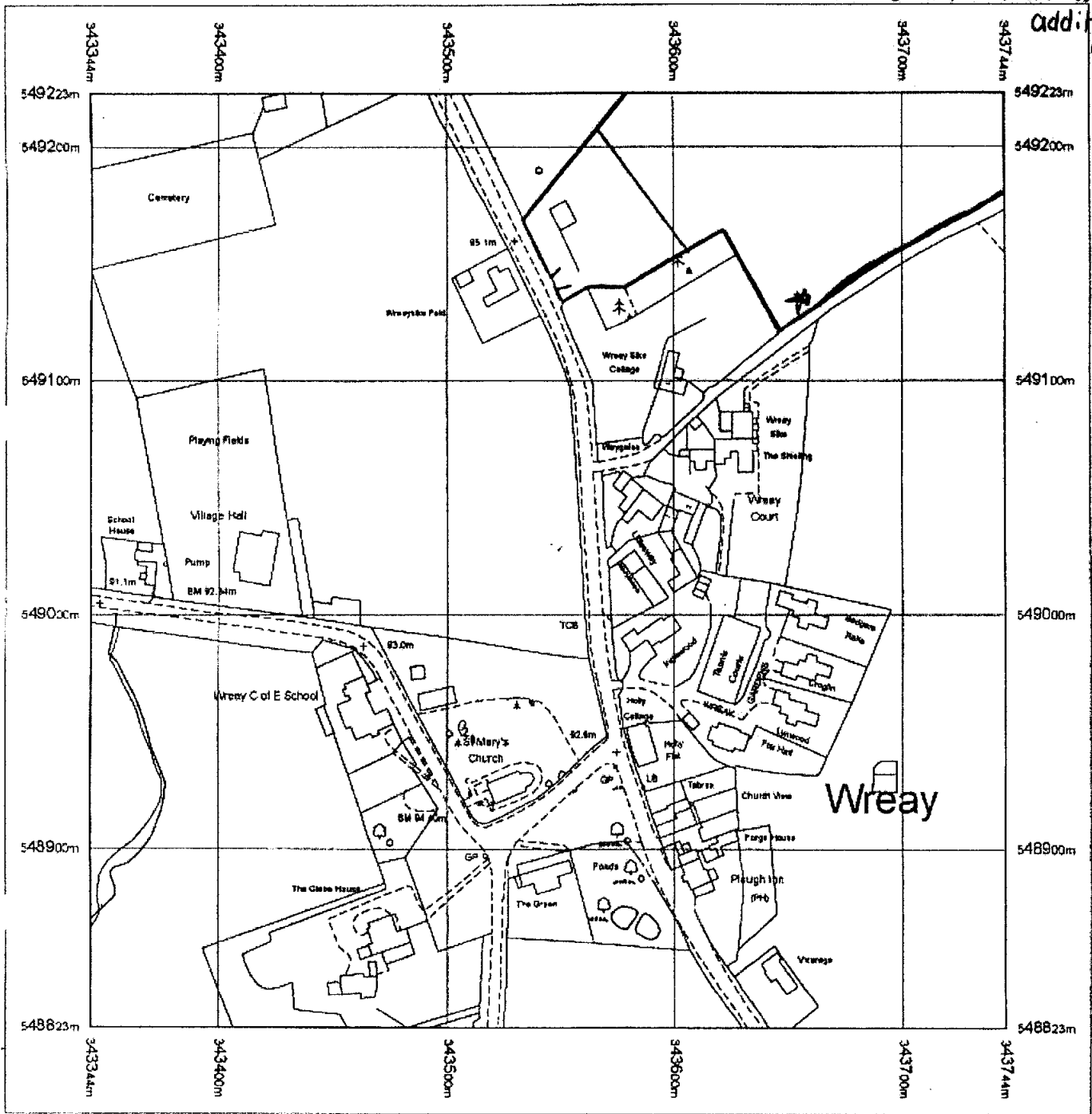
**Reason:** To ensure that all vehicles can be properly and safely accommodated clear of the highway in accord with Policy T7 and H2 of the Carlisle District Local Plan.

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> Indicates existing access  
(to be used) - there is

Additional access for the field



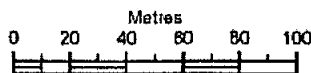
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The representation of features as lines is no evidence of a property boundary.



Scale 1:2500

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15 AUG 2008  
2008/6841



PLAN TO SHOW ACCESS FOR PROPOSED

OUTLINE APPLICATION FOR LOCAL OCCUPANCY DWELLING

= village sign /  
boundary



PROPOSED DEVELOPMENT WITHIN SITE

Scale Parameters

(H = 7-9 mtrs)

(W = 10-12 mtrs)

(L = 11-13 mtrs)

PLANTATION TO  
BE RETAINED AS  
BOUNDARY

on site of former  
'Ein shal'  
- using existing  
water point etc  
EIEC

2008/0841

EXISTING ACCESS

(TO BE RETAINED + USED)

- There is additional  
access to field down private  
lane )

- if considered to be problematic  
could be moved further this  
way

WREAY  
SHEP FOLD

20 PINE

BEECH

LIME

ROAD

WREAY SHEP COTTAGE  
(FAMILY HOME)

(80 METRES + AWAY)

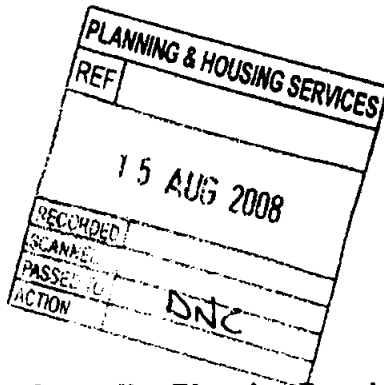
2 STOREY

MIXED MATERIAL

RECEIVED  
29 OCT 2008  
08/0841

PRIVATE LANE

Scale 1/500



Wreay Syke Cottage  
Wreay  
Carlisle  
Cumbria  
CA4 0RL  
13 August 2008

Dear Mr Cartmell

**Re: Amendment to Application for outline Planning Permission for One Dwelling-08/0537**

Following our recent meeting with Lucy Ridyard and Helen Lewis of 'Local Plans' (06/08/08) I felt it would be appropriate to detail in this letter my reasons for making this application in the hope of securing approval for 'Local Need'.

I have mentioned in a recent letter how truly 'local' I feel to Wreay; my own longstanding links, not just myself but parents and grandparents before me and my attendance at the local primary school and St Mary's church etc.

What I feel I have perhaps neglected to portray is how genuine my 'need' to live in Wreay is. As I have previously mentioned my ability to purchase a property in the village is problematic, due not only to the lack of available property for sale but also the high prices of the few properties which do come on the market. My determination, however, to have my own house in the village, near family, before my little boy goes to primary school has led me to find other options. Within my sisters back garden, several years ago, I successfully gained planning permission on a piece of land, then of shared ownership with my sister. Following my mums death, as this was my sister's family garden, we proceeded to transfer this piece of land into her sole name to simplify everything. I therefore have planning permission on the said plot yet do not have ownership nor any say as to what is to be done to the plot as it my sister and her families concern.

However, the land in question for my application, within the area of the 'Tin Shed' belongs solely to me. This means therefore that if I were fortunate enough to be granted planning permission on the site, I would only have build costs to consider which, although still expensive, would be achievable.

It would, I feel, also be a better site for which to begin my own family home in Wreay, as it would not be connected to my sisters property and therefore a 'new start' for my family.

May I also take this opportunity to mention that if successful, I would hope to build a family dwelling with an environmentally friendly approach. We would hope to use a geothermal heat source system and excellent insulation options and would also be removing an unsightly 'Tin Shed' which all neighbours agree would improve the environment visually for all.

Thank you for all your assistance in my application and I look forward to hearing from you.

Yours sincerely

Jane Turnbull

15 AUG 2008  
2008/0841

## SCHEDULE A: Applications with Recommendation

08/0958

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**Item No: 23**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0958

**Applicant:**  
Mr David Strong

**Parish:**  
Carlisle

**Date of Receipt:**  
18/09/2008

**Agent:**

**Ward:**  
Belah

**Location:**  
56 Newfield Park, Newfield, Carlisle, Cumbria, CA3  
0AH

**Grid Reference:**  
339789 558640

**Proposal:** Change Of Use Of Land To Domestic Garden

**Amendment:**

---

### REPORT

**Case Officer:** Barbara Percival

#### Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee as the applicant is an employee of the City Council.

#### 1. Constraints and Planning Policies

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

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

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

#### 2. Summary of Consultation Responses

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

The Applicant must ensure that no obstruction to the footpath No.109020 occurs during, or after the completion of, the site works;

**Ramblers Association:** comments awaited;

## SCHEDULE A: Applications with Recommendation

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

**Cumbria Constabulary - Crime Prevention:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
54 Newfield Park	09/10/08	
56 Newfield Park	09/10/08	

3.1 This application has been advertised by the direct notification of two neighbouring properties. In response, one anonymous letter of concern has been received.

3.2 The letter identifies the following issues:

1. two fences will jut out onto the pathway this would give ideal hiding places for anyone to hide there and possibly attack path users. This sort of this is happening more and more now and perhaps the Council should not be encouraging such hiding places. It should be a case of all of the properties extending or none at all.

### 4. Planning History

4.1 There is no relevant planning history.

### 5. Details of Proposal/Officer Appraisal

#### Introduction

5.1 This application seeks Full Planning permission to extend the garden of a detached house in Newfield Park. The property, 56 Newfield Park, is at the head of a cul-de-sac which is separated to the south from Stanwix Cemetery by Public Footpath Number 109020.

#### Background

5.2 Numbers 54 and 56 Newfield Park have both submitted planning applications to incorporate a strip of land to the immediate south of their properties (08/0934 and 08/0958 respectively). Following normal practice applications with less than 4 objections are dealt with using Delegated Powers; however,

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

08/0958

in this instance this application is brought before the Development Control Committee as the applicant is an employee of the City Council. At the time of preparing the report, application 08/0934 (54 Newfield Park) remains current as the response of Cumbria Constabulary's Crime Prevention Officer is awaited.

- 5.3 In regard to this application it is proposed to extend the existing garden by the incorporation of a strip of land 2.5 metres in depth by 12.2 metres in length which lies to the south of the existing rear boundary fence of the property and the edge of the public footpath. The proposed materials would be stained wooden fencing panels with concrete posts and concrete "gravel boards" along its base. The overall height of the fence would be 1.82 metres.

### **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposals raise the following issues:
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.6 As stated earlier in this report, numbers 54 and 56 Newfield Park both seek to incorporate a strip of land to the immediate south of their rear boundaries. Given the foregoing it is considered that this proposal would not have a detrimental impact on the living conditions of its neighbour on the basis of over dominance.
2. Whether The Scale And Design Of The Fence Is Appropriate To The Dwelling
- 5.7 The scale and height of the proposed fence is similar to that of the existing and its immediate neighbours and would use materials to match. Accordingly, it is considered that the proposal would complement the existing dwelling in terms of design and materials to be used.
3. The Impact Of The Proposal On The Adjacent Public Footpath
- 5.8 Public Footpath 109020 separates the rear boundary of 56 Newfield Park from the northern boundary of Stanwix Cemetery. The Public Footpath runs eastwards away from Kingstown Road, continues north along California Lane terminating on California Road.
- 5.9 The proposal seeks to incorporate part of a strip of land immediately behind the existing rear boundary fence of 56 Newfield Park fronting the public footpath. The strip of land would have a depth of 2.5 metres and an overall length of 12.2 metres. The proposed materials would be stained wooden fencing panels with concrete posts and concrete "gravel boards" along its

## SCHEDULE A: Applications with Recommendation

08/0958

base. The overall height of the fence would be 1.82 metres. The fence would be set back from the outer edge of the hardsurfaced footpath by 500mm.

- 5.10 The Highway Authority has been consulted and have confirmed that there are no objections to the proposal subject to the imposition of a condition ensuring that there is no obstruction of the footpath. In order to ensure that the application does not encroach upon the public footpath, clarification has been sought from the Highway Authority to confirm the stipulated width of the footpath. It has been confirmed that there is no definitive width therefore it is assumed that the extent of the footpath is that which is hardsurfaced. It should also be noted that the applicant has contacted the Land Registry with regard to ownership. A search has revealed that the lane has not been registered by any owner.
- 5.11 An anonymous letter has been received which raises concerns about the safety of users of the public footpath and the fence providing possible hiding places. Cumbria Constabulary's Crime Prevention Officer has been consulted and at the time of preparing the report no response has been received. It should however be noted that there is existing vegetation which might also provide possible hiding places.

### 4. Other Matters

- 5.12 Members should be aware that the applicant is an employee of the City Council; however, he has not been involved in the determination of the application outside of his role as applicant.

### Conclusion

- 5.13 The application is recommended for approval subject to the imposition of a condition ensuring that Public Footpath 109020 remains unobstructed and no adverse comments from Cumbria Constabulary's Crime Prevention Officer.

## 6. Human Rights Act 1998

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

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

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

## SCHEDULE A: Applications with Recommendation

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- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

### 7. Recommendation - Grant Permission

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

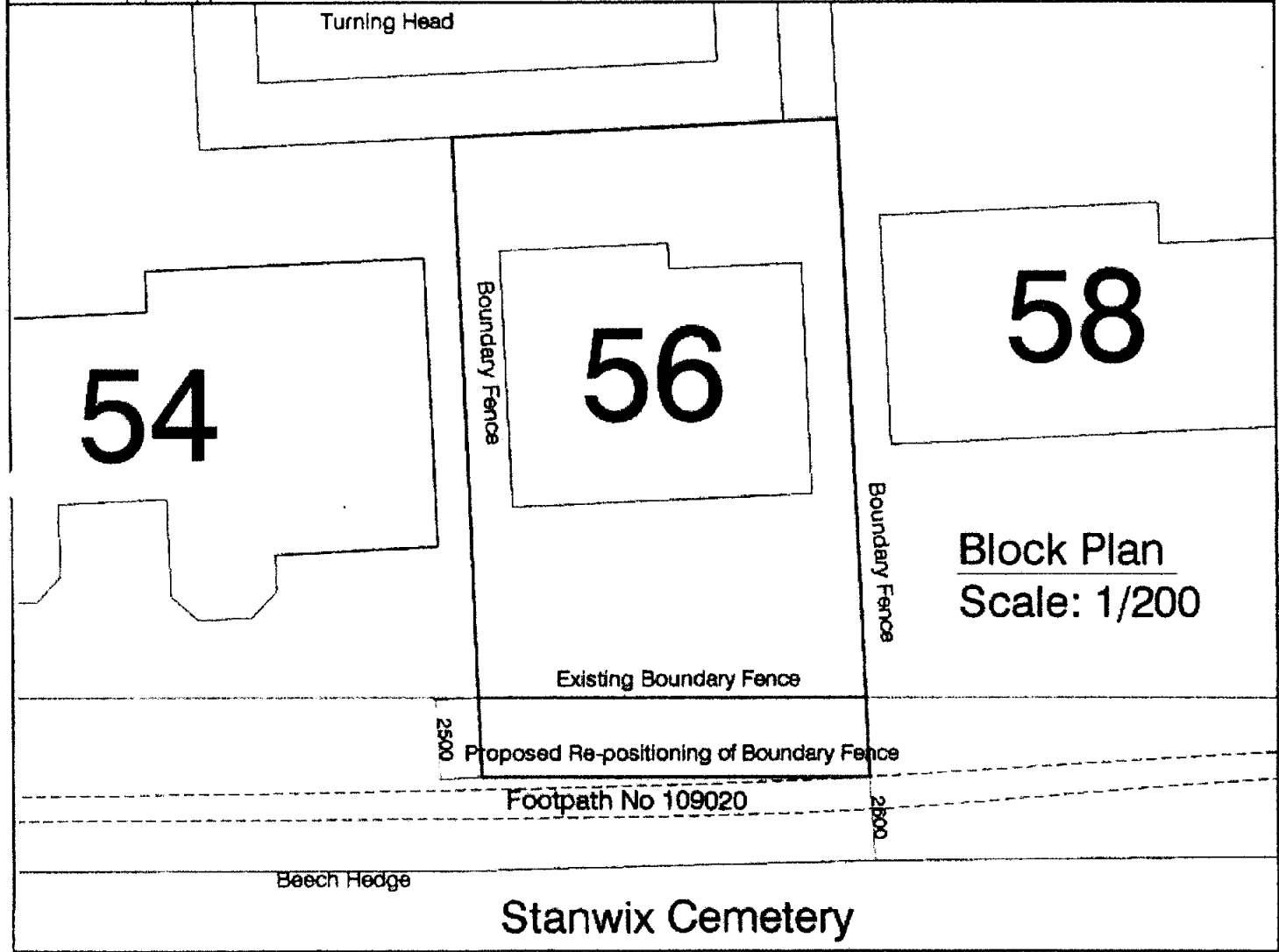
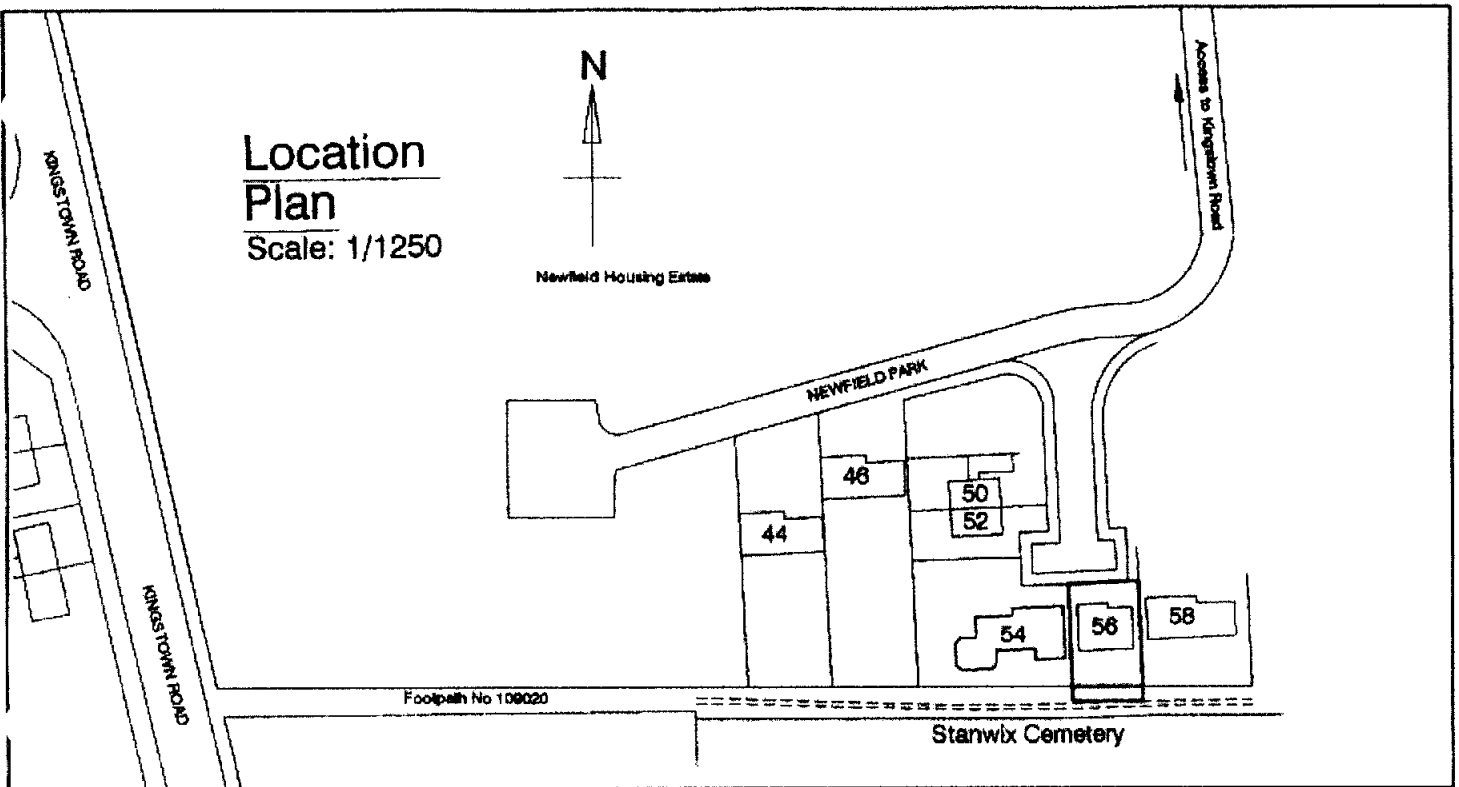
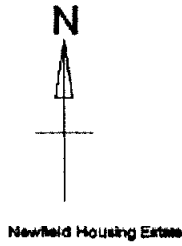
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Public Footpath Number 109020 lies adjacent to the site. No obstruction to the footpath should occur during or after the completion of the site works.

**Reason:** To support Local Transport Plan Policies W1, W2.

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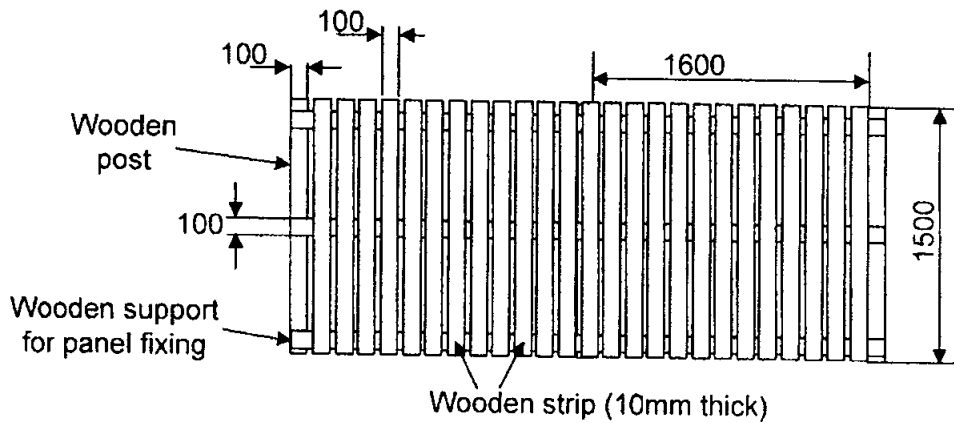
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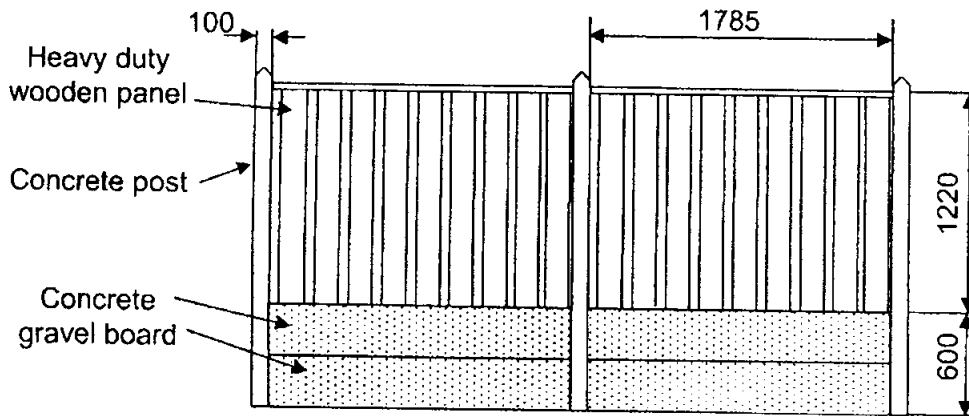
18 SEP 2008  
08/0958

56 Newfield Park  
Re-positioning of Rear Boundary Fence  
Drawing No 56NFP/1  
September 2008





Existing Boundary Fence



Proposed Boundary Fence

**Details of Boundary Fence**

56 Newfield Park

**Drawing No 56NFP/2**

September 2008

Scale 1/40

18 SEP 2008  
08/0958

## Statement of Intent

### **Proposed Development at 56 Newfield Park, Carlisle**

#### **Re-position Rear Boundary Fence and Construction of New Rear Boundary Fence**

#### **1. Background**

The three bedroomed detached property was built in 1978. It is located at the end of a cul-de-sac with properties on either side and Stanwix Cemetery to the rear separated by Footpath 109020. The rear of the property is not overlooked by neighbours.

#### **2. Existing Property**

The House is detached with 3 bedrooms, a single garage and utility room and has a 1.5 metre wooden boundary fence to the west, east and southern sides.

#### **3. Proposed Development**

##### **3.1 Rear Boundary Fence**

The submitted application modifies the position and construction of the southern rear boundary fence.

Immediately to the south of the property and separating it from Stanwix Cemetery is an un-surfaced lane which is designated Footpath No 109020. There is a 3m wide strip of land between the rear boundary of the property and the stone footpath lane. The strip of land has been maintained by the previous owners of the property and neighbours for the last 29 years and by ourselves since we moved to the property in April 2008.

A search of the Land Registry has revealed that the lane has not been registered by any owner, in which case it is deemed to be owned by the frontagers. As the lane is approximately 5.5 metres wide it is assumed that each frontager on Newfield Park and Carlisle City Council on the opposite side, own to the centre line of the lane.

The application is to re-position the fence some 2.5 metres to the south. It is proposed to construct a new fence using heavy duty fence panels, concrete posts and concrete gravel boards and raise it to 1.8m in height. Please refer to drawing 56NFP/2 for details.

The resulting fence will provide better security and privacy to the rear of the property whilst leaving sufficient width for the footpath.

18 SEP 2008  
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#### **4. Finishes**

The rear fence will be 2m high, comprising heavy duty wooden panels 2 metres wide, stained brown (in keeping with the existing boundary fences) on 2 concrete gravel boards, with concrete posts.

## SCHEDULE A: Applications with Recommendation

08/0877

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**Item No: 24**

Date of Committee: 14/11/2008

**Appn Ref No:**  
08/0877

**Applicant:**  
Mr Long

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
22/08/2008 07:30:19

**Agent:**

**Ward:**  
Burgh

**Location:**  
1 Marsh House Gardens, Burgh-by-Sands, CA5  
6AX

**Grid Reference:**  
332224 558906

**Proposal:** Demolition Of Existing Conservatory. Two Storey Side Extension To  
Provide Living/ Dining Room On Ground Floor With En-Suite Above

**Amendment:**

---

### REPORT

**Case Officer:** Suzanne Edgar

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

This application has been brought before Members of the Development Control Committee as the Conservation Advisory Committee has commented adversely on aspects of the design, although these are not shared by the Conservation Officer.

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

##### **Area Of Outstanding Natural Beauty**

##### **Conservation Area**

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

##### **Tree Preservation Order**

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

##### **Ancient Monument**

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

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

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

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**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

**Local Plan Pol DP9 - Areas of Outstanding Natural Beauty**

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

**Local Plan Pol LE19 - Conservation Areas**

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

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

**Development Services Planning & Housing Services - Local Plans (Trees):**  
Following the receipt of the tree survey I have no objections to the proposal.

A condition requiring tree protection barriers will be necessary to ensure the builders do not stack materials, cause compaction or burn beneath the trees.

**Development Services Planning & Housing Services - Conservation Section:**  
My only comment on this application is that I consider the extension to be overly large in plan layout given the already large footprint of the dwelling. Otherwise, the proposed external appearance at least remains in character with the remainder of the building.

**Natural England:** Natural England is a statutory agency charged with the responsibility to ensure that England's unique natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Designated sites

Natural England are satisfied that the proposals will not affect any Sites of Special Scientific Interest, or any other sites designated for their nature conservation importance.

Protected species

With regard to protected species, unfortunately, we do not currently have the capacity to respond in detail to this planning consultation and its accompanying survey in detail. However, we advise the mitigation measures and requirements made in sections 5.2 – 5.3 of the survey report by Thurston Watson be made conditions of any planning permission granted for this application.

Detailed guidance on survey methodology and survey reports can be found in the

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

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Bat Conservation Trust publication: *Bat Surveys – Good Practice Guidelines*. (Bat Conservation Trust (2007). [www.bats.org.uk](http://www.bats.org.uk).) Further guidance from Natural England is given in the attached Annex (Protected Species).

The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.'

Please note that if planning permission is granted in this case, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of *Circular 06/2005*.

**English Heritage (Hadrians Wall) - NE Region:** Thank you for your letter of 28 August 2008 notifying us of the application for planning permission relating to the above site. We do not wish to comment in detail, but offer the following general observations.

The site lies in an area of some archaeological sensitivity, evidenced by recent findings at Marsh House to the north. This sensitivity derives from its proximity to the Hadrian's Wall vallum (the major ditch system located to the south of Hadrian's Wall) and the Roman fort at Burgh.

However, although it is always possible for previously unknown archaeological remains to be revealed on a site like this, its location well to the south of the vallum, and the scale of work involved (which is very much less than other applications in this vicinity), is such that in this case we would not advise a need for any archaeological work in connection with this application.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for use to be consulted again. However, if you would like further advice, please contact us to explain your request.

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

**Burgh-by-Sands Parish Council:** The Council does not wish to make any representation on the proposal detailed above.

**Solway Coast AONB Unit:** Comments awaiting.

**Conservation Advisory Committee:** The proposed extension would overshadow the existing property, if it had been subservient in scale it might have been acceptable but as drawn it looks much bigger than the existing gabled wing. The applicant should consider remodelling the rear elevation in order to resolve this design issue. One suggestion that could improve the scheme is to hip the roof of the existing gabled wing.

# SCHEDULE A: Applications with Recommendation

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## 3. Summary of Representations

### Representations Received

Initial:	Consulted:	Reply Type:
	2 Marsh House Gardens	28/08/08
	6 Station Road	28/08/08
	Broadfield, Station Road	28/08/08
	1 Southfield	28/08/08
	2 Southfield	28/08/08
	Marsh House	28/08/08
		Comment Only

- 3.1 This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. One letter has been received during the consultation period from an occupier of a neighbouring property "Marsh House" who has made several observations regarding archaeological implications of the proposed development, drainage, impact on trees, impact on wildlife and impact on road safety.

## 4. Planning History

- 4.1 There have been previous applications relating to Tree Preservation Orders and works to Trees in Conservation Areas on this site.

## 5. Details of Proposal/Officer Appraisal

### Introduction

- 5.1 This application seeks approval for the demolition of an existing uPVC conservatory and erection of a two storey side extension, to provide a living/dining room on the ground floor with an en-suite bedroom above, at 1 Marsh House Gardens. The property is a two storey detached house constructed from rendered masonry walls under a slate roof. The surroundings to the property are wholly residential.

### Background

- 5.2 The application site is accessed via Station Road which is situated to the south of the Burgh by Sands to Port Carlisle Road which runs through Burgh by Sands village. Number 1 Marsh House Gardens sits on a large plot and is neighboured by the access to Marsh House Gardens to the north, Station Road to the East, Southfield Road to the south and No.2 Marsh House Gardens to the West. There are single storey and two storey residential properties situated on the other sides of Station Road and Southfield Road respectively. The east and southern boundaries of the application site are

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

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delineated by hedges and trees which are covered by Tree Preservation Order 208.

- 5.3 The proposed two storey extension will be situated towards the south-eastern elevation of 1 Marsh House Gardens and will have a total width of 5.47 metres, a total length of 6.3 metres and a total ridge height of 7.85 metres. The extension will be constructed from materials to match those of the existing dwelling.

### **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP3, CP5, CP6, H11, DP9, LE7 and LE19 of the Carlisle District Local Plan (2001-2016).
- 5.5 The proposal raises the following planning issues:
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.6 There will be windows situated on the east and southern elevations of the proposed extension. These windows are situated an appropriate distance from the windows of neighbouring properties. The application site is bounded by large trees/landscaping to the east and south. In such circumstances it is considered that the proposed development will not adversely affect the occupiers of any neighbouring properties on the basis of loss of light, overlooking or over dominance.
2. Whether The Proposal Is Appropriate To The Dwelling
- 5.7 The scale and height of the proposed extension is comparable to the existing property. The extension would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed development would complement the existing dwelling in terms of design and materials to be used.
3. Impact Of The Proposal On Burgh By Sands Conservation Area
- 5.8 The application site falls within Burgh By Sands Conservation Area. The Council's Conservation Officer has been consulted on the proposed extension and has raised no objections. The Conservation Area Advisory Committee has considered the proposals and comments that the proposed extension would overshadow the existing property; if it had been subservient in scale it might have been acceptable but as drawn it looks much bigger than the existing gabled wing; and that the applicant should consider re-modelling the rear elevation in order to resolve this design issue. However, the Council has to deal with what has been proposed. It is also notable that the Parish Council is not opposed to the proposals while the objections made by a neighbour do not refer to the scale or design but to entirely different issues. Given its size and location, and in spite of the views of CAAC, it is considered that the



## SCHEDULE A: Applications with Recommendation

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design of the proposed extension is in keeping with the design of the existing property. Moreover, given the boundary treatment of the site it is considered that the proposal will not have an adverse impact upon Burgh by Sands Conservation Area.

### 4. Impact Upon Protected Species.

- 5.9 Natural England has been consulted on the proposed development and recommends that the applicant undertakes a Bat and Owl Survey . The agent has since submitted a bat survey, which identified that there was no evidence that 1 Marsh House Gardens is used as a roosting site for bats. No owls were also found to be using the site. The survey did, however, identify that even though there was no evidence that bats were roosting or breeding in the dwelling great care must be taken when work commences and if bats are seen or suspected work must stop and further advice be sought. In line with that advice, an appropriate condition is recommended requiring appropriate mitigation measures to ensure any bats found are protected.

### 5. Impact On Trees

- 5.10 The trees which delineate the east and southern boundaries of the application site are protected under Tree Preservation Order 208. The Council's Landscape Architect/Tree Officer has been consulted on the proposed development and has raised no objections subject to a condition ensuring that tree protection barriers are in place during construction works.

### 6. Impact Upon Hadrians Wall Buffer Zone and the Solway Coast AONB

- 5.11 English Heritage has been consulted on the proposed development and advise that there is no need for any archaeological work in connection with this application. In such circumstances it is considered that the proposal will not adversely affect Hadrians Wall Buffer Zone.

### 7. Other Matters

- 5.12 One letter has been received during the consultation period from the occupier of "Marsh House" who has made several observations regarding the archaeological implications of the proposed development, drainage, impact on trees, impact on wildlife and impact on road safety. As clarified above following consideration by the relevant statutory and other specialist consultees, the proposed development will not adversely affect wildlife, trees, Burgh by Sands Conservation Area or Hadrian's Wall/ The Vallum. The Highway Authority has also been consulted on the proposed development and has raised no objections.

## Conclusion

- 5.13 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 extension is considered acceptable and it is

## SCHEDULE A: Applications with Recommendation

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considered that the proposal will not adversely affect Burgh by Sands Conservation Area. The proposal is therefore considered compliant with the objectives of the relevant development plan policies. In such circumstances approval is recommended.

### 6. Human Rights Act 1998

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

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

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

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

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

6.3 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).

## SCHEDULE A: Applications with Recommendation

08/0877

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

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

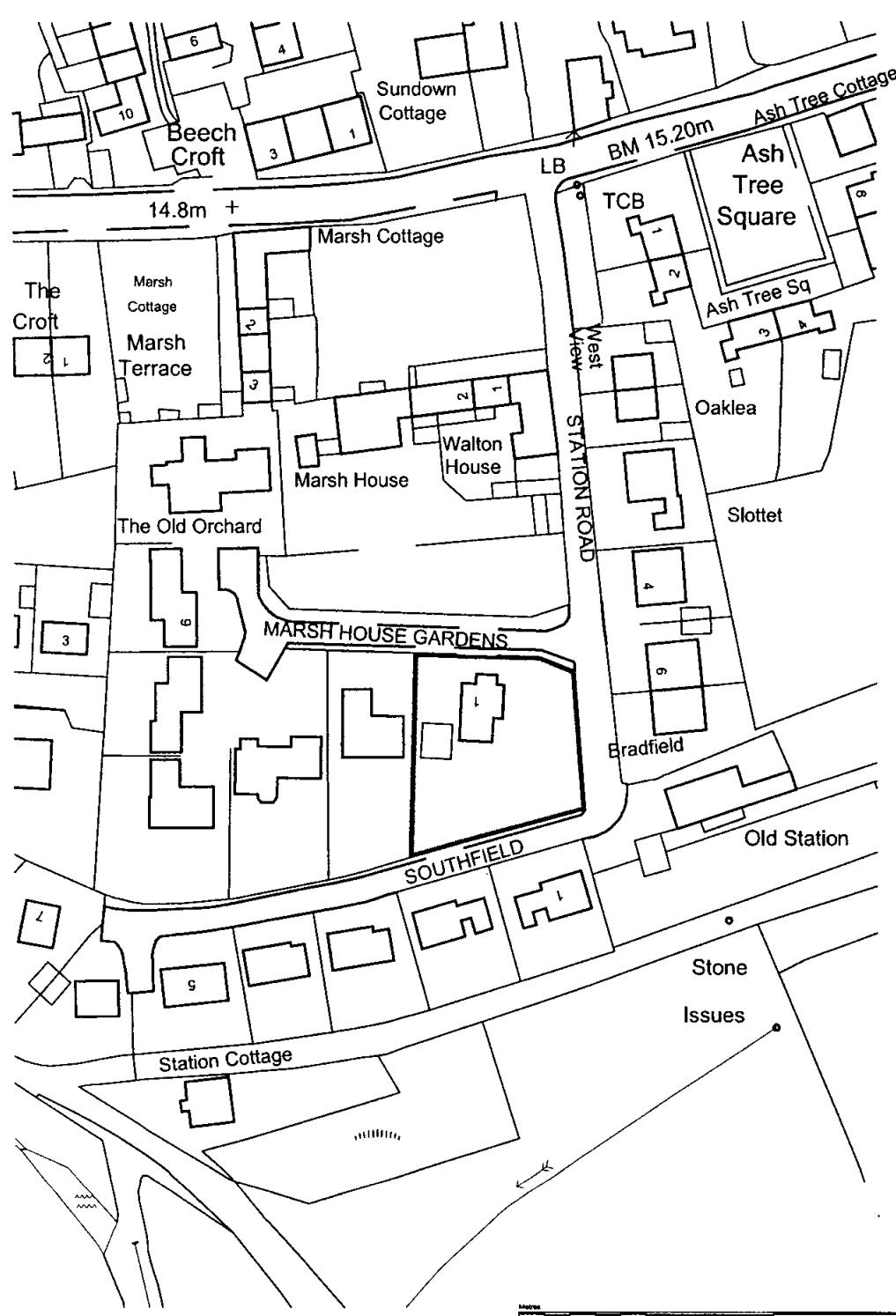
3. No works shall be undertaken other than in complete accordance with the mitigation strategy contained within Section 5.2 and 5.3 of the submitted Bat Survey Report without the prior written approval of the Local Planning Authority

**Reason:** To ensure no adverse impact on a European Protected Species of wildlife

4. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works.

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Project title :  
**1 Marsh House Gardens  
Burgh-by-Sands**

Drawn by :  
GR

Drawing title :  
**Location Plan**

Date :  
20/08/08

Drawing No :  
**1MHG/01**

Scale :  
1:1250 **A4**

Revision :

All critical dimensions to be confirmed on site

Notes:

Revision:

Project title :  
**Extension to 1 Marsh Ho  
Burgh-by-Sands**  
Drawing title :  
**Block Plan**

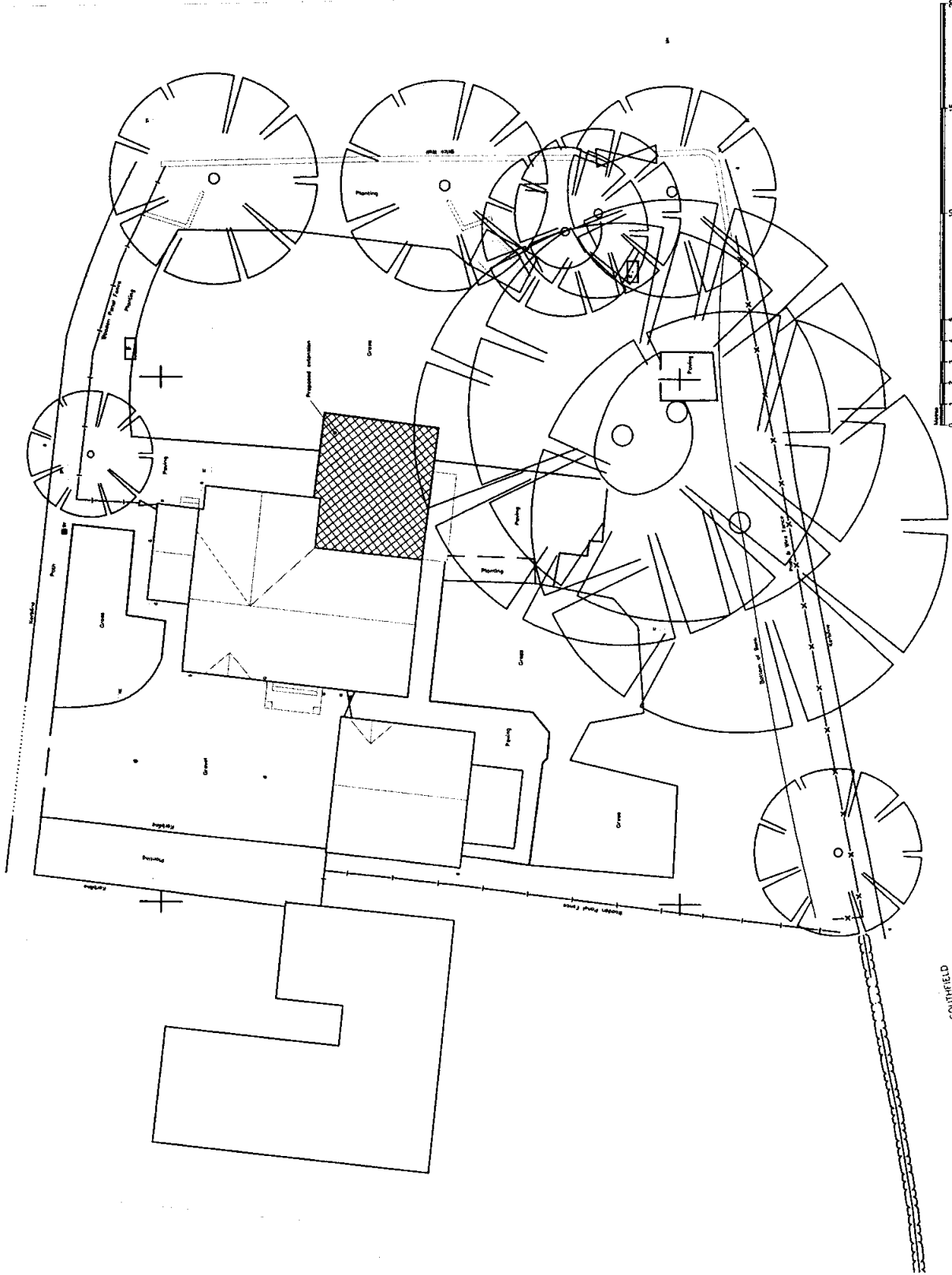
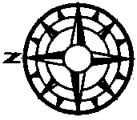
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**1MHG/02**

Drawn by : GR Date : 20/08/08

All critical dimensions to be confirmed on site.  
This drawing is the copyright of Hyde Hamlin

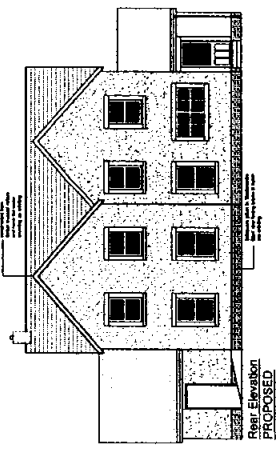
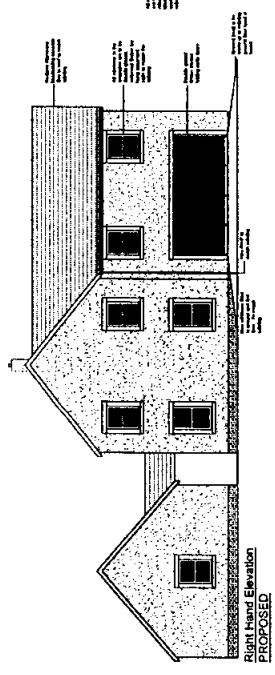
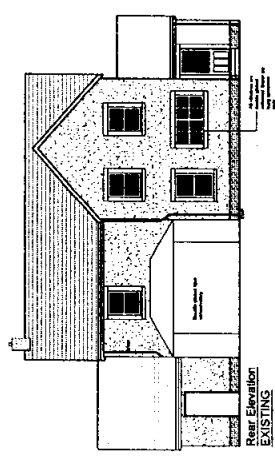
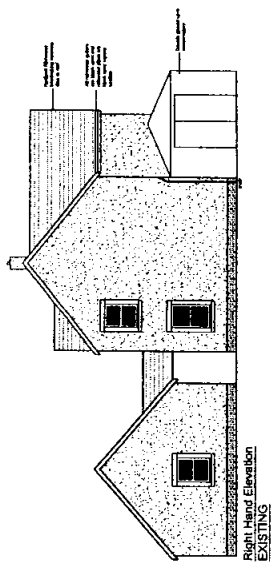
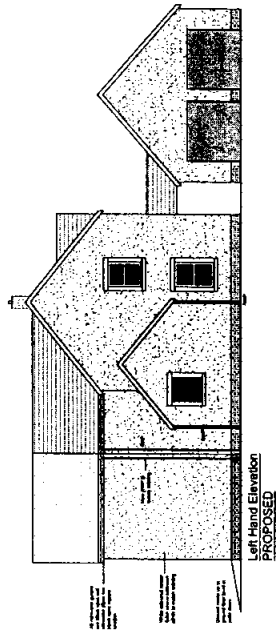
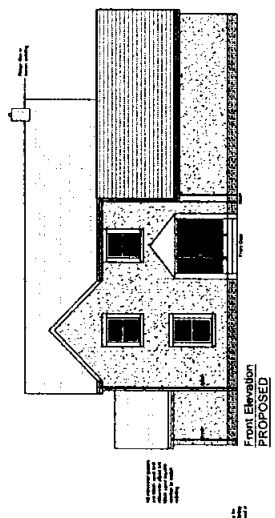
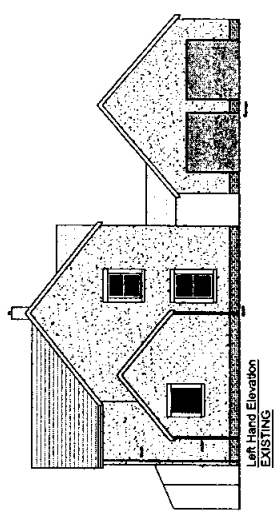
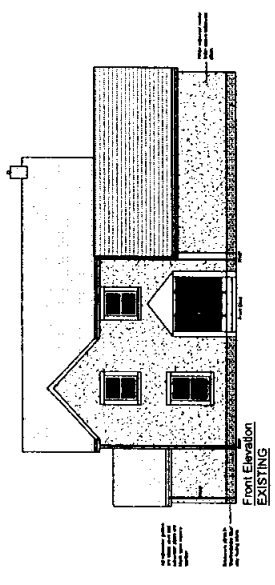
ION ROAD

MARSH HOUSE GARDENS



SOUTHFIELD





1:100



# **DESIGN & ACCESS STATEMENT**

**In support of**

**PLANNING APPLICATION FOR  
PROPOSED EXTENSION TO 1 MARSH HOUSE GARDENS,  
BURGH BY SANDS**

August 2008



## **INTRODUCTION**

This Design & Access Statement has been prepared to explain the rationale and access arrangements for a proposed new extension at Marsh House Gardens, Burgh by Sands.

The extension will be two stories and provide a living/dining room at ground level and an en-suite bedroom to the first floor.

The proposals are detailed on the following drawings:- 1MHG/01,02,03 and 04

## **DESIGN – Scale & Appearance**

The existing building is of cavity wall construction with render and brickwork plinth on the outer leaf, a Marley modern type roof covering is evident. A double glazed upvc conservatory is evident to the rear right hand side of the property which is to be demolished.

The extension is achieved by the construction of a two story structure by way of a cavity wall construction with external render and brickwork plinth to match the existing. The roof will be formed from timber trussed rafters with interlocking concrete tiles to match the existing roof covering. The windows are to be of softwood timber top hung casement style with double glazing, to match existing. The intention is to include a folding patio door at ground floor level from the living dining room into the garden.

## **DESIGN – Layout**

The floor level at ground and first will be set at the same level as the existing. There should be no differences in floor level to either ground or first floor sections.

## **LANDSCAPING**

The ground externally will be made up to become level with the new sliding doors of the new extension from the living/dining room, this will have a gradual slope from the sliding doors to the garden area and patio.

## **ACCESS**

Access to Marsh House Gardens is via Station Road. The subject property is on a slightly sloping site and the driveway is gravel chipped with steps leading to the front door, steps are also found to the rear from the utility. The proposed sliding doors for the living/dining room will have a slope formed from the doors into the garden with paving immediately outside the doorway.

# A Bat Survey of 1 Marsh House Gardens, Burgh by Sands, Cumbria.

## Method Statement

September 2008

08/0877



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Thurston Watson Ecology Consultancy Ltd  
Glencoe  
Torpenhow  
Wigton  
Cumbria  
CA7 1JD  
Tel 016973 71125  
[thurston@borderecology.com](mailto:thurston@borderecology.com)

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  - 3.1 Desk study**
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Location of sites designated for their bat interest.
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Location and age of bat records.
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This information can be presented as appendices, tables or text.
    - 3.2.1 Habitat description  
Description of habitats of value to commuting foraging and roosting bats.
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Full description of features that have potential value to bats.
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- 4 ASSESSMENT**
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- 5 RECOMMENDATIONS AND MITIGATION**
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## 1 Introduction

### 1.1 Site Description

1 Marsh House Gardens is situated in the centre of Burgh by Sands on the Solway Firth, an area of outstanding natural beauty (grid ref NY322589) at 13 metres above sea level (see fig 1-2).

The house is currently used as a dwelling and is set within a small estate of similar style buildings. The gardens are all of a good size and, at 1 Marsh House Gardens, extend out to the south-west of the property. The garden is mainly laid to lawn but with several large mature broad leaved trees running along the southern border. The garden is likely to offer good foraging opportunities for bats.

The land surrounding the house consists primarily of more housing to the west and east, this being mostly modern, including bungalows, to the east but also some older properties. Many of these houses are interspersed with mature broad leaved trees. To the north and south is largely improved grazing land (used for cattle and sheep) with mature hedge rows. The village and surrounding farmland is likely to offer good roosting opportunities and good protected commuting routes to primary local foraging areas.

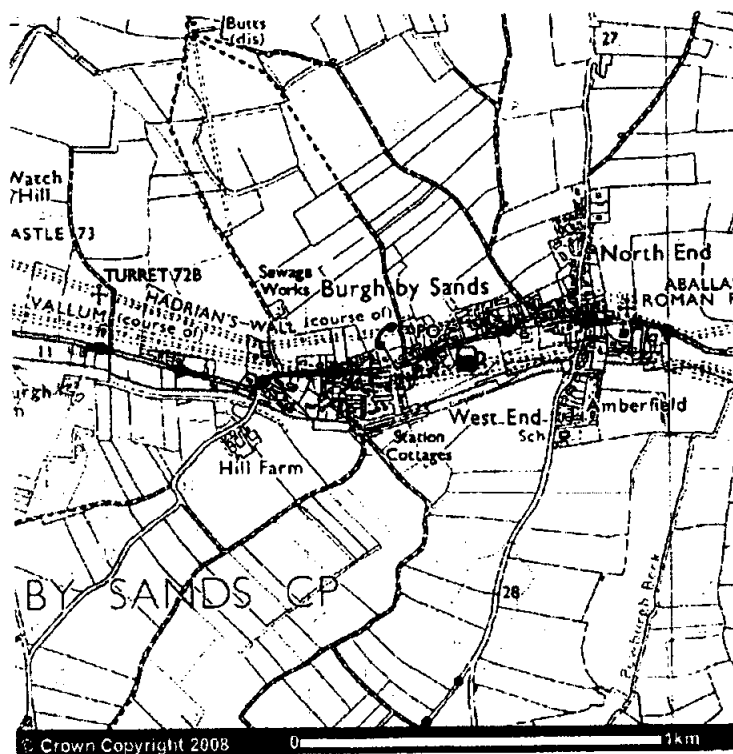


Fig 1



Fig 2

### 1.2 Proposed Works

The proposed works will consist of demolishing the UPVC conservatory and replacing it with a two storey extension of similar character to the existing property (see fig 3&4).



Fig 3 Ground plan showing extension shaded in red

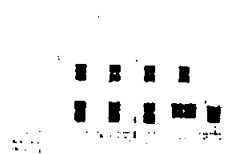


Fig 4 Proposed plans

It is hoped that work will commence in winter 2008 and will be completed next spring.

### 1.3 Aims of study

The objective of the survey was to attain a sufficiently detailed picture of the bat distribution on site to allow an assessment of the likely impacts of development and, if required, design mitigation, the aim of which is to maintain, and enhance, restore or add to the biodiversity in accordance to the key principles of PPS9.

## **2 METHODOLOGY**

### **2.1 Desk study**

The Distribution Atlas of Bats in Britain and Ireland.

### **2.2 Field survey**

The survey was undertaken by Thurston Watson, a graduate in Environmental Sciences who has a Natural England Licence to work with bats (20071928) and is a full member of the Institute of Ecology and Environmental Management.

The Inspection survey was carried out at 12.45-13.45 hrs on Saturday 27<sup>th</sup> September 2008

Emergence survey from 18.45 – 19.45 hrs on Tuesday 30<sup>th</sup> September 2008 (sunset 18.52)

#### **Weather conditions**

Inspection - Temperature - 20°C      Wind – max 5.6 mph      Cloud cover - 60%, dry.

Emergence - Temperature - 14°C      Wind – max 9.8 mph      Cloud cover - 70%, dry.

Closing temp – 9°C      Westerly wind

During the survey an assessment of the building structures affected by the future development was made. This survey was done during the day and determined suitability as bat roost locations and recorded signs of bats. Buildings were inspected both externally and internally.

Where practical roof spaces were inspected for signs of droppings (which may be present all year in dry conditions) food debris, entry points and bats themselves.

Externally the building was inspected for potential roost access points indicated by urine marks, polished woodwork and droppings. Particular attention was given to the sheltered areas under the eaves and towards the tops of windows where droppings are perhaps less likely to be washed off.

Emergence surveys need to be made on suitably mild evenings, with direct observation and listening for pre-emergent chattering backed up by detection on an ultrasound bat detector. Monitoring was undertaken outside the building and also intermittently inside.

The night field survey recorded numbers of bats detected, feeding activity, flight paths, species as far as possible and social calls.

Bats were identified where practicable using a heterodyne bat detector. Identification in the field is reliant on hearing calls that are made in an open area, rather than in a cluttered environment, as they are more easily identified. Given clear and typical calls many species, including Common/Soprano pipistrelles and Noctules can be identified with a good degree of confidence. Occasionally some pipistrelles will have a peak echolocation frequency of 50khz, midway between Soprano and Common pipistrelle and these are described as pipistrelles. The Myotis genus of bats are more difficult to separate reliably as their calls are very similar.

Natterer's and Whiskered/Brandt's are very hard to separate with any confidence. A combination of call loudness, frequency, habitat and flight characteristics can be used to provide a best guess. Daubenton's bats can be more easily identified by visual sighting, straight low flight above the surface of still water – they are also known as the 'water bat'. Brown long-eared bats produce very quiet echolocation calls and are thus very difficult to hear. However sometimes the long ears on this large bat can be visible and a bat foraging close to vegetation, gleaning insects from the surface of vegetation without echolocation calls would be preliminarily identified as this species.

In this report bats are identified as accurately as possible within the constraints identified above. If the species name is given without qualification the record was of good quality.

To aid the survey: a Clulite torch, Endoscope Pro-vision 300, 10 x 42 Leica binoculars and Pettersson D-240x Time expansion bat detector were used with an Edirol R-09HR Wav recorder.

### 3 RESULTS

#### 3.1 Desk study

The Distribution Atlas of Bats in Britain and Ireland indicates that Whiskered, Natterer's, Daubenton's, Noctule and Pipistrelle sp and Brown Long Eared bats have been recorded within this 10km square.

There are ten species of bat recorded in Cumbria and their status is as follows: -

Noctule – widespread but uncommon; mobile populations; breeding roosts recorded.

Daubentons bat – widespread; hibernacula and breeding roosts recorded.

Natterer's bat – widespread; hibernacula and breeding roosts. Less common than Daubenton's.

Whiskered bat – widespread but uncommon; breeding roosts and hibernacula recorded.

Brandt's bat – widespread but uncommon; hibernacula and breeding roosts recorded; 'swarming sites' recorded.

Brown long-eared bat – widespread and uncommon; hibernacula and breeding roosts recorded.

Common pipistrelle – widespread and common; breeding roosts recorded but sps recognition only recently recorded; rarely found in hibernation.

Soprano pipistrelle - widespread and common; breeding roosts recorded but sps recognition only recently recorded; rarely found in hibernation

Nathusias pipistrelle – rare. Three UK breeding sites known. A single bat-detector record of a night roost in Cumbria, and several foraging records.

Liesfers bat – Rare. Unconfirmed bat detector record for Cumbria. Present in Adjacent counties (Yorkshire and Dumfries & Galloway

### 3.2 Field Survey

	Minimal	Low	Medium	High
Approximate age	Modern	Post 1940's	1900-1940	Pre 20th C
Building/complex Type	Industrial complex Of modern design	Single	Several buildings, large Old single structure	Set of traditional farm buildings, country house, castle, hospital
Building - storeys		Single storey		Multiple storeys, large roof voids
Setting	Inner city	Urban with little green space	Rural upland/ urban with green space	
Distance to water	>1km	500-1000m	200-500m	
Distance woodland/scrub	>1km	500-1000m	200-500m	
Commuting routes	Largely isolated by development, major roads, large scale agriculture	No potential flyways linking site to wider countryside.		Site is well connected to surrounding area with multiple flyways.
Stonework/ brickwork		Well pointed.	Some cracks and crevices	Poor condition, many crevices.
Framework -- timbers/steel	Modern sheet materials, steel or concrete frame	Good condition timbers, joints	Timbers with few cracks and crevices.	Large timbers with cracks/joints holes.
Roof void	Flat roof	Good condition no gaps or openings	Medium, relatively open.	Large, open, interconnected.
Roof covering	Modern materials.	Good condition no gaps or openings	Some potential access routes, slates, tiles.	Uneven with gaps, not too open.
Aspect		Cold and shaded		
Building use	Very noisy, dusty.	Regular use	Intermittent use	Disused, abandoned.
Existing records	No records in km square (urban, mountain habitat)	No records for the immediate area.	Bats recorded flying within the vicinity.	Old roost records for the site.
Field signs		Scattered butterfly wings.	Single droppings, localised moth wings.	Cluster of moth wings, numerous droppings under likely roost site.



### 3.2.1 Habitat Description

The guidelines for bat surveys of the Northern regional team of Natural England indicate the types of building that are more or less likely to support bat roosts.

**Presence of built structures, which appear to have a high probability of use by bats –**  
Properties older than 1939 with multiple roofs within 200m of woodland or water.  
Properties older than 1914 within 200m of woodland and water.  
Listed buildings or monuments.  
Traditional ranges of farm.

**The risk of bat roosts being present will be higher where structures have:**  
Pre-20<sup>th</sup> Century construction.  
A lowland rural setting.  
Woodland, mature trees, species-rich grassland and/or water.  
Large dimension roof timbers with cracks, joints and holes.  
Numerous crevices in stonework and structures.  
Uneven roof covering with gaps, though not draughty.  
Hanging tiles or roof cladding, especially on south-facing walls.  
Roof warmed by the sun.  
Disused or little used; largely undisturbed.

**The risk of bats being present will be lower where structures have:**  
Urban setting with little green space.  
Heavy disturbance.  
Small cluttered roof void (particularly for brown long eared).  
Modern construction with gaps or crevices that bats cannot fly or crawl through (though pipistrelles may still be present).  
Prefabricated of steel or sheet materials.  
Active industrial premises.

Please note that the above trigger list provides generic-screening criteria only (BMG section 5.2) and there are exceptions to consider. For example, pipistrelle breeding roost sites are often found in modern housing estates and therefore the absence of bats in such locations should not always be assumed.

### 3.2.2 Bat roost survey

To help in the conservation of bats the protection of feeding sites is as vital as the protection of the roost sites. Biodiversity is vital as it helps to conserve other species too.

Habitat

House

The house was built in the 80s and is of modern construction with partition walls with an external painted render finish and pitched roof with conglomerate tiles. The internal roof space has modern trussed roof timbers. The whole house is in good condition with few gaps.

Externally the walls are in excellent condition with no visible gaps on any elevations. All the tops of the walls are well sealed with plastic ventilation gaps between the roof and wall on all elevations. The doors and windows are well sealed and clean with only a few cobwebs around the edges. The UPVC conservatory is well sealed all around the edges joining the wall

to the house with no visible gaps. On the western elevation there is a small porch with gaps at the front wooden section, however these are heavily covered with cobwebs.

The roof tiles are extremely well sealed as well as the ridge tiles and chimney areas, with no visible gaps. However on the southern section of the porch there is a small gap in the tiles with slight cobwebbing over it. Also on the southern elevation on the section joining the house to the garage there are two gaps in the tiling next to the wall both of which are free of cobwebs and potentially suitable for roosting bats.

Internally the house is well sealed. The roof void is sealed with roofing felt lining the roof and modern 'trussed' roof timbers which are in good condition with no visible gaps. Good quality insulation has been laid on the floor of the roof void and was clean, making conditions extremely good for observing field signs of bats.

#### Garage

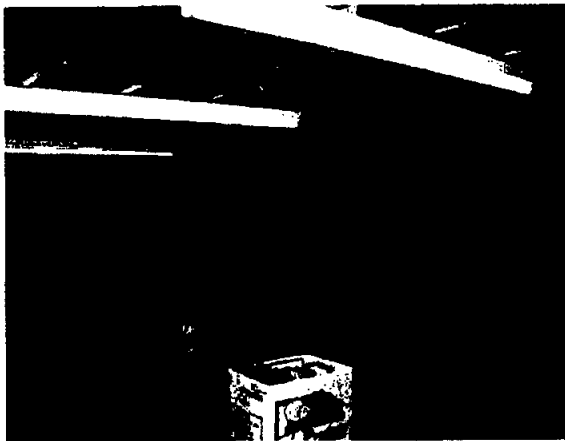


Fig 5

All walls were well sealed with no visible gaps, as were roof tiles and ridge tiles apart from one gap in the tiles on the eastern elevation which was covered by cobwebs. Inside there was an open truss timber roof. The garage is being used largely for storage (see fig 5) and was clean making field conditions good for observing fields signs of bats (for example on old papers or boxes).

#### 3.2.3 Bat activity survey

Field signs

House

No signs of bats were observed

Garage

No signs of bats were observed

## Emergence Survey

19.40 Survey commences

20.15 Pipistrelle 45 in trees.

20.16 Two Pipistrelle 45s feeding in trees.

20. 20 Two Pipistrelle 45s feeding in trees.

20.25 Three Pipistrelle 45s feeding in trees until end of survey.

20.50 Survey terminates

Tawny Owls have been recorded breeding in the area, including in a recently felled horse chestnut tree\* on the southern border of the garden.

\*felled as tree was unsafe (Planning detail 08/0013/S211).

There is no evidence of owls breeding in the dwelling or any other associated buildings on the site.

During the emergence survey no bats were seen to leave any of the buildings. However it is strongly suspected from observations that there is a Common pipistrelle roost in one of the houses to the south of the dwelling surveyed.

Due to the nature of the house there is a low probability that gaps in the walls, tiles and roof timbers will allow occasional/small numbers of bats to night/day roost. There is also a low probability that the building is used by small numbers of hibernating bats. It is thought highly unlikely that there is a maternity roost. Light levels are low inside the roof void but due to the truss timbers and lack of gaps there is likely to be a low probability that the roof is used by void roosting bats.

## **4 ASSESSMENT**

### **4.1 Constraints on study information**

The survey was carried out during the active season for bats but at the end of the season. Full cooperation was given by the owners at all times for access to all points of the property.

### **4.2 Potential impacts**

#### **4.2.2 Bat roosts**

It is considered there will be minimal impact for roosting bats.

#### **Bat foraging and commuting habitat**

It is considered there will be minimal impact for foraging and commuting bats.

### **4.3 Legislation and policy guidance**

All species of bat and their breeding sites or resting places (roosts) are protected under Regulation 39 of the Conservation (Natural Habitats) Regulations 1994 and Section 9 of the Wildlife and Countryside Act 1981. It is an offence for anyone to intentionally to kill, injure or handle a bat, to possess a bat (whether live or dead), disturb a roosting bat, or sell or offer

a bat for sale without a licence. It is an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Consultation with Natural England is required before any works are undertaken which are likely to affect bats or their roosts.

Government Planning Policy Statement 9 'Biodiversity and Geological Conservation' states:

*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place.*

Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

## **5 RECOMMENDATIONS AND MITIGATION**

### **5.2 Mitigation measures**

#### **5.2.1 Mitigation for roost sites**

The aim of any mitigation measure is to enable the works to take place without having an adverse impact on the bat population in the area or on any other protected species.

No signs of bats were found and it is considered that there is a low probability of hibernating bats using the building.

However it is recommended:

- Timber treatment on extensions should be chemicals that are listed by Natural England for use in bat roosts.
- Work should be undertaken with care at all times\*\* and if bats are found Thurston Watson Ecology Consultancy or Natural England contacted.

\*\*particularly during removal of roof tiles, roof beams, tops of walls

Timing of works

There are no timing restrictions on works.

Enhancement

As part of Planning Policy 9 it is recommended that the development could be enhanced by the placement of two bat ridge tiles (see Natural England detail 4) on the new extension.

### **5.2.2 Mitigation for foraging and commuting habitat**

There is expected to be minimal impact on the foraging and commuting habitat, however external lighting should be kept to the minimum.

### **5.3 Requirement for Habitats Regulations (EPS) licences**

It should be noted that this report reflects the findings at the time of the survey and the field signs left by recent bat activity. Use can vary both through the year and between years, and if no works happen within twelve months of the date of this report, then checking surveys to update the information will be required if the risk of reckless disturbance is to be avoided.

On the basis of the survey information and specialist knowledge of bat species it is considered that on balance the proposed activity is reasonably unlikely to result in an offence under regulation 39 of the Conservation (Natural Habitats, etc) Regulations 1994.

If bats or signs of bat use are found during the works, then work must stop while a further evaluation is conducted and an EPS licence applied for, if considered necessary. Mr G Long has agreed that the mitigation proposed in the report can be provided as part of the development.

All birds are protected by law while nesting, including building nests, incubating eggs and rearing juveniles.

## 6 SUMMARY

1 Marsh House Gardens is situated in the centre of Burgh by Sands on the Solway Firth, an area of outstanding natural beauty (grid ref NY322589) at 13 metres above sea level (see fig 1-2).

The house is currently used as a dwelling and is set within a small estate of similar style buildings. The land surrounding the house consists primarily of more housing to the west and east which is mostly modern, including bungalows to the east, but some older properties too. Many of these houses are interspersed with mature broad leaved trees. The village and surrounding farmland are likely to offer, where suitable, good roosting opportunities and good protected commuting routes to local primary foraging areas.

The proposed works will consist of demolishing the UPVC conservatory and building a two storey extension in its place which will be of similar character to the existing property (see fig. 3 & 4).

No signs of bats were found and it is considered that there is a low probability of hibernating bats using the building.

However it is recommended:

- Timber treatment on extensions should be chemicals that are listed by Natural England for use in bat roosts.
- Work should be undertaken with care at all times\*\* and if bats are found Thurston Watson Ecology Consultancy or Natural England contacted.

\*\*particularly during removal of roof tiles, roof beams, tops of walls

Timing of works

There are no timing restrictions on works.

Enhancement

As part of Planning Policy 9 it is recommended that the development could be enhanced by the placement of two bat ridge tiles on the new extension.

On the basis of the survey information and specialist knowledge of bat species it is considered that on balance the proposed activity is reasonably unlikely to result in an offence under regulation 39 of the Conservation (Natural Habitats, etc) Regulations 1994.

If bats or signs of bat use are found during works, then work must stop while a further evaluation is conducted and an EPS licence applied for, if considered necessary. Mr G Long has agreed that the mitigation proposed in the report can be provided as part of the development.

## **7 REFERENCES**

**Distribution Atlas of Bats of Britain and Ireland**  
By Phil Richardson, BCT 2000.

**Bat Mitigation Guidelines**  
English Nature 2004

**British Bats**  
By J Altringham, New Naturalist Series 2003

**Lakeland**  
By D Ratcliffe, New Naturalist Series 2002

**Bat Workers Manual**  
JNCC 2004

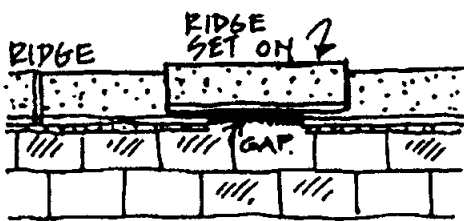
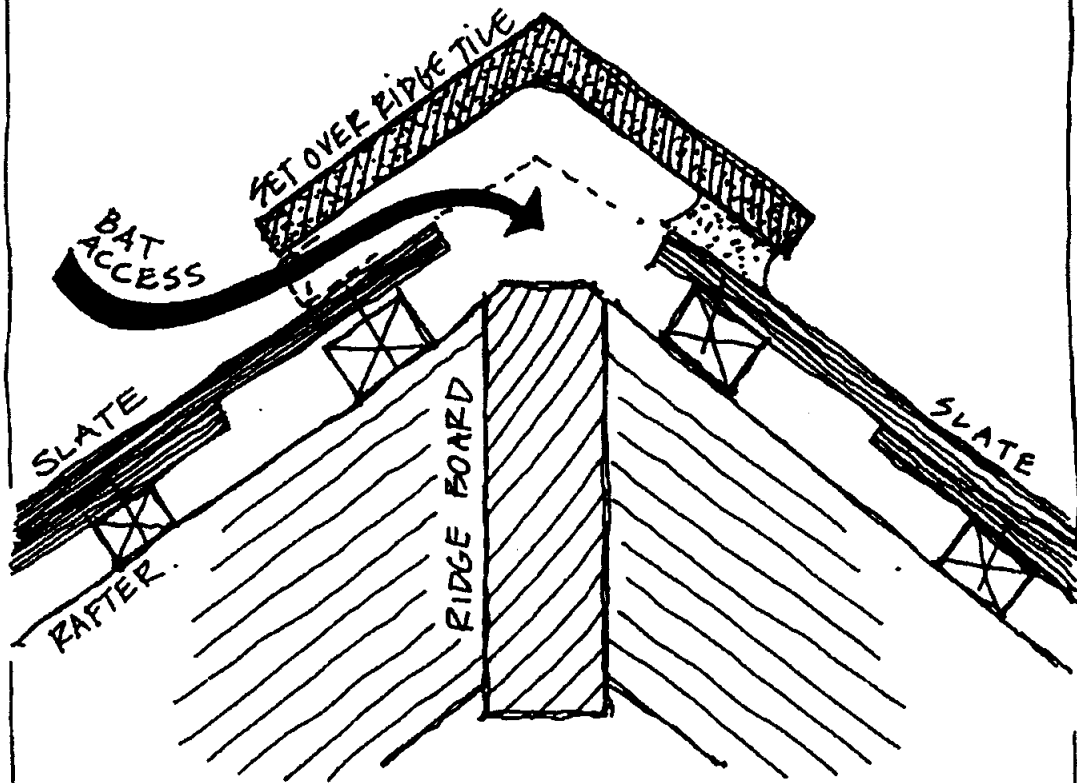
**Cumbria Biodiversity Action Plan**

**Bat Surveys for Development Proposals in Northeast England**  
English Nature 2004

**Bat Surveys 'Good practice Guidelines'**  
BCT 2007

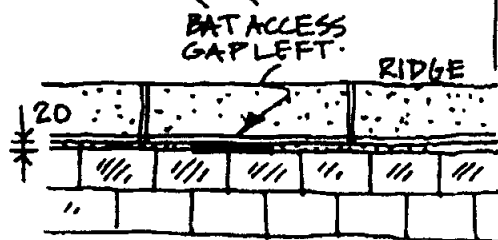
**Mammals of the British Isles 4<sup>th</sup> Edition**  
Mammal Society 2008

RIDGE TILE ACCESS  
DETAIL 4A



~ OPTION A ~

ROOF RIDGE SET ON TOP OF GENERAL RIDGE TILES TO FORM BAT ACCESS GAP.



~ OPTION B ~

MAINTAIN 20MM MORTAR GAP. & LEAVE A SECTION OUT.



SP

The above information is for guidance only and may not be appropriate in all circumstances. If in doubt seek professional advice.  
English Nature Cumbria Team, Juniper House, Muley Moss, Chesham Road, Kendal LA9 7PL. Tel: 01630 792900 Fax: 01630 792930 Email: cumbria@english-nature.org.uk



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08\_0877 1 Marsh House Gardens, Burgh-by-Sands 04092008\_007.jpg @ 33.3% (RGB/8)



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1 Marsh house Gardens 27102008\_002.jpg @ 33.3% (RGB/8)



1 Marsh house Gardens 27102008\_001.jpg @ 33.3% (RGB/8)



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1 Marsh house Gardens 27102008\_003.jpg @ 33.3% (RGB/8)



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SCHEDULE B

SCHEDULE B

SCHEDULE B

NO APPLICATIONS INCLUDED IN SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

SCHEDULE C

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 25**

Between 16/09/2008 and 31/10/2008

**Appn Ref No:**  
08/9017

**Applicant:**  
Cumbria County Council

**Parish:**  
Brampton

**Date of Receipt:**  
09/06/2008

**Agent:**  
Economy, Culture and  
Environment

**Ward:**  
Brampton

**Location:**  
Brampton Junior School, Sawmill Lane, Brampton,  
CA8 1BZ

**Grid Reference:**  
353040 561340

**Proposal:** Amalgamation Of Infant & Junior Schools To Include New Nursery, New Main Entrance, Extension To Existing Hall, Classroom Extension, Extended Car Park & Extended Hard Play Including Retaining Wall To Junior School

**Amendment:**

### REPORT

**Case Officer:** Shona Taylor

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 07/07/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 23/10/2008

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

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**CUMBRIA COUNTY COUNCIL**

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

**NOTICE OF PLANNING CONSENT**

To: Property Unit - CCC  
Portland Square  
Carlisle  
Cumbria  
CA1 1PE

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 3 June 2008.

**viz: Amalgamation of infant & junior schools. To include new nursery, new main entrance, extension to existing hall, classroom extension, extended car park and extended hard play including retaining wall to junior school.  
Brampton Junior School, Sawmill Lane, Brampton, Cumbria, CA8 1BZ**

subject to due compliance with the following conditions:

**TIME LIMITS**

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

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

**APPROVED OPERATIONS PROGRAMME**

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

- 2.1 the submitted planning application form, dated 16 May 2008;
- 2.2 the letter from Capita Symonds date 13 October 2008;
- 2.3 the Location Plan, dated 12 May 2008;
- 2.4 the Location Plan Showing Work Areas, dated 12 May 2008;
- 2.5 the Drawing No 1, dated September 2007; Drawing No 2, dated March 2008;
- 2.6 Drawing No 3, dated August 2007; Drawing No 4, dated May 2008;
- 2.7 Drawing No 5, dated February 2008; Drawing No 6, dated November 2007; Drawing No 7, dated May 2008; and Drawing Nos 8 and 9, dated

- May 2008;
- 2.8 the Transport Statement by Capita Symonds, dated August 2008;
  - 2.9 the Arboricultural Report by Capita Symonds, dated 14 March 2008, and
  - 2.10 the Wildlife Survey by E3 Ecology Ltd, dated 23 June 2008.

*Reason To ensure that the site is developed in accordance with the approved scheme.*

### **ACCESS AND HIGHWAYS**

- 3 Within 6 months of the development (or any part thereof) being brought into use, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to sustainable transport modes. This shall include the provision of a plan showing the location and design of the existing bicycle parking facilities. The measures identified in the approved travel plan shall be implemented within 12 months of the development (or any part thereof) coming into use.

The travel plan shall be updated on an annual basis. Any amendment to the plan should be submitted to the Local Planning Authority for approval.

*Reason To aid in the delivery of sustainable transport objectives, in accordance with 'saved' Policy T31 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and Policy LD4 of the Local Transport Plan 2006-2012.*

- 4 Prior to the development (or any part thereof) being brought into use, a new site entrance (referred to as 'Vehicle Access' on Drawing No 4, dated May 2008) shall be constructed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of the configuration, construction and drainage of the vehicle access area to the edge of the public highway, to include visibility splays and gates. Once constructed, the access shall be maintained and used for as long as the buildings are occupied. Any variations to the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to being carried out.

*Reason In the interests of highway safety, in accordance with Policies LD7 and LD8 of the Local Transport Plan.*

- 5 The walls within the visibility splays at the new site entrance (referred to in Condition 4) shall be constructed to a height not exceeding 600mm above the carriageway level of the adjacent highway.

*Reason To provide adequate visibility for drivers leaving the site in the interests of highway safety, in accordance with Policies LD7 and LD8 of the Local Transport Plan.*

- 6 All deliveries made to the school shall be outside school pupil drop-off and pick-up times.

*Reason In the interests of highway safety, in accordance with Policy LD8 of the Local Transport Plan.*

- 7 The existing footpath through the School grounds to Moat Street (as shown on the Location Plan, dated 12 May 2008) shall be maintained in a condition fit for purpose and be available for use during the school opening hours.

*Reason To ensure suitable pedestrian access to the School as an alternative to Sawmill Lane, in accordance with Policy LD5 of the Local Transport Plan.*

## **PROTECTED SPECIES**

- 8 The Bat Mitigation Measures as set out in Section E Mitigation and Compensation of the 'Wildlife Survey of Brampton Junior School, Brampton' report by E3 Ecology Ltd, dated 23 June 2008, shall be implemented in their entirety. These measures shall include the following:

- 8.1 the provision of 6 general purpose bat boxes in adjacent trees on the school site, to provide alternative mitigation roosts, prior to the commencement of any works associated with this permission;
- 8.2 no works to 'link-in' the new build structures to the existing buildings to take place during the bat hibernation period (November to March inclusive);
- 8.3 the removal by hand of any fascia boards and boxed in eaves, and
- 8.4 the creation/retention of at least 8 bat access routes either behind boxed in eaves or fascia boards.

Detailed plans showing the locations for the provision of bat mitigation roosts (8.1) and bat access routes (8.4) shall be submitted to the Local Planning Authority for approval prior to the commencement of any works associated with this permission.

*Reason To safeguard the interests of bats, in accordance with Policy EM1(B) of the North West of England Plan Regional Spatial Strategy to 2021.*

- 9 Prior to the commencement of any tree pruning, a further survey and assessment of the trees (coloured solid green and solid blue on Drawing No CS/0308-02, dated 11 March 2008 in the Arboricultural Report dated 14 March 2008) shall be conducted by the developer to confirm whether the trees have (a) any positive signs of bats, or (b) likely bat roosting features. If there are positive signs of bats or bat roosting features, a further Mitigation Strategy shall be submitted by the developer for the approval of the Local Planning Authority prior to any works to the trees being undertaken. No works shall commence on the trees until the approved strategy has been implemented in full.

*Reason To safeguard the interests of bats, in accordance with Policy EM1(B) of the North West of England Plan Regional Spatial Strategy to 2021.*

- 10 No pruning of trees shall take place during the bird breeding season; that is, between 1 March and 1 September in any year.

*Reason To safeguard the interests of birds during the bird breeding season, in accordance with Section 1 of the Wildlife and Countryside Act 1981, as amended.*

### **TREE PROTECTION**

11 The recommendations specified in the 'Arboricultural Report' by Capita Symonds, dated 14 March 2008 shall be implemented in their entirety during the development of this site. These measures shall include the following:

- 11.1 the retention of existing trees as specified in Drawing No CS/0308-01, of the 'Arboricultural Report', dated 14 March 2008;
- 11.2 the pruning of the existing trees to make safe for site users, in accordance with Section 5 of the 'Arboricultural Report', dated 14 March 2008, and
- 11.3 the planting of 6 trees to replace the 3 Cherry Trees removed as a result of this development, details of which to be provided in accordance with the detailed landscaping scheme required by Condition 14.

*Reason To ensure compliance with the recommendations stated in the 'Arboricultural Report', for the avoidance of doubt.*

12 Prior to the commencement of development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval. This shall include detailed design for the tree (and hedge) protection fences to be erected, their location and other protection measures during the construction of the development. Once approved, the scheme shall be implemented in full. The protection measures shall remain in situ from the commencement of construction of the development to its completion.

*Reason: To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.*

13 Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval. This shall demonstrate how the site will be redeveloped without causing harm to trees to be retained and where appropriate shall include proposals for tree friendly building techniques, no drill techniques and tree work such as pruning and felling. The approved methodology shall be implemented in full.

*Reason To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.*

### **LANDSCAPING**

14 Prior to the commencement of development, a detailed landscaping scheme shall be submitted to the Local Planning Authority for approval. The scheme shall include the following:

- 14.1 details of planting (siting, size, spacing and species type) to 'soften' the impact of proposed Nursery along its southern boundary;
- 14.2 details of planting (siting, size and species type) and surface treatment of

- the area specified as 'Courtyard' on Drawing No 4, dated May 2008,
- 14.3 details of the siting, size and species type of the 6 replacement trees proposed (referred to in Condition 11.3), and
- 14.4 details of the materials to be used in the construction of the new retaining walls and areas of hard surfacing, fencing and lighting.

Once approved, the scheme shall be implemented in its entirety.

*Reason To assist in integrating the proposed development into the existing area, in accordance with Policy CP4 of the Carlisle District Local Plan 2001-2016.*

- 15 Existing trees, shrubs and hedges and those planted in accordance with the requirements of this permission shall be protected, managed and maintained in accordance with a management and maintenance plan to be submitted for the approval of the Local Planning Authority prior to the development (or any part thereof) being brought into use. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

*Reason To secure the satisfactory establishment and maintenance of trees, hedges and shrubs in the interests of local and residential amenity, in accordance with Policy CP4 of the Carlisle District Local Plan.*

Dated the 23<sup>rd</sup> day of October 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

**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.
- 16 The key development plan policies taken into account by the County Council before granting permission were as follows:

**North West of England Plan Regional Spatial Strategy to 2021 (September 2008)**

**Policy EM1 (B): Natural Environment**

Plans, strategies, proposals and schemes should secure a 'step-change' increase in the region's biodiversity resources by contributing to the delivery of national, regional and local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations. This should be done through protecting, enhancing, expanding and linking areas for wildlife within and between the location of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere.

Broad locations where there are greatest opportunities for delivering the biodiversity Resource and Opportunity Diagram (see Diagram 9.1). More specific locations will be informed by sub-regional biodiversity maps and frameworks of statutory and local wildlife sites.

Local authorities should:

- Develop a more detailed representation of this spatial information for use in their Local Development Frameworks; and
- Develop functional ecological frameworks that will address habitat fragmentation and species isolation, identifying and targeting opportunities for habitat expansion and re-connection. Active arrangements will be needed to address ecological cross-boundary issues within areas such as the Pennines, Solway Firth, the Mersey Estuary, the Lune Estuary, the River Dee Estuary and the Cheshire Meres and Mosses, as well as including biodiversity policies in any developing Marine Spatial Planning System in the Irish Sea.

Plans, strategies, proposals and schemes should protect and enhance the region's geological and geomorphological resources including statutory and local sites by

contributing to the delivery of national, regional and local geodiversity objectives and targets.

**'Saved' Policies of the Cumbria and Lake District Joint Structure Plan (2001 – 2016)**

**Policy T31 – Travel Plans**

Travel Plans will be required for proposals for:

1. retail and indoor leisure facilities in excess of 1000 sqm gross floorspace,
2. office, employment, education and health services development in excess of 2500 sqm gross floorspace,
3. new and expanded school facilities, and
4. development that would otherwise generate local traffic problems as identified through a transport assessment or an evaluation of a proposal.

**Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft; September 2006)**

**Policy CP 4 – Design**

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

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated – ensuring all components of a development are well related to one another eg buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

### **Policy CP5 – Residential Amenity**

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

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

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

### **Policy CP15 – Public Transport, Pedestrians and Cyclists**

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic to ensure a safe environment for all.

### **Policy CP16 – Planning Out Crime**

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

1. Security measures should be an integral part of the design.
2. Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity.
3. Public and private spaces should have clearly defined boundaries.
4. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
5. Landscaping schemes should be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
6. Lighting should deter criminal and antisocial activity whilst minimising light



pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult the Architectural Liaison Officer to advise on measures to be incorporated for designing out crime

### **The Local Transport Plan 2006-2011**

#### **Policy LD4: Transport assessments and travel plans**

Transport Assessments will be required for development proposals in accordance with national guidance.

In the interim, proposals which, individually or cumulatively, meet the following scale of development will require a transport assessment:

1. Residential development in excess of 100 units.
2. Employment uses in excess of the following gross floor space: business 2500m<sup>2</sup>, industry 5000m<sup>2</sup>, warehousing and distribution 10000m<sup>2</sup>.
3. Other developments in excess of 1,000m<sup>2</sup>.
4. Hotel developments in excess of 100 bedrooms.
5. Caravan or similar holiday sites in excess of 100 units.
6. Any development that generates in excess of 100 HGV per day or 100 vehicles per hour
7. Any development that adds materially to local traffic congestion.
8. Any development that may impact on the trunk road network.

Travel Plans will be required for proposals for:

1. Retail and indoor leisure facilities in excess of 1,000m<sup>2</sup>.
2. Industrial development in excess of 5,000m<sup>2</sup> and warehousing/distribution developments in excess of 10,000m<sup>2</sup>.
3. Office, education and health services development in excess of 2,500m<sup>2</sup>.
4. New and expanded school facilities.
5. Development that would otherwise generate local traffic problems identified through a transport assessment or an evaluation of a proposal.

#### **Policy LD5: Access to new developments.**

All proposals for commercial development including alterations to existing buildings and land use changes and all proposals for new residential development will be required to be or be made accessible by public transport, walking and cycling.

#### **Policy LD7: Design Standards**

The design and layout of developments should comply with the Cumbria Design Guide and the Parking Guidelines for Cumbria. In order to take account of the needs of people whose mobility is impaired, development will be required to include appropriate facilities.

**Policy LD8: Safety and Security**

Developers will be required to carry out safety audits to ensure that appropriate and safe access facilities are provided for all of the modes of transport to be used for access to the development and those affected by it and for all users. In addition regard needs to be paid to security aspects in order to ensure that crime is reduced. The council will require all new developments to be designed and provide measures to ensure that there is no detriment to road safety or personal security.

- 3 In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 23<sup>rd</sup> day of October 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 26**

Between 16/09/2008 and 31/10/2008

**Appn Ref No:**  
07/9023

**Applicant:**  
Planning & Valuation

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
19/11/2007

**Agent:**  
Cumbria County Council

**Ward:**  
Dalston

**Location:**  
Land Adjacent To The Vicarage, Wreay, Carlisle,  
Cumbria

**Grid Reference:**  
343685 548766

**Proposal:** Construction Of A New Wastewater Treatment Works, Together With  
Associated Landscaping And Outfall Structures

**Amendment:**

### REPORT

**Case Officer:** Barbara Percival

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise Objection(s)      **Date:** 04/12/2007

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 17/09/2008

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

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**CUMBRIA COUNTY COUNCIL**

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

**NOTICE OF PLANNING CONSENT**

To: United Utilities  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington  
Cheshire  
WA5 3LP

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 15 November 2007.

**viz: Construction of a new wastewater treatment works, together with associated landscaping and outfall structures.  
Land adjacent to the Vicarage, Wreay, Carlisle, Cumbria, CA4 0RL**

subject to due compliance with the following conditions:

**TIME LIMITS**

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

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

**APPROVED OPERATIONS PROGRAMME**

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

- 2.1 the submitted planning application form, dated 14 November 2007;
- 2.2 the *Supporting Statement*, by United Utilities;
- 2.3 the following plans: the *Site Location Plan*, the *Proposed Site Plan*; the *Site Elevations Plan*; the *New Control Kiosk Plan*; the *New Blower Kiosk Plan*; the *Proposed Planting Plan* No UU/PV/80010146/75/2299a and the *Elevations through Site Plan* No UU/PV/80010146/75/2299.1;
- 2.4 the details required by conditions attached to this permission, and

2.5 the Decision Notice.

*Reason To ensure that the site is worked and restored in accordance with the approved scheme and to avoid confusion as to what the approved scheme comprises of.*

3. Prior to the commencement of construction of the MCC GRP Kiosk and GRP Kiosk as shown on the 'Proposed Site Layout' Plan No UU/PV/80010146/75/2299a, colour samples for their construction, together with details of the concrete paving and fencing shall be submitted to the Local Planning Authority. When approved, the development shall only be constructed in accordance with the approved details.

*Reason To minimise the visual impact of the development in the interest of amenity, in accordance with 'saved' Policy 7 of the Cumbria Minerals and Waste Local Plan 1996-2006 (Minerals and Waste Local Plan).*

4. The site shall be landscaped in accordance with the detailed scheme presented on the 'Proposed Site Layout' Plan No UU/PV/80010146/75/2299a. The exact extent and layout of the hedgerow and tree planting shall be agreed with the Local Planning Authority prior to being implemented. The scheme shall be completed within the first available planting season following completion of the construction and the trees and hedges shall be subject to a five year programme of maintenance.

*Reason To minimise the visual impact of the development in the interest of amenity, in accordance with 'saved' Policy 7 of the Minerals and Waste Local Plan.*

#### **Hours of working**

5. No operations during the construction of the development, including laying of pipelines, shall take place outside the hours 08.00 to 18.00 hours Mondays to Fridays, and 08.00 to 14.00 hours on Saturdays, except with the prior written approval of the Local Planning Authority. No construction works shall take place on Sundays or Public or Bank Holidays.

This condition shall not operate so as to prevent the operation of pumping equipment and the carrying out, outside these hours, of essential maintenance of plant and machinery used in the construction works.

*Reason To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.*

#### **Access and Traffic**

6. Prior to the commencement of operations on site, details for the construction and drainage of the access area bounded by the carriageway edge, as shown on the 'Proposed Site Layout' Plan No UU/PV/80010146/75/2299a, shall be submitted to the Local Planning Authority for written approval. No operations shall commence until these details have been approved and the crossing from the site

to the public highway have been constructed.

*Reason In the interests of highway safety, in accordance with 'saved' Policy 1 of the Minerals and Waste Local Plan and Policies LD5, LD7 and LD8 of the Local Transport Plan.*

7. Prior to the site being brought into use, the access drive (shown as 'Proposed tarmacadam' on the 'Proposed Site Layout' Plan No UU/PV/80010146/75/2299a) shall be surfaced in bituminous or cement bound materials, or otherwise bound.

*Reason In the interests of highway safety, in accordance with 'saved' Policy 1 of the Minerals and Waste Local Plan and Policies LD5, LD7 and LD8 of the Local Transport Plan.*

8. During the construction of this plant, measures shall be put in place to ensure that no mud, dust or debris is carried onto the public highway.

*Reason In the interests of highway safety, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.*

#### **Odour**

9. No offensive odours arising from the operation of the WwTW shall give rise to an increase of more than 5 odour units per cubic metre above background levels when measured at any boundary of the site.

*Reason To ensure that odour from the operation of the plant does not give rise to nuisance at any residential property or business, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.*

10. Odour monitoring shall be undertaken before the plant comes into operation and within three months of operations commencing (when the site is fully operational) in accordance with a scheme to be submitted and agreed with the Local Planning Authority prior to works commencing on site. The results of any odour surveys shall be made available to the Local Planning Authority upon request.

In the event that monitoring demonstrates that levels of odour are in excess of the limit specified in Condition 9, other than as a result of short-term operational problems, remedial measures, including timescale for works, shall be agreed with the Local Planning Authority and implemented

*Reason To ensure that odour from the operation of the plant does not give rise to nuisance at any residential property or business, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.*

11. Prior to the treatment works being brought into use a scheme for the de-sludging of the tankers shall be submitted to the Local Planning Authority for approval. The scheme shall include measures to ensure that air displaced during loading does not give rise to offensive odours beyond the site boundary.

*Reason To ensure that odour from the operation of the plant does not give rise to a nuisance at any residential property or business, in accordance with 'saved' Policy 4 of the Minerals and Waste Local Plan.*

**Noise**

12. Noise levels from the operation of the treatment works shall not give rise to an increase of more than 5dB(A) above background levels at the site boundary.

Monitoring shall be undertaken before the plant comes into operation and within three months of operations commencing. In the event that noise has increased above the level set out above, a scheme of remedial works to ensure compliance shall be agreed with the Local Planning Authority and implemented upon approval.

*Reason To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 2 of the Minerals and Waste Local Plan.*

Dated the 17<sup>th</sup> September 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Local Plan (1996 – 2006)**

**POLICY 1**

Proposals for minerals and waste development which generate road traffic will only be permitted where:

- i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users; and
- ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration.

Proposals for sites with good links to the strategic route network will be favoured.

**POLICY 2**

Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

**POLICY 4**

Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

**POLICY 7**

Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.



**POLICY 60**

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 17<sup>th</sup> September 2008

*Shaun Gorman*

.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 27**

Between 16/09/2008 and 31/10/2008

**Appn Ref No:**  
08/9024

**Applicant:**  
Humax Horticulture LTD

**Parish:**  
Kirkandrews

**Date of Receipt:**  
01/08/2008

**Agent:**  
Cumbria County Council

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Wood Villa & Adjoining Land, Mill Hill, Gretna, DG16  
5HU

**Grid Reference:**  
333789 567832

**Proposal:** Section 73 Application To Modify Condition 6 Of 1/02/9010 To Authorise  
The Use Of Wood Villa For Offices And The Construction Of The  
Revised Vehicular Access (Retrospective)

**Amendment:**

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 04/09/2008

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 29/09/2008

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

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CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Humax Horticulture Ltd  
Gretna Loaning  
Mill Hill  
Gretna  
Dumfries & Galloway  
DG16 5HU

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 22 July 2008.

**viz: Section 73 application to modify condition 6 of 1/02/9010 to authorise the use of Wood Villa for offices and the construction of the revised vehicular access, retrospectively  
Solway Moss Peat Works, Mill Hill, Gretna, Dumfries & Galloway, CA6 5LU**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun within five years of the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*

- 2 No consent is hereby conferred for the compost plant, bagging/baling and soil sterilising plant, screening plant and associated bunkers which are shown on the submitted plan for illustrative purposes only.

*Reason: To maintain planning control and to ensure that full details are provided when or if these facilities are proposed.*

- 3 The materials to be used in the construction of the extension to Wood Villa shall match the corresponding external materials on the elevations of the existing property, unless otherwise agreed in writing with the mineral planning authority.

*Reason: To ensure a satisfactory external appearance for the completed development in accordance with MWLP Policy 7.*

- 4 Before any development is carried out to refurbish the former caravan site toilet block as a despatch office and the neighbouring red brick building as a stable, plans showing the proposed external elevational treatment of the buildings shall be submitted to and approved in writing by the mineral planning authority. The

development shall thereafter be carried out in accordance with the approved plans.

*Reason: To ensure a satisfactory external appearance for the completed development in accordance with MWLP Policy 7.*

- 5 Detailed plans of the weighbridge to be provided on the site shall be submitted to and approved in writing by the mineral planning authority before this part of the development is implemented. The development shall thereafter be carried out in accordance with the approved plans.

*Reason: To ensure that the development is carried out to an appropriate standard of design and construction in accordance with MWLP Policy 7.*

- 6 With the exception of the **extension of and** change of use of the existing property at Wood Villa to offices/**associated car park**, no development hereby approved shall be carried out unless and until detailed plans of the proposed access road to the site have been submitted to and approved in writing by the mineral planning authority. These shall include, as appropriate, widening and strengthening of the spur road, surfacing of the access, the provision of radii kerbs, drainage and visibility splays. Once approved, the development shall be carried out in accordance with the approved plans, unless otherwise agreed in writing with the mineral planning authority, and thereafter maintained at all times.

*Reason: To ensure that satisfactory facilities are provided to service the development before it is brought into use in accordance with Policy 1 of the MWLP*

- 7 Within three months of the new access road to the site being brought into use, the existing access to the soil handling plant off the spur road shall be permanently closed off other than for use for emergency purposes.

*Reason: In the interests of highway safety and to accord with MWLP Policy 1.*

- 8 Facilities shall be provided and maintained at all times on the new access road to prevent the tracking of any material onto the public highway.

*Reason: Facilities shall be provided and maintained at all times on the new access road to prevent the tracking of any material onto the public highway.*

- 9 No artificial lighting shall be installed on the site without the prior permission in writing of the mineral planning authority.

*Reason: In the interests of amenity and in accordance with MWLP Policy 7 and Structure Plan Policy 13.*

- 10 With the exception of the change of use of the existing property at Wood Villa to offices and its extension, no development shall be carried out until a landscaping scheme has been submitted to and approved in writing by the mineral planning authority. The scheme shall include details of proposed areas of planting, all hard surfaces for the site and provide for the retention of trees particularly to the periphery of but also within the land currently in the applicants' control along with

that intended to be acquired. A separate scheme shall be submitted and approved for the management of the woodland in Mill Hill Wood.

*Reason: In the interests of visual amenity in accordance with MWLP Policy 7.*

- 11 The landscaping scheme shall be carried out in the first available planting season following the implementation of the development on site, following approval of the scheme. All trees, shrubs and plants required to be planted in accordance with the scheme shall be protected and maintained for a period of five years from the date of planting. Any trees, shrubs or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with the same species or such alternative species as may otherwise be agreed in writing with the mineral planning authority.

*Reason: To ensure that the works are properly maintained in the interests of visual amenity in accordance with MWLP Policy 7.*

- 12 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any amending legislation, no development contained therein shall be carried out without the prior express approval of the mineral planning authority.

*Reason: To maintain planning control in the interests of the amenities of the area and neighbouring residents.*

Dated the 29<sup>th</sup> day of September 2008



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Community, Economy and Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Development Framework March– 2008**

**Policy DC1 TRAFFIC AND TRANSPORT**

Proposals for minerals and waste developments should be located where they:

- a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b. have potential for rail or sea transport and sustainable travel to work, and
- c. are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity,
- where an appropriate standard of access and traffic routing can be provided, and
- appropriate mitigation measures for unavoidable impacts are provided.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 29<sup>th</sup> day of September 2008

*Shaun Gorman*

.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

SCHEDULE D

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## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 28**

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
07/0807

**Applicant:**  
Commercial Development  
Projects Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/07/2007

**Agent:**  
Building Management  
Services Ltd

**Ward:**  
Currock

**Location:**  
Galerie International, Currock Road, Carlisle,  
Cumbria, CA2 4AX

**Grid Reference:**  
340242 554841

**Proposal:** Proposed Sports Centre/Retail & Restaurant Development With  
Associated Car Parking And Service Yard Including External Lighting

**Amendment:**

1. Submission of revised layout plan detaching the restaurant block so it is a stand-alone building located closer to the southern boundary and is designed as a more domestic scale structure. The Health and Fitness Centre is also re-designed with a different architectural form and a revised landscaping scheme is provided which provides for more substantial screening and the creation of an "avenue" of trees on the western side of Currock Road. The amended scheme also has improved pedestrian and cycle links to the site.

**REPORT**

**Case Officer:** Alan Taylor

**Details of Deferral:**

Members will recall at Committee meeting held on 25th January 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the attainment of a satisfactory Legal Agreement, under the provisions of S106 of the Town and Country Planning Act 1990, which shall ensure that:

1. If the development is implemented, the use of the principal building is solely as a linked health & fitness centre/retail sales unit occupied as a single planning unit;
2. That at no time are these "twin" uses severed or the sales floor area of the overall unit further sub-divided into multiple retail units;
3. If that dual use, as a health & fitness centre with ancillary sales area for retail sales of sports equipment, clothing and footwear, ceases the upper floor sales area is dismantled

## **SCHEDULE D: Reports on Previously Deferred Decisions**

and removed so that the Council is not left within an open A1 retail consent in a location where such an approval would not otherwise have been forthcoming.

The details have been agreed and the approval was issued on 29th October 2008.

**Decision:** Granted Subject to Legal Agreement

**Date:** 29/10/2008

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

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

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

**Reason:** To ensure that materials to be used are acceptable and in accord with Policy 25 of the Cumbria and Lake District Joint Structure Plan.

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

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

4. Prior to the carrying out of any part of the landscaping scheme illustrated on drawing number LL01C prepared by Smeeden Foreman, revised proposals for the landscaping of the southern section of the Currock Road frontage and the area between the edge of the car park and the southern site boundary, both of which are affected by the revised cycle/footpath link shown on the amended layout plan [Drawing No M2424-01 Rev R], shall be submitted to and be approved in writing by the City Council.

**Reason:** To ensure an acceptable scheme of landscaping is fully implemented.

## SCHEDULE D: Reports on Previously Deferred Decisions

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy E9 of the Carlisle District Local Plan.

6. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development. Ramps and a pedestrian refuge island shall also be provided, in a specific location to be agreed with the Highway Authority, in the vicinity of the Crown Street/Currock Road junction, such works to be procured under the provisions of S278 of the Highway Act 1980.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7, LD8 and Structure Plan Policy L5.

7. No development shall commence until visibility splays providing clear visibility of 4.5 metres by 90 metres measured down the centre of the access road and the nearside channel line of Currock Road have been provided at that junction.. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

8. The retail unit shown on the approved plan shall not be sub-divided.

**Reason:** To avoid the introduction of additional retail units which would further increase the range and choice of goods sold and increase the cumulative impact on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake

## SCHEDULE D: Reports on Previously Deferred Decisions

District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

9. The permanent use of the retail unit shall be for the sale or hire of sports equipment, sports clothing and sports footwear and for no other purpose (including any purpose in Class A1 of the Use Classes (Amendment) Order 2005 and the General Permitted Development (Amendment) Order 2005).

**Reason:** To minimise conflict with city centre trading and to reduce the impact of the retail floorspace on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

10. The retail sales area of the approved retail unit shall not exceed 1,384 m<sup>2</sup>, (with the remainder used for storage and ancillary activities), unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To minimise conflict with city centre trading and to reduce the impact of the retail floorspace on the vitality and viability of Carlisle City Centre, in accordance with Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016 (April 2006) and Policy DP1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft (Sept 2006).

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SCHEDULE E

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
07/1075

**Applicant:**  
Mr A Ritchie

**Parish:**  
Arthuret

**Date of Receipt:**  
26/09/2007

**Agent:**  
White Hill Design Studio

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Brackenhill Tower, Arthuret, Longtown, CA6 5TU

**Grid Reference:**  
344579 569474

**Proposal:** Change Of Use Of Property To Form Two Dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
07/1077

**Applicant:**  
Mr A Ritchie

**Parish:**  
Arthuret

**Date of Receipt:**  
26/09/2007

**Agent:**  
White Hill Design Studio

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Brackenhill Tower, Arthuret, Longtown, CA6 5TU

**Grid Reference:**  
344579 569474

**Proposal:** Change Of Use Of Property To Form Two Dwellings (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0442

**Applicant:**  
Mr Richard Booth

**Parish:**  
Irthington

**Date of Receipt:**  
21/05/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Barn at Croft House, Newby East, Wetheral,  
Carlisle

**Grid Reference:**  
347520 558380

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Change Of Use Of Barn To 5no. Bed Dwelling; Erection Of Detached Timber Stable; Demolition of Redundant Byre and Store.

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0510

**Applicant:**  
Carrs Billington Agriculture  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
13/08/2008

**Agent:**  
ISF Ltd

**Ward:**  
Belah

**Location:**  
Site B, Parkhill Road, Kingstown Industrial Estate,  
Carlisle, CA3 0EX

**Grid Reference:**  
339211 559241

**Proposal:** Erection of 2no. Cooler Extraction Ducts to 3 metres above roof apex.

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0516

**Applicant:**  
Mr M Graham

**Parish:**  
Scaleby

**Date of Receipt:**  
20/05/2008

**Agent:**  
TSF Developments Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Scaleby Hill Farm, Scaleby Hill, Carlisle, CA6 4LY

**Grid Reference:**  
344096 563567

**Proposal:** Proposed Demolition Of Existing Building And Erection Of Storage Building (Revised Application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 26/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0519

**Applicant:**  
Mr Richard Booth

**Parish:**  
Irthington

**Date of Receipt:**  
21/05/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Croft House, Newby East, Wetheral, Carlisle, CA4  
8QX

**Grid Reference:**  
347520 558380

**Proposal:** Change Of Use Of Barn To 5no. Bed Dwelling; Erection Of Detached  
Timber Stable; Demolition of Redundant Byre and Store (LBC).

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0637

**Applicant:**  
Ventunity Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
23/06/2008

**Agent:**  
Mr Mark Lloyd

**Ward:**  
Castle

**Location:**  
Central Square, The Lanes Shopping Centre,  
Carlisle, Cumbria, CA3 8NZ

**Grid Reference:**  
340162 555955

**Proposal:** Change Of Use From Public Open Space To Coffee Kiosk With Ancillary  
Seating

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0667

**Applicant:**  
Mr Turner

**Parish:**  
Carlisle



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
02/07/2008

**Agent:**  
Ashton Design

**Ward:**  
Stanwix Urban

**Location:**  
23 Church Street, Stanwix, Carlisle, CA3 9DJ

**Grid Reference:**  
340085 557068

**Proposal:** Two Storey Extension To Rear Elevation To Re-Locate Bathroom To First Floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0694

**Applicant:**  
Mr Jenkinson

**Parish:**  
Scaleby

**Date of Receipt:**  
04/07/2008

**Agent:**  
TSF Developments Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Fordsyke Farm, Scaleby, Carlisle, CA6 4LW

**Grid Reference:**  
345806 563237

**Proposal:** Construction Of Agricultural Building For Milking Parlour

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0708

**Applicant:**  
Mr Hull

**Parish:**  
Cummersdale

**Date of Receipt:**  
15/07/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
21 Gilbert Road, Cummersdale, Carlisle, CA2 6BJ

**Grid Reference:**  
338899 553074

**Proposal:** First Floor Side Extension Over Existing Garage To Provide 2no Bedrooms; Conversion Of Garage To Living Accommodation; First Floor Rear And Two Storey Rear Extension To Provide Extension To Existing

## SCHEDULE E: Decisions Issued Under Delegated Powers

Utility And Dining Room At Ground Floor With 2no Bedrooms and Bathroom Above; Erection Of Juliet Balcony To Rear; Raising Of Roof By 0.8m And Installation Of 2no Rooflights To Provide Living Accommodation In Roof Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0717

**Applicant:**  
Mr Peter Storr

**Parish:**  
Irthington

**Date of Receipt:**  
28/07/2008

**Agent:**  
David Parr

**Ward:**  
Stanwix Rural

**Location:**  
Mireside, Laversdale, Carlisle, Cumbria, CA6 4PJ

**Grid Reference:**  
347500 562250

**Proposal:** Conversion Of Barns To 1No. Live/work Dwelling And A Detached Office (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0727

**Applicant:**  
Mr & Mrs Kennedy

**Parish:**  
Carlisle

**Date of Receipt:**  
14/07/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
27 Waverley Road, Carlisle, Cumbria, CA3 9JU

**Grid Reference:**  
339757 557745

**Proposal:** Single Storey Extension To The South East Elevation To Provide 3 Bedrooms And Bathroom And Erection Of A 2metre High Past And Timber Panel Fence To Enclose The Side Garden

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 07/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0731

**Applicant:**  
Mr Ebbatson

**Parish:**  
Dalston

**Date of Receipt:**  
07/08/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
Maurice Dalton Ltd, 18 The Square, Dalston,  
Carlisle, CA5 7PY

**Grid Reference:**  
336867 550097

**Proposal:** External Staircase To Serve First Floor Accommodation Together With  
New External Door. Relocate Ground Floor Door Serving Single Storey  
Accommodation.

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0745

**Applicant:**  
WCF Fuels

**Parish:**  
Carlisle

**Date of Receipt:**  
18/08/2008

**Agent:**  
WCF Ltd

**Ward:**  
Belah

**Location:**  
WCF Fuels Ltd, Site 62 Parkhill Road, Kingstown  
Industrial Estate, Carlisle, CA3 0EX

**Grid Reference:**  
339083 559372

**Proposal:** Removal Of Existing Fence And Posts And Erection Of 2.5m Fence and  
Gates

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/0747

Mr Adrian Morris

Wetheral

**Date of Receipt:**  
30/07/2008

**Agent:**

**Ward:**  
Great Corby & Geltsdale

**Location:**  
1 The Courtyard, Broadwath, Heads Nook,  
Brampton, CA8 9BL

**Grid Reference:**  
348486 555239

**Proposal:** Replace Existing Glazed Entrance Screen Wall With New Screen In New Location. Construct New Internal Wall Behind To Form New Study Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0755

**Applicant:**  
Mr Martin Long

**Parish:**  
Wetheral

**Date of Receipt:**  
11/08/2008

**Agent:**  
Jak Jones Architect

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To The Rookery & Village Green,  
Scotby, Carlisle

**Grid Reference:**  
344200 554980

**Proposal:** Erection Of A Two Storey Dwelling (Plot 1) (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0759

**Applicant:**  
Border Homes

**Parish:**

**Date of Receipt:**  
29/07/2008

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
Area Of Ground at Junction Of Charlotte Street &  
Milbourne Street, Carlisle

**Grid Reference:**  
339699 555538

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** 4 Pole Mounted Panel Signs Split Into Two Sets Of Two. One Set Facing Towards Charlotte Street One Set Facing Towards Junction Street

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0760

**Applicant:**  
Border Homes

**Parish:**

**Date of Receipt:**  
29/07/2008

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
Area Of Land at Junction Of Milbourne Street &  
Castle Way, Carlisle

**Grid Reference:**  
339539 556005

**Proposal:** 2 no. Pole Mounted Panel Signs

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0763

**Applicant:**  
Ms Matthews

**Parish:**  
Rockcliffe

**Date of Receipt:**  
28/08/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Garden Cottage, Harker, Carlisle, CA6 4DS

**Grid Reference:**  
339423 560843

**Proposal:** Alterations And Improvements As Scheduled On Drawing LBC2

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0765

**Applicant:**  
Lakes Court Hotel  
Hallmark

**Parish:**  
Carlisle

**Date of Receipt:**  
12/08/2008

**Agent:**  
Mr Stewart Gray

**Ward:**  
Currock

**Location:**  
Garages Collier Lane, Carlisle, Cumbria, CA1 1QY

**Grid Reference:**  
340322 555534

**Proposal:** Partial Demolition Of Existing Garage Building And Making Good Of Existing Walls (CAC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0768

**Applicant:**  
Arcadis

**Parish:**  
Carlisle

**Date of Receipt:**  
08/08/2008

**Agent:**  
Portakabin Ltd Total  
Solutions

**Ward:**  
Castle

**Location:**  
Carlisle College, Victoria Place, Carlisle, CA1 1HS

**Grid Reference:**  
340510 556100

**Proposal:** Installation Of A Portakabin Duplex Building To Be Used As Office Accomodation At The College.

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0769

**Applicant:**  
BP Oil UK Limited

**Parish:**  
Dalston

**Date of Receipt:**  
12/08/2008

**Agent:**  
URS Corporation Limited

**Ward:**  
Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
BP Dalston Terminal, Barras Lane, Dalston,  
Cumbria, CA5 7LX

**Grid Reference:**  
336430 550500

**Proposal:** Construction Of One Storage Tank And Associated Bund To Store Up To 200m<sup>3</sup> Of Bioethanol, Together With Ancillary Structures Including Unloading Pumps And Drainage Facilities Within The Easting Terminal Boundary

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0787

**Applicant:**  
Prospect GB Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
22/08/2008

**Agent:**  
Kate Palmer Pozzoni  
Design Group

**Ward:**  
Belah

**Location:**  
Newfield Grange Motel, Newfield Drive, Carlisle,  
CA3 OAF

**Grid Reference:**  
339834 558903

**Proposal:** Discharge Of Conditions 9 (External Materials) And 11 (Drainage Facilities) Of Application 05/0535

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0790

**Applicant:**  
Mr M G Barwick

**Parish:**  
Carlisle

**Date of Receipt:**  
04/08/2008

**Agent:**

**Ward:**  
Harraby

**Location:**  
12 High Green Croft, Harraby, Carlisle, Cumbria

**Grid Reference:**  
342681 553422

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection Of Rear Conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0791

**Applicant:**  
Mr Geoffrey Ferguson

**Parish:**  
Wetheral

**Date of Receipt:**  
26/08/2008

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Acorn Bank, Wetheral, Carlisle, Cumbria, CA4 8JG

**Grid Reference:**  
346454 554597

**Proposal:** Removal Of Front Hedge And Replaced With Original Style Railings On Sandstone Dwarf Wall

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0793

**Applicant:**  
Mr David Armstrong

**Parish:**  
Carlisle

**Date of Receipt:**  
04/08/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
68 Etterby Street, Carlisle, CA3 9JD

**Grid Reference:**  
339765 557197

**Proposal:** Renew Existing Windows And Door To Front Elevation And To Rear Kitchen Elevation With Traditionally Designed Joinery, Renew Living Room Gas Fire With Period Fire And Matching Surround, And Install New Boiler And Flue To Rear Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0796

**Applicant:**  
T Graham & Son

**Parish:**  
Hethersgill

**Date of Receipt:**  
18/08/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Lyne

**Location:**  
Angus Well Farm, Kirklington, Carlisle, CA6 6DN

**Grid Reference:**  
347150 566022

**Proposal:** Erection Of 1no. Agricultural Workers Dwelling With Attached Garage  
**Amendment:**

**Decision:** Grant Permission

**Date:** 10/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0797

**Applicant:**  
Mr Lloyd

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
18/08/2008

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Houghton House, Houghton, CA6 4DX

**Grid Reference:**  
340763 560863

**Proposal:** Proposed Storage Barn And Stables  
**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0798

**Applicant:**  
The Tranquil Otter Limited

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
12/08/2008

**Agent:**

**Ward:**  
Burgh

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

The Lough, Thurstonfield, CA5 6HB

331962 556461

**Proposal:** Refurbishment And Change Of Use Of A Timber Cabin Formerly Used As The Office Of The Tranquil Otter Business To Use As Holiday Accommodation And Creation Of A New Bin Store/ Recycling Area.

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0801

**Applicant:**  
Mr Blair

**Parish:**  
Carlisle

**Date of Receipt:**  
18/08/2008

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Belle Vue

**Location:**  
135 Green Lane, Belle Vue, Carlisle, CA2 7QE

**Grid Reference:**  
337246 555781

**Proposal:** Single Storey Extension To Front Elevation To Provide Porch And WC. Conversion Of Existing Carport To A Kitchen. Single Storey Side Extension To Provide Kitchen On The Ground Floor. Single Storey Rear Extension To Provide A Family Room.

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0802

**Applicant:**  
Mr R Dubelbeis

**Parish:**  
Orton

**Date of Receipt:**  
06/08/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Site Adjacent To The Wellington Public House,  
Great Orton, Cumbria CA5 6LZ

**Grid Reference:**  
332838 553677

**Proposal:** Discharge Of Planning Conditions 1-14 Relating To Planning Application 07/0321.

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0803

**Applicant:**  
Mr Roger Ashman

**Parish:**  
Waterhead

**Date of Receipt:**  
12/08/2008

**Agent:**

**Ward:**  
Irthing

**Location:**  
Tantallon House, Gilsland, Brampton, CA8 7DA

**Grid Reference:**  
362875 566633

**Proposal:** Erection Of Porch And Raising Roof Height Of Existing Extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0804

**Applicant:**  
Mr Stephen Duddy

**Parish:**  
Askerton

**Date of Receipt:**  
06/08/2008

**Agent:**  
Westlakes Engineering Ltd

**Ward:**  
Irthing

**Location:**  
Lees Hill Farm, Lees Hill, Nr Brampton, Cumbria  
CA8 2BB

**Grid Reference:**  
355561 568124

**Proposal:** Discharge Of Condition 8 (Visibility Splays); 9 (Vehicular Crossing); 12 (Foul Drainage); 13 (Surface Water Drainage); 14 (Level 2 Surrey); 16 (Hard Surface Finishes); 17 (Screen Walls And Boundary Fences); 18 (Landscaping Scheme); 21 (Drawings Of Garage) Of Application 08/0281.

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0807

**Applicant:**  
Mr Rawstron

**Parish:**  
Dalston

**Date of Receipt:**  
14/08/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
Coach House, Bridge End, Dalston, CA5 7BH

**Grid Reference:**  
336947 548498

**Proposal:** Removal Of Balcony Together With Erection Of Single Storey Side Extensions To Provide Garage And Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0809

**Applicant:**  
Mr R Bell

**Parish:**  
Wetheral

**Date of Receipt:**  
07/08/2008

**Agent:**  
TSF Developments Ltd

**Ward:**  
Wetheral

**Location:**  
Land adjacent to Smithy Cottage, Cotehill, Carlisle,  
CA4 0DX

**Grid Reference:**  
346798 550380

**Proposal:** Erection Of 1No Detached Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0815

**Applicant:**  
Mr G Forster

**Parish:**  
Westlinton

**Date of Receipt:**  
13/08/2008

**Agent:**  
Mr G Forster

**Ward:**  
Longtown & Rockcliffe

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Oak Tree Stables, Field No 6484, Newtown,  
Blackford, Carlisle

**Grid Reference:**  
338639 562838

**Proposal:** Change Of Use From Agricultural Field To Provide Grazing For Horses.  
Erection Of Building To Provide 3no. Stables, Tackroom And Hay  
Storage

**Amendment:**

**Decision:** Refuse Permission

**Date:** 06/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0819

**Applicant:**  
Mr & Mrs Heathcote

**Parish:**  
Carlisle

**Date of Receipt:**  
11/08/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
34 Knowefield Avenue, Carlisle, Cumbria, CA3 9BQ

**Grid Reference:**  
340187 557582

**Proposal:** Single Storey Side Extension To Provide Study, Shower Room &  
Extended Kitchen, With Second Storey Over The Study To Provide  
Extended Bedroom & Replacement Of Polycarbonate Roof With Slates  
To Rear Offshoot (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0823

**Applicant:**  
Mr L Thompson

**Parish:**  
Waterhead

**Date of Receipt:**  
11/08/2008

**Agent:**  
Alan Gosling & Associates

**Ward:**  
Irthing

**Location:**  
Gilsland Spa Hotel, Gilsland, Brampton, Cumbria,  
CA8 7AR

**Grid Reference:**  
363535 567674

**Proposal:** Erection Of Orangery Attached To Hadrians Lounge And Provision Of

## SCHEDULE E: Decisions Issued Under Delegated Powers

Covered Walkway. Incorporation Of Glazed Skylights To The Existing Dining Room And Removal Of Oil Tank

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0824

**Applicant:**  
Mrs Morrow

**Parish:**  
Kingmoor

**Date of Receipt:**  
13/08/2008

**Agent:**  
Edenholme Building &  
Architectural Surveyors

**Ward:**  
Stanwix Rural

**Location:**  
29 Edenside, Cargo, Carlisle, CA6 4AQ

**Grid Reference:**  
337011 559585

**Proposal:** Demolition of Existing Double Garage And Erection Of 2 Storey Side Extension to Provide Granny Annex on Ground Floor, with Study and En-Suite Bedroom above.

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0826

**Applicant:**  
Messrs J W B Shepherd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
13/08/2008 07:30:20

**Agent:**  
Messrs J W B Shepherd

**Ward:**  
Dalston

**Location:**  
Crownstone Farm, Durdar, Carlisle, CA5 7AR

**Grid Reference:**  
340426 548223

**Proposal:** Extensions To 3No. Existing Livestock Buildings

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/09/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0827

**Applicant:**  
Mr D Farrell

**Parish:**  
Wetheral

**Date of Receipt:**  
13/08/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Wetheral

**Location:**  
Wheelbarrow Hall, Holme Lane, Aglionby, Carlisle,  
CA4 8AD

**Grid Reference:**  
343809 556363

**Proposal:** Partial Removal Of Kitchen/dining Chimney Wall Within Cottage With A New Rebuilt Chimney And Fireplace. New Entrance Door And Window With Access Stair And Dormer Over To Second Floor. Erection Of A Garden Room To South Elevation And Addition Of 4 Ensuite Bathrooms To Existing Bedrooms (LBC)

**Amendment:**

1. Revised plans received 29th September re. design of proposed dormer, garden room, and, chimney breast.

**Decision:** Grant Permission

**Date:** 07/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0830

**Applicant:**  
Gamesa Energy UK Ltd

**Parish:**  
Arthuret

**Date of Receipt:**  
26/08/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land at Beatys Plantation Hallburn Farm,  
Longtown, Carlisle

**Grid Reference:**  
341304 567849

**Proposal:** Renewal of Planning Permission for 12 months for 70m High Temporary Anemometry Mast For The Measuring Of Wind Speed And Direction

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0831

**Applicant:**  
Mrs Sue Rogerson

**Parish:**  
Carlisle

**Date of Receipt:**  
21/08/2008

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
13 Belah Crescent, Stanwix, Carlisle CA3 9TX

**Grid Reference:**  
339895 557676

**Proposal:** Erection Of Two Storey Rear Extension To Provide Kitchen/ Dining Room Together With Extended Bedroom And En-Suite Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0835

**Applicant:**  
Lamont Pridmore

**Parish:**  
Carlisle

**Date of Receipt:**  
27/08/2008

**Agent:**  
Green Design Group Ltd

**Ward:**  
Castle

**Location:**  
30 Castle Street, CA3 8TP

**Grid Reference:**  
339830 556036

**Proposal:** Minor Internal And External Alterations To Convert And Refurbish Former Shop And Flat To Office Accommodation (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0837

**Applicant:**  
Mr George McGarr

**Parish:**  
Scaleby

**Date of Receipt:**  
15/08/2008

**Agent:**

**Ward:**  
Stanwix Rural



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
High Hill Cottage, Scaleby, Carlisle CA6 4LW

**Grid Reference:**  
345485 563155

**Proposal:** Conversion of Existing Loft Space to Provide En-Suite Facility  
(Retrospective)(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0838

**Applicant:**  
Post Office Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
27/08/2008

**Agent:**  
Mackinnon & Co

**Ward:**  
Castle

**Location:**  
51-53 English Street, Carlisle, Cumbria, CA3 8JY

**Grid Reference:**  
340162 555795

**Proposal:** Installation Of Projecting Post Office Signage Within the Existing Fascia

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0839

**Applicant:**  
United Co-op Pharmacy

**Parish:**  
Carlisle

**Date of Receipt:**  
15/08/2008

**Agent:**  
Frodshams Signs

**Ward:**  
St Aidans

**Location:**  
Co-op Pharmacy, Fusehill Medical Centre, Fusehill  
Street, Carlisle

**Grid Reference:**  
340920 555450

**Proposal:** Erection Of Free Standing Externally Illuminated Post Mounted Sign

**Amendment:**

1. Revised elevations incorporating side elevation.

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 25/09/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0843

**Applicant:**  
Mr Young

**Parish:**  
Cummersdale

**Date of Receipt:**  
18/08/2008 17:30:10

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Dalston

**Location:**  
1 Garden Village, Wigton Road, CA26QX

**Grid Reference:**  
337525 553957

**Proposal:** Two Storey Extension To Rear Elevation Provide Kitchen/ Dining Room and Utility Room On Ground Floor With 1no. Bedroom And 1no. Ensuite Bedroom Above.

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0844

**Applicant:**  
Mr & Mrs R Armstrong

**Parish:**  
Arthuret

**Date of Receipt:**  
18/08/2008

**Agent:**  
Roger Armstrong Architect

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Part Field 9063, Hunters Holme, Longtown, Carlisle

**Grid Reference:**  
342900 567550

**Proposal:** Erection Of Agricultural Worker's Dwelling (Reserved Matters/Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/0846

Mr Littleton

Carlisle

**Date of Receipt:**

04/09/2008

**Agent:**

Tsada Building Design  
Services

**Ward:**

Stanwix Urban

**Location:**

25 Eden Street, Carlisle, CA3 9LS

**Grid Reference:**

339506 557411

**Proposal:** Taking Down And Rebuilding Of Boundary Wall Including Formation Of  
Access (Conservation Area Consent)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

08/0847

**Applicant:**

Mr Vernon Ifill

**Parish:**

Carlisle

**Date of Receipt:**

27/08/2008

**Agent:**

**Ward:**

Botcherby

**Location:**

5 Broadoaks Grange, Carlisle, CA1 2TA

**Grid Reference:**

342311 555416

**Proposal:** Erection Of Timber Shed With Single Pitch Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

08/0848

**Applicant:**

Mr Steve Ashburn

**Parish:**

Carlisle

**Date of Receipt:**

27/08/2008

**Agent:**

**Ward:**

Yewdale

**Location:**

3 Solway Park, Carlisle, Cumbria, CA2 6TH

**Grid Reference:**

337684 555129

**Proposal:** Erection Of Detached Garage

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 14/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0850

**Applicant:**  
Balfour Beatty Capitol  
(Connect Roads)

**Parish:**  
Dalston

**Date of Receipt:**  
26/08/2008

**Agent:**  
Design Resource Ltd

**Ward:**  
Dalston

**Location:**  
CNDR Compound, Cumbria Highways Dept,  
Barras Lane, Dalston, Carlisle, CA5 7NY

**Grid Reference:**  
336348 550803

**Proposal:** Erection Of Single Storey Office Onto Existing Compound

### Amendment:

**Decision:** Grant Permission

**Date:** 17/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0851

**Applicant:**  
Mr Purdam

**Parish:**  
Dalston

**Date of Receipt:**  
21/08/2008

**Agent:**  
Gray Associates Limited

**Ward:**  
Dalston

**Location:**  
4 The Square, Dalston, Carlisle, CA5 7PJ

**Grid Reference:**  
336934 550103

**Proposal:** Remove Mono Pitched Slate Roof And Replace With Hipped Roof (LBC)

### Amendment:

**Decision:** Grant Permission

**Date:** 06/10/2008

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Between 20/09/2008 and 31/10/2008

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
08/0852

**Applicant:**  
Mr Paul Holder

**Parish:**  
Dalston

**Date of Receipt:**  
19/08/2008

**Agent:**

**Ward:**  
Dalston

**Location:**  
Lynwood Lodge, Dalston Hall Caravan Park,  
Dalston Hall, Dalston, Carlisle, CA5 7JX

**Grid Reference:**  
337712 551738

**Proposal:** Proposed Upgrading And Redevelopment Of Existing Touring Caravan  
And Camping Site And Formation Of An Additional 11 Touring Caravan  
Pitches

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0854

**Applicant:**  
Mr Colin Lindsay

**Parish:**  
Brampton

**Date of Receipt:**  
19/08/2008

**Agent:**  
Green Design Group

**Ward:**  
Brampton

**Location:**  
Carradale, Paving Brow, Brampton, Cumbria, CA8  
1QT

**Grid Reference:**  
353326 560460

**Proposal:** Change Of Use Of Land From Agricultural To Domestic Garden Use

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0855

**Applicant:**  
Mr John Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
02/09/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ 348946 565027

**Proposal:** Agricultural Livestock Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0856

**Applicant:**  
Mr J Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
19/08/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**  
The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ

**Grid Reference:**  
348946 565027

**Proposal:** Agricultural Building For The Purpose Of Providing A Covered Handling Facility And To Collect Rainwater

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0857

**Applicant:**  
Mr J Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
02/09/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**  
The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ

**Grid Reference:**  
348946 565027

**Proposal:** Agricultural Crop Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0858

**Applicant:**  
Mr J Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
19/08/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**  
The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ

**Grid Reference:**  
348946 565027

**Proposal:** Replacement Agricultural Building With Additional Lean-To Extension  
**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0859

**Applicant:**  
Mr J Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
19/08/2008

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**  
The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ

**Grid Reference:**  
348946 565027

**Proposal:** Agricultural Building To Form A Covered Yard Area For The Purpose Of  
Collecting Rain Water And Providing Covered Handling Facilities

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0865

**Applicant:**  
Dr C A Oakley

**Parish:**  
Kingwater

**Date of Receipt:**  
21/08/2008

**Agent:**  
Green Design Group

**Ward:**  
Irthing

**Location:**  
Clockey Mill, West Hall, Banks, Brampton, Cumbria,

**Grid Reference:**  
358308 566935

## SCHEDULE E: Decisions Issued Under Delegated Powers

CA8 2BS

**Proposal:** Conversion of Store (Redundant Watermill) into 1no. Holiday Cottage  
(Re-Submission)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0866

**Applicant:**  
Borderloos Ltd

**Parish:**  
Westlinton

**Date of Receipt:**  
21/08/2008

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Alstonby Grange, Westlinton, Carlisle, CA6 6AF

**Grid Reference:**  
340530 564676

**Proposal:** Revisions to previous Planning Approval Ref: 07/0247 Together with  
Proposed Removal of Existing Conservatory and Construction of New  
Conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0869

**Applicant:**  
Mr G. Dickson

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2008

**Agent:**

**Ward:**  
Castle

**Location:**  
Scotby Cycles, Church Street, Caldewgate, Carlisle,  
Cumbria, CA2 5TL

**Grid Reference:**  
339272 555835

**Proposal:** Illuminated Signage To Front Of Shop

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 17/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0870

**Applicant:**  
Mr Graham

**Parish:**  
Carlisle

**Date of Receipt:**  
01/09/2008

**Agent:**  
Carlisle Window Systems

**Ward:**  
Belah

**Location:**  
95 Lowry Hill Road, Carlisle, Cumbria, CA3 0EA

**Grid Reference:**  
338964 558463

**Proposal:** Erection Of Conservatory To The Side Of The Property

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0875

**Applicant:**  
Mr Kam Fuk Li

**Parish:**  
Carlisle

**Date of Receipt:**  
22/08/2008

**Agent:**  
Scott Duff & Co

**Ward:**  
Currock

**Location:**  
229 Blackwell Road, Carlisle, Cumbria, CA2 4DN

**Grid Reference:**  
340310 554107

**Proposal:** Certificate Of Lawfulness For Use Of Ground Floor As Hot Food  
Takeaway

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/09/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0876

**Applicant:**  
Mr P Short

**Parish:**  
Irthington

**Date of Receipt:**  
04/09/2008

**Agent:**

**Ward:**  
Stanwix Rural

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
3 Hillside, Laversdale, Carlisle, CA6 4PL

**Grid Reference:**  
347655 562573

**Proposal:** Removal Of External Door To Study, Opening To Be Bricked Up And Escape Style Window To The Southerly Aspect (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0879

**Applicant:**  
Mr J A Hetherington

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
05/09/2008

**Agent:**

**Ward:**  
Burgh

**Location:**  
Aikrigg Cottage, Thurstonfield, Carlisle, CA5 6NF

**Grid Reference:**  
331728 555609

**Proposal:** Erection Of A 9 Metre High Domestic Wind Turbine

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0880

**Applicant:**  
Mr D. Farrell

**Parish:**  
Wetheral

**Date of Receipt:**  
26/08/2008

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Wetheral

**Location:**  
Wheelbarrow Hall, Holme Lane, Aglionby, Carlisle,  
CA4 8AD

**Grid Reference:**  
343841 556288

**Proposal:** Partial Removal Of Kitchen/Dining Chimney Wall Within Cottage With A New Rebuilt Chimney And Fireplace. New Entrance Door And Window With Access Stair And Dormer To Second Floor. Erection Of A Garden Room To South Elevation And Addition Of 4 Ensuite Bathrooms To

## SCHEDULE E: Decisions Issued Under Delegated Powers

Existing Bedrooms.

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0881

**Applicant:**  
Messrs A V Elwen

**Parish:**  
Irthington

**Date of Receipt:**  
02/09/2008

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Netherfield Farm, Irthington, Carlisle, Cumbria, CA6  
4NH

**Grid Reference:**  
348824 560371

**Proposal:** Erection Of Cubicle Cattle Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0883

**Applicant:**  
Mr & Mrs J Wright

**Parish:**  
Wetheral

**Date of Receipt:**  
26/08/2008

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

**Ward:**  
Wetheral

**Location:**  
Three Gables, Plains Road, Wetheral, Carlisle,  
Cumbria, CA4 8LE

**Grid Reference:**  
346201 555396

**Proposal:** Removal Of Concrete Block Wall And Brick Gate Posts Along Boundary  
With Plains Road, And Replacement With Low Facing Brick Wall  
Topped With Sandstone Coping And Painted Metal Railings And Gates.

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/10/2008

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 20/09/2008 and 31/10/2008

**Appn Ref No:** 08/0884      **Applicant:** Mr Paul Dobson      **Parish:** Wetheral

**Date of Receipt:** 27/08/2008      **Agent:** Architects Plus (UK) Ltd      **Ward:** Wetheral

**Location:** Site Adjacent To The Limes, Plains Road, Wetheral, Carlisle      **Grid Reference:** 346200 555500

**Proposal:** Erection Of A Detached Dwelling With Integral Garage  
(Revised/Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 15/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:** 08/0886      **Applicant:** Barton Park Homes      **Parish:** Dalston

**Date of Receipt:** 03/09/2008      **Agent:** Mr Colin Holmes      **Ward:** Dalston

**Location:** 12A Orton Grange Caravan Park, Great Orton, Carlisle CA5 6LA      **Grid Reference:** 335449 551942

**Proposal:** Erection of Detached Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:** 08/0887      **Applicant:** Mr David Williamson      **Parish:** Wetheral

**Date of Receipt:** 16/09/2008      **Agent:**      **Ward:** Great Corby & Geltsdale

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
12 The Whins, Heads Nook, Brampton, CA8 9AL

**Grid Reference:**  
349226 555149

**Proposal:** Lean To Extension To Rear Of Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2008

---

Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0889

**Applicant:**  
R F Angus Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2008

**Agent:**  
Jock Gordon

**Ward:**  
Currock

**Location:**  
Angus Business Park, Water Street, CARLISLE  
CA2 5AW

**Grid Reference:**  
340258 555375

**Proposal:** Erection Of A Two Storey Business Unit Providing Vehicle Parking On  
The Ground Floor With Offices On The First Floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0898

**Applicant:**  
Mr & Mrs Anderson

**Parish:**  
Wetheral

**Date of Receipt:**  
02/09/2008

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Sgumain, Wetheral, Carlisle, Cumbria, CA4 8HE

**Grid Reference:**  
346421 554205

**Proposal:** First Floor Extension Over Existing Ground Floor Extension To Provide  
Bedroom (Revised Application)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0899

**Applicant:**  
Mr K Gray

**Parish:**  
Walton

**Date of Receipt:**  
08/09/2008

**Agent:**  
Mr Brian Child

**Ward:**  
Irthing

**Location:**  
The Barn, Guards Hill, Walton, Brampton, Carlisle,  
CA8 2EB

**Grid Reference:**  
353056 567194

**Proposal:** Internal Alterations, Increase In Width Of Balcony Door At First Floor, Addition Of Roof Lights, New Glazed Entrance Screen To Norghth West Elevation To Replace The Existing. Additional/New Door Opening To NE Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0901

**Applicant:**  
Mr Johnson

**Parish:**  
Carlisle

**Date of Receipt:**  
10/09/2008

**Agent:**  
Black Box Architects Ltd

**Ward:**  
St Aidans

**Location:**  
14 Garden Street, Carlisle, CA1 2JQ

**Grid Reference:**  
340833 555201

**Proposal:** Conversion Of Dwelling To Provide 2No. Flats

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

08/0903

Dr C A Oakley

Kingwater

**Date of Receipt:**

04/09/2008

**Agent:**

Green Design Group

**Ward:**

Irthing

**Location:**

Clockey Mill, West Hall, Banks, Brampton CA8 2BS

**Grid Reference:**

358308 566935

**Proposal:** Conversion of Store (Redundant Watermill) into 1no. Holiday Cottage (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

08/0905

**Applicant:**

Taylor's Vehicle Sales &  
Services

**Parish:**

Carlisle

**Date of Receipt:**

04/09/2008

**Agent:**

**Ward:**

Harraby

**Location:**

Tyne Street Garage, Tyne Street, Carlisle CA1 2NP

**Grid Reference:**

340978 554776

**Proposal:** Change Of Use Of Part Of Premises To Include MOT's And Sales Of Motor Accessories, Plus Continued Use For Vehicle Servicing Repairs, Valeting And Motor Vehicle Sales And General Garage Services; Erection Of 2.1 Metre Boundary Fence And Erection Of Car Wash.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**

08/0912

**Applicant:**

Mr V Woods

**Parish:**

Carlisle

**Date of Receipt:**

11/09/2008

**Agent:**

Mr Richard Dryell

**Ward:**

Denton Holme

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Andersons (Denton Holme) LTD, Denton Holme  
Sawmills, Denton Street, Carlisle, Cumbria, CA2  
5EQ

339908 555217

**Proposal:** Link Between Existing Main Storage Building And Workshop To Provide  
Additional Materials Storage Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0914

**Applicant:**  
TL & AE Shaw

**Parish:**  
Rockcliffe

**Date of Receipt:**  
11/09/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Crookdyke Farm, Rockcliffe, Carlisle, Cumbria, CA6  
4BQ

**Grid Reference:**  
336742 561200

**Proposal:** Erection Of Lean-To Between Two Existing Buildings

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0915

**Applicant:**  
TL & AE Shaw

**Parish:**  
Rockcliffe

**Date of Receipt:**  
09/09/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Crookdyke Farm, Rockcliffe, Carlisle, Cumbria, CA6  
4BQ

**Grid Reference:**  
336742 561200

**Proposal:** Erection Of General Purpose Agricultural Building

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0916

**Applicant:**  
Concrete Ltd/Fawton  
Holdings

**Parish:**  
Carlisle

**Date of Receipt:**  
10/09/2008

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

**Ward:**  
Castle

**Location:**  
Concrete Nightclub, Lowther Street, Carlisle, CA3  
8DA

**Grid Reference:**  
340272 555798

**Proposal:** Relocation Of Staircase, Alteration Of Existing Toilets (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0919

**Applicant:**  
Mr Johnson

**Parish:**

**Date of Receipt:**  
10/09/2008 10:37:39

**Agent:**  
Black Box Architects Ltd

**Ward:**  
St Aidans

**Location:**  
17 Edward Street, Carlisle, CA1 2EX

**Grid Reference:**  
340776 555412

**Proposal:** Conversion Of Former Ground Floor Shop Into Flat

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 09/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0924

**Applicant:**  
Mr Paterson

**Parish:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
10/09/2008 10:39:52

**Agent:**  
Jeremiah

**Ward:**  
Brampton

**Location:**  
Claybanks House, Longtown Road, BRAMPTON,  
CA8 2AB

**Grid Reference:**  
352706 562092

**Proposal:** Construction Of Swimming Pool And Games Room (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0926

**Applicant:**  
McNaughton

**Parish:**  
Kirkandrews

**Date of Receipt:**  
15/09/2008

**Agent:**  
Mr Jeremiah

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Chellowdene, 3 Riddings Road, Moat, Longtown,  
Cumbria CA6 5PN

**Grid Reference:**  
341122 574104

**Proposal:** Two Storey Side Extension To Provide Extended Sitting Room And  
Bedrooms.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0929

**Applicant:**  
Mr I O'Neill

**Parish:**  
Carlisle

**Date of Receipt:**  
16/09/2008

**Agent:**

**Ward:**  
Belah

**Location:**  
3 South Wakefield Close, Carlisle, CA3 0HQ

**Grid Reference:**  
339036 558198

**Proposal:** Single Storey Side Extension To Provide Extended Garage And Utility

## SCHEDULE E: Decisions Issued Under Delegated Powers

Room Together With Two Storey Rear Extension To Provide No.1  
Additional Bedroom With En-Suite An Extended Kitchen Below

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/10/2008

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Between 20/09/2008 and 31/10/2008

**Appn Ref No:**  
08/0979

**Applicant:**  
Mr & Mrs Warren

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
24/09/2008

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Red Pike, Linstock, Carlisle, Cumbria, CA6 4PZ

**Grid Reference:**  
342592 558380

**Proposal:** Single Storey Side Extension To Provide Utility Room & Shower Room  
**Amendment:**

**Decision:** Grant Permission

**Date:** 29/10/2008

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