

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

24th April 2009

Applications Entered on Development Control Committee Schedule

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01.	<u>09/0017</u> B	Land At Field No 4490, Monkhill, Cumbria	<u>CG</u>	1
02.	<u>09/0018</u> A	Field No. 1724, The Glebe, Hethersgill, Carlisle, Cumbria, CA6 6EZ	<u>BP</u>	75
03.	<u>08/1059</u> B	Land At Former George P.H, Warwick Bridge, Carlisle, CA4 8RL	<u>ARH</u>	141
04.	<u>08/1087</u> A	2 Crossways, Tarn Road, Brampton, CA8 1TU	<u>SD</u>	163
05.	<u>08/1204</u> A	Ghyll Bank House, Low Harker, CA6 4DG	<u>ARH</u>	179
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08.	<u>09/0036</u> A	Land at Barras Close, Barras Close, Carlisle	<u>DNC</u>	220
09.	<u>09/0106</u> A	Land between 16 & 17 Faustin Hill, Wetheral, Carlisle CA4 8JZ	<u>BP</u>	259
10.	<u>09/0130</u> A	3 Dowbeck Road, Carlisle, Cumbria, CA2 7BX	<u>SD</u>	271
11.	<u>09/0046</u> A	Land adjacent to the T junctions north of Edenside, Cargo, Carlisle	<u>SG</u>	282
12.	<u>09/0139</u> A	Old School House, Cotehill, Carlisle, CA4 0EA	<u>RJM</u>	306
13.	<u>09/0074</u> A	Land To The Rear Of 42 The Green, Houghton, Carlisle, CA3 0LA	<u>SG</u>	316
14.	<u>09/9009</u> C	Richard Rose Academy, Edgehill Road, Carlisle CA1 3SL	<u>CG</u>	333
15.	<u>08/9032</u> C	Richard Rose Central Academy, Lismore Place, Carlisle, CA1 1LY	<u>ARH</u>	337

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16.	<u>08/9035</u> C	Land Off Catholic Lane, Catholic Lane, Carlisle, Cumbria	<u>ARH</u>	346
17.	<u>08/0557</u> C	Atlas Works, Nelson Street, Carlisle, Cumbria, CA2 5NB	<u>SD</u>	351
18.	<u>08/0606</u> C	Our Lady and St Joseph's Church, Warwick Square, CA1 1NG	<u>ST</u>	353
19.	<u>09/9006</u> C	Warren House Farm, Brampton, Cumbria, CA8 2HY	<u>SD</u>	355
20.	<u>08/9028</u> C	Richard Rose Academy, Parking Area To East Of Sports Hall, Victoria Place, Carlisle, CA1 1LY	<u>RJM</u>	360
21.	<u>09/9002</u> C	Unit A, Rockcliffe Estate, Kingmoor Park, Carlisle, CA6 4RW	<u>RJM</u>	368
22.	<u>09/9003</u> C	Trinity School, Strand Road, Carlisle, CA1 1JB	<u>RJM</u>	375
23.	<u>08/0841</u> D	Wreay Syke Cottage, Wreay, Carlisle, Cumbria, CA4 0RL	<u>DNC</u>	384
24.	<u>08/1052</u> D	Carlisle Lake District Airport, Carlisle, Cumbria, CA6 4NW	<u>AMT</u>	386

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 09/04/2009 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 15/04/2009.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

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SCHEDULE B: Reports Requiring Further Information

09/0017

Item No: 01

Date of Committee: 24/04/2009

Appn Ref No:
09/0017

Applicant:
Mr M Doherty

Parish:
Beaumont

Date of Receipt:
14/01/2009

Agent:

Ward:
Burgh

Location:
Land At Field No 4490, Monkhill, Cumbria

Grid Reference:
334442 558905

Proposal: Change Of Use Of Agricultural Land To Holiday Accommodation
Comprising Of 2no. Self-Catering Cabins, 3no. Camping Cabins,
Services Cabin, 10no. Tent Pitches, Access Road, Alterations To
Existing Vehicular Access And Placement Of 1no. Dwelling For
Occupation By Site Manager (Revised Proposal)

Amendment:

REPORT

Case Officer: Colin Godfrey

Reason for Determination by Committee:

This application has been brought before the Development Control Committee based on the number of objections received and also as three objectors and a Ward Councillor requested their Right to Speak.

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol CP5 - Design

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Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC16 - Tourism Development

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

Local Plan Pol LE5 - Hadrian's Wall World Heritage Site

Local Plan Pol LE29 - Land Affected by Contamination

Area Of Outstanding Natural Beauty

Local Plan Pol DP9 - Areas of Outstanding Natural Beauty

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): This is a revision of the scheme submitted under application number 08/1043.

The applicant has now however supplied additional information providing the actual vehicle speeds.

The views of this Authority remains the same with one change – the required visibility splay can be reduced from 2.4m by 120m to 2.4m by 70m.

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:

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

Reason: In the interests of road safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

The development shall not commence until visibility splays providing clear visibility of 2.4metres by 70metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

The use of the development shall not be commenced until the access has been formed with 4.5 metre radius kerbs, to give a minimum carriageway width of 4.8 metres, and that part of the access road extending 6 metres into the site from the existing highway has been constructed in accordance with details approved by the

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Local Planning Authority.

Reason: *In the interests of highway safety.*

To support Local Transport Plan Policies: LD7, LD8

Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6.5m 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 of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval 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 and parking 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

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): I have 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/public sewers

Please note that a copy of these comments has NOT been forwarded to the applicant/agent as the details were not supplied.

Environmental Services - Environmental Quality: with reference to the above planning application, I have the following observations.

1. With regard to the proposed cafe/kitchen the applicant should contact Mr M Neatis in the Food Health and Safety Team at the Civic Centre or by telephone on Carlisle 01228 817302 to discuss the food safety requirements
2. It will be necessary for a site licence for tented camping sites to be issued if the planning application is approved and implemented

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Cumbria County Council - (Archaeological Services): The site is archaeologically sensitive as the remains of a ditch of probable prehistoric origin were revealed in the archaeological evaluation that was carried out prior to the submission of the application.

The proposed development avoids the prehistoric ditch and the evaluation in the remainder of the site revealed no archaeological remains. I therefore have no recommendations or comments to make regarding the application. However, should the proposed development be amended in the future, I would be grateful if I was reconsulted;

Cumbria Constabulary, Northern Community Safety Unit: I have no observations or comments to offer in respect of this application

Local Plans (Tree Preservation), Development Services: Following our site visit on the 24 February 2009 I have the following comments/observations to make.

As previously discussed I have assessed the hedgerows adjacent the road and the track and they qualify as important hedgerows under the 1997 Hedgerow Regulations.

Having discussed the access on site I am satisfied that the requirements of the Highways Authority can be met by the trimming/cutting back of the hedgerow, and without the need for hedgerow removal.

The stone gate stoop should be re-used at the location of the new gate to be formed at the end of the proposed hard standing area.

Development Services Planning & Housing Services - Local Plans: There are two aspects to the proposed development: the use of the site as a campsite and the siting of a dwelling for occupation by the site manager. The proposal should be assessed against Policy EC16 of the adopted Local Plan in order to establish the suitability of the site and location for tourist accommodation. EC16 sets out six criteria against which tourism development should be assessed which relate to impact on landscape, accessibility, safeguarding of culture, heritage and environment and linkages to established tourist attractions. EC16 is also supportive of applications for tourism related development which aim to promote the enjoyment and understanding of Hadrian's Wall WHS, with the supporting text referring specifically to opportunities for the provision of new facilities close to the trail particularly refreshment facilities, toilet blocks, car parks and accommodation. The proposed scheme is for self-catering and camping style accommodation in the form of cabins and tents and associated facilities. It is intended mainly to meet the needs of walkers and cyclists following the Hadrians Wall Trail and C2C cycle route which run near to the proposed site. The principle of the proposals would therefore appear to comply with criteria 2,3, 4 and 5 of EC16.

In respect of landscape impact of the cabins and their impact on the Hadrians Wall buffer zone they are small-scale low level removable structures which could if

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required be removed from the site without any significant restoration of the land. The tent pitches will also have minimal impact. The plans show there to be minimal hard surfacing to accommodate parking/barbecue areas with the intended surfacing materials being designed to enable grass to grow through. The applicant has also included details of further screening of the site and cabins in addition to the existing hedgerows that will minimise any visual impact.

The second aspect of the proposal relates to the siting of a managers dwelling. The Good Practice Guide on Planning for Tourism states that for many types of holiday parks a residential managerial presence is often essential to achieve quality service to the customer, security for the property and to meet the obligations of health and safety. In order to assess proposals for staff accommodation the Guide suggests that consideration should be given to annex A in PPS7 which requires the applicant to meet the criteria set out in paragraph 12.

Policy H7 of the Local Plan provides guidance in respect of dwellings essential to agriculture, forestry and other rural based enterprises. This policy is based on the guidance in PPS7 annex A. As this proposal is a new enterprise it would be appropriate in line with PPS7 that in addition to meeting the criteria in paragraph 12 to grant a temporary consent for the managers accommodation for the first three years in order to demonstrate the financial viability of the camp site.

In addition it is important that the use of the manager's accommodation is tied to the use of the rest of the site as a camping facility. I would therefore suggest a condition to ensure that should the camping use of the site cease, the residential use of the manager's accommodation should also cease. You may also wish to consider the long term implications if the site ceases to be used as a camp site, and include measures for the removal of the structures.

In summary I consider that the principle of this development complies with the relevant policies within the local plan by supporting the Hadrians Wall National Trail by contributing towards the provision of a choice and range of accommodation types and facilities along the route of the trail.

Beaumont Parish Council: On receipt of the revised plans, the Parish Council following meeting and discussions with parishioners, of whom a very high proportion felt that this is an inappropriate development, would make the following comments and observations. The response is split into two parts, the original comments and the subsequent feedback from the consultation session, which took place due to the level of feeling on this proposal.

- The Design and Access statement refers to future development - to what extent would this be and are there any plans available for this;
- there is an ongoing issue with a drain at the side of the road and close to northern boundary of proposed development. The drain leaks what is apparently effluent - this could pose a health risk to the site;
- the road near Lock House has a tendency to flood - will the development exacerbate this issue;
- would the planning department place a condition requiring a return to agriculture if the project were to fail;

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- would planning conditions be placed to constrain the development of the facility into a more general recreational park / caravan site, specifically restricting the operation to supporting the needs of the Hadrians Wall walkers on which this approval is based;
- there is already a camp site at Grinsdale Bridge and accommodation at both Vallum House Hotel on the outskirts of Carlisle and also in villages to the west - why do we need another so close;
- there is a feeling that a wigwam does not fit in with the surroundings;
- the issues of increased traffic has been covered by reference to 'use by walkers' the sites shown on the plans display parking provision on all of the wigwams, cabins and two of the tents. It must be remembered that this junction with Carlisle to Bowness road is dangerous especially access from minor roads;
- if consent were to be granted would it be on the understanding that the key workers house remains as such and is not subsequently used as a property for rent thereby allowing the site itself to become unsupervised;

Comments post consultation session;

- the general majority view was that this area could not be more rural, the very thing we are supposed to be protecting and the placement of this development was not appropriate;
- there was a minority view that rural areas do need investment;
- the comment on development was a question as to whether it would be constrained to the present boundaries of the field and not allowed to spread;
- the higher northern end of the site where the managers lodge will overlook Lock House due to its higher elevation;
- the site is much higher than the road at the north end which is where all the road floods. The soakaway would seem to be in receipt of all the site flow, which would normally have been slowed by natural percolation. The introduction of any hard surfaces including buildings must accelerate water flow, which can be an issue where soakaways are concerned. Whilst percolation tests have been done (were the percolation tests done in wet or dry conditions?) it is worth noting that the road has a tendency to flood already, A solution must be far from simple as our local road repair team seem unable to solve the problem; this has been subject to numerous complaints and attention to no avail. The distance from the northern end of the soakaways concentrated wet areas, to the northern boundary, does not seem far, it is difficult to see how the site will not exacerbate the present tendency of the road to flood at this point;
- great stress has been placed on the support of Hadrians Wall Heritage Ltd, without which it is very doubtful that this proposal or any other would get consideration. However, there is no supporting information beyond the letter from Hadrian's Wall Heritage Ltd, which would indicate the actual level of requirement for this facility. It would be useful to see this as part of the application;
- there is still a view expressed by those who have an interest in walking that the Carlisle to Bowness section of the wall is seen as one leg which is not completed in two sections. This facility is somewhat distant from the starting point at Carlisle which questions its proposed location;
- if planning approval is given and the venture fails, will the planning department give a clear indication at the outset, of future obligations to return the land to its original agricultural status;

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- there is still a view that the Wigwam design, which has not been seen in the area before, was not in keeping with the surroundings;
- the recent traffic survey took place in what was probably the quietest period of time of the year. During the summer month's farm traffic with its inherently large vehicles are much more in evidence. The current road is narrow and is taken up almost completely when occupied by the above mentioned vehicles, plus any busses. In addition there is very little room to walk on what are poor verges when this heavy traffic is passing. Currently there are not many if any walkers on this part of the road as the walking paths 'The Cumbria Coastal Path' which follows the river, and 'The Hadrian's Wall National Trail' which cuts across country from Beaumont to Burgh by Sands, do not use this section of the road, this would increase if walkers de-toured to the proposed site;
- Wildlife such as roe deer, foxes and partridges are seen moving through the area, the open corner area where this development is proposed could almost be seen as the only corridor to the wider countryside beyond, connecting the triangle of fields bounded by Kirkandrews-Upon-Eden, Beaumont and Monkhill. A concentrated increase in human activity at this point must have an impact on wildlife movement;
- it has been assumed that as this application is virtually the same as that which was withdrawn only a short while ago ref 08/1043. The previously personal comments posted by Parishioners to the planning department should be added to this planning request. If this cannot be done the said people will need informed as some did not realise it was necessary to write again;
- a site visit would be a necessity for this application;

Hadrians Wall Heritage Limited: awaiting comments;

Environment Agency (N Area (+ Waste Disp)): The Agency has no objection to the proposed development provided that any approval includes the following planning condition:

CONDITION

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the

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remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON

The information provided with the application is inadequate and needs to be supplemented with a desk study as per the guidance in CLR11. This is required to protect the quality of Controlled Waters

AGENCY INFORMATIVE

Formal consent of the Agency will be required for the discharge of treated sewage effluent to soakaway, under the Water Resources Act of 1991.

The applicant is advised to contact the Environment Agency's Permitting Support Centre, P O Box 4209, Sheffield. S9 9BS (Tel No. 08708 506 506) to discuss the matter in detail

Following discussions with the applicant, the following revised response has been received;

I have spoken to the applicant regarding the above today. I believe that this resubmitted application defined the previous use as "agricultural" contrary to the original application (08/1043) .

I have spoken to our contaminated land officer Peter Bardsley today and we have agreed that in the light of this, and the previously submitted information, the contaminated land condition requested by the Agency on 09/0017(see e-mail 26/01/09) can be **removed**.

English Heritage - North West Region: Although this site lies within an archaeologically sensitive area, between the line of Hadrian's Wall and the Hadrian's Wall vallum, in our view its nature and carefully considered location is such that it will not have an adverse impact on the setting of the Wall in a way that impacts on the Outstanding Universal Value of the World Heritage Site.

With reference to direct impact of the proposal on archaeological remains, the applicant has undertaken an archaeological evaluation of the site and which although it did discover ditch features of probable Bronze Age date, did not reveal any archaeological remains relating to Roman frontier. As such, English Heritage is happy to defer to the County Archaeologist as to the appropriate archaeological mitigation, and provided their advice is followed we would not wish to sustain an

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objection to this application.

Northern Gas Networks: UU 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, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
[redacted] 26 Skiddaw Road	20/01/09	Objection
[redacted] Riverview	20/01/09	Objection
[redacted] Santor	20/01/09	Objection
[redacted] Bushy Bank	20/01/09	Objection
[redacted] Cottage	20/01/09	Objection
[redacted] Yeavinger	20/01/09	Objection
[redacted] The Old Windmill	20/01/09	Objection
[redacted] Mill Farmhouse	20/01/09	Objection
[redacted] Beaumont House	20/01/09	
[redacted] Monkhill	20/01/09	
[redacted] Braelees Cottage	20/01/09	Objection
[redacted] Harrys	20/01/09	Objection
[redacted] Cuswim	20/01/09	Objection
[redacted] Glenstrae	20/01/09	
[redacted] Gracelands	20/01/09	Objection
[redacted] Millfield	20/01/09	Objection
[redacted] Linsum	20/01/09	Petition
[redacted] Castle Cottage	20/01/09	
[redacted] 8 Longburgh Fauld	20/01/09	
[redacted] Loughrigg	20/01/09	Objection
[redacted] Friars Garth	20/01/09	Objection
[redacted] Northview Farm	20/01/09	Objection
[redacted] Hollow Creek Farm		Objection
[redacted] Greenstones		Objection
[redacted] - Burgh by Sands		Comment Only
[redacted] Mylen House		Objection
[redacted] Ridge Lea		Objection
[redacted] Lock House		Objection

3.1 This application has been advertised by means of a site notice as well as notification letters sent to 22 neighbouring properties. In response, 21 letters of objection have been received and are summarised below;

1. no significant need as sites at Geltside and Grinsdale Bridge;
2. security - could be up to 60 people if campsite is full;

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3. no amenities in surrounding area;
4. this will cause noise and change the appearance of an old part of Carlisle area between Monkhill and Beaumont;
5. extra traffic;
6. the small B roads around Beaumont and Monkhill are not suitable to cater for the proposed increased in road traffic. As it is when two cars pass each other one has to pull on to the verge to allow the other to pass, cutting up the verge and pulling all the mud onto the road;
7. increased traffic will increase noise in the adjoining villages;
8. the proposed wigwams and buildings will not sit in harmony with the village as they will be out of keeping with the existing houses, to the detriment of the World Heritage Site;
9. Safety is a concern both from the increase in traffic but also from the steady stream of this new transient population potentially making use of the site. Currently the beauty of Beaumont is that only people accessing Beaumont itself go there, now however a steady stream of strangers will be accessing through the village to stay at the site;
10. although the developers are saying they are aiming at folk who are wishing to walk the wall, they would be powerless to prevent people who wish to use the site to 'party' thus increasing noise in the area;
11. a campsite exists 2 miles away from Kirkandrews at the car sales bridge, thus the grounds for this development are already catered for;
12. the proposal indicates that the site could grow in the future which amplifies all the previous concerns by another factor of magnitude;
13. the proposed use of the land is so out of keeping with current use that Wigwams, buildings and a shop will change the village environment forever, for the worse;
14. a much better solution would be to site this proposal well out of the way of the local community where it could exist with good access and not detract from our village, community and wildlife;
15. this is a greenfield site and it should not be used for any other use than agriculture;
16. the proposed development would increase traffic flow at an already dangerous crossroads;
17. is the application for timber (temporary type) buildings just a way of gaining planning permission, then when they have passed their sell by

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date they will be replaced by permanent homes;

18. if permission were to be granted then the field either side could risk being developed as these could then be classed as in-fill plots. This would join both the villages of Monkhill and Beaumont together creating one large developed area rather than two small quiet tranquil villages;
19. there are no amenities in Monkhill, the pub has closed again having only been open for approx three months prior to this it was closed for approximately eight months. The bus service is limited;
20. it is a green field site and should not be used for new development when accommodation for walkers already exists along this section of the route and so close to Carlisle;
21. it will have a significant effect on local wildlife, especially roe deer, who use this and adjoining fields as a means of passage and pasture;
22. access in and out of the proposed site will create a safety issue to passing vehicles as the site entrance is very close to a blind bend;
23. this is a very narrow road from Monkhill to Beaumont and pedestrians and young children who walk this route have to stop and give way and climb onto the grass verges to avoid traffic and buses. This is dangerous in itself as the verges are constantly being severely damaged by large vehicles which can't pass each other without mounting the verges;
24. the proposed development will certainly create a greater hazard than already exists in vehicles gaining access to the Monkhill / Burgh Road crossroad;
25. there is concern over the septic waste from this proposed development. The planned soakaway into land that constantly floods onto the road from this field and others so much so that it is impassible at times for pedestrians and dangerous for vehicles. It is felt that health and safety will be compromised;
26. concern over noise, litter, day and night disturbance in this peaceful area;
27. an increase in seasonal visitors raises concerns regarding increased security risk;
28. The Supporting Planning Statement refers at 4.4.6 to a preference to find local accommodation, and states "where this is not feasible the guidance does allow for the principle of provision for on - site accommodation." In this case, however, it is perfectly feasible to obtain suitable accommodation. There is at this moment a modestly priced property for sale within walking distance of the proposed site;
29. the case for lack of feasibility appears to be based upon the fact that the

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applicant lives in Maryport, and the scale of the proposed business would not sustain the purchase of a house. This is no doubt true, but spurious. Everyone has to live in a house of some kind, and its value is normally irrelevant to any business which the resident might undertake. There is nothing to prevent any applicant from relocating to say, Monkhill. If he were unable to afford to do so it would be unfortunate, but this would not make a case for on-site accommodation;

30. The fact that Monkhill is referred to as a sustainable development location at DP1 is irrelevant as the proposed site is outwith the village;
31. if granted, this dwelling would constitute the thin end of a wedge. If this application were to be granted it would be difficult to refuse a further application for a residence 'only 215m' away from this one, leading ultimately to infilling the countryside between Monkhill and Beaumont;
32. The applicant seeks to quell fears by referring to the business being tied to the business, drawing attention to the fact that the occupancy would cease if the business should fail. The fear is not that it might fail, but that it might succeed beyond all expectations, leading to almost inevitable expansion;
33. In the statement at 4.1.1. 'is anticipated that the majority...will arrive by foot or bicycle'. We can only conclude that this statement was made with tongue firmly in cheek. The very strong likelihood is that they would arrive by car, no doubt with bicycle and/or climbing boots, and use the site, with its convenient parking, as a base. This would involve unacceptable increase in traffic on a very narrow road, and particularly at the Crossroads at Monkhill, which has appallingly poor visibility to the left when emerging from the direction of the site;
34. At 4.4.9, the services provided by the cabin (Cafe etc.) would be 'extended to passing walkers and cyclists'. Motorists are not mentioned but it would obviously be impossible to distinguish a motorist from a walker. If this Cafe were to prove a success, impossible congestion in the vicinity would result, no safe roadside parking being possible;
35. the width of the road serving the site is extremely narrow - two cars can't pass at the same time. It is also used by the local bus service, milk wagon's, heavy agricultural vehicles and cattle;
36. the ditches to the side of the road are badly damaged and the gulleys are blocked and the road floods badly. This proposal will only add more problem's to the Monkhill to Beaumont Road. There is also no street lighting or road markings;
37. there are no amenities in Monkhill;
38. the field is agricultural land and should be kept so;
39. the site is a bronze age site close to the Vallum. Our heritage should be

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- protected, not developed upon;
40. a camp site would be noisy, create extra traffic and possibly invite crime. Monkhill and Beaumont consists of a lot of elderly residents;
 41. there are existing tourist facilities in the local area;
 42. this proposal would add extra traffic to narrow busy roads;
 43. the drain that's positioned just past the proposed site leaks effluent and it has done for the past thirty years;
 44. it is understood that applicant resides at Crosby near Maryport, as such, it is considered that a site in Maryport would have made more sense as there is a lot more interest and history there, for example, a Roman museum;
 45. discussions with walkers do not suggest that they require a campsite between Beaumont and Monkhill;
 46. if the proposal went ahead and was not successful, would the cabins and the dwelling be removed and the field re-instated?
 47. the seven additional permanent buildings, in a small rural community would represent a substantial development, and will potentially change the character of the area;
 48. although there is a 30mph speed restriction in operation we have problems with speeding traffic entering the village. This development would lead to more traffic and hence make this problem even worse. Also, the single track roads around Beaumont attract walkers and cyclists and the extra traffic would potentially make conditions for these road users more hazardous;
 49. the change of use would be incompatible with the existing environment, this is a rural district on the edge of an Area of Outstanding Natural Beauty and would not benefit from the kind of development proposed.
 50. it is located within an isolated community with no amenities;
 51. there is little or no public transport to or from Carlisle outside of daylight hours and users of the facility would therefore be tempted to make their own entertainment with all the consequent noise and light pollution for nearby residents;
 52. the proposal is economically flawed and stands a good chance of failing, in which case the investors would be tempted to recoup their investment by letting the cabins on a permanent basis, with all the consequent social drawbacks;

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53. it is agreed that the Solway needs more tourist accommodation, but not the low grade sort envisaged in this application. There are plenty of camp sites in the area, and in any case real campers pitch their tents in convenient fields. What is needed is more good quality bed and breakfast accommodation and restaurant facilities. The proposal does nothing to encourage this. On the contrary it would set an unwelcome precedent that could result in the Solway being surrounded by low grade developments of this sort. This would discourage tourists from visiting our area. If we are to encourage British tourists who currently holiday abroad to come here we have to offer more than a wigwam in a field. They will demand good quality accommodation, e.g. en-suite facilities as a minimum;
54. the proposed site is outside the village of Monkhill but still unfortunately close enough to impact it. If this site were developed it would then create a possible application to in-fill between the Chapel and the campsite. And if permission has been granted for this site outside the village who knows how long it would be before Beaumont and Monkhill become one village corridor!;
55. the size of this proposed campsite which the developer continually refers to as small is not small enough. In the notes it says the septic system is designed for 25 people but if there are 3 wigwams (for 2 people) and 2 self catering cabins (may sleep more than 2) and then 10 tent sites (could be for 2 people or more) as well as a site managers house then that adds up to more than 25 people even without it being full. Considering the village of Monkhill consists of around 32 houses this would seem like a large increase of population for this area during the summer months;
56. why build a site managers house when there is a perfectly good house for sale in Monkhill currently;
57. The road network around Monkhill and Beaumont is not suitable for the type of traffic that this sort of development would bring to the area e.g. cars and caravans and the large vehicles needed to service this type of development;
58. Surely the damage to the local area and the increase from traffic will go against everything we as a County are trying to achieve;
59. Trying to save our local landscapes especially in an area like the Solway Coast must be of the up most importance because as we know from other areas around the Country once we lose these areas of outstanding natural beauty we can never get them back sadly a situation where we have only looser;
60. As we know these sites do not stay small and once started rarely stop until they become a blot on the landscape just travel to Silloth for an example of this and as the application also proposes a dwelling for a site manager it is hard to see how it can be financially viable to do this with a

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plane for a couple of cabins and ten tents suggesting they would look to expand the operation in the future and as previously stated it is easier to expand once the damage is done. I have no problems with someone wishing to build a family home in the area but this is just an ugly blot that I'm sure not many people would wish to view from their home;

61. There is no benefit commercial or financial to the local economy that I can see from this proposed development as we live in times where anyone staying on this development will just drive back in to Carlisle to do there shopping at one of the national chain supermarkets increasing traffic even more and damaging the environment even more;
62. Moving to this area was a decision made based on the fact that it was a quiet rural environment to bring our children up in, a development like this will ruin this beautiful area and as stated before once gone you can never get it back. Surly with the current financial climate the world finds itself in there are enough Hotels, Bed and Breakfast, Cottagers, Lodges and Camp sites struggling to fill the space they have available and make their business financially viable and keep their heads above water. This development will just create competition for an already struggling sector of our economy;
63. the campsite location is not actually on the Hadrians Wall trail unlike the many other B&Bs, campsites and bunkbarns in close vicinity to Monkhill;
64. Monkhill is a small rural hamlet with 32 dwellings and no local amenities - the local Public House has recently closed;
65. the bus route serving the area is limited;
66. the staggered cross roads at Monkhill are difficult to negotiate at the best of times. Visibility towards Burgh-by-Sands is good. However, visibility towards Kirkandrews on Eden is exceptionally poor;
67. the proposed development intends to build on a site which is currently agricultural land. The land should remain for agricultural use. Surely Carlisle City Council should be promoting conservation of agricultural land and preservation of all animals which live and hunt on that land;
68. the development would spoil the countryside between Monkhill and Beaumont;
69. the ground is always wet even in summer on the Monkhill side of the proposed development, and on the Beaumont side the road floods on a regular basis even after moderate rain;
70. there is obviously a problem with the drains in that area and the development would compound the problem;
71. any development whatsoever in this green field would be a disaster. The

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small villages of Beaumont and Monkhill are separated by only four fields and this would create an in-fill situation encouraging other local developers to also destroy the farmland with more developing, causing, eventually in time, for Beaumont and Monkhill to merge into one.

72. we do not walkers trooping up and down the village looking in windows and gardens;
73. the countryside must be preserved for future generations and wild animals;
74. there is no necessity for any input into the local economy which would only consist of a few walkers visiting Monkhill pub, it has sufficient local trade, as a community to survive, only being closed at present due to wrongly placed tenants. We do not want to be imposed upon by the tourist trade and certainly do not want a cafe on the doorstep;
75. the proposal will prevent frogs and toads using their migratory route;
76. the applicant(s) claim an average site usage of 9-15 persons, but concede that 'there will be times when the numbers are outside this range'; the site is expected to be operational outside of standard tourist seasons, 'we hope to add extra cabins once we have gained enough income' and 'we hope to add an additional WC when an information point is added'. Clearly financial necessity will drive this project to operate at maximal capacity for as long as possible each year and the safeguards for the local area are not adequate to cope with this level of usage. They claim the site is mainly for walkers and cyclists but they cannot, and will not, discriminate against customers who arrive by other modes of transport, thus affecting traffic volumes;
77. the applicant(s) answer to concerns regarding noise and crime is 'most people who walk Hadrian's Wall are over 30' - criminal and antisocial behaviour is not solely the preserve of the young;
78. I note 'the cabins are specially designed and used in remote areas of Scotland'. Whilst this may be a statement of fact, Beaumont is not remote. Furthermore, these cabins look absurd and out of keeping in Scotland, just as much as they will if allowed in to Beaumont / Monkhill. The applicant(s) claim that the 'height of the existing hedgerow will be increased by about 1m so the site will be unlikely to be visible'. However, a well managed more substantial hedge will take time to grow. In the interim, the site will be an eyesore;
79. the applicant(s) state that 'there is a pub in Burgh-by-Sands, only a 20 minute walk away'. They fail to point out that there is also accommodation in Burgh, very near to the pub. Why then would you wish to camp in Beaumont and walk 20 minutes to the pub, when you could stay in Burgh and only walk 5 minutes to the pub?;

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80. this project begins the infill of the green space between two sperate hamlets - part of the beauty and character of the area. If this proposal is passed you the planners, and the Maryport applicants, will be responsible for the development of an indistinct urban dormitory, in place of green fields and open countryside;
81. it appears that the holiday accommodation will be available for use on a year round basis and must be judged in this context;
82. the siting of a dwelling in open countryside for use by the Site Manager directly conflicts with local plan policy. There is nothing in the documentation that we have seen to support an identified and proven need for a dwelling. In our view there must first be a need to justify the planning consent. To approach the issue the other way round would be entirely wrong;
83. there will be many months during the year when the holiday facility proposed will be barely used. If the facility is under used or worse still fails completely the precedent for a residential dwelling free of ant restriction will have been established. We would be grateful if in the Planning Officer's report to the Committee it could be clearly indicated how it is intended that the residential dwelling might be linked to the remainder of the development to prevent it being sold off or occupied separately from the development;
84. while we are aware that a traffic statement has been prepared its contents do not alleviate or eliminate our client's concern regarding the additional traffic that would be generated along this minor route. Existing traffic already has a serious and damaging effect upon the road verges and gutters. Photographs are enclosed illustrating the concern;
85. the road network surrounding land in this area frequently floods and again this is clear from the photographs. It is a logical and understandable fear on our client's part that increased commercial and vehicular activity in the area can only make matters worse;
86. Part of the development site proposed is elevated some 2 metres above the road and our client's adjoining land and property. He will be overlooked which will directly impact on his privacy and amenity. A development which adversely affects the amenity of neighbouring residential property is in direct conflict with local plan policies. Our client is aware that certain landscaping / mitigating measures are proposed in the form of planting. Any planting scheme will take years to mature and will at best only be effective during the summer months. The proposal in our view represents unneighbourly development;
87. the development represents development in the open countryside. The thrust of national and local guidance is that the countryside should be protected for its own sake and where possible enhanced. The use of the site for the development proposed directly conflicts with this guidance;

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88. the land floods - the proposed access is at the junction of two beck's. One is a drain at the roadside from Monkhill, the other is a drain along the nearest field to the proposed entrance. The lonning is currently liquid mud;
89. the proposed drainage system will have nowhere to empty;
90. on inspection there is evidence of sewage contamination in stagnant gully pools which transfers to a much wider area under flood conditions. From a public health perspective to suggest people should live in, or adjacent to, these conditions is Dickensian. This leads me to speculate as to how long before an accident or outbreak of disease occurs;
91. it has been suggested that this development would be good for local economy. Monkhill and Beaumont do not want any boost to our economy. We are two sleepy retirement villages, within commuting distance to Carlisle, where the few working people make there living before returning to these quiet little villages. The only economy that would be boosted by this house and development would be the applicants. Boosting the local economy would lead to growth of these small communities which is something we don't want;

3.2 In addition to the individual letters of objection, a petition signed by 45 residents of Beaumont has also been received. The petition does not provide details of the specific reasons for the objection;

4. Planning History

- 4.1 In 2008, under application reference 08/1043, an application for the change of use of agricultural land to holiday accommodation comprising of 2no self-catering cabins, 3no, camping cabins, services, 10no. tent pitches, access road, alterations to existing vehicular access and placement of 1no. dwelling for occupation by site manager was withdrawn;

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members will recall that this application was deferred at the Meeting of 13th March 2009 in order to await receipt and consideration of a report and scheme relating to the disposal of foul and surface water. The application seeks full planning permission for the provision of tourist accommodation and associated facilities within a field located on the eastern side of the road leading north from Monkhill to Beaumont. The application site is approximately 500m to the south-west of the Hadrian's Wall Path National Trail (HWPNT) within the Hadrian's Wall World Heritage Site Buffer Zone and

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adjoins the Solway Coast Area of Outstanding Natural Beauty. The field has an approximate area of 0.44 hectares and is bounded to the south, west and east by natural hedging. The northern boundary is a post and wire fence. The field is above the level of the road that runs along its western flank. Agricultural fields are located to each other flank with the nearest residential property, Lock House, located approximately 60m north-west of the northern boundary of the site. The closest properties within Monkhill are approximately 180m from the application site; the closest properties in Beaumont are approximately 200m. Access to the site is from the south-west corner of the field.

The Proposal

- 5.2 This application seeks approval to provide 3 camping cabins, 2 self catering cabins, a service cabin, storage shed, info cabin, ten tent pitches and a cabin to provide accommodation for a "key worker" within the site. It is also intended to provide a gravel access road and undertake landscaping, primarily through hedge planting. The site plan indicates that the proposed tents will be located on the eastern side of the access road (away from the public highway) and the remaining timber structures located to the west of the access road. The applicants have indicated that surface water drainage will be in the form of a soakaway with foul sewerage dealt with by means of a package treatment plant.
- 5.3 The proposed self catering cabins are to have a length of 8.1m (including overhang), depth of 2.7m, maximum roof height of 2.95m, and are to be constructed from timber. The cabins will provide a bedroom, toilet/shower and combined living space and kitchen.
- 5.4 The camping cabins are 'A' shaped buildings with a floor area of 5.5m x 3.7m and a roof height of 2.8m. The cabins will again be constructed from timber and provide a single living space with no washing facilities.
- 5.5 The service cabin is to have a floor area of 9.2m x 6m with a maximum roof height of 3.5m. It is to be divided into two distinct areas, one comprising a kitchen and café area; the second two toilets (including one suitable for disabled people) and two showers. A ramp is to be provided to allow access to the cabin for disabled people. The cabin is to be constructed from timber. Adjacent to the service cabin it is proposed to erect a timber drying room with a floor area of 3.63m x 1.82m and a roof height of 2.27m.
- 5.6 As noted, the tent pitches are to be located to the east of the site with individual pitches screened from one another by means of willow/hazel hurdles of approximately 2m in height. A dogwood hedge is to be planted to the rear of the tent pitches to provide delineation with the soakaway that is to be located directly behind.
- 5.7 The key worker's accommodation, that is for the manager and his/her family, is to be located at the northern end of the site. It is to be single storey with a floor area of 10.9m x 6m (maximum 13.1m x 7m including verandah). It will

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provide three bedrooms, a bathroom, toilet/shower and combined kitchen and living area and is to be constructed from timber.

- 5.8 The application is supported by a planning statement, design and access statement, traffic assessment, hedgerow survey report, archeological evaluation, and a business plan. The intention is for the proposed accommodation to be primarily, but not exclusively, used by those walking along the HWPNT and cyclists on the Coast to Coast (C2C) route. The facility will offer tourist accommodation throughout the year. Given the nature of the anticipated users, it is likely that the length of stay will generally be short, i.e. one or two nights.

Assessment

- 5.9 The relevant policies against which this application is required to be assessed are Policies DP1, CP1, CP4, CP5, CP6, EC16, H7, LE5 and LE29 of the Carlisle District Local Plan.

- 5.10 The proposal raises two distinct issues. The first is whether the principle of providing holiday accommodation in this location is acceptable and is considered at 5.11 to 5.31. The second relates to the acceptability of providing key workers accommodation on site which is considered at 5.32 to 5.34.

1. Whether The Principle Of Tourist Accommodation Is Acceptable In This Location

- 5.11 The proposal falls outside of a sustainable development location as defined by Policy DP1 of the Carlisle District Local Plan. However, Policy EC16 of the Local Plan states that proposals for tourism related development will be supported where they contribute to the economic and physical regeneration of an area provided that the following criteria are achievable on site:

1. the scale and design of the development are compatible with the surrounding area; and
2. there would be no unacceptable adverse impact on the landscape/townscape; and
3. adequate access by a choice of means of transport, including sustainable modes of travel such as cycling or long distance walking and appropriate car parking can be achieved; and
4. the level of traffic generated can be adequately accommodated within the local road network without detriment to the particular rural character of the area; and
5. If the proposal is within a rural area it is well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme; and
6. the distinctive environment, culture and history of the area are safeguarded.

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- 5.12 In addition, the policy stresses the importance of Hadrian's Wall as an attraction for sustainable tourism with the supporting text referring specifically to opportunities for the provision of new facilities close to the trail - particularly refreshment facilities, toilet blocks, car parks and accommodation.

2. Impact On Landscape Character

- 5.13 As noted, criteria 1 and 2 of Policy EC16 relate to the impact on landscape character and existing settlements. The proposal will result in the introduction of a number of timber structures on an open field within the Hadrian's Wall Buffer Zone and adjoining the Solway Coast AONB. A number of objections have been received on the basis that the proposed structures will be visually intrusive, especially in the context of their proximity to areas of recognised historic and landscape value. However, the cabins and associated buildings are small-scale low level removable structures which could, if required, be removed from the site without any significant restoration of the land. The tent pitches will also have minimal impact. The plans show there to be minimal hard surfacing to accommodate parking/barbecue areas with the intended surfacing materials designed to enable grass to grow through. The applicant has also included details of further screening of the site and cabins in addition to the existing hedgerows that will minimise any visual impact. It is therefore considered that the requirements of the aforementioned criteria are achievable on site.

3 . Accessibility

- 5.14 Criteria 3 of Policy EC16 requires any tourist facility to be accessible by a choice of means of transport. In this regard, the applicants are specifically marketing the site at walkers and cyclists following the HWPNT and C2C. As such, it is likely that a higher percentage of people using the facility would arrive on foot or by bike than would normally be associated with a development of this type. In addition, there is also a bus service which runs in close proximity to the site. Whilst it is inevitable that some people using the site will arrive by car, it is considered that the proposal provides sufficient alternatives to demonstrate compliance with criterion 3.

4. Impact On The Local Highway Network

- 5.15 The fourth criterion seeks to ensure that the level of traffic generated can be adequately accommodated by the local highway network. As already discussed, it is considered likely that a high percentage of visitors to the site will arrive on foot or by bike. However, the proposal will also generate additional motor vehicle movements. A number of concerns have been raised by residents in relation to this aspect of the proposal. Firstly it is asserted that due to the narrowness of the road between Beaumont and Monkhill, two vehicles - especially when this involves a tractor, bus or similar - are unable to pass without driving onto the verge. Photographs have been provided by one objector to show the damage which has already been caused to local verges as a result of this. Secondly, there are highway safety concerns because the

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staggered cross-road in Monkhill is considered to have particularly poor visibility. Likewise, the visibility for cars leaving the site is felt to be particularly poor. There is also a general concern in relation to increasing the amount of traffic on the relatively narrow rural roads in the vicinity of the site.

- 5.16 In relation to the impact on the verges, as demonstrated by the photographs submitted by the local resident, this is a pre-existing issue which, given the modest nature of the tourist facility and its emphasis on attracting walkers and cyclists, is considered unlikely to significantly exasperate the problem. In relation to safety concerns, the Highway Authority has raised no objection to the proposal subject to appropriate conditions being attached to any permission that may be granted to ensure, amongst other things, appropriate visibility splays and entrance to the site is achieved. On this basis, it is considered inappropriate to recommend refusal of the application on highway grounds.

5. Whether The Proposal Is Well Related To An Existing Tourist Attraction

- 5.17 Criteria 5 of Policy EC16 of the Local Plan states that proposals for tourism related development in the rural area must be *'well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme'*. In this instance the proposal is clearly well related to the Hadrian's Wall World Heritage Site and the associated Hadrian's Wall Path National Trail. As such, it is considered that the requirements of this criteria are met.
- 5.18 A number of objections have been received on the basis that there is no need for the facility as there are numerous other establishments of various kinds offering accommodation for people visiting / walking the Wall in the wider area. However, Hadrian's Wall Heritage Ltd have provided a letter of support for the proposal which states that *'we are particularly interested in the development due to the fact that it will offer high quality, environmentally friendly facilities for walkers and cyclists in an area of Hadrian's Wall corridor that currently has no provision of this nature'*. In addition, since the last Committee Meeting, a further letter of support has been received from Hadrian's Wall Path National Trail Manager which states, in summary, that *'most National Trail walkers using Hadrian's Wall Path do not have access to cars, they arrive and leave on foot each day and they rely on local accommodation provision and supporting services to enable their holidays to become a reality. There remains a shortage of budget accommodation, including camping provision, west of Carlisle, and I believe that the Monkhill Camping Park development will help to meet that need'*.
- 5.19 It may be asserted that granting approval for this development could potentially impact on the financial interests of nearby enterprises - listed by objectors - which also provide tourist accommodation, albeit of a different kind, in close proximity to the Wall. However, ministerial advice has often re-iterated that considerations of commercial competition are not planning matters and this would therefore not provide a valid reason for refusing the application.

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6. Whether The Proposal Would Safeguard The Local Environment

- 5.20 The final criteria of Policy EC16 requires that *'the distinctive environment, culture and history of the area are safeguarded.'* As noted, the proposal falls within the buffer zone of the Hadrian's Wall World Heritage Site and is therefore in a location of acknowledged historical significance. Concern has been raised that the proposal will have a detrimental impact on the historic and archaeological interest of the area. As such, the applicants have submitted an archaeological evaluation of the site and both the Cumbria County Archaeologist and English Heritage were consulted. However neither raised any objection to the proposal as it was not considered that any archaeological remains would be affected.
- 5.21 In addition to impact on the historic environment, concern has also been raised as to the potential impact on wildlife. However, it should be noted that the proposal falls within an intensively managed agricultural field which has most recently been used for grazing animals. As such, the field is likely to have low intrinsic value for wildlife. Whilst it may be used by foraging animals, the field represents a small part of an extensive resource of similar habitat and any impact on wildlife is therefore likely to be minimal.
- 5.22 In addition to the above, should permission be granted, the proposal would require the hedgerow around the proposed entrance to be cut back to allow the visibility splays required by the Cumbria Highway Authority to be achieved on site. It may also be necessary to remove a small amount of hedgerow (<0.50m) to allow the minimum carriageway width of 4.8m to be achieved. The Council Tree Officer has assessed this hedgerow and has advised that it would qualify as 'important' under the terms of the Hedgerow Regulations 1997. As such, he has noted that there is strong presumption in favour of it's with any loss only warranted in exceptional circumstances. However, given the minor nature of any hedgerow removal which may be required and the mitigation afforded by additional planting within the site, it is not considered that there would be sufficient grounds to warrant refusal of the application on the basis of the loss of this small section of hedgerow, if required.
- 5.23 In addition to the above, a number of additional concerns have been raised in relation to the tourist accommodation which are addressed below.

7. Crime and Anti-Social Behaviour

- 5.24 A number of residents have raised concerns that by potentially having up to 60 tourists in the area at one time, there will be an increased risk of criminal activity within Beaumont and Monkhill. As such, the Cumbria Constabulary Architectural Liaison Officer has been consulted on the proposal. Whilst officially raising no comment, he has verbally advised that there is no actual or anecdotal evidence to suggest that this type of development is associated with an increased risk of criminal activity.
- 5.25 Concern has also been raised over the potential for anti-social behaviour

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caused by 'partying' tourists. The Cumbria Constabulary Architectural Liaison Officer has verbally commented that whilst this type of anti-social behaviour was historically a problem on the large Lake District camp sites, it has now largely been 'managed out' through, for example, the adoption of policies refusing admittance to large, single sex groups of tourists. It is therefore considered that through good management of the site, anti-social behaviour could be minimised. It must also be remembered that the proposed site is largely seeking to attract walkers, cyclists and visitors to Hadrian's Wall and will offer limited services. It is therefore likely that the site would attract visitors wanting a different experience to the large Lake District sites that retail alcohol and provide on-site entertainment.

8. Impact On The Living Conditions Of Neighbouring Residents

- 5.26 There have been a number of general objections to the proposal on the basis that it will adversely effect the living conditions of residents of Monkhill and Beaumont through an increase in the number of people walking through both villages. There has also been a specific objection from the resident of Lock Cottage as he considers that the proposal will result in a direct loss of his privacy and amenity.
- 5.27 Policy CP5 of the Carlisle District Local Plan seeks to ensure that there is no adverse effect on residential amenity arising through development. Whilst acknowledging the general objections raised, it should be remembered that the proposed site is relatively small and will cater for a limited number of tourists at any given time. Members should also be aware that the HWPNT already passes through Beaumont and so - given that the site is primarily aiming to attract walkers - it is likely that a high percentage of people using the site would pass through Beaumont regardless of the presence or otherwise of the application proposal. In addition, given that Monkhill is farther from the HWPNT than the site and has little to offer in terms of tourist facilities, it is reasonable to assume that not everyone using the camp site will journey as far as Monkhill. If people require, for example, evening meals, it is more likely that they will continue along the trail to Burgh-by-Sands. It is acknowledged that if the Public House in Monkhill were to re-open, this would act as a draw to people using the site. However, it is still not considered that this would lead to people visiting Monkhill in sufficient numbers to adversely effect the living conditions of residents.
- 5.28 The concerns raised by the resident of Lock Cottage in relation to loss of privacy and amenity are acknowledged. However, any assessment of likely impact must be made on the basis that, at its closest point, Lock Cottage is some 60m from the boundary of the proposed site and a hedgerow, road, agricultural field and bank and a number of trees are located between the two. In addition, as the visitor facilities are located towards the southern end of the site, they would actually be at a distance of some 100m from the house. It should also be noted that the northern end of the site is significantly elevated in relation to the southern end so views of Lock Cottage from the tourist accommodation - and vice versa - would be limited. The key workers accommodation is to be located to the northern end of the site and would be

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more visible. However, given the distances involved it is not considered that this would have sufficient adverse impact on the living conditions of the resident of Lock Cottage to warrant refusal of the application.

- 5.29 Since the previous Development Control Committee Meeting, a further two letters of objection have been received, reiterating points already raised. In addition, a petition signed by 45 residents of Beaumont objecting to the proposal has also been received. The petition does not state any specific reasons for the objection.

9. Flooding and Drainage

- 5.30 A number of objections have been received on the basis that the road which serves the site is liable to flooding. It has been suggested that this is a result of the poor condition of existing drains in the area and also as the ditches which run along the side of the road are blocked. As this is clearly an existing problem, it needs to be considered whether the development of the site will significantly exasperate the situation. Concern has also been raised as to the condition of the field itself which it has been stated is subject to regular flooding. However, as this element does not affect the public realm, it is not a material planning consideration but rather a matter for the applicant to address should planning permission be granted.
- 5.31 In relation to likely impact on the road, the proposal will introduce little in the way of permanent areas of hard standing. The access drive is to be constructed from gravel and the parking places from reinforced mesh, neither of which will impede surface water drainage. Whilst the timber structures may have some impact, given their footprint in relation to that of the overall site, it is considered that this would be minimal. In relation to foul sewerage, the applicants have indicated that use will be made of a package treatment plant rather than a connection to the existing drainage system. However, notwithstanding the above, as the proposal is exempt from Building Regulations control, Members requested that percolation test reports and a drainage scheme, identifying in detail how foul sewage and surface water is to be dealt with, be submitted prior to the determination of the application. This was considered necessary to ensure that a satisfactory scheme could be implemented which would result in no additional flooding of adjacent areas. At the time of preparing the report it is anticipated that this information will be submitted prior to the Development Control Committee meeting and an update will be provided at that time. The Environment Agency have been consulted on the proposal and have not raised any concerns in relation to flooding or drainage.

10. Whether The Provision Of Key Workers Accommodation Is Acceptable

- 5.32 The report so far has concentrated on the acceptability of providing tourist accommodation. However, the second major aspect of the proposal relates to the provision of key workers accommodation on site. This element of the proposal has raised significant concern largely on the basis that a) the proposal is not of a sufficient size to warrant the provision of the dwelling and

SCHEDULE B: Reports Requiring Further Information

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b) the tourist element of the proposal is merely a means for the applicants to receive permission for a dwelling in a location in which it would generally be considered unacceptable.

- 5.33 The Good Practice Guide on Planning for Tourism states that for many types of holiday parks a residential managerial presence is often essential to achieve quality service to the customer, security for the property and to meet the obligations of health and safety. In order to assess proposals for staff accommodation the Guide suggests that consideration should be given to annex A in PPS7 which requires the applicant to meet the criteria set out in paragraph 12.
- 5.34 Policy H7 of the local plan provides guidance in respect of dwellings essential to agriculture, forestry and other rural based enterprises. This policy is based on the guidance in PPS7 annex A. It is also relevant to note that the proposed accommodation is in the form of a timber cabin that can be relatively easily removed from the site should the proposed enterprise prove unsuccessful. As such, Members can consider the imposition of a condition that either gives temporary permission for the cabin or requires the cabin to be removed and the land reinstated should the proposed enterprise cease operation. Any further accommodation would require a separate application. The applicants have submitted a business plan that indicates the phased introduction of the camping and self catering cabins over a three year period. As such, it would be considered appropriate to attach a condition to any permission that may be granted to ensure the phased introduction of the holiday accommodation actually takes place alongside the provision of the proposed key workers accommodation. A condition could also be attached requiring the removal of all structures and the restoration of the land within a given time scale should the venture fail.

Conclusion

- 5.35 On the basis of the above assessment, the proposal will be recommended for approval subject to the receipt of an appropriate scheme for the disposal of surface water and foul sewage and the imposition of relevant conditions. An update will be provided to Members at the Committee 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

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by the Authority to regularise any breach of planning control;

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

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

6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

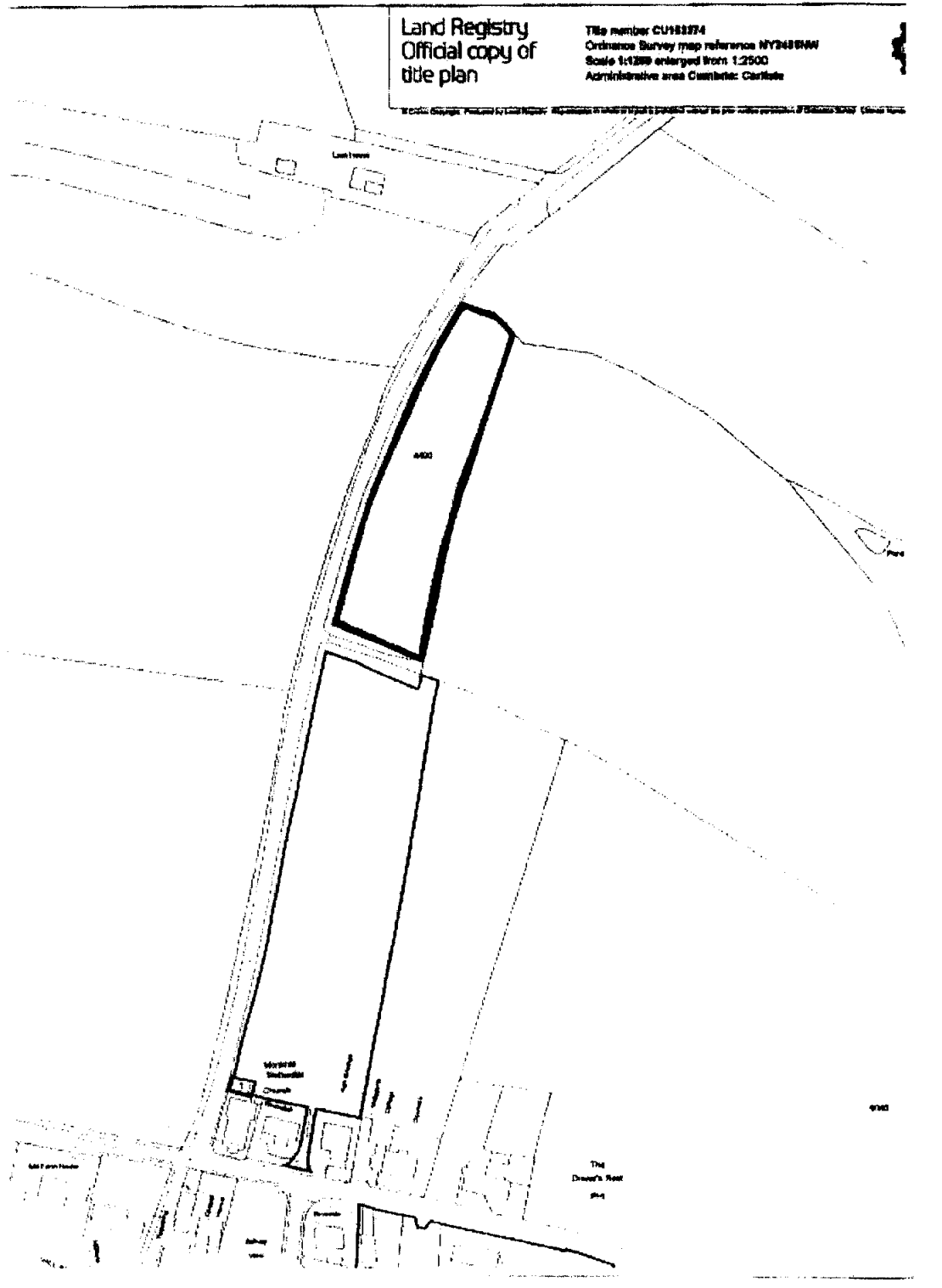
7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report information relating to the disposal of foul and surface water is awaited from the applicant.

Land Registry
Official copy of
title plan

Title number CU182274
Ordnance Survey map reference NY2488NW
Scale 1:1250 enlarged from 1:2500
Administrative area Cambridgeshire: Carlisle

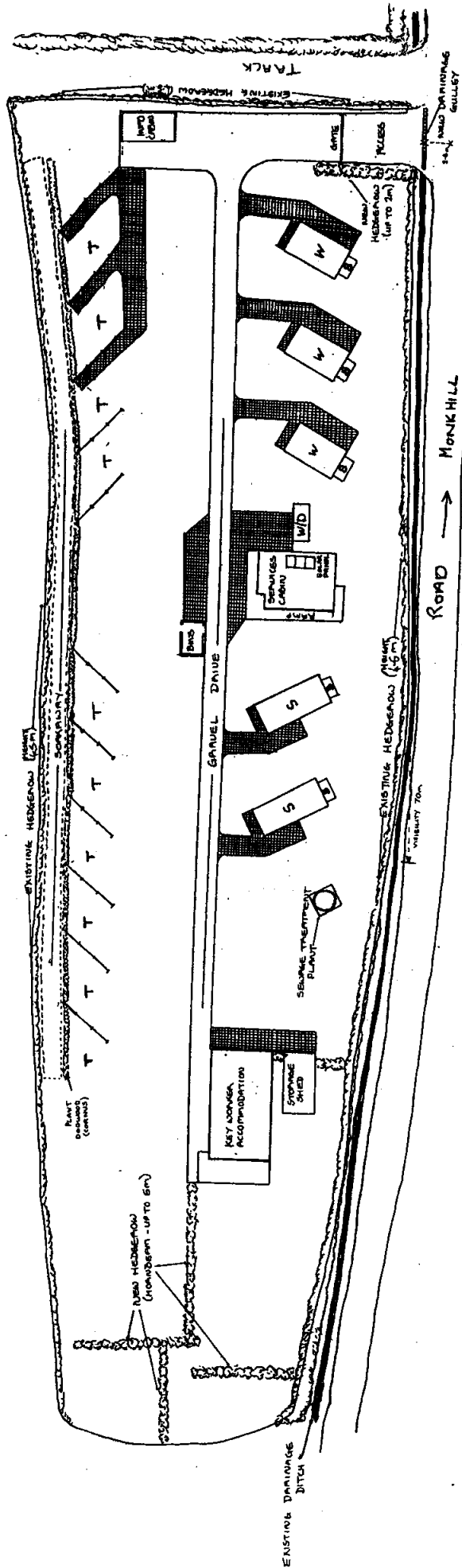


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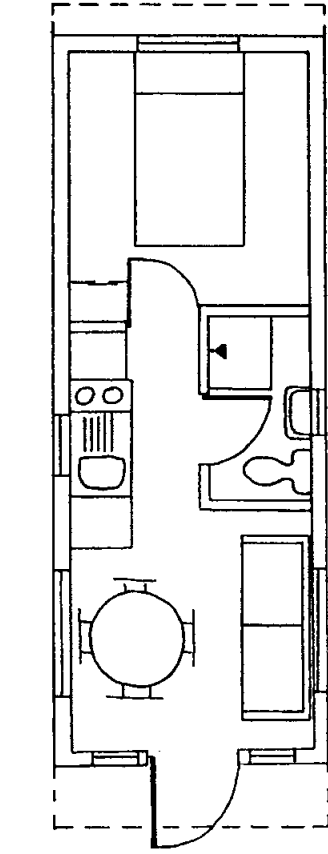
Roman Hill Lodges - Monk Hill

Key	
	Parking Places (ground reinforcing mesh with grass growing through)
W	Wigwam (camping cabin)
S	Shedding (self-cleaning cabin)
S	Secure Site Storage (for additional spares in Storage Shed)
Services Cabin	Disabled access to Breakfast area & Lounge, W/D/Washer rooms
W/D	Washing up/drying room
T	Toilet Modules (separated by wheelchair hurdles - approx. 2m height)
Site	Rubbish Collection and Recycling (separated by wheelchair hurdles - approx. 2m height)

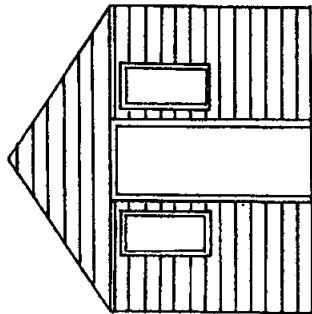


PROPOSED BLOCK PLAN OF CARPENTERS FIELD, MONK HILL FARM, BUREN-BY-SANDS . CAS 6 DB
SCALE: 1:200
1/1/08

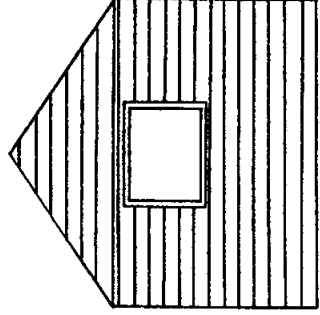
Robert P. ... 13/10/08
 SHEILING S/C CABIN
 PROPOSED FLOOR PLAN/ELEVATION
 MR. M. DOHERTY
 ROMAN WALL LODGES
 SCALE: 1/50 11/10/08



FLOOR PLAN

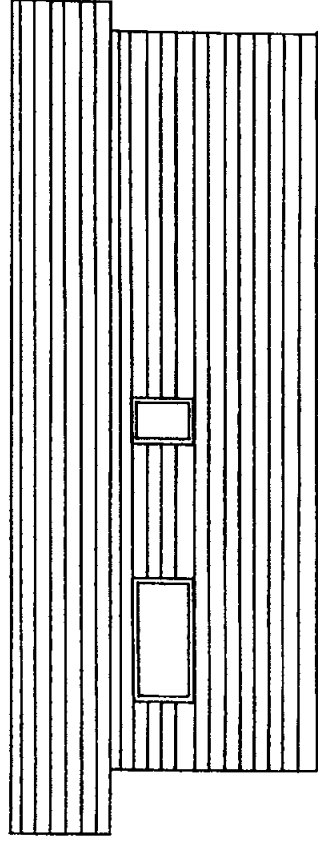


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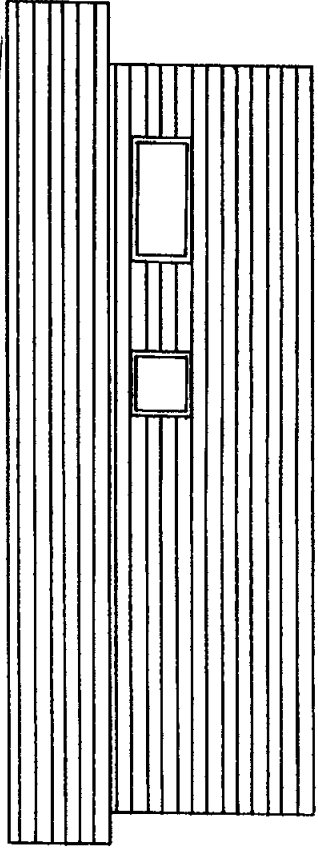


REAR ELEVATION

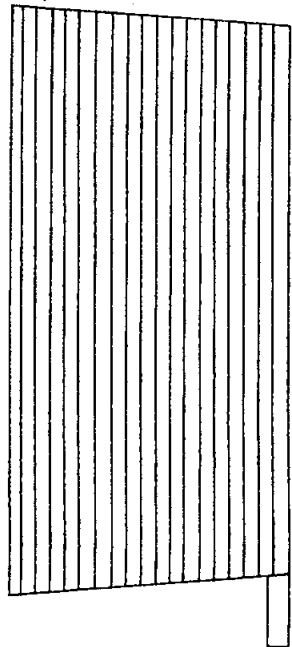
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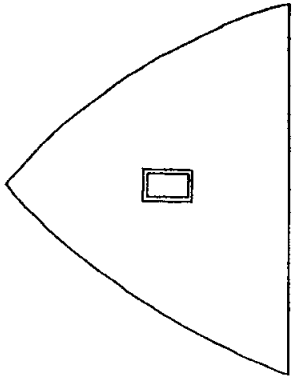
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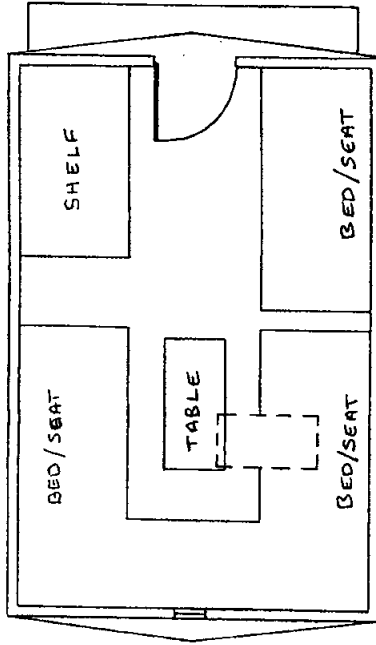
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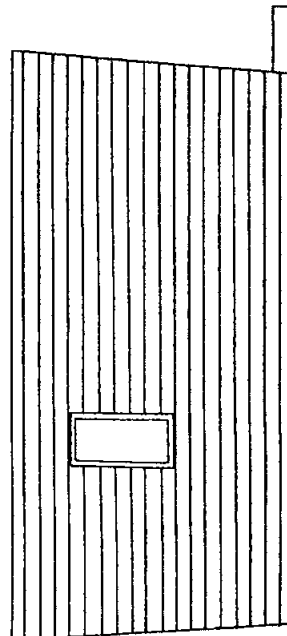
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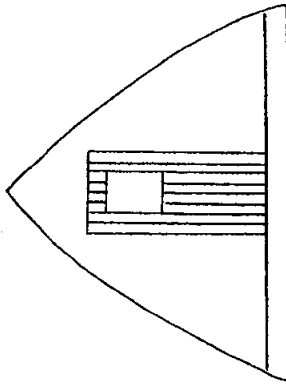
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FLOOR PLAN



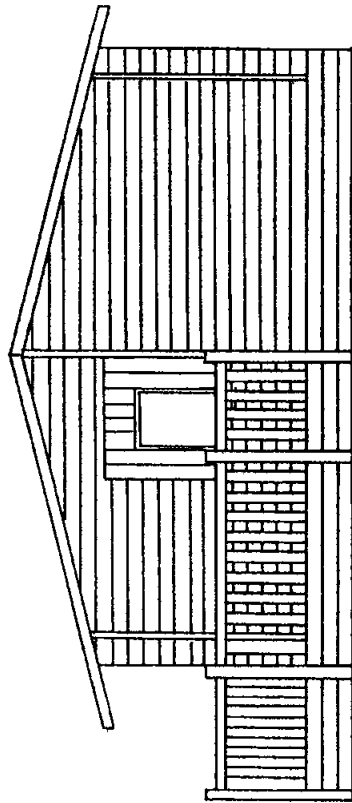
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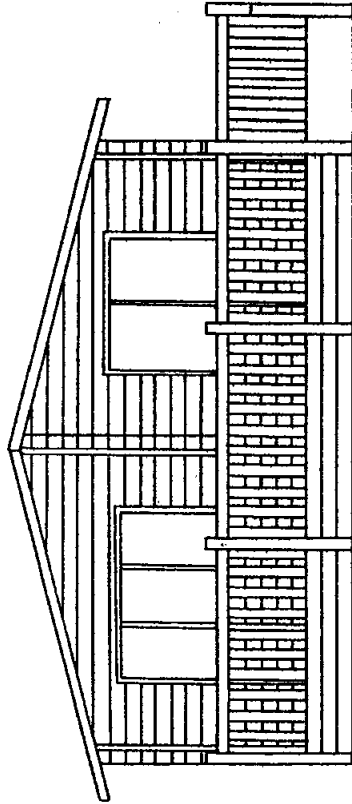
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MR M DOHERTY	
ROMAN WALL LODGES	
SCALE: 1/50	11/10/08
<i>Mark Doherty</i> 13/10/08	



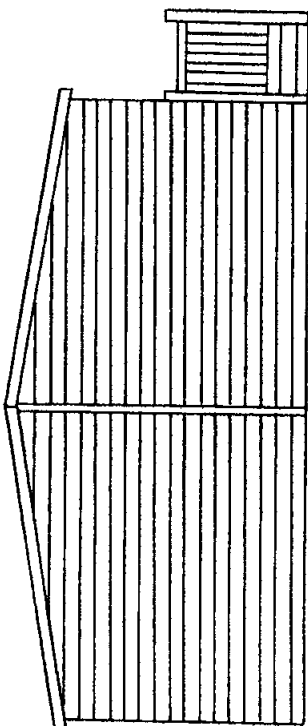
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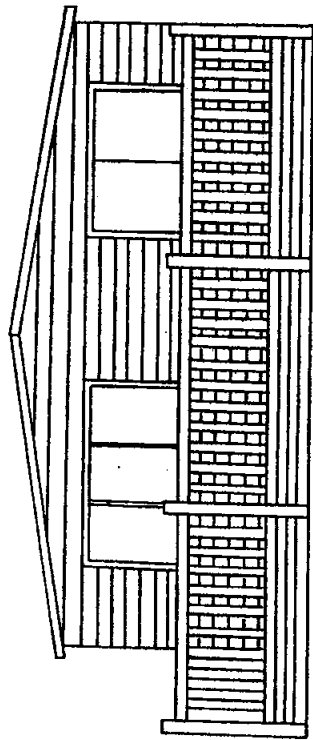
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SERVICE CABIN
PROPOSED ELEVATIONS
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
<i>John P. Doherty</i> 13/10/08



REAR ELEVATION



FRONT ELEVATION

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OWNERS CABIN

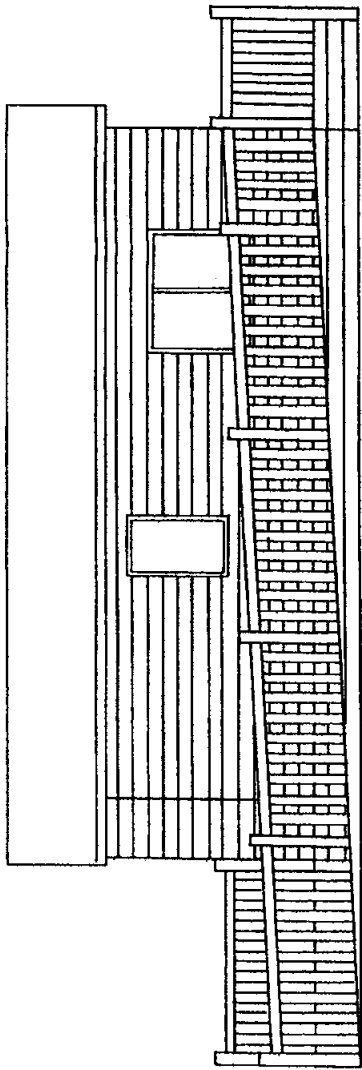
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MR M DOHERTY

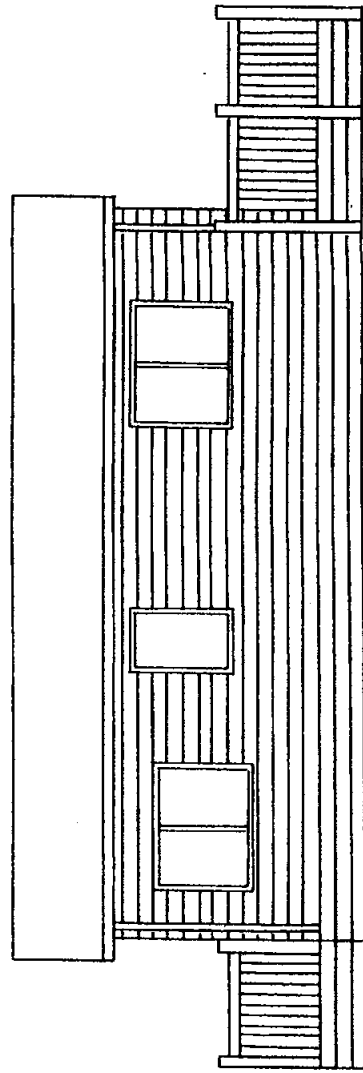
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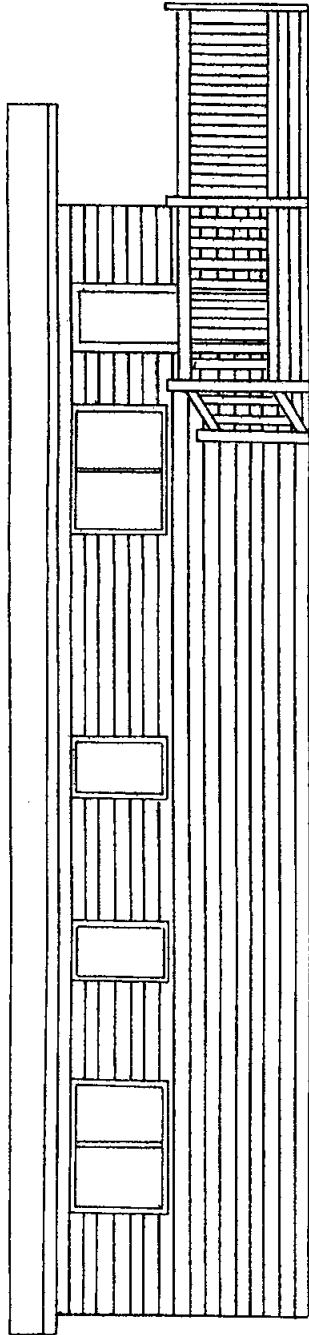
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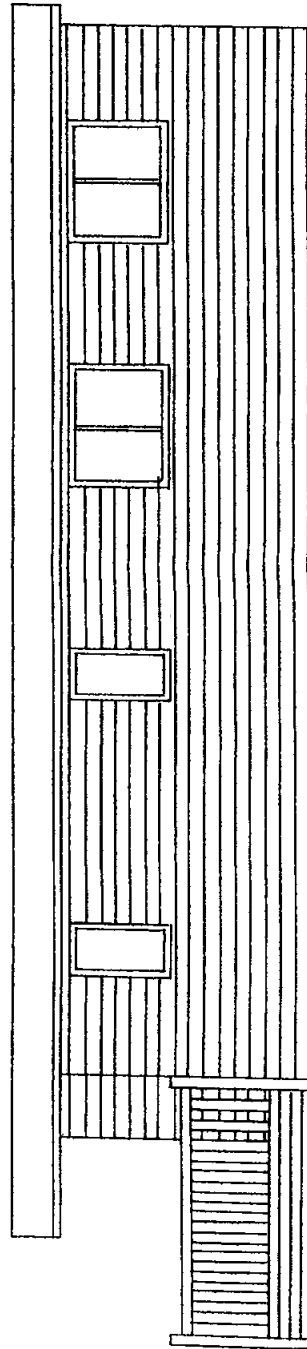
SIDE ELEVATION

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MR. M. DOHERTY
ROMAN WALL LODGES
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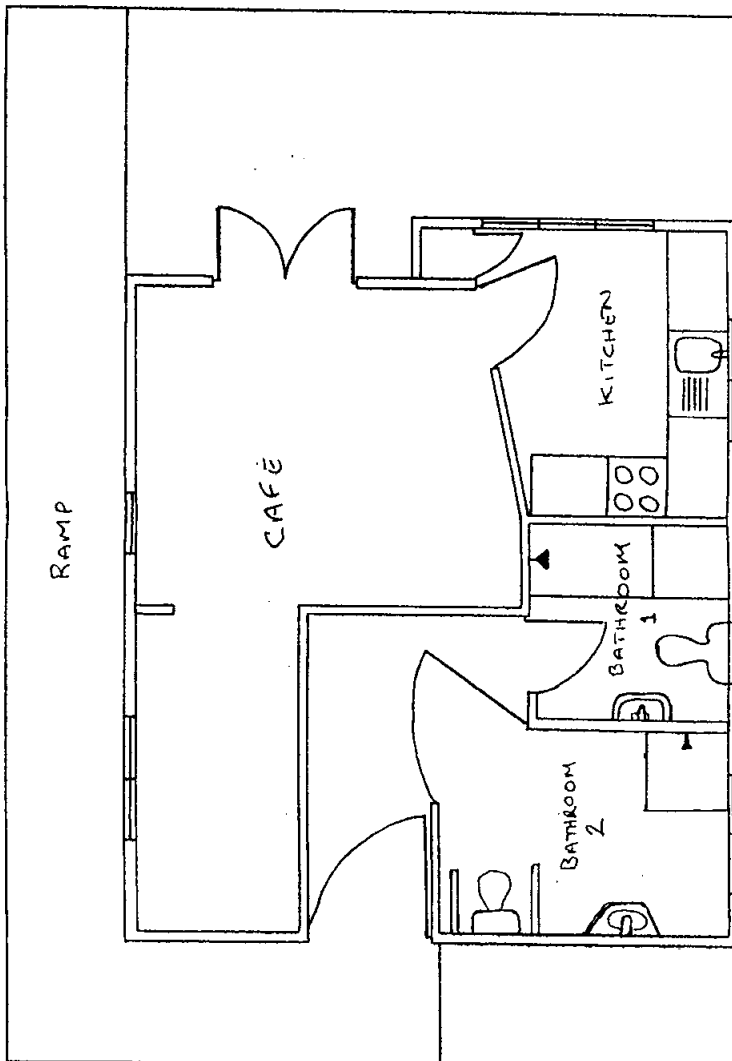
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SIDE ELEVATION

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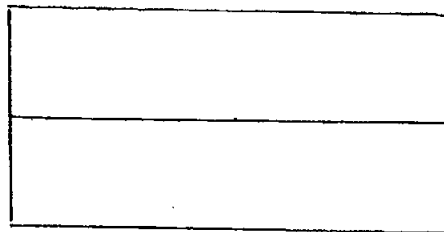
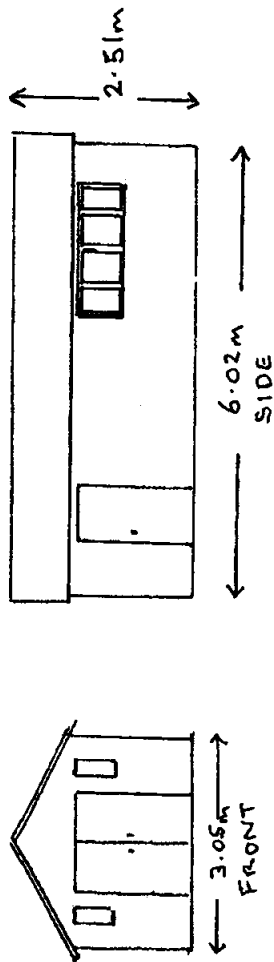
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MR M DOHERTY
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FLOOR PLAN

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MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
<i>John Doherty 13/10/08</i>



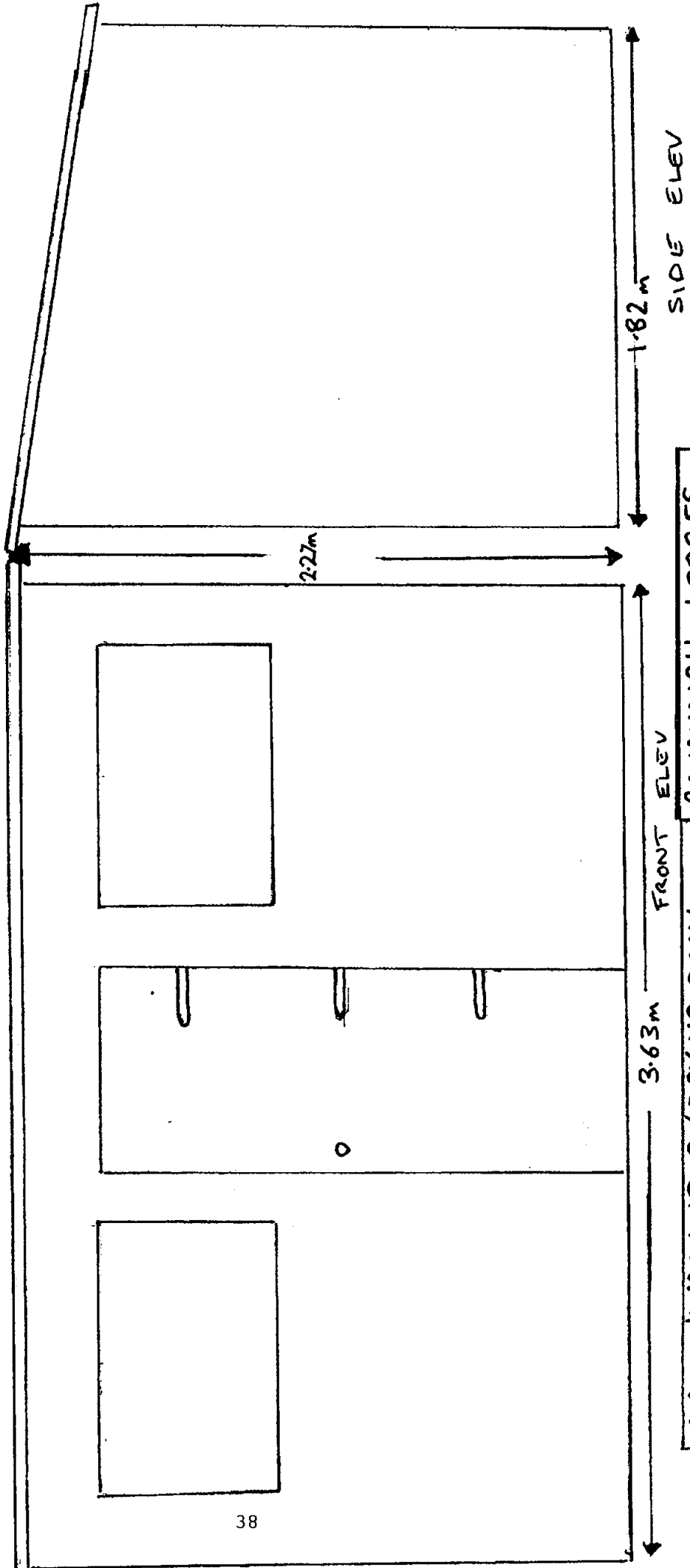
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TITLE	MAINTENANCE SHED / BIKE STORAGE FOR TENT USERS	
SCALE	1 : 100	ROMAN WALL LODGES

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PENT SHED, SEE ATTACHED DOCUMENTS FOR DETAILS



TITLE	WASHING UP / DRYING ROOM
SCALE	1:20

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ROMANWALL LODGES

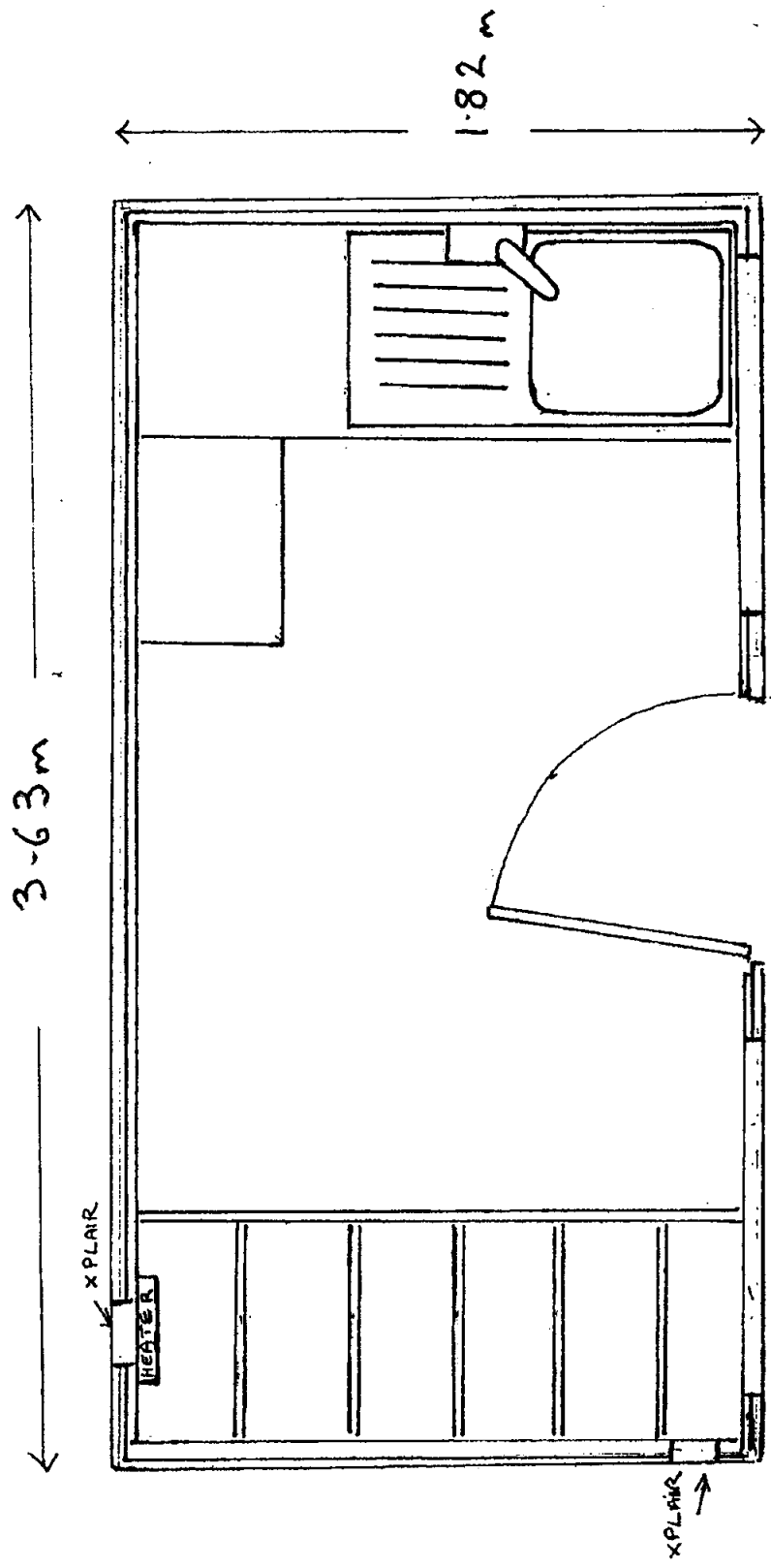


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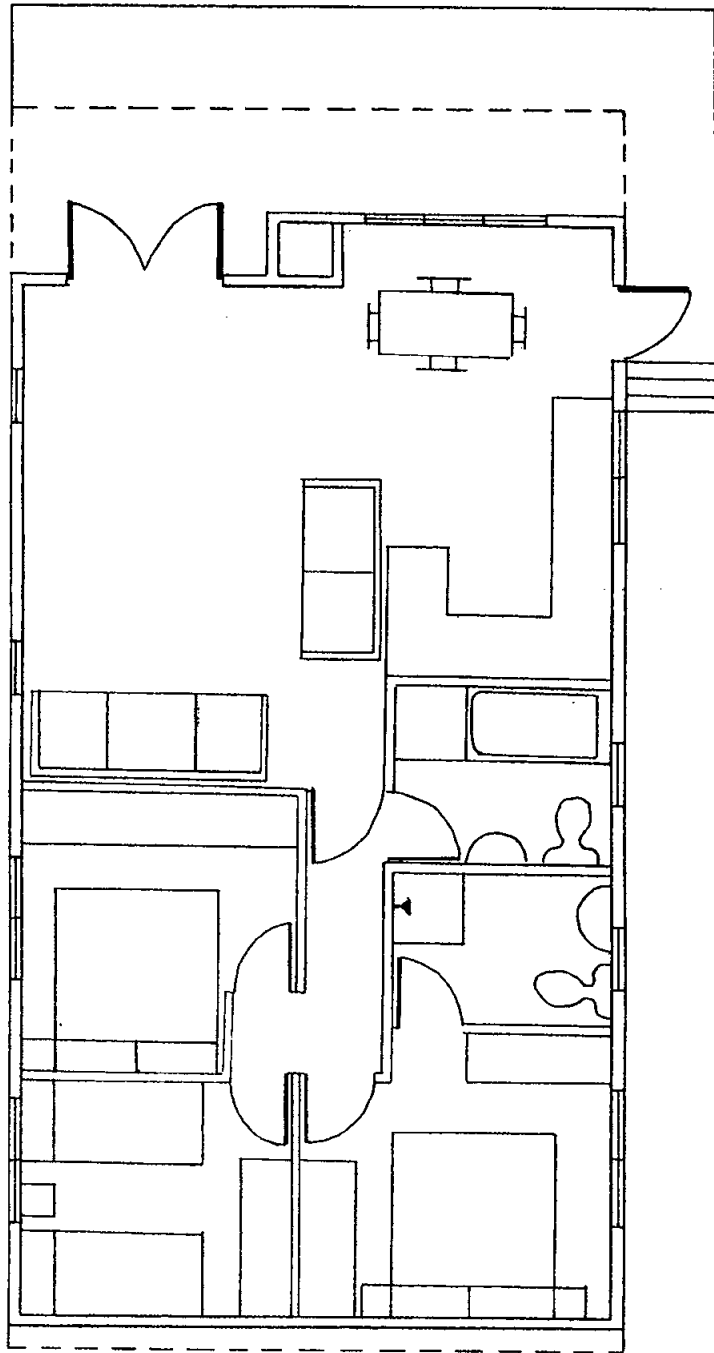
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PLAN

TITLE	WASHING UP / DRYING ROOM
SCALE	1:20 ROMWALL LODGES

PLANNING & HOUSING SERVICES	
REF 09/0017	27 JAN 2009
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FLOOR PLAN

OWNERS CABIN
PROPOSED FLOOR PLAN
MR M DOHERTY
ROMAN WALL LODGES
SCALE: 1/50
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<i>John Doherty</i> 13/10/08

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Roman Wall Lodges and Camping Park



Business Plan (September 2008)

Martin Doherty & Julie Ballantyne

Roman Wall Lodges – Business Plan

Summary

We are looking to set up a small camping park with a varied range of accommodation on offer, primarily, to walkers and cyclists using the Hadrian's Wall trail.

Our site is literally only a five minute walk from where the national trail route passes through the village of Beaumont to the west of Carlisle. The site, placed between Monkhill and Beaumont, is in a prime location – only 8 miles (40 minute bus journey) away from the start of the path at Bowness, yet only 3.5 miles (8 minute bus journey) away from the city of Carlisle.

Sited in a small field at the roadside, the site is naturally screened by hedgerow and the proposed development will have virtually no visual impact. This is important given the proximity of the site to the Area of Outstanding Natural Beauty to the north, and the fact that the site itself sits within an area identified as being a World Heritage Site. The small scale of our proposal will provide much needed accommodation for the increasing number of visitors to the area, but will have virtually no impact on the local environment and surroundings. In fact, we would hope that the only local impact is very positive: increased use of local facilities such as the local pub and bus services, food sourced from local farmers wherever possible. Where feasible, we will be using local farmers and contractors to carry out work on site and we also hope to employ local people on site at a later date.

We are both active walkers and therefore, have a vested interest in being able to offer a high quality service to other walkers, cyclists and campers like ourselves. We have accumulated lots of experience, knowledge and skills which we believe can be put to good use to enhance the experience of visitors to our site. We believe we can offer something slightly different and unique which will complement the offer already available along the Hadrian's Wall trail.

We are actively committed to promoting a sustainable business – our aim is to be able to set up and run a business with as little environmental impact as possible. To this end, we will actively look to use as many environment friendly methods and materials in setting up our business.

We have carried out a lot of research both in investigating the 'viability' of our business idea, and also in finding suitable and appropriate methods for carrying out our business. Informal discussions and consultations we have had to date have confirmed that we have a 'sound' business proposition; this document seeks to set out exactly how we intend to go about making our vision a reality

Background

Personal skills relevant to the proposition:

We are both very keen walkers and campers and have lots of experience in this country and abroad. As well as walking and camping as a couple, we also have experience as part of a group. We have stayed in many different kinds of facilities and, more often than not, been disappointed with the standard and quality of facilities and services offered to campers and walkers.

When we were on holiday in America a few years ago, we were both very impressed with the idea of providing camping cabins and quality facilities, which was the "standard" offer in America. We were both at a stage when it was possible for us to consider some "life-changing" ideas and so, the idea of developing a business catering for people, like ourselves, who want to enjoy walking and camping holidays but with a few "comforts" that make the difference between a "pleasant and enjoyable" holiday, as opposed to a camping holiday where you just have to accept the fact that you will be faced with sub-standard washrooms and services, and have access to few, and often poor facilities for the length of your stay.

We are both easy going people who find it easy to mix with others and will have no problem accommodating a whole range of individuals and groups who may want to use our facilities. Between us, we are able to offer the following skills and experience:

- Over 20 years experience of organising varied accommodation for group walking and camping trips throughout Britain
- Experience of organising walking and camping trips for local walking club
- Health and Safety training courses – roles and responsibilities, key manager, risk assessment, stress management
- Experience of working in the hotel and catering industry (bar manager and licensee, waitress, receptionist)
- Practical skills and experience (electrical work, woodwork/carpentry, running own internet and market business, computer skills)
- Over 20 years experience of working in the Public Services Sector
- Experience of hill-walking and mountaineering both in Britain and abroad
- Member of an environmental campaign group

Once we decided to look at the prospect of setting up such a business we then looked for possible opportunities. We visited Hadrian's Wall very shortly after coming back from America and through a conversation we had with the owner of the accommodation where we stayed at that time, who told us how much he was struggling to cope with the additional demand for accommodation due to the increasing number of visitors to the trail route, we decided to look more closely at the possibility of setting up such a business along Hadrian's Wall.

The market and its potential¹:

Our main aim is to cater for walkers and cyclists using the Hadrian's Wall trail. Statistics and available data tell us that most people on Hadrian's Wall tend to walk as couples (63% in 2007). Most people prefer to stay in B&B accommodation (42%), with a smaller number planning to camp (18%). Our aim is to provide quality accommodation at a reasonable price to these groups, which accounted for some 60% of those people walking the Hadrian's Wall trail in 2007. We will be targeting cyclists as well as walkers, as this "market" has not yet been fully realised in forecasts of future visitor numbers.

We know that we are going to offer something different to what is already available elsewhere. Our accommodation will cater for those people who want a quality, reasonably priced alternative to standard B&B accommodation, or those who aren't willing to "rough it" in a bunkhouse or use the usual type of campsite on offer. The cabins that we are intending to use have been designed by an award-winning Scottish architect who has gained some recognition for his work in developing such buildings. Once we put these cabins on site we will also be linked to the "Wigwam Holidays" organisation, which through a successful website, has become very popular with families looking for a slightly "different" type of holiday. On speaking to other "Wigwam" site owners, we have been told that bookings are generally very good, so this would be an additional "market" for us in terms of business viability.

Key to our success will be our ability to market ourselves correctly to ensure that we get information and details about our service offer to the right people. Again, we have consulted closely with other experts about this and, as much as possible, we will be making use of existing websites, brochures and leaflets etc.

As well as attracting people using the Hadrian's Wall trail, we are also aware that our location is ideal for people to use as a touring base – within quick and easy access to the Lake District, the Solway coast (particularly popular with birdwatchers) and Scotland. It's proximity to Carlisle, with its excellent transport links, could make it an attractive place to stay for those seeking the conveniences of "city life" without the hassle. A place which can offer the attractions and facilities of city life, but where people can escape from the hustle and bustle.

Although we expect most of our visitors to be seasonal (April – October), we are also hoping to attract a small number of visitors at other times for the reasons mentioned above. We have taken a pro-active decision to not cater for caravans and tourers as there are other facilities in the area and also, we feel that additional road traffic would affect quality of life in this area. The data indicates that very few people choose to do the trail using a caravan. In our experience, people in caravans are also looking for slightly different facilities.

¹ All statistics and data have been taken from '*Hadrian's Wall Path National Trail: Economic Impact Study and Trail User Analysis 2003 – 2007*'

Our market will always be limited, in terms of growth, by the size of our site. We do not want to compromise quality by becoming overcrowded and "under-serviced". We believe our finance plans indicate that a business on a small scale can still be viable for us. Initially, we will place a smaller number of cabins on site until we can know which type of accommodation is most popular.

Strategic drivers:

At the time we decided to actively look at the possibility of setting up our site along the Hadrian's Wall trail, the Bowness – Carlisle section of the trail had only recently been opened up, and so we decided to focus our attention in this area. Initial desktop research indicated that there was a distinct lack of facilities or services in this area. This was confirmed by several visits to the area. Aside from a small number of B&Bs, bunk houses and small campsites there is very little accommodation available outside the city to the west of Carlisle.

Since the path opened there has been a steady increase in the number of walkers using the Hadrian's Wall trail. There has also recently been a coast-to-coast cycle route opened up following the wall. This has resulted in quite a dramatic increase in the numbers of people visiting Hadrian's Wall. The numbers increased by 11% in 2007 and figures look set to increase again and in following years as a result of increased publicity and greater "public awareness", promoted by recent TV programmes and the Hadrian Exhibition at the British Museum.

Our discussions and initial queries with officials and experts have generally been met very favourably to date. The scale of our proposed business is in line with regional and local planning guidance. Because of the sensitive location of our site – i.e. close to the AONB and part of the World Heritage Site, we have been very careful to consult and liaise with all available experts to ensure that our site has minimum impact on the historical, archaeological and environmental aspects. This process of consultation, spanning some considerable time includes the following:

- Hadrian's Wall Heritage LTD – help and advice from Julie Sloan and Marie Whitehead, Development Manager, West
- Carlisle City Council, Planning – pre-planning help and advice from Colin Godfrey
- Carlisle City Council, Environmental Health –help and advice from Janet Blair
- Carlisle City Council, Building Control – help and advice from Mark Bowman
- Carlisle City Council, Cumbrian Highways – help and advice from Pieter Barnard
- Carlisle City council, Economic Development – help and advice from David Beatty, Head of Economic Development
- Carlisle City Council – help and advice from Don Taylor, Business Development Manager

- Cumbria Rural Enterprise Agency (CREA) – help and advice from Gemma Barnes and Len Cockroft
- English Heritage – help and advice from Mike Collins, Archaeologist
- County Archaeologist's Office – help and advice from Jeremy Parsons, County Archaeologist
- Business Link North West

As well as consulting with the above organisations we have also referred to several policies and documents which also support our proposal. These are listed in an appendix to this Plan.²

Wherever possible, given scale and financial constraints, we will be trying to use sustainable and environment friendly materials and energy saving equipment and procedures:

- The driveway and "on-site" tracks will be made from recyclable materials which have low visual impact
- We will be using the latest sewage treatment technology and soakaway system in consultation with the Environment Agency
- We intend to use solar water heating panels at the earliest opportunity to supply hot water to the services cabin
- We intend to use lower power level lighting systems throughout the site, taking into consideration any health and safety issues
- We will work with United Utilities to find the most efficient methods of water and electricity conservation
- We will also be working within guidelines for energy conservation from the Government body; Energywatch
- We intend not to increase the amount of "run-off" – all drives and ground area will have the same existing ability to provide soakaway and drainage into the natural ditch running alongside the site, which we will actively maintain
- The cabins themselves are designed for the rural environment and utilise sustainable resources of home grown timber in construction. This gives them a very low carbon footprint
- We will be providing collection points for the purpose of recycling materials such as cans, bottles, cardboard and plastics
- We will be planting native species of trees and bushes e.g. hornbeam, dog rose and other species
- 80 % of the site is surrounded by hedgerow and cabins and tents will not be visible from any properties or the roadway
- The remaining 20% of the site will be screened using a native hornbeam hedge
- All visitors to the site will be expected to adhere to site policies around noise, disturbance and any other impact such a site may have on the surrounding area – to this end we will not be taking bookings from large groups and the size of the site will keep disruption to a minimum

² Please refer to Appendix 1: References

Customers' priorities and needs:

Most people looking for accommodation when carrying out a venture as walking/cycling the Hadrian's Wall route are looking for a range of facilities and services. The list below is not exhaustive but highlights services and facilities we believe are important to walkers and cyclists and which, we would aim to offer to visitors to our site:

- Open access – i.e. people can come and go at times to suit them
- Warm and comfortable accommodation that isn't overpriced or offers lots of "extras" which they won't have time to make use of
- Reasonably priced accommodation – we know from available data that most people will expect to pay between £20 - £40 per night
- Access to "trivial" items e.g. spare socks, plasters, puncture repair kits,
- Food and drinks – at times to suit them i.e. early/late breakfasts
- Packed lunches made to order using good quality 'healthy' ingredients
- Flask top-up
- Ability to pre-order food and other items in advance of visit – especially for guests staying in self-catering accommodation
- Option to cook outdoors
- Secure storage for cycles
- Cycle wash facility
- Drying room for boots and clothes
- Local pub offering evening meals and good facilities such as pool, TV, darts etc.
- Games/lounge/meeting area
- Proximity to the trail – people do not want to spend unnecessary time trekking to accommodation from the trail
- Friendly atmosphere
- Maps and information about the local area and the Hadrian's Wall trail
- First Aid and access to emergency health services

We believe our site will meet all of the above criteria and we will therefore be able to offer a quality service to our customers. Once our business has started up we will be looking to be assessed and gain a rating from the VisitBritain organisation. We will also be working to meet the standards of the 'Cyclists' Welcome and Walkers' Welcome awards

Our service:

We are looking to provide a small site with a variety of accommodation on offer to meet a range of needs (and budget). Our accommodation³ will include:

- The **Shieling** – fully self-catering with fully equipped kitchen and shower/wc. This will comfortably accommodate up to 4 people (2 in the separate bedroom with twin/double beds) and 2 in the lounge on pull-out sofa-beds. The shieling is fully heated and also has TV

³ Appendix 2: Pictures of cabins

- **The Wigwam** – a small camping cabin that can accommodate up to 4 adults (sleeping on a “shelf” -similar to mountain hut accommodation but with comfortable mattresses!) or a family, or 2 people in a twin/double bed formation. The wigwams are equipped with a microwave/grill, kettle and toaster. The wigwam is also fully heated with a TV but has no shower/wc
- **‘Ready-tents’** – ready assembled tents sleeping up to 4 adults or a family.

The tents will have beds made up and will have storage facilities

As well as the above accommodation we will also have pitches available for up to a total of 10 tents. The pitches are set up to give privacy and to allow camping on ‘ready-made’ pitches – i.e. flat, levelled ground with stones pre-removed!

We will also have a “Services Cabin” where people can enjoy a cooked, or continental breakfast – if they choose. This will be charged separate to accommodation so as not to penalise those people wishing to make their own arrangements. We will also offer a ‘packed lunch’ service. We will be using locally sourced and fair trade food items wherever possible. Outside of meal times, the Services cabin will be open for people to meet in/ play games/ watch TV. It is not our intention to offer cooked lunches or evening meals as we would prefer to encourage visitors to use other local facilities – there is a pub located within 50 metres of our site and we feel it is important that we do everything possible to support other local businesses. It is not our intention to duplicate services but to offer something “in addition” to that which is already available.

During daytime hours the Services Cabin will be available for walkers/cyclists to have a coffee/tea and make use of the toilet facilities.

We are also hoping to have a small information kiosk on site where people can read and learn the history of the area throughout the ages. We’d also like people to be able to access information about places of interest so they can make the most of their time spent in the area.

Strategic action and finance plan:

We have allowed almost one year in order to set up the business – this will include time for site preparation, planning permission etc. Please see timeplan attached as Appendix 3⁴. Initially, we will be setting up with 1 Shieling and 2 Wigwams – our intention is to increase these numbers depending on which type of accommodation proves most popular. We have submitted planning permission on the basis of increasing accommodation to a total of 2 Shielings and 3 Wigwams.

Martin Doherty will be the Key Worker and Manager on site and will have responsibility for all matters relating to the site – cooking, cleaning, customer care etc. Julie Ballantyne will continue in her current employment within Adult Education. Julie’s work is largely based “working from home” and this will provide

⁴ Appendix 3: Roman Wall Lodges Timeplan

a degree of flexibility to help cope with busy periods. This also provides an additional income aside from the income generated by the business.

Once the business realises its potential then we intend to employ someone local to help Martin with daily chores etc. We anticipate that this will happen at some point in Year 2 of operation depending on numbers.

Our financial planning⁵ is costed on a seasonal basis: a 7 month 'High Season' from April to October inclusive, and a 5 month 'Low Season' November to April inclusive.

Year 1 to year 3 will be the time allocated for the business to reach 80% occupancy during High Season, with an estimated occupancy rate of 60% in year 1, increasing by 10% in subsequent years. We assume 80% occupancy will be the 'norm' once the business is established. We have costed on the basis of 20% occupancy during the Low Season.

Our financial plans have been submitted to Bank Business Managers and Accountants and have received favourable comment. We have estimated that it will take approximately 6 to 7 years for the business to become fully viable and self-sustainable. Although we have tried to cost as accurately as possible, figures will obviously need to be revised once an opening date has been established.

Now that we have been lucky enough to secure the right size of land in the right geographical area, we feel confident that this business is a worthwhile venture for us, for those living and working in the area and also and for visitors to the Hadrian's Wall trail.

⁵ Please see Appendix 4: Roman Wall Lodges: Setting Up Costs
Appendix 5: Roman Wall Lodges: Budget and Income Forecast

Roman Wall Lodges – Business Plan

References

- Allerdale Council: Allerdale Campground Rules
- Carlisle City Council. Carlisle District Local Plan 2001 - 2016
- Carlisle City Council. Pre-planning advice
- Cumbria Rural Enterprise Agency (CREA): Rural Planning Facilitation Service. Planning Assessment Report
- Cumbria Tourism – Welcome to Excellence
- Frontiers of the Roman Empire WHS – Hadrian's Wall: A New Management Plan 2008 – 13. A Discussions Paper on the Issues on Hadrian's Wall
- Hadrian's Wall Path Briefing Notes (period to end December 2005)
- Hadrian's Wall Path National Trail: Economic Impact Study and Trail User Analysis, (2008)
- Regional Planning Guidance for the North West:
- Policy ER2 Landscape Character
 - Policy RU1 Sustainable Agriculture
 - Policy RU2 Diversification of the Rural Economy
- The Cumbria and Lake District Structure Plan 2001 - 2016
- The Department for Communities and Local Government Good Practice Guide on Planning for Tourism 2006: Planning Policy Statement 7: Sustainable Development in Rural Areas
- Websites:**
- www.cyclistswelcome.org.uk
- www.hadrians-wall.org.uk
- www.nationaltrail.co.uk/hadrianswall
- www.nationalcyclenetwork.org.uk
- www.cycle-routes.org/hadrianscycleway

Roman Wall Lodges - Budget Forecast⁶

Budget Forecast	Year 1	Year 2	Year 3
Business running costs			
Food supplies	<i>3,600</i>	<i>4,000</i>	<i>4,500</i>
Laundry	<i>2,000</i>	<i>3,000</i>	<i>4,000</i>
Cleaning Materials	<i>520</i>	<i>550</i>	<i>600</i>
Extras (food and materials)	<i>1,000</i>	<i>1,000</i>	<i>1,000</i>
Rates	<i>3,000</i>	<i>3,500</i>	<i>3,650</i>
Water	<i>3,000</i>	<i>3,500</i>	<i>3,650</i>
Electricity	<i>3,000</i>	<i>3,500</i>	<i>3,650</i>
Phone and Broadband	<i>480</i>	<i>500</i>	<i>550</i>
Accountant	<i>500</i>	<i>515</i>	<i>530</i>
Insurance	<i>1,000</i>	<i>1,000</i>	<i>1,000</i>
Transport	<i>500</i>	<i>500</i>	<i>500</i>
Advertising	<i>500</i>	<i>500</i>	<i>500</i>
Mortgage payments ⁷	<i>8,400</i>	<i>8,400</i>	<i>8,400</i>
Manager' salary	<i>6,000</i>	<i>6,180</i>	<i>6,365</i>
Additional staff/services		<i>5,000</i>	<i>5,150</i>
Additional cabin/wigwam			<i>35,000</i>
Miscellaneous (TV licence @ £135.50)	<i>1000</i>	<i>1000</i>	<i>1000</i>
Total	<i>32,500</i>	<i>42,645</i>	<i>80,045</i>

N.b. Figures in italics are best guesstimates i.e. based on research but imprecise until definite costing given when business sets up

⁶ As at 22nd June 2008

⁷ Mortgage payments for £75k borrowed to fund setting up of business – approximate monthly payments

Appendix 5 contd.

Roman Wall Lodges - Profit Forecast

Profit forecast	Year 1	Year 2 ⁸	Year 3
Forecast income - high season⁹			
1 Cabins ¹⁰ @ £50 per night in year 1	6,300	7,570	17,808 ¹¹
2 Wigwam @ £30 per night in year 1	7,560	9,114	10,752
10 Tents @ £10 per night	12,600	14,700	16,800
Sales of breakfasts ¹²	8,505	8,757	9,009
Sales of packed lunches	4,410	4,537	4,662
Forecast income - low season¹³			
1 Cabins @ £50 per night	1,550	2,009	2,438
2 Wigwam @ £30 per night	1,860	2,418	2,944
Sales of breakfasts	992	1,285	1,559
Sales of packed lunches	543	702	851
Additional income			
Rent from house to cover mortgage ¹⁴	5,400	5,562	5,729
Carry over from previous year		16,290	30,299
Total Income	48,790	72,944	102,857
Total expenditure	32,500	42,645	80,045
Income - Expenditure	16,290	30,299	22,806

⁸ Year on year income increases based on approx. 3% price increase each year (e.g. £50 - £51.50/£53 year 2/3 for cabins and £30 - £31/£32 year 2/3 for wigwams) in high season and £40 - £41.50/£43; £20 - £21/£22 in low season

Also, assumed increased occupancy from 60% to 70%/80% in year 2/3)

⁹ High Season = April - October = 210 days / Year 1 figures based on 60% occupancy (126 days)

¹⁰ Cabins and wigwams based on 2 people sharing

¹¹ Additional cabin purchased in year 3

¹² Breakfast income based on 10 cooked breakfasts @£5 and 5 continental & £3.50 per day during High Season. Projected price increase of 3% each year plus increased occupancy as per above

¹³ Breakfast income based on 5 cooked @£5 and 2 continental @ £3.50 per day during Low Season. 3% increase year on year. Low Season = November - March = 155 days / Figures based on 20% occupancy (31 days)

¹⁴ Based on income of £450 per month excluding letting agents fees etc.

PLANNING & HOUSING SERVICES	
REF	09/007
11 MAR 2009	
RECORDED	09/0 CG
PASSED TO	CG
ACTION	

Roman Wall Lodges – Office access and key workers' accommodation

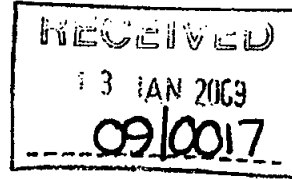
Upon arrival at the site people will be directed (via small signs) to the Services Cabin in order to register for their stay and collect keys etc. The Services Cabin will house the office, café, toilets and showers. The Services Cabin is situated centrally on site so as to be within easy reach of all residents. The Cabin will be open 24 hours a day to provide access to toilets/showers and also for people to use the café area (when closed for food service i.e. after breakfast) as a lounge and library.

The key workers' accommodation will be situated to the north of the site. This is because we want visitors to be directed primarily to the Service Cabin, where the office will be used for registrations and where the paperwork, keys etc. will be kept. We also want to keep visitor' vehicle movements restricted as much as possible to the south end of the site where the entrance is. This will reduce disturbance to other residents and will also reduce the risk of possible vehicle/pedestrian accidents on site.

One of the main reasons for having key workers accommodation on site is that it is recommended in the 'Good Practice Guide on Planning for Tourism' in that a managerial presence on site is often deemed as essential to achieve a quality service to customers, security for the site, and to meet health and safety regulations. We are very keen to provide a quality experience for visitors and believe a managerial presence is key to this. Walkers and cyclists, in particular cannot always accurately forecast their time of arrival or departure due to the possibility of unforeseen circumstances. As walkers ourselves we know what a difference it can make to have a degree of flexibility offered.

Increased security is a big advantage in having key workers located on site. This will offer a greater degree of security in terms of being able to deal with unfortunate incidents such as burglary or theft – a very keen concern for cyclists who will often have very expensive cycles stored for a time on site, but also in terms of being able to offer an immediate point of contact in the event of an accident. Both key workers are trained first aiders. We also feel that having a staffed site will afford a greater degree of safety and security to neighbours, knowing that there will always be someone available to deal with any situation.

The site is of a size that key workers can be contacted and can get to any part of the site within minutes. The office in the Services Cabin will have a "push button" type system which will allow a page (inaudible from outside the cabin) to be sent to key workers wherever they are, and who will in any case be within minutes from the Cabin. It is also envisaged that possible extensions to security measures may take the form of "CCTV" on site with a link through to the key workers' accommodation and also possibly a traffic movement indicator to inform key workers of any vehicle movements on site.



Supporting Planning Statement

Proposal : Change of use of agricultural land to holiday accommodation comprising of 3no. self-catering units, 10no. tent pitches, access road, alterations to existing vehicular access and construction of 1no. dwelling for occupation by site manager

Location: Land at Field No 4490, Monkhill, Carlisle

Applicant: Mr M Doherty

Contents

1. Introduction and Background
 2. The Site and Its Surroundings
 3. Planning Policy
 4. The Proposal
 - Sustainability
 - Landscape Impact
 - Highway Safety and Accessibility
 - Biodiversity and Drainage
 - The Tourism Industry – Rural diversification and Economic Development
 - Archaeology
 5. Conclusion
- Appendices
- Photographs

1.0 Introduction and Background

- 1.1 This statement is submitted in support of a planning application for the grant of full planning permission for the use of a discrete 1.1 acre piece of enclosed agricultural land as holiday development at Field No 4490, Monkhill, Carlisle, as submitted by Mr M Doherty.
- 1.2 The purpose of this statement is to present the land use planning circumstances, acknowledge relevant planning policy and guidance, describe the impetus and justification for the proposal as a rural economic enterprise and provide an assessment of acceptability against a range of relevant material planning considerations.
- 1.3 Prior to submission, the applicant undertook preliminary discussions and sought advice through the Cumbria Rural Enterprise Agency's 'Rural Planning Facilitation' service and with Mr Colin Godfrey, Assistant Development Control Officer, Carlisle City Council. The response was positive to pursue an application for the development of the site for tourist accommodation.
- 1.4 Discussions have also been held with:

Mr Charles Bennett, Landscape Officer, Carlisle City Council
Mr Pieter Barnard, Development Control Engineer, Cumbria Highways
Mr Jeremy Parsons, County Archaeologist, Cumbria County Council
Mr Gerry Martin,
Percolation Tests
United Utilities
- 1.5 As described below, encouragement has been given from the aforementioned agencies/ persons, which has fortified the our resolve and commitment to providing a high quality, sensitive development, as well as our motivation to develop, strengthen and enhance the proposed rural facility.

2.0 The Site and Its Surroundings

- 2.1 The proposal seeks to change the use of this agricultural land by providing a short-term holiday chalet complex, comprising of 2no. timber cabins, provision for 10no. tent pitches and a service building providing catering facilities and wash facilities. The application also seeks consent for the siting of a timber cabin for occupation by the applicant. Access will be via the existing Monkhill to Beaumont road. It is expected that the Local Planning Authority will attach suitable conditions to any approval, specifying the terms of occupancy and prohibiting the use of the holiday cabins for permanent occupation as 'dwellings'.
- 2.2 An existing vehicular access exists in the south-west corner of the site. This access serves the existing agricultural use of the land and it is proposed that this access be widened and upgraded as part of the development.
- 2.3 The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Additional landscaping is proposed along the northern boundary of the site.
- 2.4 The site layout plan includes a landscape schedule prepared following advice received from Mr Charles Bennett together with a landscape impact summary statement.
- 2.5 In addition to the site proper, further planting is to be provided along the northern boundary in order to further enhance this natural wildlife setting as well as to soften (glimpsed) views of the site from the north.

3.0 Planning Policy

3.1 Ministerial Advice

3.1.1 PPS7

3.1.2 Most relevant advice on rural development and diversification, including tourism development, is provided within PPS7 "Sustainable Development in Rural Areas". Particular attention is given to paragraph

3.1.3 Later, under Tourism accommodation, Local Planning Authorities are advised to consider the issues of landscape and environmental impact and flood risk, as well as seek to ensure that new sites are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening.

3.2 Good Practice Guide On Planning For Tourism

3.2.1 In consideration of this proposal it is recognised that a balance has to be struck between the various planning issues, a valid point that is amplified in the Government's guidance. In essence, three main aspects are related to tourism development, namely: where the development is located; how it is designed; and how the development fits into its surrounds. It is stated in paragraph 5.2 that:

"In order to be commercially competitive and thus successful, tourism developers will choose sites that are accessible to visitors and design their developments in such a way that visitors can readily and conveniently enjoy the attraction or facility."

3.2.2 It is further stated that there will be occasions where tourism related development is sought in a location that will be difficult to achieve the objectives of accessibility to sustainable modes of transport. The choice of location, for example, having been chosen for functional need. Fundamentally, however, planners have to weigh up the benefits from the tourism development against any disadvantages arising from its location.

3.3 Cumbria and Lake District Joint Structure Plan 2001-2016

3.3.1 **Policy ST1:** The promotion of sustainable development, whereby rural communities should be sustained through measure that further the aims and objectives of sustainability, and achieve, inter alia, a flourishing and diverse local economy, quality built, natural and historic environments and vibrant, harmonious and inclusive communities;

3.3.2 **Policy ST3:** The promotion of sustainability principles in all new development through the application of the sequential test on a range of issues and then achieving high standards of design whilst seeking to minimise environmental cost;

- 3.3.3 **Policy ST7:** Support for small scale development in local service centres to help sustain local services, meet local needs or support rural businesses. Outside of local service settlements, exceptions may be allowed where, inter alia, it is needed to sustain existing businesses;
- 3.3.4 **Policy ST9:** Offer priority issues facing North Cumbria, including the need to sustain rural communities by promoting local service centres as a focus for new development of an appropriate scale. Paragraph 2.27 states that whilst development opportunities will be focused in Carlisle, "...it is important that the surrounding rural area is sustained through measures that support and diversify the rural economy";
- 3.3.5 Under "Supporting the Economy" it states in Paragraph 3.4; "The future emphasis will be placed on developing ... sustaining the county's traditional economic activities and promoting opportunities for diversifying in rural areas." Later, under Paragraphs 3.17-3.19 (The Economy in Rural Area), encouragement is given to supporting the rural economy. It states under 3.19; "Whilst Key and Local Service Centres will be the preferred locations for new development, there is a need to strengthen the economy in rural area and provide diversity in the local economic base";
- 3.3.6 Under "Tourism", the importance of such to the Cumbrian economy is re-enforced. Tourism should be developed in a sustainable manner. Reference is made to Policy EM16 (Tourism), with particular reference to supporting text under paragraph 3.25, where it states; "*In rural areas, tourism uses can assist in the diversification of existing businesses and encourage rural regeneration. They will be supported where their scale can be accommodated without adverse effects on the character and amenity of the local area.*"
- 3.3.7 **Policy EM16:** Support is given to tourism facilities that enable the economic benefit to the area and for proposals that promote Cumbria's distinctive environmental, cultural and historic character and visitors enjoyment and understanding of it.
- 3.3.8 **Policy E37:** Assesses proposals in respect of their impact in relation to key landscape values in terms of, inter alia, appearance, character, ambience and biodiversity features.
- 3.4 **Carlisle District Local Plan Revised Redeposit Draft 2001-2016**
- 3.4.1 **Policy DP1:** Monkhill is listed as sustainable development location;
- 3.4.2 **Policy CP1:** This affords protection to landscape character and the biodiversity resource against key principles;

- 3.4.3 **Policy CP4:** Considers the likely impact of new development against design principles in the interests of furthering the aims and objectives of sustainability;
- 3.4.4 **Policy CP8:** Encouragement is given to the consideration and use of energy conservation and efficiency in the design of proposals;
- 3.4.5 **Policy CP10:** Affords consideration of the impact of new development upon groundwater and surface water quality conditions;
- 3.4.6 **Policy CP16:** Considers the potential for crime and requires that development contributes to creating a safe and secure environment and minimising the opportunity for crime'
- 3.4.7 **Policy EC11:** Encouragement to proposals to diversify and expand upon the range of economic activities in rural areas;
- 3.4.8 **Policy EC12:** Encouragement to proposals which may assist in the retention of village services;
- 3.4.9 **Policy EC15:** Considers tourism development generally and adds a preference for focusing such upon established settlements or groups of buildings whilst safeguarding the distinctive environment, culture and history of the area;
- 3.4.10 **Policy LE7:** Requires that development within the Hadrian's Wall Buffer Zone do not have an adverse impact on the character or setting of the World Heritage Site;
- 3.4.11 **Policy LE30:** Encourages the reuse of land subject to the satisfactory identification and where appropriate remediation of any contamination of the land.
- 3.4.12 On the Proposals Map as part of the Carlisle District Local Revised Redeposit Draft 2001-2016, the site is not coincident with any specific land use designation or policy. Rather it is confirmed as being within open countryside, beyond the identified/ appreciable boundary of any recognised settlement.

4.0 The Proposal

4.1 Location – Sustainability

- 4.1.1 The site, as a rural tourism initiative, close to the line of Hadrian's Wall lies within open countryside. Nonetheless, its evidential closeness to the local service centre of Monkhill, renders the site relatively sustainable and indeed, represents the best location option for the proposal. It is anticipated that the majority of visitors to the site will arrive on foot or bicycle. Furthermore, the Hadrian's Wall public bus passes immediately adjacent to the site.
- 4.1.2 The development is wholly geared for catering for walkers, cyclists and visitors to the Wall and its proximity to the Wall is therefore key. The site is well related to the world renowned visitor attraction that is Hadrian's Wall whose visitor attraction contributes to the tourism economy of Cumbria. Likewise, a balance has been struck between a site that is well-related to the Wall but is not wholly detached from the village of Monkhill which is identified in the Local Plan Revised Redeposit Draft 2001-2016 as being a sustainable settlement.
- 4.1.3 Again, development in the open countryside should not be visually intrusive and the topography and screening on the site ensure that this will not be the case. Accordingly, a balance is struck between these issues which renders the scheme appropriate to the character and economic prosperity of the District.

4.2 The Tourism Industry – Rural Diversification and Economic Development

- 4.2.1 Central Government has made clear its support for regarding the diversification of the rural economy as a national imperative. Specifically, with regard to Hadrian's Wall, this is borne out through work being undertaken by Hadrian's Wall Heritage Ltd
- 4.2.2 HWHL is funded by four agencies: One North East, North West Development Agency, English Heritage and Natural England, with differing requirements to fulfil parts of the role outlined above. It is recognised that it is the development of the sum of these parts which will create a compelling leading destination for Britain offering inspirational heritage and spiritually uplifting outdoor educational and tourism based visits creating the twin benefits of jobs and spend for local communities.
- 4.2.3 Recently, the local public house in Monkhill, The Drovers Rest, was representative of a national trend affecting rural pubs and was closed for some time due to lack of trade and a downturn in the economy. The development of the site, in close proximity to the public house, is one way in which development of the site will contribute to the vitality of the area.

4.3 Hadrian's Wall As A Visitor Attraction

- 4.3.1 Hadrian's Wall is the most important monument built by the Romans in Britain. It stretches seventy-three miles from Wallsend near Newcastle, across the neck of England to Bowness-on-Solway in North West Cumbria, and stands today as a reminder of the past glories of one of the world's greatest empires. It has long been recognised that Hadrian's Wall attracts many visitors to the area and in turn, contributes to the economy of the District.
- 4.3.2 The Hadrian's Wall Economic Impact Study, Final Report, March 2004 identifies that the 585,000 visitors to Hadrian's Wall in 2003 is expected to rise to 1,218,000 by 2011, a rise of approximately 208.2% over a period of eight years. The promotion of the feature by English Heritage, Visit Cumbria, Local Authorities and a host of other agencies represents the importance of this regional asset.

4.4 The Siting Of The Manager's Dwelling

- 4.4.1 The site lies out with any settlement boundary. In accordance with national planning guidance, the planning policies in the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 state that development in the undeveloped open countryside will only be permitted where they can be adequately justified for occupation by an agricultural or forestry worker.

- 4.4.2 Policy H7 (Agricultural and Forestry Need) of the Carlisle District Local Plan Revised Redeposit Draft 2001-2016 states that:

"Within the remainder of the Plan area, outside areas covered by Policy H1 and Proposal H156, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need. The size of dwelling should be commensurate with the scale of the business to which it relates.

Section 106 agreements will be used to ensure that such dwellings are only occupied by those working in agriculture or forestry."

- 4.4.3 However, this Policy is superseded by the Planning Inspector's decision letter dated 7th April 2008 following the Local Plan Inquiry where he recommends that the Policy title should be expanded to read "Agricultural, Forestry and Other Occupational Dwellings".
- 4.4.4 Furthermore, the text of the Policy has also been amended to read:

"Outside of those areas covered by Policy H1 and Proposal H16, 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."

4.4.5 Finally, the third sentence of the Policy has been amended to read:

"Occupancy conditions will be used to ensure that such dwellings are only occupied by those working in agriculture, forestry or any other rural-based enterprise".

4.4.6 The application seeks planning consent for the siting of a dwelling that will be occupied by the site manager. Annex A of 'Good Practice Guide For Tourism' discusses this issue at length in paragraph 24. Here it is made clear that a residential managerial presence is often essential, to achieve quality service to the customer, security for the site, and to meet the obligations of health and safety regulations. Clearly it is preferable to find existing accommodation locally but where this is not feasible, the guidance does allow for the principle of provision of on-site accommodation.

4.4.7 It is key to the facilitation of the services on the site to provide and maintain the facilities for visitors to the site. The applicant currently resides in Maryport and not only would it be unsustainable but it would be unreasonable to travel to and from the site each day to enable the site to operate during the proposed hours.

4.4.8 The sale of the dwelling in Maryport is critical to the funding of the scheme. It is therefore unrealistic to purchase a property closer to the site given the market value of such properties. Notwithstanding this, living away from the site would not enable to the continued maintenance and service which will be provided.

4.4.9 The service cabin includes a refreshment area where food and drink will be served to residents on site. It is anticipated that this facility can also be extended to passing walkers and cyclists. Information will be available in the form of leaflets and brochures on other attractions and facilities associated with the Wall.

4.4.10 The applicant is willing to accept that a dwelling in this location is contrary to current planning policies; however, there is growing support for development proposals that support the rural economy and this is borne out by the Planning Inspector's amendments to the wording of policies. The site is not totally unrelated to the village of Monkhill, being approximately 215 metres to the north, a village that is identified as being a sustainable location in the Local Plan Revised Redeposit Draft 2001-2016. The nature of the application is unique and it would be wholly appropriate and accepted that in order to safeguard the undeveloped open countryside, an occupancy condition be attached to the dwelling in order that it remains as part of the business.

4.5 Landscape Impact

4.5.1 Reference is made on the submitted block plan and Tree Survey also accompanies the application. Broadly, the site nestles excellently within the topography of the site and the attendant landscaping that surround and structure the site to the extent that only glimpses are afforded from the public highway. In view of this, together with the additional landscaping proposed along the northern boundary, the proposal will not adversely affect the character or appearance of the area.

4.6 Highway Safety and Accessibility

4.6.1 The site is located to the east of the Monkhill to Beaumont Road, approximately 215 metres north of Monkhill. A vehicular access exists in the south-west corner of the site. It is proposed to upgrade this existing access to allow for the safe passage vehicles into and out of the site. The improved access and the maintenance of the boundary hedge will further improve highway safety for users of the highway and those using the site. This is a view shared by Mr Pieter Barnard of Cumbria Highways through preliminary discussions prior to the submission of the application. The anticipated level of vehicular traffic will be relatively low due to the fact that the development is intended to primarily attract walkers and cyclists travelling along Hadrian's Wall.

4.7 Biodiversity and Drainage

4.7.1 The site is remote from the sewerage network and the site will be drained using a package treatment plant and a soakaway as shown on the submitted block plan.

4.7.2 Solar panels will be incorporated on the buildings to supplement the electricity required on site. Furthermore, the scheme will also include provision for the retention of grey water for reuse on site. The road will be constructed from recycled plastic mesh and in filled with gravel. Over time, it is anticipated that grass will grow through the road, further minimising the visual impact, but will be maintained to distinguish this from other areas of the site. Additional planting along the northern boundary of the site will further contribute to the wildlife habitat in the area.

4.7.3 Consequently, the proposal is not likely to have a demonstrable harmful impact upon the local environment and its wildlife. A satisfactory balance is struck between sustaining biodiversity and realising the reasonable expectations of this rural business.

4.7.4 A main water pipe belonging to United Utilities crosses the site in a north-south direction, approximately 5 metres from the western boundary in the southern corner to 0 metres at the northern end. The site layout has been designed to take this into account and following

discussions with United Utilities, who require an easement of x metres, there is no objection in this regard.

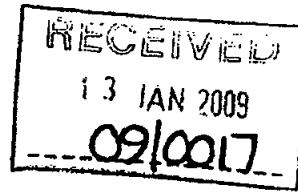
4.8 Archaeology

- 4.8.1 The site lies within the buffer zone of Hadrian's Wall World Heritage Site. In recognition of this designation, preliminary discussions have been held with both Mr Jeremy Parsons and Mr Gerry Martin. Mr Martin undertook a archaeological desk-based assessment and archaeological evaluation of the site and compiled a subsequent report dated 30th May 2008.
- 4.8.2 The summary of the report identifies a probable mid to late Bronze Age field system comprising a single course of northeast-southwest aligned segmented ditches. It is further stated that no other significant cultural deposits were encountered apart from the deposition of spoil arising from the construction of the Carlisle Canal circa 1830 at the northern end of the site.
- 4.8.3 The layout of the proposed development has taken into account the archaeological constraints of the site. A single service trench will be located within the site, approximately 5 metres from the western boundary. The soakaway will be sited adjacent to the eastern flank.

5.0 Conclusion

- 5.1 The proposal represents a well-founded important rural tourism initiative that is in keeping with, is sensitive to, and otherwise would not cause undue demonstrable harm to interests of acknowledged importance.





Design And Access Statement

Proposal : Change of use of agricultural land to holiday accommodation comprising of 3no. self-catering units, 10no. tent pitches, access road, alterations to existing vehicular access and construction of 1no. dwelling for occupation by site manager

Location: Land at Field No 4490, Monkhill, Carlisle

Applicant: Mr M Doherty

1.0 Assessment

- 1.1 The proposal seeks to change the use of this agricultural land by providing a short-term holiday chalet complex, comprising of 2no. timber cabins, provision for 10no. tent pitches and a service building providing catering facilities and wash facilities. The application also seeks consent for the siting of a timber cabin for occupation by the applicant. Access will be via the existing Monkhill to Beaumont road. It is expected that the Local Planning Authority will attach suitable conditions to any approval, specifying the terms of occupancy and prohibiting the use of the holiday cabins for permanent occupation as 'dwellings'.
- 1.2 An existing vehicular access exists in the south-west corner of the site. This access serves the existing agricultural use of the land and it is proposed that this access be widened and upgraded as part of the development.
- 1.3 The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Additional landscaping is proposed along the northern boundary of the site.
- 1.4 The relevance of planning policies are discussed at length in the Supporting Planning Statement.

2.0 Involvement

- 2.1 Prior to submission, the applicant undertook preliminary discussions and sought advice through the Cumbria Rural Enterprise Agency's 'Rural Planning Facilitation' service and with Mr Colin Godfrey, Assistant Development Control Officer, Carlisle City Council. The response was positive to pursue an application for the development of the site for tourist accommodation.
- 2.2 Discussions have also been held with:

Mr Charles Bennett, Landscape Officer, Carlisle City Council
Mr Pieter Barnard, Development Control Engineer, Cumbria Highways
Mr Jeremy Parsons, County Archaeologist, Cumbria County Council
Mr Gerry Martin,
Percolation Tests
United Utilities
- 2.3 As described below, encouragement has been given from the aforementioned agencies/ persons, which has fortified the our resolve

and commitment to providing a high quality, sensitive development, as well as our motivation to develop, strengthen and enhance the proposed rural facility.

3.0 Evaluation

- 3.1 Development on the site has been constrained following consultation with the aforementioned consultees. The site layout, as described in detail on the submitted drawings, would occupy relatively flat land, that rises towards the northern boundary. The land is framed by existing established and mature hedgerows that is bounded by open countryside. The layout of cabins, tent pitches and parking takes account of the physical constraints of the site together with the archaeological restrictions imposed on the site. Furthermore, a United Utilities water pip exits close to the western boundary and development has been eased to the east to allow for any possible future access or maintenance that may be required. Additional landscaping is proposed along the northern boundary of the site.

4.0 Design

- 4.1 The buildings are single storey and are of timber construction. The use of natural materials in the construction process will ensure that the development respects the rural characteristics of the site and
- 4.2 The design, layout and fenestration of the buildings is minimalist to ensure a rustic and practical development that will provide an attractive development but will provide quality accommodation. This is preferable to more visually intrusive forms of tourism development such as static caravans which can be incongruous within the landscape.
- 4.3 The use of natural resources balances other features found within the development such as the use of solar panels, energy efficient light bulbs and the use of grey water.

5.0 Use

- 5.1 The development will provide tourist accommodation on a greenfield site located in open countryside. In this location, planning policies are generally restrictive of development unless material considerations indicate otherwise.
- 5.2 It is further stated that there will be occasions where tourism related development is sought in a location that will be difficult to achieve the objectives of accessibility to sustainable modes of transport. The choice of location, for example, having been chosen for functional need. Fundamentally, however, planners have to weigh up the benefits

from the tourism development against any disadvantages arising from its location.

- 5.3 The reasoning and purpose of this application is to provide tourist accommodation on a site that is located close to Hadrian's Wall. The development of the site will contribute to the expansion of tourist related facilities found close to the entire length of the wall and in turn, will contribute to the overall economy of the District.

6.0 Amount

- 6.1 The application seeks planning consent for the siting 3no. self-catering units, 10no. tent pitches, access road, alterations to existing vehicular access and construction of 1no. dwelling for occupation by site manager.
- 6.2 The development of the site is modest yet these buildings and tent pitches will provide high quality accommodation for tourists on a short-term basis. The scale of the development is sufficient to allow for a viable rural tourism development whilst complementing the rural location and the natural appearance of the site.

7.0 Layout

- 7.1 The layout has been designed to incorporate the constraints that development of the site presents. The site is located close to Hadrian's Wall and potentially presents archaeological issues. In recognition of this designation, preliminary discussions have been held with both Mr Jeremy Parsons and Mr Gerry Martin. Mr Martin undertook a archaeological desk-based assessment and archaeological evaluation of the site and compiled a subsequent report dated 30th May 2008.
- 7.2 The summary of the report identifies a probable mid to late Bronze Age field system comprising a single course of northeast-southwest aligned segmented ditches. It is further stated that no other significant cultural deposits were encountered apart from the deposition of spoil arising from the construction of the Carlisle Canal circa 1830 at the northern end of the site.
- 7.3 The layout of the proposed development has taken into account the archaeological constraints of the site. A single service trench will be located within the site, approximately 5 metres from the western boundary. The soakaway will be sited adjacent to the eastern flank.
- 7.4 Further to the archaeological issues, a mains water pipe is located approximately 0.5 metres east of the western boundary. Accordingly, sufficient distance has been afforded between this infrastructure and

the proposed development to allow future maintenance, should this be required.

- 7.5 The layout of the buildings respects the constraints of the site and also utilise the natural low-lying topography of the site together with the natural landscaping all of which minimise the visual impact of the development. The elevated section of land to the north of the site will remain undeveloped but instead, will be landscaped to supplement the existing site boundaries.

8.0 Scale

- 8.1 The site lies within the open countryside. The buildings are single storey in scale that will and utilising the topography of the land will minimise the visual impact and will be sympathetic to the existing site boundaries.

9.0 Landscaping

- 9.1 The site is naturally well screened by existing landscaping. It is intended to retain the existing boundaries that comprise of traditional hedgerows and to supplement these by additional landscaping along the northern boundary consisting of ????

10.0 Access

- 10.1 The intention from the outset has been to create a facility that will be accessible and life-enhancing to use, both by the able-bodied and those who are less mobile. The access road will provide level and stable access into the site and the timber deck will provide level access into the building. The accommodation has been planned to enable unimpeded wheelchair access internally. All facilities including toilets, electrical sockets etc. are also accessible.

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Item No: 02

Date of Committee: 24/04/2009

Appn Ref No:
09/0018

Applicant:
Mr John Fisher

Parish:
Irthington

Date of Receipt:
14/01/2009

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
Field No. 1724, The Glebe, Hethersgill, Carlisle,
Cumbria, CA6 6EZ

Grid Reference:
348300 565243

Proposal: Earth Banked Slurry Lagoon For The Storage Of Farm Slurry (Part Retrospective)

Amendment:

1. Additional information and Ordnance Survey extract indicating proposed route of umbilical cord
2. Proposed fencing and ramp details
3. Ordnance Survey extracts indicating land ownership of The Glebe
4. Revised route of propose umbilical cord
5. Revised fence details and proposed landscaping.

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee at the request of the Ward Councillor and the receipt of five letters/e-mails of objection.

1. Constraints and Planning Policies

Airport Safeguarding Area

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP5 - Design

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

Local Plan Pol CP13 - Pollution

Local Plan Pol LE25 - Agricultural Buildings

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the Highway Authority had originally expressed concerns; however, following receipt of amended plans and having discussed the proposal with the applicant the Highway Authority has no objections subject to the imposition of one condition and the imposition of two advisory notes;

Irthington Parish Council: oppose the application for the following reasons:

1. Environmental Considerations

Further details of the lining of the lagoon are required i.e. the depth of the clay or the thickness of any lining that would be utilised.

The proximity of the lagoon to nearby water courses is a concern.

If the umbilical cord that is proposed to be laid across the road is temporary, regular use of rolling the cord in and out could weaken the structure and cause the cord to burst over the highway.

2. Traffic and Road Safety Considerations

How often would the umbilical cord be stretched across the highway?

Would vehicles be able to cross the cord safely or will a culvert be required?

The Parish Council discussed the application at length and felt that firstly it should be a "retrospective" application as the lagoon has already been built.

Parish Councillors who have many years of farming and slurry experience felt that the application was an inappropriate method of storing slurry and a that a better alternative should be sought e.g. a slurry tank

Following receipt of amended plans the Parish Council still wish to raise concerns in regard to the location of the lagoon on high ground. Explaining that it would be better located elsewhere on the farm, preferably in a tower. The second issue was the operation of the umbilical cord system and questions if the system would be operated correctly;

Carlisle Airport: no objections;

Environment Agency (N Area (+ Waste Disp)): no comments to make on the proposal as it falls outside the scope of referrals the Agency would wish to receive. The proposal is required to comply with the 'Code of Good Agricultural Practice', the 'Silage, Slurry and Fuel Oils Regulations' and CIRIA Report 126 "Farm Storage Guidelines for Construction".

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Any slurry lagoon should be sited at least 10 metres or more from the nearest watercourse. Ideally it should not be sited where leaks may enter field drainage systems;

Environmental Services - Environmental Quality: no objections.

County Land Agent - Capita db: the proposed new slurry lagoon is to be constructed on land to the west of the steading and will be linked to the existing slurry facilities by a 5 inch (125mm) diameter pipe. The lagoon will have a cross sectional floor area of approximately 33 metres with gross dimensions (taken from the Design and Access Statement) of 78m x 55m x 81m x 64m. Whilst partly sunk below existing field level, the store will have retaining earth embankment walls of between 3 and 3.6 metres above ground level. At the time of the inspection on the 17 March, a substantial proportion of the work had been completed due to a misunderstanding of the requirement for planning permission. The volume of the lagoon is estimated at approximately 6000 cubic metres (1.6 million gallons).

In conjunction with the lagoon, the applicant proposes to install slurry separation facilities at The Glebe. The purpose of this is to separate heavier organic matter from the farm slurry to allow a lighter, less viscous liquid to be pumped to the lagoon. It is understood that this liquid retains much of the manurial value of slurry without containing the same high volume of organic matter. The separated organic matter will be stored separately in a midden type arrangement at The Glebe.

The lagoon is to be situated on land some distance from the steading. Although other sites were examined, the reasons given for construction at this location were as follows:-

- Geographically, this location on the farm is one of the few areas with a clay based soil and sub soil which is important for the impermeable lining of the lagoon;
- The existing land drainage around The Glebe and location of a Site of Special Scientific Interest just to the North of the steading make development in this location less acceptable;
- The access route to the large (110 acre / 45ha) block of land on which the lagoon is to be situated currently requires public road travel. This is not ideal with slurry tankers. Piping the slurry directly to the lagoon for spreading on the surrounding land will significantly reduce road traffic movements at spreading times;
- Located roughly midway between The Glebe and The Scare, the store will be able to serve both locations;
- A number of the applicant's neighbours have expressed interest in utilising any spare slurry for use on their adjoining land.

The size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having

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capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.

Although The Glebe does not fall within the newly enlarged Nitrate Vulnerable Zone, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the Nitrate Vulnerable Zone requirements ask each farm to show that it has the capacity to store 5 months production of slurry. The proposed facility at The Glebe will, under current rules, fulfil this requirement.

An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment.

Therefore, conclude that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business;

Farming & Wildlife Advisory Group: is familiar with the farm having undertaken a farm conservation advisory visit for Mr Fisher to provide advice on enhancing the wildlife value of the holding alongside his commercial dairy farming operations. As well as undertaking small-scale improvements following this advice, the applicant now has an Entry Level Stewardship (ELS) agreement at The Glebe, through which he has voluntarily committed to a series of measures that will further enhance the value of the farm for wildlife - these measures include sympathetic ditch and hedgerow management, provision of overwinter-stubbles to benefit farmland birds and management of grassland with very low inorganic fertiliser and manure inputs and management of unimproved rough grazing land to conserve its biodiversity. In addition he has prepared and follows a manure management plan for the farm to identify and reduce the risks associated with the storage and spreading of livestock manures on the holding.

The proposed lagoon corresponds with current environmental recommendations for the management of slurry. The lagoon will enable the cattle slurry that is produced on the farm to be stored throughout the winter so that it can be spread at the optimum time (late winter and through the growing season) to take best advantage of the nutrients it contains and minimise the risk of diffuse pollution due to run-off, which occurs where slurry is spread when ground conditions are inappropriate such as when they are frozen hard or waterlogged.

In conclusion, it is not envisaged that Mr Fisher's (retrospective) proposal to construct an earthbanked slurry lagoon will have a detrimental effect on wildlife. Moreover, it is likely to provide significant environmental benefits through enabling environmentally responsible management of slurry on the farm.

3. Summary of Representations

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Representations Received

Initial:	Consulted:	Reply Type:
The Close	20/01/09	
Common House	03/02/09	
Broomhills	03/02/09	
Bromwell	03/02/09	
	18/02/09	Objection
1 Woodhouses	26/01/09	Objection
The Scare	29/01/09	Support
West Knowe	03/02/09	
- Stanwix Rural		Objection
		Support
Wagtails		Objection
Meadow Cottage		Objection

3.1 This application has been advertised by the direct notification of eight neighbouring properties and the posting of a site notice. In response, one letter of objection, two e-mails of objection and an e-mail from the Ward Councillor have been received, together with an e-mail and a letter of support.

3.2 The Ward Councillor's e-mail identifies the following issues:

1. the Environment Agency has not wished to comment on the application; however, concerns have been raised as to the close proximity of this lagoon to water courses and the nature of the lining of the lagoon, which dispute the opinion expressed by the Environment Agency;
2. the Ward Councillor queries if the Environment Agency has undertaken a site visit or based their comments on the submitted documents. If it is the latter, he requests that the Development Control Committee undertake a site visit to ascertain the details for themselves;
3. the Ward Councillor is unhappy with the Environment Agency's response having heard concerns from Parish Council Members who have themselves many years of farming and slurry experience. It appears that the Parish Councillors opinions are at odds with the Environment Agency to such an extent that either a site visit or an explanation by the Environment Agency as to the reasons behind their comments should be requested. Members should note that the latter has since been provided;
4. there is no objection to the applicant having a facility for storing slurry, but there is concern that this is an inappropriate method in this particular case.

3.3 The writers of the objection letter and e-mails have raised a number of concerns in relation to the environment, animal and wildlife, highway and amenity issues. Their concerns have been classified into five broad headings outlined below:

Environmental concerns

1. Increased risk of pollution to waterways - the surrounding land is proportionately high in sand, which is unlikely to adequately contain the stored material. A local waterway (beck) that runs through one of the objectors back gardens has been accidentally polluted in the past by the activities of the applicants farm. Earthen pits do not provide for significant dilution or biological treatment and must be designed and constructed to prevent ground and surface water contamination. Future increased risk of this is, either directly, or through seepage from higher land surrounding residential properties would be a concern, especially for children, wildlife and for the Environment Agency. Given the scale of the proposal the objectors expect that core samples of the holding ground will have been undertaken and request a copy of said reports prior to the Council's decision. The details should be referenced to the Environment Agency's current permeability specifications. The large volume for which the lagoon is designed increases the likelihood of the earth bunds collapsing under the weight of water ;
2. Treatment of the dirty water with chemicals will in the event of seepage poses additional health concerns.
3. Public Right of Way - the required pumping infrastructure is understood to be installed along the route of a public right of way which is regularly used. Disruption to this would have a negative impact on the quality of life of the neighbouring public's leisure activities and may also down-classify the area as a site of natural and historic beauty. Members should note that the umbilical cord will not affect the Public Footpath Number 119013;
4. Noise related to pumping - the pump itself will impact a significant noise which is not only disruptive to members of the community, but also to wildlife. Due to the amount to be pumped it would require a very large pipe or a very powerful pump to get the amount of slurry into the lagoon and due to the volume would the pump be in use more than the stated number of times per year;

Animal and wildlife welfare

5. Attraction of flies – the stagnating contents of the lagoon would likely result in significant increases in insect populations. This is an unacceptable imposition on the community and also dramatically increases the risks between flies and infectious diseases for both humans and farm animals in neighbouring fields. There is documentary evidence that flies carry many different kinds of germs, such as typhoid, cholera, dysentery, scarlet fever, diphtheria, and even the eggs of intestinal worms and parasites. Given the recent high profile cases of conditions such as Blue Tongue which is transferred through biting insects, any such activity which at this stage could increase the likely detrimental impact of diseases such as this should be clearly minimised. The World Health

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Organisation documents in depth the dangers to health from contact with stagnant water, with particular reference to the temperate nature of the summer climate, advising that this should routinely be avoided. Clear guidelines of how containment would be achieved should be provided if such an environmental situation arise in the area in relation to an open slurry storage facility, as should clear routes for liability in any finalised planning application;

6. Given the significantly increased rainfall in the local area, the applicants intention to spray water over dry fields may be impossible in practice, due to the permanently saturated nature of some fields. In order to continue the process of filling of the lagoon from the slurry tank, the applicant may be forced to spray water over very wet fields around their property, in order to lower the water level in the lagoon. This may result in flooding the land close to residential properties with possible contamination of becks due to localised flooding of fields. Additionally, this would increase the possibility of development of small pools of stagnant water close to residential properties bringing settlements of disease carrying insects even closer to their home and family than the proposed lagoon;
7. Protection of animals from the lagoon – appropriate protective measures would need to be assured, such that wildlife (mammals and bird life) would be safe from the contents of the lagoon.

Highway Safety

8. The applicant is known in the area for poor upkeep of the roads used by farm vehicles. This is indirectly relevant to this objection, because of a lack of trust that activities will be carried out with sympathy to the surroundings and other community members. Disregard for the impact of his business activities on the community has resulted in multiple chipped window screens while driving over soiled roads outside his farm entrance. There has been no action so far by the applicant to address the disorder of the roads he already uses. Increased farm activity that is based across a road would increase the applicant's use of the road;
9. Increased cattle on the farm will result in more cattle truck movements.

Living Conditions of Neighbouring Properties

10. Amenities, include tangible and intangible benefits of a property and its location, specifically the pleasantness, agreeableness, and acceptability of the aspects of their location and surroundings. Therefore, there are clear breaches to this in the acceptance of the application. Outside activities of residential properties would be measurably affected by smell and increased insect populations. The prevailing winds are from a westerly / north westerly direction and this would result in smells from the lagoon being continually be blown directly towards residential properties, thus spoiling enjoyment of homes for large periods of the year, rather than the occasional smells which currently arise from the local agricultural

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practices. Smell is also a subjective sensation and will affect some individuals more than others. This would directly affect quality of life, in relation to spending time in the garden, especially with food. Some objectors currently grow their own produce, so they consider that odour and flies are pertinent to this activity, and they consider that their pursuit of this activity should be protected. They also live in a slight dip, and wind most often comes from the direction of the lagoon, exaggerating the problem;

11. Odour is also heavier than air. This is important given that the proposed is sited near the top of a hill (an elevation higher than most of the properties around it), and the odours will travel downwards to affect the downwind and downhill properties in the area without being diluted, and changes in air temperature is the main determinant of convection. This occurs, so smell would be transmitted, most often during the morning and evenings, when neighbours are most likely to be outdoors;
12. The smell is expected to be constant and permanent and they suspect there will be no way of measuring the intensity and extent of smell and therefore its impact, or lack of, as reassurance. While farm and "countryside" odours are an accepted part of life in rural areas, they are usually controlled in terms of timing and duration. Potential permanent odour, apart from being unpleasant, is a pollutant. Therefore, the character and enjoyment of our location will not be enhanced for residents or visitors, but will deteriorate by acceptance of the proposal;
13. the visual impact of the lagoon on the enjoyment of residential properties questions if the existing and proposed landscaping is sufficient.

Other Issues

14. the objectors suggest that in light of the forgoing topics, and the acknowledged need for the applicant to manage his waste, it seems a more appropriate way forward would be another conventional slurry tower nearer his property, as other farmers commonly erect. In their view, the proposal appears not to be an appropriate use of land, especially the site proposed and that open manure storage structure should be suitably located to minimise odour and sight nuisances but practicably should be located near to the source of manure;
15. they question that the need for further mechanisms to absorb waste by the applicant may, at least in part, be due to the farming techniques used, as they are certain that the cattle rarely graze. Therefore, acceptance of this application would indicate your moral support of an intensive farming model of cattle, which they directly oppose;
16. the sheer size of the structure must warrant the slurry lagoon to be covered. Concerns were raised as to the fencing would it deter/keep out animals or even children;

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17. any accidental fracture of the pipe would potentially result in effluent being sprayed into the air in an uncontrolled manner, covering any people, livestock or vehicular transport in the vicinity of the pipe. Children regularly walk / cycle up and down the road which the umbilical cord pipe is scheduled to cross, they consider that the presence of the pipe may, due to the nature of the fluid it will carry, be dangerous to health in the events of fractures / leaks occurring.
- 3.4 One letter of support has been received from a local resident which identifies the following issues;
1. the present farming operations require tractors spreading slurry to use the road network. The proposal will greatly reduce the traffic resulting in cleaner roads as less mud will be transferred from the fields onto the road;
 - 2 the reduction in traffic using the highway will improve highway safety and noise disturbance.
- 3.5 The National Farmers Union (NFU) wrote a letter of support for their Members explaining that they feel that it is appropriate to clarify the wider picture in relation to the required handling and storage of slurry now required of all farmers. The specific points highlighted by the NFU being:
1. the quantities of slurry produced by dairy cows is considerable, and with herds becoming ever larger as a result of economic pressure, the use of slurry must be both cost effective and environmentally sensitive;
 2. raft of regulation has meant that farmers must dispose of slurry in an environmentally sensitive way, not only to prevent pollution of local water courses, but to ensure that use of this by-product is such that the effects of nitrates within both ground water and subterranean supplies are kept to an absolute minimum;
 3. slurry is a valuable by-product if used effectively, both by way of storage, separation and use at the most beneficial time for the growth of grassland;
 4. considerable research has been undertaken culminating in many farmers utilising systems as proposed by the applicant. Not only are the systems now proposed the most cost effective and compliant, but are less intrusive upon the lives of the rural community. There are far less road journeys by noisy tractors and slurry tankers and of course far less mud and slurry being deposited on the highway;
 5. with the slurry being pumped and moved on fewer occasions in the year, there are far fewer occasions when odour will be cause a nuisance to local residents.

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4. Planning History

- 4.1 There is no relevant planning history for this site, however; the farmstead itself has a long and varied history which is summarised below.
- 4.2 In 1990, planning permission was granted for the erection of a slurry tower (application 90/0009).
- 4.3 In 2001, outline planning permission was granted for the erection of an agricultural workers dwelling (application 01/0730).
- 4.4 In 2004, planning permission was granted for the erection of a cow cubicle shed (application 04/1544).
- 4.5 In 2006, 3no. planning permissions were granted for the erection of steel portal frame buildings (applications 06/1002, 06/1004 and 06/1005).
- 4.6 Last year, planning permission was granted for the erection of 5no. agricultural buildings (applications 08/0855, 08/0856, 08/0857, 08/0858 and 08/0859).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning Permission for the retrospective formation of a slurry lagoon in field number 1724 which forms part of the agricultural holding of The Glebe, Hethersgill. The main farmstead is located in open countryside to the south-east of Hethersgill, with the slurry lagoon located approximately 570 metres to the north west of the main farm steading.

Background

- 5.2 The application was accompanied by a Design and Access Statement together with additional Supporting Statements prepared by the applicant's agent (reproduced in full in the Main Schedule). In summary, the Supporting Statements outline that:
 1. The Glebe is a 167.9 hectare (415 acre) dairy farm. Currently the stock levels stand at 455 dairy cows plus young stock; however, the applicant is expanding the herd with a view of having 650 dairy cows by Summer 2009;
 2. the farm presently has 400,000 gallons of slurry storage which is inadequate for a farming operation of this size. The current facility consists of a 250,000 gallon ring tower and a 150,000 gallon slurry

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lagoon. The existing slurry facilities are insufficient for the current level of stock, therefore, the 43% uplift in cow numbers by Summer 2009 will significantly increase the amount of slurry produced. As such, there is an overriding need for additional slurry capacity to be provided which is essential for the farming operation;

3. there is a need to change the applicant's current method of slurry management due to the potential inclusion of his land into the Nitrate Vulnerable Zone (NVZ). Under the Water Framework Directive, areas of land are being designated as NVZs, which are to be fully implemented by 2010. Part of NVZ legislation, imposes a closed period when no spreading of slurries are allowed. This period is from 1st August to 31st December for arable land or 1st September to 31st December for grassland. In addition, from the 1st January until the last day of February the maximum amount of slurry that can be applied at any one time is 50 cubic metres per hectare with at least three weeks between each individual application. Farms, therefore, have to ensure that they have a minimum of five months storage capacity to meet NVZ requirements.

The Proposal

- 5.3 The submitted drawings illustrate a rhombus shaped slurry lagoon located at the top of a rise in the south eastern corner of field no. 1724. It would have a storage capacity of approximately 1,364,641 gallons (6,202,915 litres) and has a maximum external length of 82 metres and a maximum external width of 64 metres. The depth of the lagoon would be a maximum of 5.2 metres and would be surrounded by earth bunds ranging in height between 3 metres and 3.6 metres.
- 5.4 A 1.8 metre high protective fence would be erected around the base of the earth bunds, which are to be reseeded with grass. The existing hedgerow to the east and west of the lagoon would be allowed to grow and thicken whilst a new landscaping belt is to be planted along its northern and western boundary.
- 5.5 The applicant is going to install a separator at the existing 400,000 gallon storage facility at The Glebe which means the existing lagoon will be used to store the solids and the existing tower will store the dirty water. Once the existing tower, is full, an umbilical cord will be used to deliver the dirty water to the proposed slurry lagoon.
- 5.6 Once slurry has been through the separator it will be mixed with an additive which will reduce the odour produced and the dirty water will not require mixing. Under normal lagoon systems is necessary to ensure that the 'crusting' is broken up which is typically when the odour is produced.
- 5.7 The use of a slurry separator reduces the volume of slurry entering the tower / lagoon by 15% - 20%. Other benefits are that the solid portion is a potential saleable commodity (to other farmers to replace artificial fertilisers) and the liquid portion is more consistent making it quicker, easier and cheaper to

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spread thereby reducing sward (grass) contamination. Based on the planned herd size of 650 cows and a reduction of 15% of the slurry volume, by use of the separator, could reduce the slurry storage by 1,150 cubic metres over the close period (under NVZ designation, see below) and reduce the annual slurry output by 1,718 cubic metres.

- 5.8 Prior to excavating the lagoon the applicant had explored a number of other locations in and around the farm steading. The applicant's agent has explained that these were discounted due to:
1. proximity to residential dwellings;
 2. visual impact;
 3. the requirement of the land around the steading in case of emergency;
 4. unsuitable soil type;
 5. the distance from the steading, in relation to surrounding farm land to access all land;
 6. presence of field drainage and watercourses;
 7. increase in herd numbers resulting in insufficient slurry storage facilities;
 8. potential NVZ designation; and
 9. more efficient use of slurry throughout winter months.

Assessment

- 5.9 Advice against which the application is required to be assessed is contained within Planning Policy Statement 7 (Sustainable Development in Rural Areas), with this advice being transposed in Policies CP1, CP5, CP11, CP13 and LE25 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposals raise the following planning issues:
1. Whether The Principle Of Siting A Lagoon Is Acceptable In This Location
- 5.11 The applicant's agent has identified that a number of alternative locations for the proposed lagoon were considered, but were discounted for the reasons identified in paragraph 5.8.
- 5.12 Criterion 1 of Policy LE25 of the Local Plan states that proposals for farm buildings and structures should be sited, where practical, to integrate with existing farm buildings and/or take advantage of the contours of the land and any natural screening.
- 5.13 In this instance, the lagoon is located in open fields, approximately 570 metres to the north west of the main steading. The applicant's agent has identified that there are several reasons for this which are summarised below:
1. lack of alternative sites; and
 2. operational requirement to provide a lagoon of this size
- 5.14 In light of the above, the applicant has demonstrated that there is a clear need for the lagoon to be situated in the location specified. Whilst Officers

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accept that there is a need for the lagoon in this location Members must balance this against the potential harm, that may result, which is discussed in the following paragraphs.

2. Whether The Scale And Design Of Proposed Slurry Lagoon Is Acceptable

- 5.15 PPS7 and Policies CP1 and CP2 of the Local Plan seek to ensure that proposals for development in the rural area conserve and enhance the special features and diversity of the different landscape character areas. Development proposals are expected to incorporate high standards of design including regard to siting, scale and landscaping which respect and, where possible, should enhance the distinctive character of the landscape.
- 5.16 Policy LE25 of the Local Plan requires that agricultural buildings and other farm structures relating to agricultural development are sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening.
- 5.17 PPS7 also recognises the important and varied roles of agriculture, including the maintenance and management of the countryside and most of our valued landscapes. Government guidance goes on to state that Regional and Local Planning Policies should recognise these roles and support development proposals that will enable farming and farmers to:
- (i) become more competitive, sustainable and environmentally friendly;
 - (ii) adapt to new and changing markets;
 - (iii) comply with changing legislation and associated guidance;
 - (iv) diversify into new agricultural opportunities (e.g. renewable energy crops);
- or
- (v) broaden their operations to 'add value' to their primary produce.
- 5.18 The County Land Agent's advice has been sought and in his response he outlines that the size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.
- 5.19 The Glebe does not fall within the newly enlarged NVZ, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the NVZ requirements ask each farm to show that it has the capacity to store 5 months production of slurry. The proposed facility at The Glebe will, under current rules, fulfil this requirement.

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5.20 An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment. The County Land Agent concludes that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business.

5.21 It is acknowledged that the retrospective slurry lagoon has been formed approximately 540 metres to the north west of the main farm steading on the crest of a hill; however, any visual impact that the lagoon would have would be lessened by the bunds being reseeded with grass and the planting and retention of existing hedgerows. The scale and form of the lagoon is commensurate with the scale of the agricultural operation and the proposal accords with advice contained within PPS7 together with Local Plan policies.

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

5.22 Policies CP5 and LE25 of the Local Plan both seek to ensure that there is no adverse effect on the residential amenity of adjacent properties. Within the immediate vicinity of the lagoon there are a number of residential properties, the closest of which being "The Close" which is approximately 210 metres to the south-east.

5.23 Within the immediate area there are also several other residential properties which have been notified and/or commented upon the proposal. These being: "The Scare" (291 metres to the south-east); "West Knowe" (310 metre to north-east); "1 Woodhouses" (385 metres to the south-east); "Common House" (659 metres to north-east); "Wagtails" (680 metres to the south-east); "Bromwell" (879 metres to the north-east); and "Broomhills" (976 metres to the north-east).

5.24 Several of these residents have raised objections, concerning possible increase in odour, attraction of flies to the lagoon, impact on the environment/biodiversity of the area, highway safety and noise. The proposal is to serve an existing farm and given that the closest residential property ("The Close") is over 200 metres from the lagoon and that the lagoon would be landscaped to minimise any visual impact, the lagoon would not create any additional adverse impact on the living conditions of the occupiers of these properties through noise or odours to those usually associated with the rural area to warrant refusal.

4. Impact Of The Proposal On Highway Safety

5.25 The proposal utilises an umbilical cord system which would pump the dirty water from the existing slurry storage facilities on The Glebe into the lagoon. The cord would be feed through a culvert under the road continue in a north-westerly direction across the fields to the lagoon and avoiding Public Footpath No. 119013. This, the applicant's agent has explained, would

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reduce the need for tractors and slurry tankers to transport the dirty water via the road network. The Highway Authority has been consulted and do not object to the proposal, subject to the imposition of a condition requiring that the works to the highway are constructed to a suitable standard and imposition of two advisory notes.

5. Impact Of The Proposal On The Environment/Biodiversity Issues

- 5.26 As the report has previously outlined, PPS7 recognises the important varied roles of agriculture and its need to become more competitive, sustainable and environmentally friendly whilst complying with changing legislation and associated guidance.
- 5.27 As previously stated, under the Water Framework Directive, areas of land are being designated as NVZs, which are to be fully implemented by 2010. Although, currently not within an NVZ it is envisaged that within the next ten years, the land farmed at The Glebe together with the rest of the UK will be included with the NVZ, in order to meet the increased demands of European Legislation on Nitrates.
- 5.28 Part of NVZ legislation, imposes a closed period when no spreading of slurries are allowed. This period is from 1st August to 31st December for arable land or 1st September to 31st December for grassland. In addition, from the 1st January until the last day of February the maximum amount of slurry that can be applied at any one time is 50 cubic metres per hectare with at least three weeks between each individual application. Farms, therefore, have to ensure that they have a minimum of five months storage capacity to meet NVZ requirements.
- 5.29 The applicant's agent has outlined in the Supporting Statement that The Glebe currently has a storage for 400,000 gallons of slurry which is inadequate for their needs. Apart from being insufficient for the current level of stock, the applicant is expanding stock numbers from the current 455 dairy cows to 650. They consider that this 43% uplift in cow numbers will significantly increase the amount of slurry produced and therefore there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 5.30 The applicant is proposing to change his current method of storage of slurry by introducing a slurry separation system. This method separates the solids from the liquid. The solids will then be stored in the existing slurry lagoon on the steading whilst the liquids will be stored in the existing slurry tower. Once this is full then it will be pumped via the umbilical cord to the proposed slurry lagoon. The agent has explained that this method reduces the volume of slurry entering the tower / lagoon by 15-20%. It also has huge environmental benefits such as reducing the risk of run off and also no fibres lodge on the plant foliage where ammonia and nitrogen are easily released into the atmosphere.
- 5.31 Concerns have been raised in regard to the impact of the lagoon on animal

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and wildlife welfare. The Farming Advisory Wildlife Group (FWAG) have been consulted in this respect who are familiar with the farming practices of the applicant having undertaken a farm conservation advisory visit. FWAG outline that the applicant, following their advice, has undertaken small-scale improvements wildlife improvements as well as achieving Entry Level Stewardship which commits the applicant to a series of measures that will further enhance the value of the farm for wildlife. Two of the measures implemented being the provision of over winter-stubbles to benefit farmland birds and the management of grassland with very low inorganic fertiliser and manure inputs and management of unimproved rough grazing land to conserve its biodiversity. In addition he has prepared and follows a manure management plan for the farm to identify and reduce the risks associated with the storage and spreading of livestock manures on the holding.

- 5.32 FWAG continues by explaining that the proposed lagoon corresponds with current environmental recommendations for the management of slurry. The lagoon will enable the cattle slurry that is produced on the farm to be stored throughout the winter so that it can be spread at the optimum time (late winter and through the growing season) to take best advantage of the nutrients it contains and minimise the risk of diffuse pollution due to run-off, which occurs where slurry is spread when ground conditions are inappropriate such as when they are frozen hard or waterlogged.
- 5.33 They conclude by stating that it is not envisaged that the applicant's (retrospective) proposal to construct an earth banked slurry lagoon will have a detrimental effect on wildlife. Moreover, it is likely to provide significant environmental benefits through enabling environmentally responsible management of slurry on the farm.
- 5.34 Another issue raised was the potential pollution of waterways. The Environment Agency (EA) has been consulted in regard to this issue who have no objections to the proposal; however, the proposal is required to comply with the 'Code of Good Agricultural Practice', the 'Silage, Slurry and Fuel Oils Regulations' and 'CIRIA Report 126: Farm Waster Storage Guidelines for Construction'.
- 5.35 Further advice has been sought from the EA in regard to the who have confirmed the procedures that have to be followed in the construction of slurry lagoons. All work must be carried out in accordance with "The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 and as amended 1997". Under this Legislation farmers are required to give 14 days prior notification to the EA. The EA will then carry out an assessment of risk. If they consider that the lagoon has not been properly constructed, under the aforementioned legislation they can serve a "works notice" which can prevent or forestall commissioning of the lagoon; however, this further inspection by the EA should not preclude planning permission being granted.
- 5.36 It has been alleged that the construction of the lagoon and its earth bunds may render it not fit for purpose and that it is within 10 metres of a water course and field drains. At the time of preparing the report clarification from

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the agent has been sought; however, it should be noted that the construction of a lagoon and its potential to seep into watercourse would be dealt with under EA Legislation. Officers have written to the EA and relayed the objector's concerns with regard to the method of construction and potential proximity to field drains and watercourses. Any subsequent pollution as a result of this development, should it occur, will be a matter for the EA to enforce under their Legislation.

6. Other Matters

- 5.37 Concern has been raised in regard to the prevention of unauthorised access to the lagoon from children and animals. The lagoon will be enclosed by a 1.8 metre high non-climbable fence with lockable gates. The height of which will be in excess of the Health & Safety Executive requirements under their legislation "Construction (Design and Management) Regulations" (2007). It is therefore considered that these will reduce any possible risks to human and animal welfare.

Conclusion

- 5.38 In conclusion, the recommendation is for approval; however, this recommendation may be revised subject to the expected response from the EA. Policies do allow for development outwith the farm steading provided that the development utilises the topography of the land and does not adversely affect the character of the area. It has been demonstrated that the scale and design of the lagoon is commensurate with the farming operation and whilst the siting is detached from the existing steading, the use of landscaping would lessen any visual impact that the lagoon may have. As such, the character or appearance of the area would not be adversely affected by the development. The applicant also has a requirement to comply with the various EA Legislation
- 5.39 The living conditions of the occupiers of the neighbouring properties would not be adversely affected and in all other aspects, the proposal is compliant with current planning policies

6. Human Rights Act 1998

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

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

Article 7 provides that there shall be "No Punishment Without Law" and

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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 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. Within two months from the date of this permission, details of the proposed alterations to the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall provide a full specification of the works and shall be designed to a suitable standard as laid down in the current Cumbria Design Guide. The approved works shall be completed prior to the lagoon being brought into use.

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

3. The 1.8 metre high protective fencing and gate around the lagoon detailed on the letter and attached plan received on 23 March 2009 shall be completed prior to the lagoon being brought into use. The fencing and gates shall not be altered or removed without the prior approval of the local planning authority.

Reason: To ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. Full details of the proposed hedging defining the northern and western boundaries of the lagoon shall be submitted to and approved in writing by the Local Planning Authority within two months from the date of this approval. All works comprised in the approved details of hedge planting

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shall be carried out in the first planting and seeding season following the lagoon being brought into use.

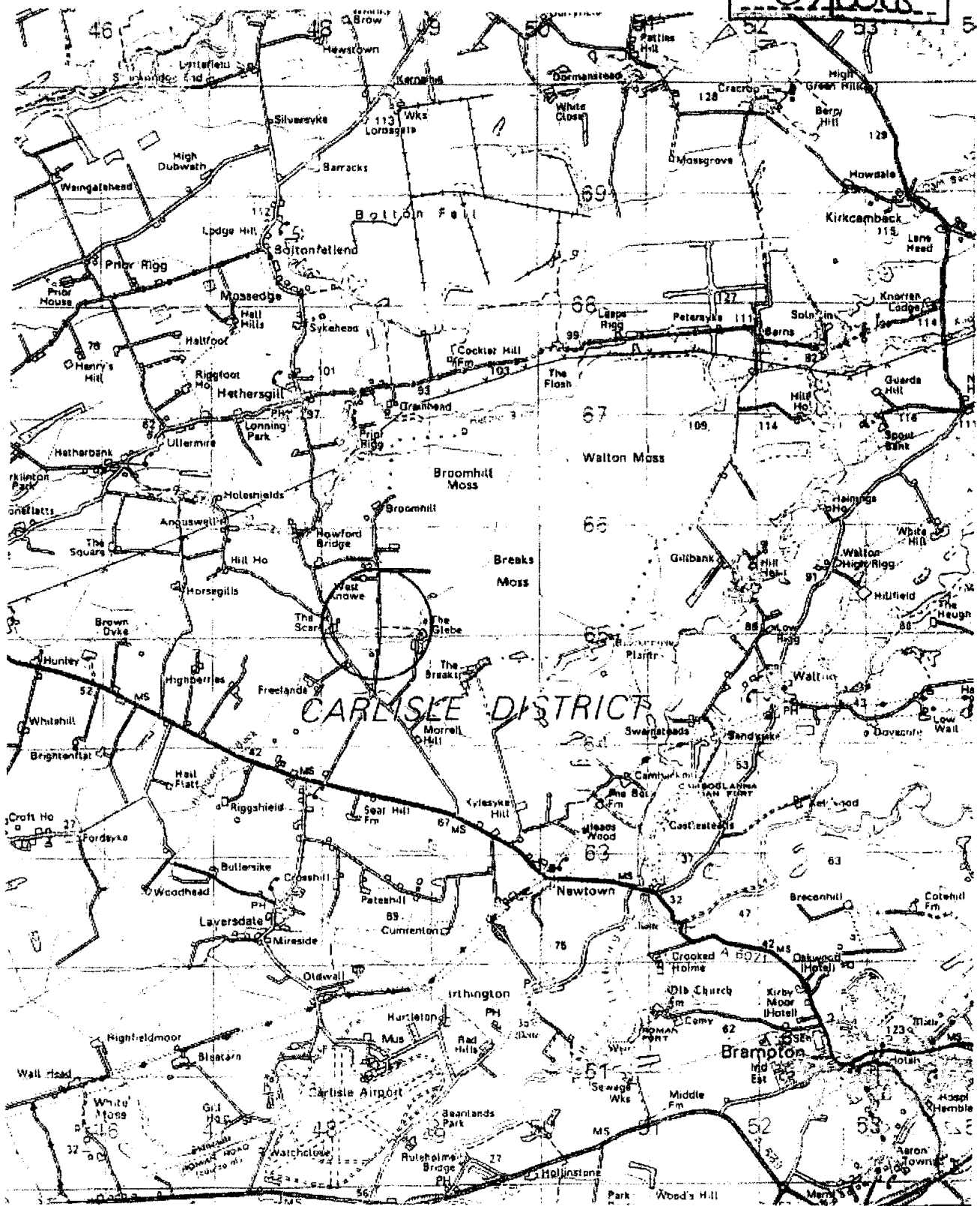
Reason: To ensure that the appearance of the area is enhanced by the proper landscaping of the site in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The landscaping approved by condition 4 shall be 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 2001-2016.

LOCATION PLAN.

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CARLISLE**
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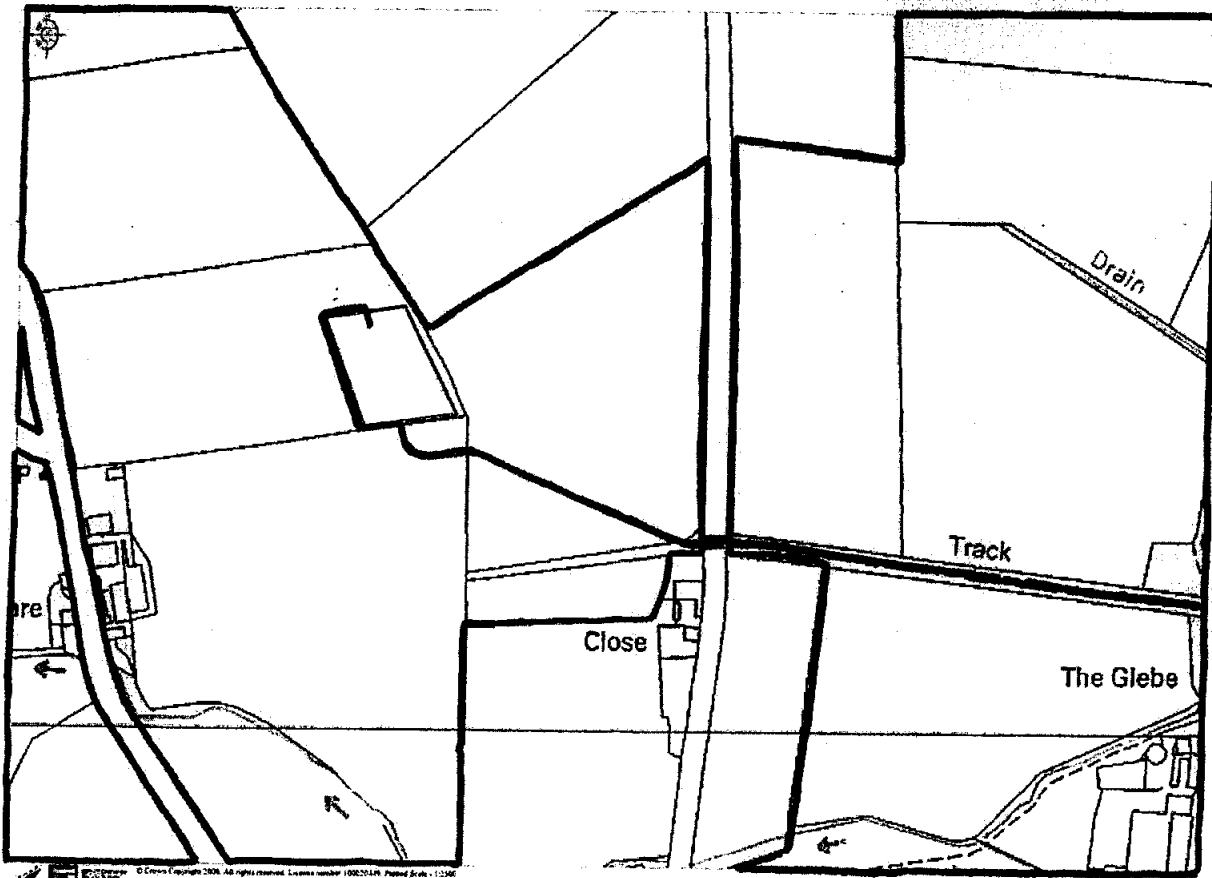
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Tel: 01228 640920 94 Fax: 01228 640938

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The Glebe, Hethersgill, Carlisle



- Route of Umbilical Cord.
- Ramps either side, as is currently used.

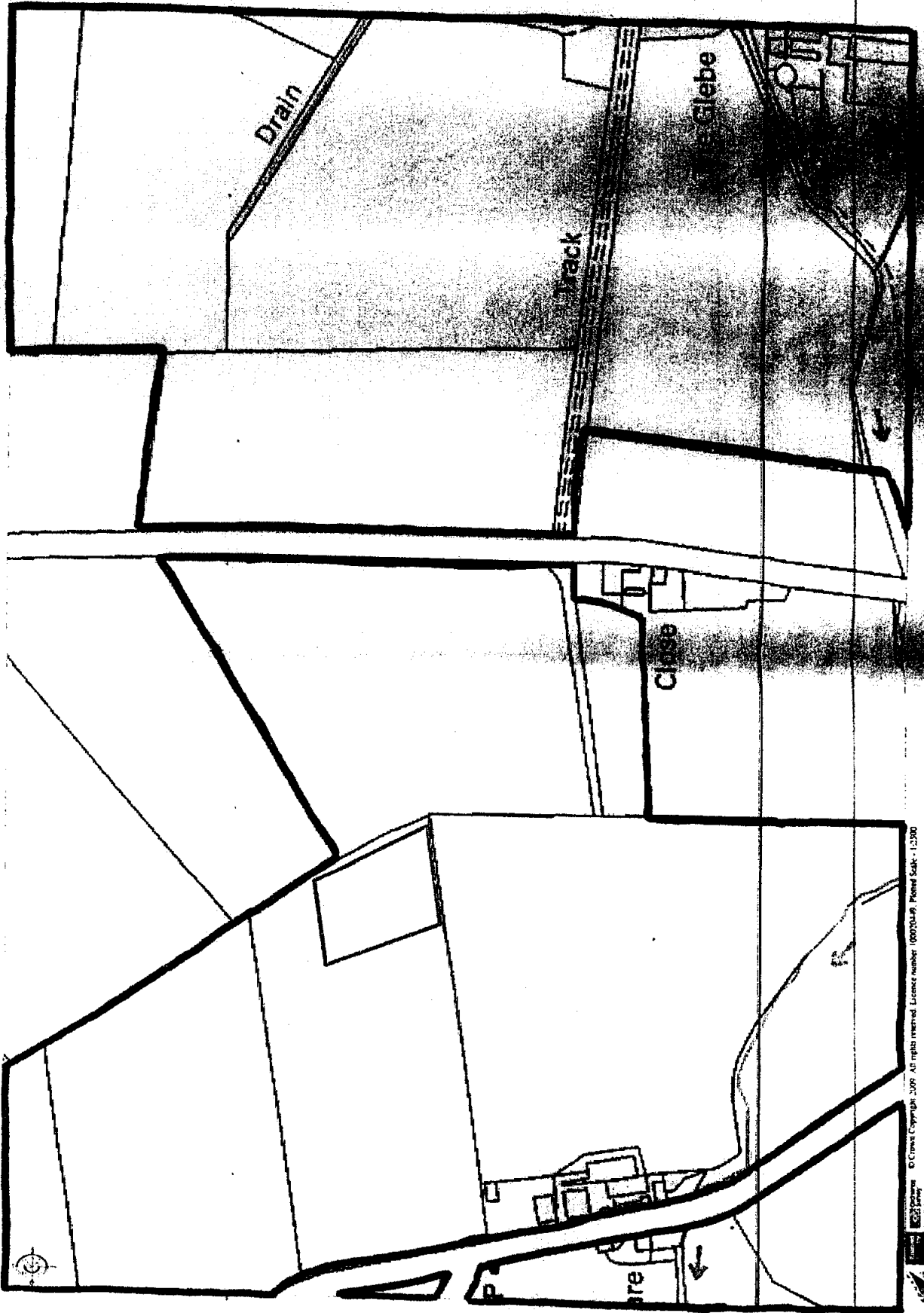
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PLAN 1



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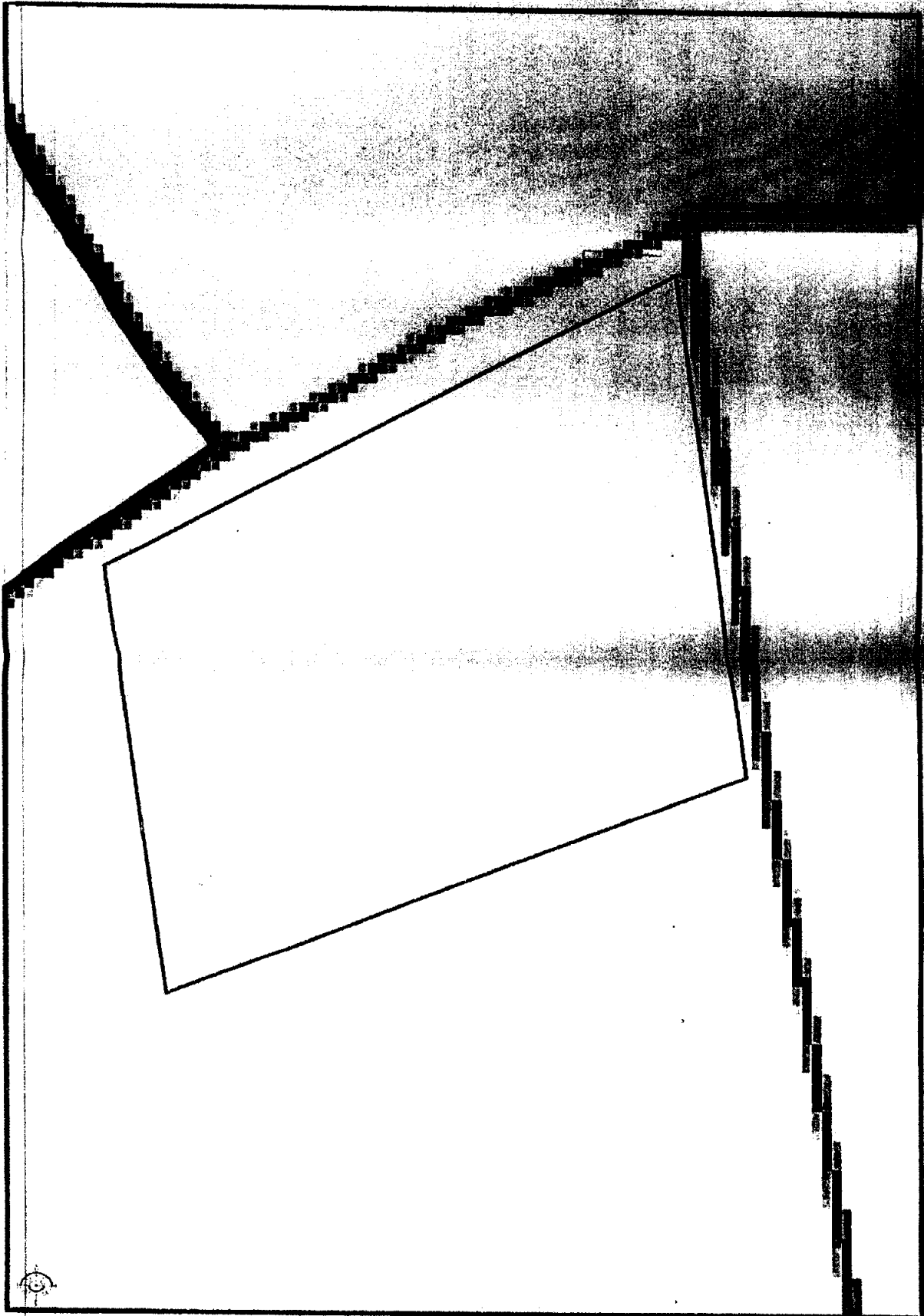
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The Glebe, Hethersgill, Carlisle

PLAN 2.



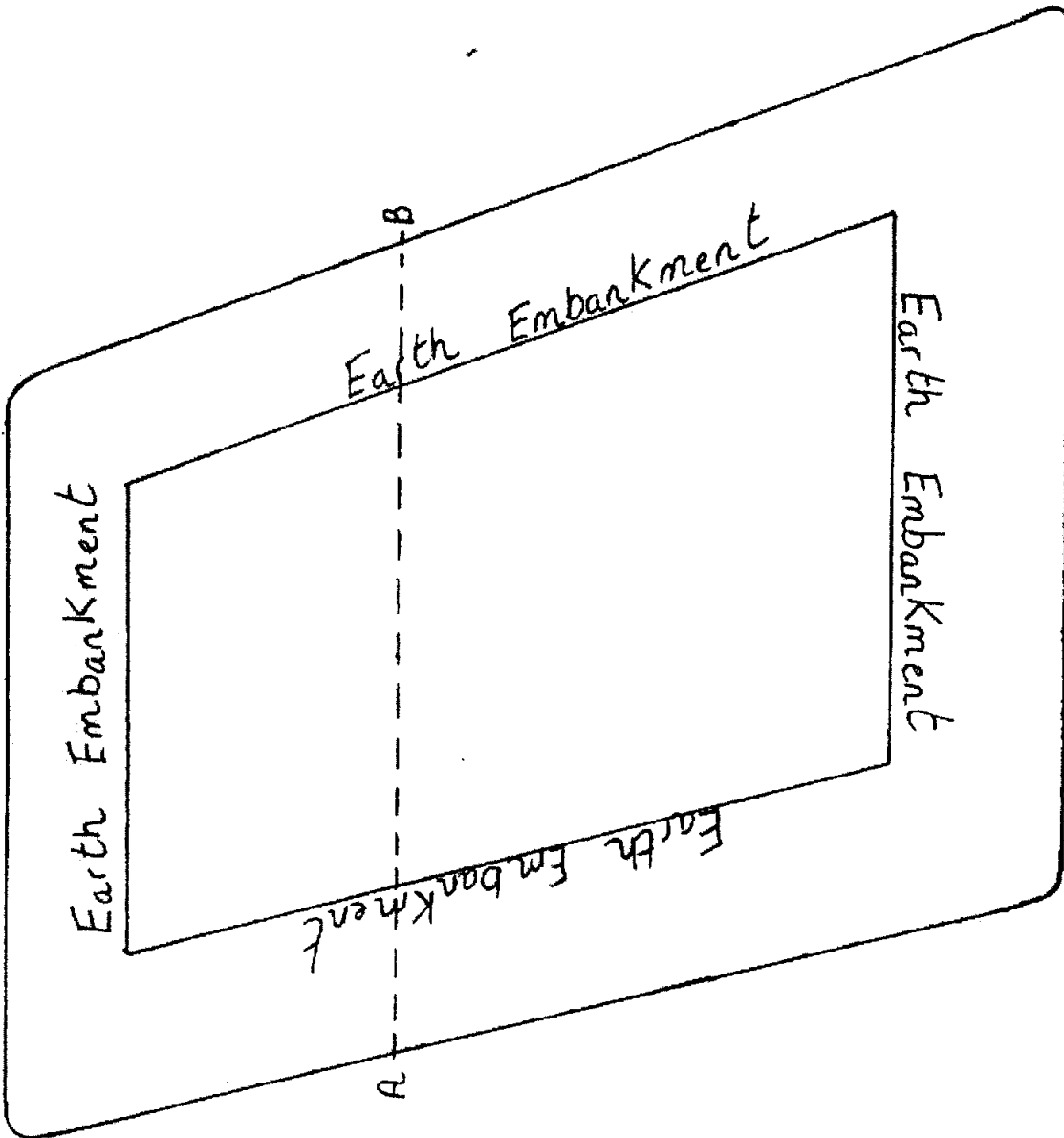
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Floor Plan: Plan 3



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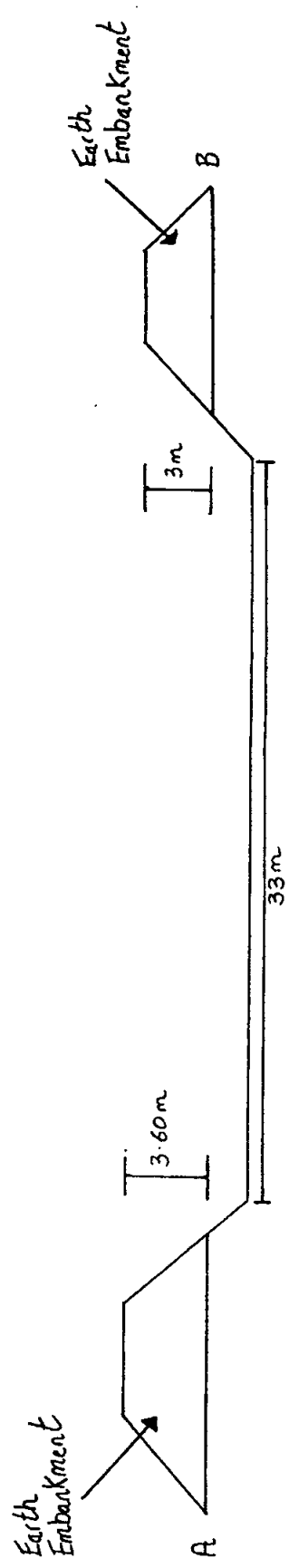
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PLAN 6.

Elevation Plan: Cross Section



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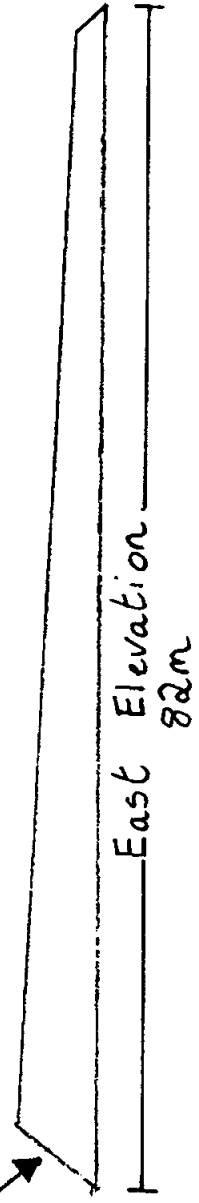
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Elevation Plan: Plan 5

Earth
Embankment



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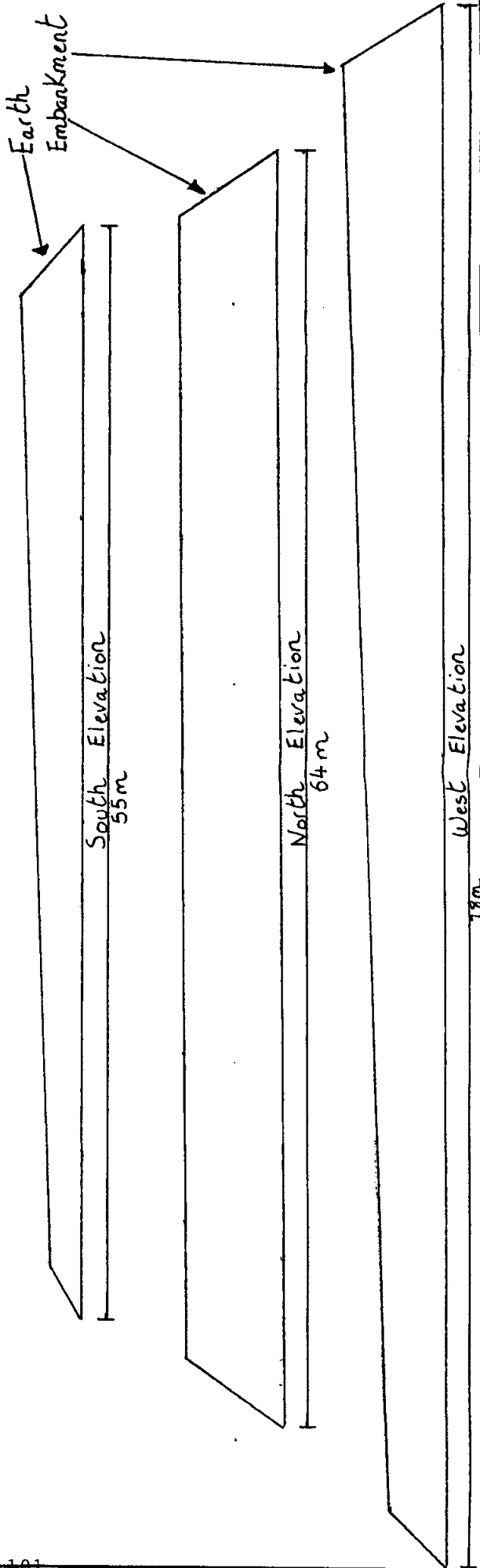
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Elevation Plan: Plan 4

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THE GLEBE FARM, HETHERSGILL,
CARLISLE
Scale 1:200

DESIGN & ACCESS STATEMENT

Mr J Fisher
The Glebe
Hethersgill
Carlisle
Cumbria

1.0 CONTEXT

This Design and Access Statement is to support the application for planning permission to create a slurry lagoon at the above.

2.0 AMOUNT

One slurry lagoon.

3.0 LAYOUT

To be located to the West of The Glebe, as this is where the clay lies for lining the slurry lagoon.

4.0 SCALE

The slurry lagoon will be 78m x 55m x 81m x 64m.

5.0 LANDSCAPING

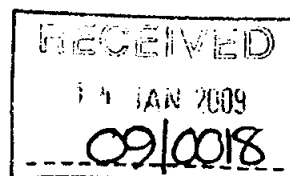
The lagoon has earth embankments around it; the site is also screened by existing hedgerows.

6.0 APPEARANCE

The lagoon will be dug into the ground and lined with clay from the excavation. Screening earth walled bunds will surround the lagoon at the toe of which a 2m high stock proof fence will be erected.

7.0 ACCESS

The lagoon will be accessed through an agricultural field. As such access to the public highway will not change.





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SCANNED
 31 MAR 2009

e-mail: julie.liddle@hhbowe.co.uk

Barbara Percival
 Development Services
 6th Floor
 Civic Centre
 Carlisle
 Cumbria
 CA3 8QG

Our Ref: JL/MRB/HF11

Your Ref:

Date: 19 March 2009

PLANNING & HOUSING SERVICES	
REF	09/0018
23 MAR 2009	
RECORDED	<input checked="" type="checkbox"/>
INDEXED	<input checked="" type="checkbox"/>
EXEMPT TO	<input type="checkbox"/>
ACTION	<input type="checkbox"/>

Dear Barbra

Mr Fisher, The Glebe, Hethersgill, Carlisle, CA6 6EZ
Proposed Slurry Lagoon

Following our meeting of the 11 March 2009, please find enclosed the amended fencing drawings and also the proposed area for further landscaping.

The protective fencing around the lagoon will now be 1.8 metres high and the fence posts will be wooden.

With regard to the proposed additional screening, along with allowing the hedgerows to grow and grassing over the earth banks, Mr Fisher is now proposing to plant a hedgerow along the North and West sides of the lagoon.

The hedgerow will be a mixture of Hawthorn and Blackthorn to be in keeping with the surroundings.

If you require anything further please do not hesitate to contact me.

Yours sincerely

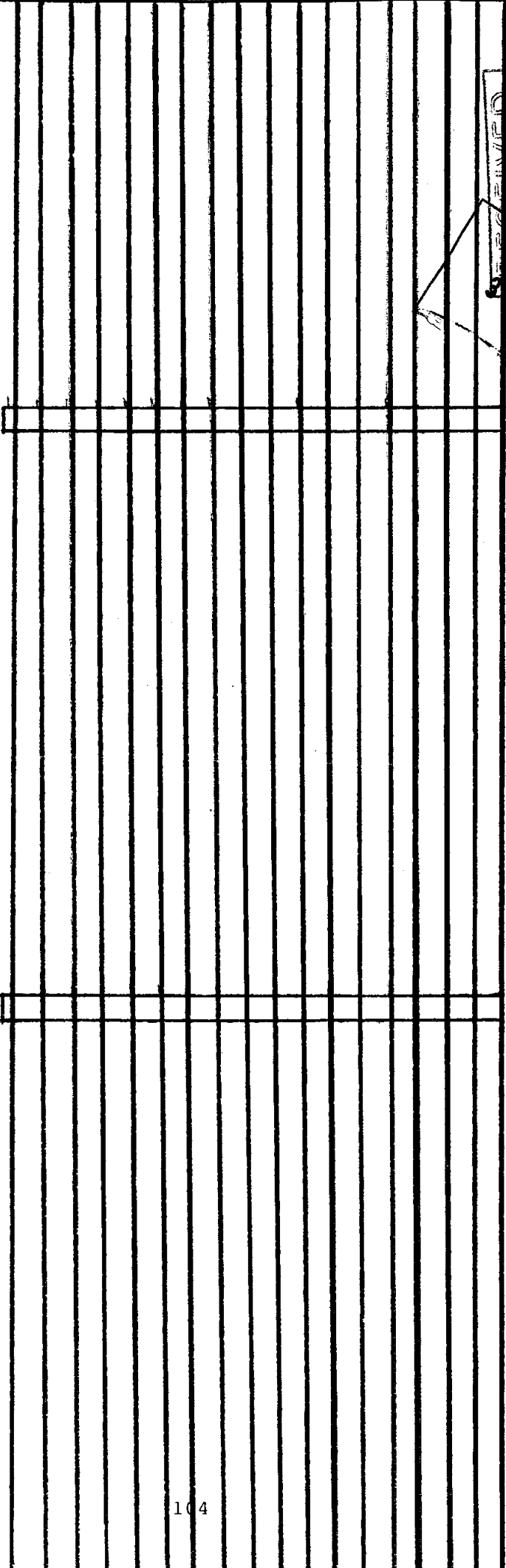
Julie

Ms J Liddle

Enc.



Fencing



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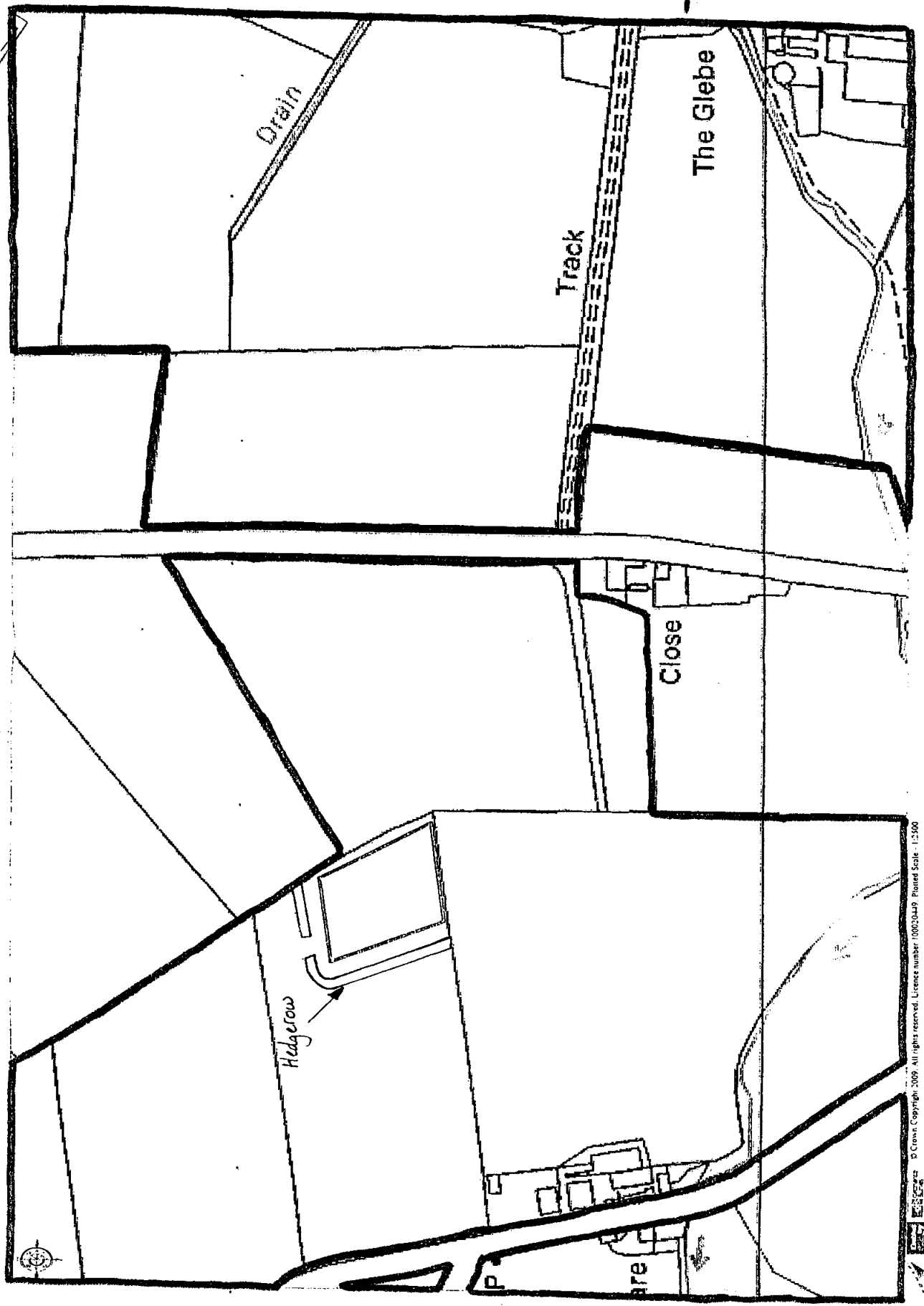


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Supporting Information

for

Mr J Fisher
The Glebe
Hethersgill
Carlisle
Cumbria
CA6 6ez

January 2009

by

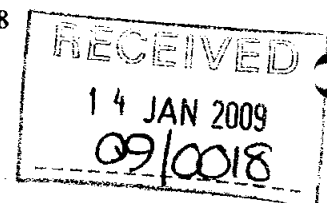
Julie Liddle MRICS, FAAV

All correspondence to be addressed to:

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INTRODUCTION

The following information is supplied to support the application for a slurry lagoon at Field Number 1724, The Glebe, Hethersgill, Carlisle. The Glebe is a 167.9 hectare (415 acre) dairy farm located at grid reference NY 488 650, the proposal is to build a slurry lagoon 550m to the West of The Glebe. The current stock numbers are 455 dairy cows plus young stock, the proposal in the future is to expand the dairy herd.

1.0 SURVEYS

The slurry lagoon will be located in the South East corner of field number 1724. This area lies approximately 85 metres above sea level, which is higher than the farm steading. Neither this field or the farm has never been known to flood since Messrs Fisher have farmed at The Glebe which is over 28 years, and therefore there is no discernable need for the site to be surveyed. The development will not impact the flood potential of the area.

2.0 Need for a Slurry Lagoon in Field Number 1724.

The reasons why the slurry lagoon needs to be located away from the main steading:

- This is where the clay is located for the lining of the slurry lagoon. If it was built near the farm the clay would have to be excavated from this area and taken to an alternative site resulting in a large hole being left to infill, which would mean the loss of good agricultural land.
- The land immediately around The Glebe is used in the summer months for the calving cows to grazed in as they are then near the farm for calving and also general welfare purposes. The loss of 1.135 acres would have a

huge impact on the field near the steading and result in the cows having to be located away from the steading, thus putting additional pressure on the resources (staff) of the business.

- The slurry will be pumped to the lagoon via an umbilical cord system this may happen two / three times a year for a couple of hours at a time. This will result in fewer traffic movements along the narrow roads as currently is the case, the present slurry facilities at The Glebe have to be emptied every couple of months.
- The new slurry lagoon will permit Mr Fisher to use the slurry more effectively. By having more storage capacity it will allow Mr Fisher to spread the slurry in the spring when the land utilises it to its best advantage. This will also result in less artificial fertiliser being purchased (Current price of £380/ton) which would be most beneficial to the family business.
- This location is the centre of the land holding which means, by having a slurry lagoon located here it will allow the slurry to be spread to almost every field Mr Fisher owns. This once again will result in fewer traffic movements on the narrow roads around The Glebe.
- The slurry lagoon will allow Mr Fisher to provide longer term slurry storage. This will enable the unit to remain within the guidelines of the Code of Good Agricultural Practise, with regard to spreading of organic material on land, especially having regard to the possible future extension of the Nitrate Vulnerable Zones (NVZ). This requires longer term storage, so as to allow for non spreading periods over winter months, reducing the risk of nitrate leeching to ground water.

- Mr Fishers land lies within the Catchment Sensitive Farming Delivery Initiative 2006 – 2009. This is a programme that aims to develop measures to tackle diffuse water pollution from agriculture to meet the Water Framework Directive requirements. The slurry lagoon will help meet this need and allow Mr Fisher to have sufficient slurry storage over the winter months, as per NVZ Rules.



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**Supporting Statement to
Planning Application 09/0018
On behalf of**

**TG & K Fisher Ltd
The Glebe Farm
Hethersgill
Carlisle
Cumbria
CA6 6EZ**

March 2009

by

26
09/0018

Julie Liddle MRICS FAAV

H&H Bowe Ltd
Chartered Surveyors

Borderway, Rosehill
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The Glebe
Carlisle
Hethersgill
Cumbria

1.0 BACKGROUND

Mrs K Fisher and her son Mr J G Fisher are the owner occupiers of the Glebe, Hethersgill, Carlisle, Cumbria and also the Scare, Hethersgill, Carlisle. The property lies near the village of Hethersgill. The Fisher family have farmed at the holding since 1981.

2.0 THE HOLDING

The farmhouse is located at Grid Reference NY488 650, the steading lies 70 metres above sea level, and extends in total to 167.9 hectares (415 acres). The business is a very successful modern dairy enterprise.

See Appendix 1 for location plan.

3.0 THE APPLICANT

The applicant is the business of TJ & K Fisher. John Fisher and his mother Kathleen are the partners in the business. Mr Fisher and two full time employees currently supply the workforce for the business along with several part time staff.

Mr Fisher has had many applications approved for the construction of agricultural buildings at this large modern holding but had commenced construction of the lagoon as he was unaware that this constituted works of an operational nature under planning law.

4.0 THE FARMING BUSINESS

There are 455 dairy cows plus young stock. Winter Barley, Spring Barley and Maize are grown for home consumption and also silage is produced.

Current stock numbers are:

4.1 Stock Numbers

- 455 Dairy cows
- 250 Young Stock
- 1 Stock Bull

4.2 Cropping

110 acres (44.51 hectares) of Winter Wheat, 60 acres (16.18 hectares) of Spring Barley and 45 acres (18.21 hectares) of Maize are grown for cattle feed. Approximately 180 acres (72.84 hectares) of grassland are cut and conserved for silage over 3 cuts.

4.3 Buildings on the holding

This substantial modern holding comprises:

- Traditional stone range consisting of calf boxes; workshop; consumables; chemical and mineral stores.
- Calf rearing shed (40' x 40')
- Loose housing (75' x 45')
- Calf shed (60' x 20')
- Dry cow cubicles with 60 cubicles (60' x 70')
- Parlour (75' x 20')
- Dairy (35' x 20')
- Cubicle building with 220 cubicles (180' x 90')
- Cubicle building with 120 cubicles (225' x 40')
- Loose housing (270' x 50')
- Collecting yard (60' x 40')
- Straw shed (45' x 20')
- Silage shed (180' x 100')
- Steel Portal Frame Loose House (134" x 36")
- Steel Portal Frame Crop Store (134" x 36")
- Steel Portal Frame General Purpose (72" x 22")
- Steel Portal Frame General Purpose (59" x 44")

5.0 SYSTEM PRACTICED

The system practised is a modern intensive dairy enterprise comprising 455 dairy cows, which are milked twice per day. Calving takes place all year round with heifer calves retained as dairy replacements and the rest of the livestock sold at 18 months old.

The business is modern and forward thinking. Investment is clearly evidenced on viewing the holding (six new buildings are currently under construction) and this approach is necessary to maintain such an intensive unit with modern efficient facilities and up to date techniques.

6.0 THE NEED FOR ADDITIONAL STORAGE CAPACITY

6.1 Mr Fisher has 400,000 gallons of slurry storage which is inadequate for a farming system of this size. This facility consists of a 250,000 gallon ring tower and a 150,000 gallon slurry lagoon. Apart from being insufficient for the current level of stock, Mr Fisher is expanding numbers from the current 455 to 650, by summer 2009. This expansion is already underway and therefore additional slurry facilities are imperative as transporting slurry by road will be particularly difficult for the business and very inconvenient to neighbouring properties.

6.2 There is a need for a change in the method of storage for management purposes. Mr Fisher is going to install a separator at the present 400,000 gallons storage facility which means the existing lagoon will be used to store the solids and the tower, to store the dirty water. Once the tower is full, the proposal is to use an umbilical cord and to deliver the dirty water to the new lagoon.

The use of a slurry separator reduces the volume of slurry entering the tower / lagoon by 15% - 20%. Other benefits are that the solid portion is a potential saleable commodity (to other farmers to replace artificial fertilisers) and the liquid portion is more consistent making it quicker, easier and cheaper to spread reducing sward contamination. Based on the planned herd size of 650 cows and a reduction of 15% of the slurry volume by use of the separator, it would reduce the slurry storage requirement by 1,150.5 m³ over the close period (under NVZ designation,

see below) and reduce the annual slurry output by 1,718 m³ (Based on a farm survey at Gourds Farm, Dorset).

- 6.3 As noted previously, Mr Fisher is currently extending his cattle housing to increase the dairy herd from the current 455 cows to 650 cows by summer 2009. This 43% uplift in cow numbers will significantly increase the amount of slurry produced and therefore there is an overriding need, essential for the farming business, for additional slurry capacity to be provided.
- 6.4 There were a number of trial holes were dug around the land to ascertain the best location for the lagoon. The site was chosen as the most suitable because the sub-soil contained a high percentage of clay. Please see **Appendix 2** for a letter from J Fell Plant, who have been involved for many years in excavating lagoons and also trial hole testing. J Fell Plant undertook the work to date.
- 6.5 A number of sites for the proposed lagoon were discounted on the basis that these areas need to be kept clear. If for example, there was an emergency situation within the buildings (e.g. fire), the fields immediately surrounding the steading would be required to permit all livestock to be quickly released from the buildings until the problem can be resolved. With an intensive system it must be understood that it takes some considerable area of land to hold 455 – 650 head of dairy cows, along with a further 250 – 350 young stock.

Other sites were considered but they were closer to third party dwellings much more visually intrusive.

The soil contained too much sand and insufficient clay, i.e. there is peat to the north of the steading, heavy land around the steading and sand/gravel to the east and south of the steading hence the former quarry sites.

The existing slurry provision is already on the east side of the road.

For this and the reasons mentioned above sites on the east side of the road were discounted. Please see **Appendix 3**.

- 6.6 In its present location, the lagoon will permit Mr Fisher access to spread slurry to all of the land under his ownership to the west of the road using an umbilical cord system. If the lagoon was located to the east of the road, it would mean Mr Fisher would have to purchase a larger pump, thicker pipe and a new heavier horsepower tractor in order to drive the pump to get the slurry the additional distance to the furthest point of the land under Mr Fisher's control. This would not be financially beneficial to the business as this tractor would only be used to pump slurry, whereas with the lagoon located on the land to the east of the road, means existing tractors can be used.
- 6.7 Nitrate Vulnerable Zones (NVZ) are areas of land designated under the Water Framework Directive, which must have a reduced amount of nitrogen placed on the land. Whilst not currently within an NVZ area, the designation is getting closer to the Glebe and will in due course encompass all of the land.

The main difficulty farms have within these designated areas is being limited to certain rates of fertiliser application, means they must have additional holding facilities for slurry.

When the NVZ designation arrives it will mean that Mr Fisher will not be allowed to apply any organic manure during the periods of 1 September to 31 December on grassland and 1 August – 31 December for arable land each year, also from the end of the closed period until the last day in February the maximum amount that can be applied at any one time is 50 m³/ha of slurry. In addition, there must be at least three weeks between each individual application. The current storage facilities would only last a few weeks and not the 22 weeks required.

Due to the increasing number of dairy cows this summer, the lagoon will help Mr Fisher to overcome this problem. Attached at **Appendix 4** is a letter from Mr Andrew Dyer of H & H Bowe Limited, who is a qualified agricultural adviser. The letter explains the effect the NVZ designation has on farming businesses such as Mr Fishers.

This is an example of Mr Fisher's forward thinking for the business.

6.8 Numerous alternatives to the lagoon were considered. These included a steel tower, a slurry bag and the clay lined lagoon. The slurry tower was discounted for three reasons; 1) the visual impact of a very large steel tower, 2) the cost which would be approximately £34/m³ which accrues to £210,000 for the size of tower required, and 3) a tower only has a lifespan of 30 years. A clay lined lagoon is more reliable and will last up to 50 years.

The slurry bag was discounted for two reasons, 1) the cost of £29/m³ which accrues to £180,000 and therefore could not be justified along with the cost of digging under the road and the purchase of the cord system, 2) there is no need for a slurry bag, as it will be principally dirty water that is to be stored in the lagoon and not pure slurry and therefore this airtight facility is not required.

The clay lined slurry lagoon was considered when it was shown to be the most suitable, feasible and cost effective construction in comparison to the others (being £5/m³). It will allow a large amount of slurry to be stored and will be naturally screened from view. There was also a large amount of clay available on that particular site which further justifies the need for it to be located at that site but also reduced the cost of construction.

6.9 This site was also chosen because it was considered very much naturally screened and other locations around the farm would be more visually intrusive to third party properties. Mr Fisher is also proposing to grass over the earth banks, allow the existing hedgerows to grow around the lagoon and also to plant a hawthorn and other hedgerow species along the North and West sides approximately 2 metres from the fence. This will further help to screen the lagoon. Planning policy LE26 agricultural buildings supports landscaping of agricultural structures stating, "It may be possible to do this by using natural contours in the land or existing natural screening such as woodland, trees or mature hedgerows."

6.10 Mr Fisher spreads slurry on a neighbours land and this reduces the amount of fertiliser they have to apply/purchase. The land on which Mr Fisher can spread is marked blue on the plan at Appendix 3.

6.11 The lagoon will benefit both holdings which Mr Fisher owns namely The Glebe and The Scare. At The Scare there are 100 cubicles and a small underground tank which has been in situ for many years. The new lagoon will serve both steadings. From a financial point of view this will also permit the expenditure to be spread over two farms.

6.12 Other sites around the farm were discounted because of the drainage in these fields, as one of the requirements of the Environment Agency is to close all field drains 30m back from the site of a lagoon. The land to the east of the road is heavy and leads to peaty land to the north. Without field drainage all the land will become very wet and unusable resulting in good agricultural land being rendered useless for the purpose for which it is required.

To the north of The Glebe is a SSSI (Site of Scientific Special Interest), and Natural England will not look favourably on a lagoon adjoining this area. Furthermore, from here, the umbilical system could not reach the furthestmost land holding to the west of the Glebe.

The land to the east of the steading is too close to watercourses.

6.13 The lagoon in the proposed location will significantly reduce traffic movements by tractors and slurry spreaders. If the lagoon was situated on the east side of the road there would still be the need to travel on these narrow country roads to spread slurry on the cropping land at the Scare side of the road. With a significant increase in stock numbers currently taking place there will be a corresponding increase in vehicle movements transporting slurry.

6.14 The lagoon will not pose any environmental concerns. If permission is granted for this lagoon it will mean Mr Fisher will be able to store slurry for considerably longer than he can presently. This will result in the slurry being applied when the land utilises it best, and the slurry need not be spread during the winter months when there is the possibility of the slurry being washed off the land. This is also a requirement of the forthcoming NVZ regulations.

- 6.15 There is a public right of way which lies from the bottom of the property known as the Close, to the north side of the buildings at the Scare. Neither the lagoon nor the proposed route of the umbilical cord will cross this access or block any part of the public right of way.
- 6.16 Once slurry has been through the separator it will be mixed with an additive which will reduce the odour produced and the dirty water will not require mixing which, under normal lagoon systems is necessary to ensure 'crusting' is broken up, and this is when the odour is produced. A copy from the supplier of this additive is attached at Appendix 5.
- 6.17 The lagoon will have a 1.8 metre high non climbable fence erected around it and lockable gates, the fence will be in excess of the Health and Safety Executive requirements (Construction (Design and Management) Regulations). This will protect the lagoon from unauthorised entry by both people and wildlife.

7.0 CONCLUSION

As can be seen from the aforementioned report, numerous sites around the holding were considered and discounted. In summary the choice of site was established by consideration of numerous factors:

- proximity to third party dwellings
- visual impact
- the need for land around the steading in case of emergency
- soil type
- distance from the steading to access all land
- field drainage
- increase in cow numbers i.e. increased slurry production
- significant reduction of travelling on roads by tractors and spreaders
- forthcoming NVZ designation
- better use of slurry throughout winter months

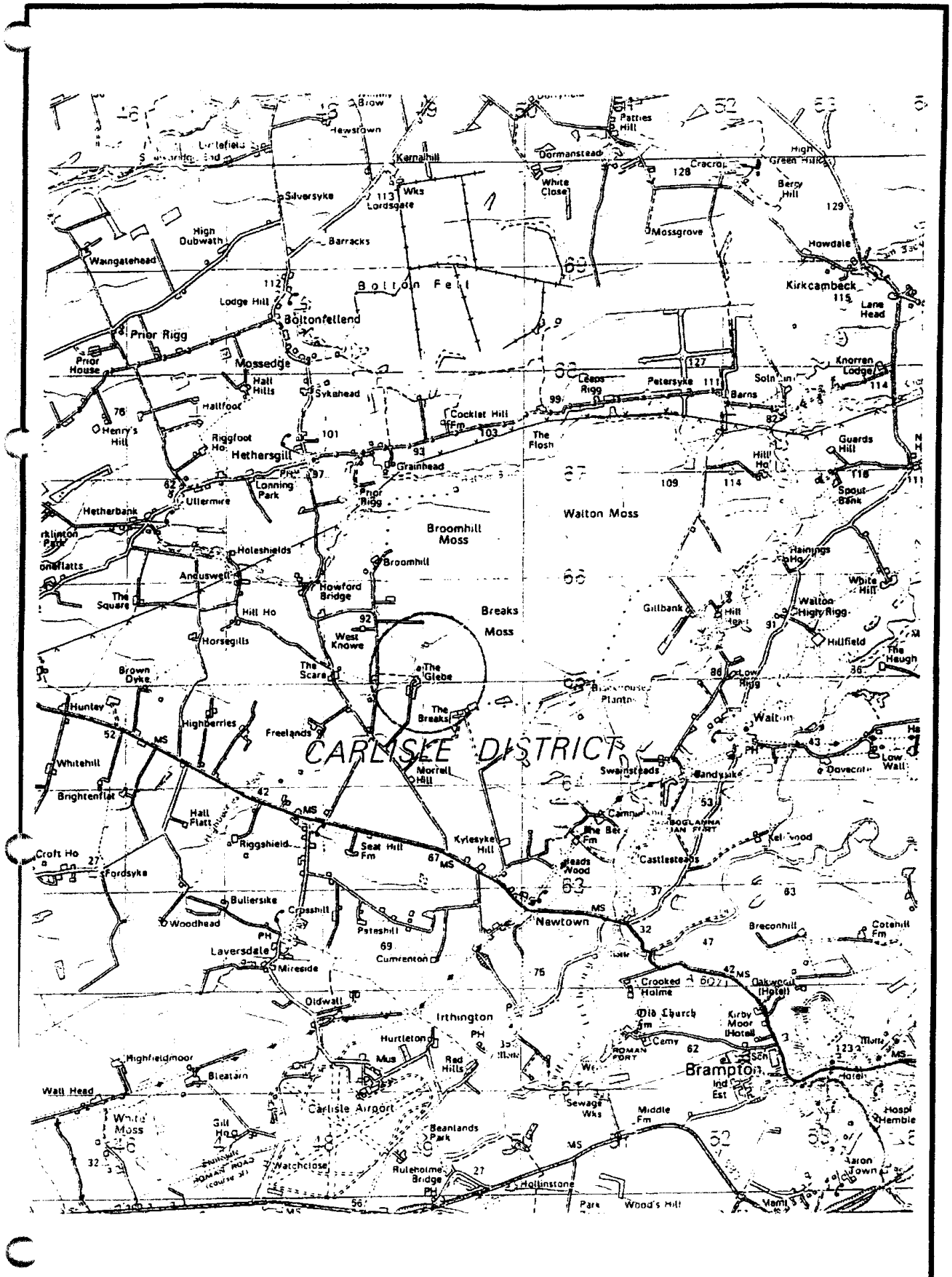
Given the above information we consider retrospective permission should be forthcoming for this development at the current location as it best serves the needs of the business.

SIGNED: Julie Liddle

Julie Liddle MRICS, FAAV
For and on behalf of H & H Bowe Limited

DATE: 26th March 2009

Appendix 1



**THE GLEBE,
HETHERSGILL,
CARLISLE**

H & H Bowe Limited
121
Borderway, Rosehill,
Carlisle, Cumbria, CA2 8PS



Appendix 2

Drainage, Site Clearance, Demolition
VAT No. 828 808 395



Staffler
GRETNA
Dumfriesshire
DG16 5HW

Tel/Fax : 013873 72282
(m) 0771 288 9046

15th March 2009

Dear John

Lagoon Site

After digging a series of investigation holes at The Glebe for the siting of your slurry lagoon, it was found that the material consisted of sandstone and therefore porous and unsuitable. Test holes at The Scare proved to be of a more clay-based consistency.

As a business that has specialised in Ground works and Drainage for 6 years, I have prepared lagoon sites similar to your own and have a further 2 earth-bank slurry stores to construct in the near future.

I trust this consolidates our decision to place the Lagoon where it is and if you have any other questions then please do not hesitate to phone me.

Regards,

James Fell

Appendix 3



Appendix 4



H & H BOWE LIMITED
Chartered Surveyors, Land Agents, Valuers and Quota Brokers
Borderway · Rosehill · Carlisle · Cumbria · CA1 2RS
Tel: 01228 640920 · Fax: 01228 640938
www.hhbowe.co.uk
email:andy.dyer@hhbowe.co.uk

Our Ref: AD

Date: 16th March 2009

Dear Sirs

Messrs Fisher - Slurry Lagoon

I have been asked to provide supporting evidence in connection with the construction of a slurry lagoon at one of Messrs Fisher's agricultural farm businesses.

I am employed as a Senior Agricultural Advisor with H & H Bowe Ltd and have in excess of twenty seven years experience within the livestock and arable sectors. Twenty one years were spent managing large farming units in Scotland, and six years have been spent in an advisory role within the agricultural industry providing strategic advice throughout the North of England and Southern Scotland. I have an honours degree in Agriculture (Aberdeen 1982) and hold a number of qualifications which are well recognised within the agricultural industry. I am a FACTS qualified adviser (FE/2283) and also hold a BASIS Crop Protection Certificate (E/5712/ICM. Additionally I also hold a BASIS Soil and Water Protection Certificate (SW/89).

Messrs Fisher are currently expanding their dairy herd in response to industry and market place demands and the new slurry lagoon is seen as pivotal to this expansion. The current slurry, dirty water and solid manure storage facilities on the farm are inadequate to meet the needs of this proposed expansion of the dairy herd. Currently the farmland is located out-with any of the proposed new Nitrate Vulnerable Zone (NVZ) designations which are to be fully implemented by 2010. It is however likely that, within the next ten years, the land farmed by the business will be included in a NVZ, along with the rest of the UK, in order to meet the increased demands of European Legislation on Nitrates.

Cont/

16th March 2009

As demands increase within the NVZ's to meet legislative criteria so the regulatory burden on farming businesses will also increase. The enforcement of NVZ legislation requires that slurries are stored on farm for in excess of the four month closed period (when no spreading of slurries is allowed) which extends from September until January. In fact farms need to ensure that they have a minimum of five month's storage capacity to meet NVZ requirements. The new lagoon would be essential to meet the increased regulatory burdens on the farm when they are implemented in the future.

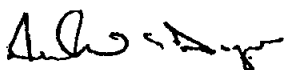
The longer term storage of solid manures, slurries and dirty water on farms is highly beneficial in relation to the maintenance and enhancement of soil fertility and making best use of the nutrients that are available in these products. Progressive farmers, such as Messrs Fisher, recognise the wisdom of storing these products for use on crops at times in the seasons when crops are actively growing and when these crops can derive most benefit from the nutrients present in the slurry or manure.

Increased use of modern technology such as slurry separators, which Messrs Fisher intend investing in, makes handling the slurry easier and more environmentally aware by splitting it into water and solid fractions, which can then be stored separately and handled differently on farm. The intention is to make use of the new lagoon to assist with the storage of the liquid fraction produced by the separation of the slurry.

The ability to store slurry, dirty water and solid manures on the agricultural holdings farmed by Messrs Fisher for use when the business and the crops grown on farm can make best use of them is seen as being of paramount importance. The cost savings to the business from utilising the benefits of the nutrients contained within the slurry and other products are also important. Increased awareness of the potential of the nutrients contained within the slurry to harm the environment, if applied in excess of crop requirements or when run-off into water courses is a danger means that the construction of the new lagoon will enable Messrs Fisher to meet and exceed any current legislative requirements. Furthermore it will enable Messrs Fisher to continue to operate their farming business efficiently and effectively within the current economic climate. Planning approval for the new lagoon is integral to the aims and objectives of this progressive farming business, which contributes to the local economy in terms of labour usage and spends money within the local business community.

If you require further clarification on any point, then please do not hesitate to contact me.

Yours faithfully



Andrew S Dyer
Senior Agricultural Advisor

C

Appendix 5

PROFORMA
23-0000
12061000



Genus Breeding Ltd
Alpha Building
London Road
Nantwich
CW5 7JW

Telephone 01270 616616
Fax 01270 616700

18th February 2009

Dear Mr Bell,

John Fisher has recently contacted us at Genus ABS regarding managing his slurry in a sensitive and environmentally friendly way. As a result of these discussions John is in the process of starting to use SOP, this product when used in the correct manor will minimise the stirring time needed in his slurry lagoon and greatly reduce the odour from this slurry. He is also investing in a study tour with us to Italy researching slurry management in areas of high population.

Yours Sincerely

Richard Gordon
Territory Sales Manager

CAPITA SYMONDS

25th March 2009

Your ref 09/0018
Our ref P3/DR/LW

Carlisle City Council
Development Services
Civic Centre
CARLISLE
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	09/0018
01 APR 2009	
RECORDED	KL
SCANNED	SL
PASSED TO	
ACTION	

For the attention of Barbara Percival

Dear Sirs

CONSULTATION ON PROPOSED EARTH BANKED SLURRY LAGOON FOR STORAGE OF FARM SLURRY IN FIELD OS1724, THE GLEBE, HETHERSGILL

Thank you for your letter with enclosures of 19 February.

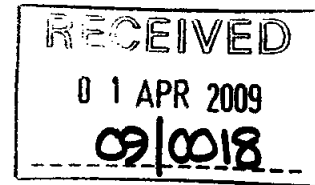
Please now find enclosed a copy of my report. Would you please let me have a copy of your Authority's Decision Notice in due course.

Yours faithfully

David Rawle

David Rawle
Land Agent

Tel 01768 812345
Fax 01768 242321
Email david.rawle@capita.co.uk



FIELD NUMBER OS 1724 THE GLEBE, HETHERSGILL, CARLISLE

**REPORT ON A PROPOSED EARTH BANKED
SLURRY LAGOON FOR THE STORAGE OF FARM SLURRY**

Capita Symonds
Clint Mill
Cornmarket
PENRITH
Cumbria
CA11 7HP

Tel: 01768 242340

March 2009

CAPITA SYMONDS

FIELD OS 1724 THE GLEBE, HETHERSGILL, CARLISLE – REPORT ON A PROPOSED EARTH BANKED SLURRY LAGOON

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who on the 19 February 2009 asked if I would provide a report on the agricultural need for a proposed earth banked slurry lagoon in field OS 1724 at the Glebe, Hethersgill for the purpose of storing farm slurry.

1.2 I met the applicant Mr John Fisher at the Glebe on 17 March 2009 and inspected the holding and development site. The following information was provided:-

2.0 Land Occupied

2.1 The Glebe at Hethersgill extends to 420 acres (170 ha) or thereabouts and has been owned and farmed by the Fisher family since 1981. The holding includes ownership of the range of farm buildings at The Scare.

3.0 Livestock

3.1 The Glebe is a dairy farm currently carrying in the region of 455 Holstein dairy cows together with approximately 250 young stock. Calving takes place all year round.

4.0 Cropping

4.1 Approximately half the farm is laid down to grass for grazing and conservation of silage with the other half used to grow crops for consumption on the farm including winter wheat, spring barely and maize.

5.0 Farm Buildings

5.1 There are a substantial range of traditional and modern farm buildings on this holding comprising:-

- Traditional sandstone and slate range of buildings including calf boxes, farm workshop, chemical and mineral stores.
- 2 calf sheds.
- 3 steel portal framed loose cattle houses.
- Cow cubicle accommodation for 400 head of stock.
- Milking parlour.
- Dairy.
- Collecting yard.
- Straw shed.
- Silage shed.
- 3 general posed crop and machinery stores.

- At The Scare, there are a small number of traditional farm buildings providing cubicle accommodation for 100 head of stock together with a small, below-ground slurry store.

5.2 The existing slurry storage on the unit comprises a 250,000 gallon above ground circular tower together with a 150,000 gallon open slurry lagoon.

6.0 Domestic Buildings

6.1 The farmhouse at the Glebe is a substantial, traditionally constructed property under a slate roof.

7.0 The Proposed New Slurry Lagoon

7.1 The proposed new slurry lagoon is to be constructed on land to the west of the steading and will be linked to the existing slurry facilities by a 5 inch (125mm) diameter pipe. The lagoon will have a cross sectional floor area of approximately 33 metres with gross dimensions (taken from the Design and Access Statement) of 78m x 55m x 81m x 64m. Whilst partly sunk below existing field level, the store will have retaining earth embankment walls of between 3 and 3.6 metres above ground level. At the time of my inspection on the 17 March, a substantial proportion of the work had been completed due to a misunderstanding of the requirement for planning permission. The volume of the lagoon is estimated at approximately 6000 cubic metres (1.6 million gallons)

7.2 In conjunction with the lagoon, the applicant proposes to install slurry separation facilities at the Glebe. The purpose of this is to separate heavier organic matter from the farm slurry to allow a lighter, less viscous liquid to be pumped to the lagoon. It is understood that this liquid retains much of the manurial value of slurry without containing the same high volume of organic matter. The separated organic matter will be stored separately in a midden type arrangement at the Glebe.

8.0 Comments on the Reasons for Location, Design and Size of the Lagoon

8.1 The lagoon is to be situated on land some distance from the steading. Although other sites were examined, the reasons given for construction at this location were as follows:-

- Geographically, this location on the farm is one of the few areas with a clay based soil and sub soil which is important for the impermeable lining of the lagoon
- The existing land drainage around the Glebe and location of a Site of Special Scientific Interest just to the North of the steading make development in this location less acceptable.
- The access route to the large (110 acre / 45ha) block of land on which the lagoon is to be situated currently requires public road travel. This is not

ideal with slurry tankers. Piping the slurry directly to the lagoon for spreading on the surrounding land will significantly reduce road traffic movements at spreading times.

- Located roughly midway between the Glebe and The Scare, the store will be able to serve both locations.
- A number of the applicant's neighbours have expressed interest in utilising any spare slurry for use on their adjoining land.

8.2 The size of the proposed lagoon is consistent with the requirement to store slurry from 700 head of stock (dairy cows and replacements) with spare capacity for the proposed expansion to 650 milking cows in the near future. At present, the applicant reports that he spreads in the region of 250,000 gallons of slurry each month which is slightly in excess of half his existing storage capability. By having capacity to store slurry for longer periods of time, the applicant will have the ability to use this valuable agricultural by-product at optimum times of the year. For information, the existing facilities were installed in 1991 when there were approximately 160 head of stock on the farm.

8.3 Although the Glebe does not fall within the newly enlarged Nitrate Vulnerable Zone, there is widespread belief that these zones will eventually be extended across the whole region. In addition to specific dates for non-spreading of slurry, the Nitrate Vulnerable Zone requirements ask each farm to show that it has the

capacity to store 5 months production of slurry. The proposed facility at the Glebe will, under current rules, fulfil this requirement.

8.4 An earth walled lagoon is currently by far the cheapest means of storing large volumes of slurry. Below ground stores, slurry bags, circular towers and concrete panelled stores all require significantly higher initial capital investment.

9.0 **Conclusions**

9.1 I therefore conclude that from an agricultural perspective the proposed facility is consistent with the applicant's objectives for the management of this business.



David Rawle MRICS
March 2009

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

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 3rd Edition effective from 1 January 2009 in particular

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

Slurry storage – things you need to know

A special report from NFU North West's environment and land use adviser, **Helen Little**

THE SLURRY store on most farms is a necessity and not necessarily something that most businesses would choose to invest money in, especially given the economics of livestock enterprises.

While the recognition of slurry as a valuable nutrient has grown considerably in recent times, largely driven by the cost of artificial fertilisers, many farmers are unable to use this resource to best advantage because of their storage capacity. Some have invested in new systems and now find themselves, if located within a Nitrate Vulnerable Zone, in an advantageous position.

Unfortunately, a large number of farm businesses have yet to make the changes that will allow them to comply with the Nitrates Directive Action Programme. Some serious thought is now required to decide if they're able, or indeed prepared, to invest resources in updating or improving current systems.

Second in importance to the whole farm nitrogen limit, which effectively acts as a stocking limit within the action programme, is the closed period on spreading slurries and manures (except farm yard manure) between October and January each year.

This obviously leads to the need to

store the slurry produced during this closed period.

Areas designated as NVZ in 2002 must have stores available for use from 1 January 2011. Those businesses in areas of England that were designated in 2006

For record keeping purposes the calculation of your storage requirement, set out in Defra's guidance leaflet four, must be completed by farm businesses before 30 April 2009*.

If the Environment Agency were to inspect after that date this information is expected to form part of your NVZ records.

*30 April 2010 for areas designated in 2006.

have until 1 January 2012.

It may be that there are other options which will allow your business to deal with the changes to the regulations such as keeping yard and wash water out of the slurry system or perhaps looking to install a slurry separator at much less cost than a new store.

If, having looked at all the options, you decide that a new store is necessary, there are two organisations you are advised to contact:

- 1) The Environment Agency - your local office.
- 2) Your local planning authority.



Local planning authority

A slurry store requires planning permission if any of the following apply.

- The proposed site is on a separate parcel of land less than one hectare in size
- The works are within 400 metres of the curtilage of a protected building* ('any permanent building normally occupied by people, excluding buildings within the agricultural unit or a dwelling or other building on another agricultural unit which is used for or in connection with agriculture)
- The area covered by the store is more than 465 metres² (Generally Permitted Development Order 1995 as amended 2009)
- Works will be more than 12 metres high
- Any part of the development is within 25 metres of the metalled part of a trunk classified road

It is advisable to check whether planning permission is required with your local planning authority.

If a planning application is not required you still need to use the prior notification procedure. This requires the submission of details to the local planning authority before development commences.

If the local planning authority do not respond within 28 days of acknowledgement of receipt of your notification, then you may start work.

We have had discussions with both organisations who stress that they would prefer to discuss proposals rather than try to deal with situations where they're made aware that work has started or is complete on a particular site.

They are both willing to provide as much help as possible at proposal stage, so please take them up on their offer.

Environment Agency (08708 506 506)

THE ENVIRONMENT Agency (EA) will advise on the suitability of the site you are considering and may visit to discuss your proposals in terms of pollution risk.

In addition the EA must be notified at least 14 days before a new or substantially altered store is put into use. They are required to check the store is constructed to British Standard (BS) 5502: Part 50: 1993 under The Control of Pollution (Silage, Slurry & Agricultural Fuel Oils) Regulations (1991 as amended 1997). There is a guidance note available for farmers, please contact the local EA or NFU office to request a copy.

Discussing your plans with the EA prior to construction will allow the approval process to run much more smoothly.

If the EA visit to give approval, and find a store in a location that poses a risk to the water environment, they are within their rights to serve an enforcement notice to say it cannot be used.

Please also be aware that if the local office aren't notified you have put a new store into use, and a pollution incident arises, there is no room for manoeuvre.



SCHEDULE B: Reports Requiring Further Information

08/1059

Item No: 03

Date of Committee: 24/04/2009

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:

1. Transport Statement prepared by White Young & Green; revised location plan; ground floor layout (ref. no. 08/1793/02J); first and second floor layouts (ref. no. 08/1793/03C); elevations (ref. no. 08/1793/04G); and block plan (ref. no. 08/1793/05B) received 10.03.09.
2. Revised plan (drawing no. A052338/37/18 C006) and parking data prepared by White Young & Green received 26.03.09.
3. Illustrative revised parking arrangement (drawing no. AO52338/37/18/O009) prepared by White Young & Green received 01.04.09.
4. Revised ground floor layout plan, drawing no. 08/1793/02K, received 03.04.09.

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

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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

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

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): as stated on the previous application under ref 08/0735, the A69 is a Trunk Road and therefore will not make comment of the access arrangements onto the A69.

During the aforementioned consultation it was however indicated that the access road that serves the site, the Warwick Mill complex and other properties to the north of the A69 is Public Footpath 138002. On the basis of the size of the development, it is considered that the Developer bring this footpath up to a standard suitable for adoption as a Local Access Road along the entire eastern boundary of the site. This would require a minimum Highway corridor of 0.5m clearance strip of the western corner of the existing shops opposite the development site, followed by a 5.5m carriageway and a 1.8m footway along the proposed parking bays.

This requirement and other issues raised during that consultation (the statement on the adequacy of parking provision and the concerns raised with the lack of turning space for delivery vehicles on site), does not seem to have been addressed in this "revised application".

The changes to the bus stop/lay-by is however welcomed. During the aforementioned, previous application we stated: "I would required that the bus layby be widened to 3m, off the A69 carriageway edge and the existing footway that is present on the A69 Cairn Beck bridge, be taken at the rear of the layby to the junction throat where appropriate dropped crossings are to be provided with a minimum throat width of 6m."

Therefore, based on the originally submitted details, the proposal was recommended for refusal.

Comments awaited based on the revised details;

Environment Agency (N Area (+ Waste Disp)): the site is located within Flood Zone 3a as defined in Table D.3 of PPS25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at high risk from fluvial flooding which shows the extent of floods with a 1% annual probability of occurrence. Table D.1 of Planning Policy Statement 25: Development and Flood Risk (PPS25) recommends that for planning applications within a high risk flood zone, a Flood Risk Assessment (FRA) appropriate to the scale and nature of the development, should be provided by the applicant.

The Agency has been involved in pre-application discussions and assisted in the provision of information to the applicant's consulting engineer, pursuant to the production of an FRA to support any application. The Agency has also confirmed the requirement to satisfactorily demonstrate sequential and exception test as required by PPS25, before the Agency will provide detailed comment on any FRA, which is just one component of the exception test.

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The Agency have reviewed the FRA and the supporting information and are satisfied that the development can be designed to be 'safe' without increasing flood risk elsewhere and potentially reducing flood risk overall.

Therefore, the Agency has no objection to the development as proposed providing the recommendations made in the FRA are taken forward into detailed design, we would therefore recommend the inclusion of 5 conditions;

United Utilities (former Norweb & NWWA): it would appear that the developer has been in contact with United Utilities regarding a sewer diversion. Provided a sewer diversion can be agreed there will be no objection to the proposal. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

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.

If any sewers on this development are proposed for adoption then the developer should contact our Sewer Adoptions Team.

A water supply can be made available to the proposed development. 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.

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. 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.

The Electricity Distribution Network Operator for your area is now Electricity North West and our response is for United Utilities Water the statutory water and sewerage utility undertaker;

Department for Transport (Highways Agency): based on the originally submitted information it is considered that the issue of TR110 Holding Directions is necessary on this proposal. This would allow an appropriate period of time to elapse in order that further consideration can be made of both the implications for traffic safety on the trunk road and additional cumulative generation of trips on the strategic road network.

Comments on the revised details are awaited;

Community Services - Drainage Engineer: comments awaited;

Northern Gas Networks: no objections;

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Wetheral Parish Council: the Council still have concerns regarding the originally submitted proposal. The impact of increased traffic at this junction, both entering and exiting the small local access road, onto the busy A69. Large delivery vehicles already cause problems at this point.

The Council feel that with the accumulated effect, if this, and other schemes go ahead, (See App 08/1063) some form of permanent pedestrian crossing should be installed to enable the safe crossing of local residents, especially the elderly, and young children, from the residential area to the local shops, bus stop, post office and local school.

Please note our previous concerns still remain, namely:

- a) the visual amenity of the 3 storey building is out of character for this dominant site, a 2 storey building would be preferred; and
- b) grave reservations regarding the impact of motor vehicles egressing the site.

Comments on revised plans awaited;

Ramblers Association: comments awaited;

East Cumbria Countryside Project: comments awaited;

Cumbria Constabulary, Northern Community Safety Unit: 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;

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:
	20/10/08	
Salon		
	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

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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	
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	
Co-op	20/10/08	
Post Office	20/10/08	
Troutbeck Cottage	20/10/08	Objection
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	
18 Eden Grange		Comment Only
89 Millriggs		Objection
Wrelton		Objection

3.1 This application was originally advertised by means of site and press notices as well as notification letters sent to thirty seven neighbouring properties.

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

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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

- 5.1 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.

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- 5.4 Warwick Mill and High Buildings, located approximately 220 metres to the south of the site, are grade II Listed Buildings .

Background

- 5.5 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 submitted layout plan, as revised, now shows the proposed retail units to be served by a total of 20 parking spaces of which two are designated for disabled drivers. The proposed flats are shown to have 31 parking spaces, 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. 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.
- 5.6 The application is accompanied by a Planning-Design Statement, Sequential Test and Exceptions Test, Flood Risk Assessment, two Transport Statements and "shadow plans".
- 5.7 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

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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.

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- 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.
- 5.8 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.
- 5.9 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 most recent Transport Statement prepared by White Young & Green concludes that the junction, as revised, will operate within capacity in 2020 with the proposed development in place. The operational assessment considers that with both the currently withdrawn scheme concerning Warwick Mill Business Centre and this application in place, there will be minimal queuing expected in the right turn waiting areas on the A69. The proposed development will relocate and upgrade the existing west bound bus stop; and has separated service traffic from pedestrians by relocating the site entrance, providing a wall too the service yard, and a pedestrian priority footway across the service access.

Assessment

- 5.11 When assessing this application 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.

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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 although an element of the site falls outside the settlement boundary.
- 5.15 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.
- 5.16 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

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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 affects 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 the proposed building has been re-configured such that any facing windows are set back and parallel or at right angles with Beck Grange; and proposed flats 19 and 20 on the second floor are to have obscurely glazed windows on the south-west elevation. However, it remains

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unclear with regard to the windows serving proposed flats 9 and 10. 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 County Highway Authority on the revised plans 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 and re-configuring the form of the proposed building. 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, living conditions of neighbouring residents, and any contribution required towards public open space. On the basis that these matters are satisfactorily resolved and no objections are subsequently raised from interested parties, the proposal will be recommended for approval.

5.24 An updated report will be presented to Members following receipt of the awaited information and responses.

6. Human Rights Act 1998

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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;

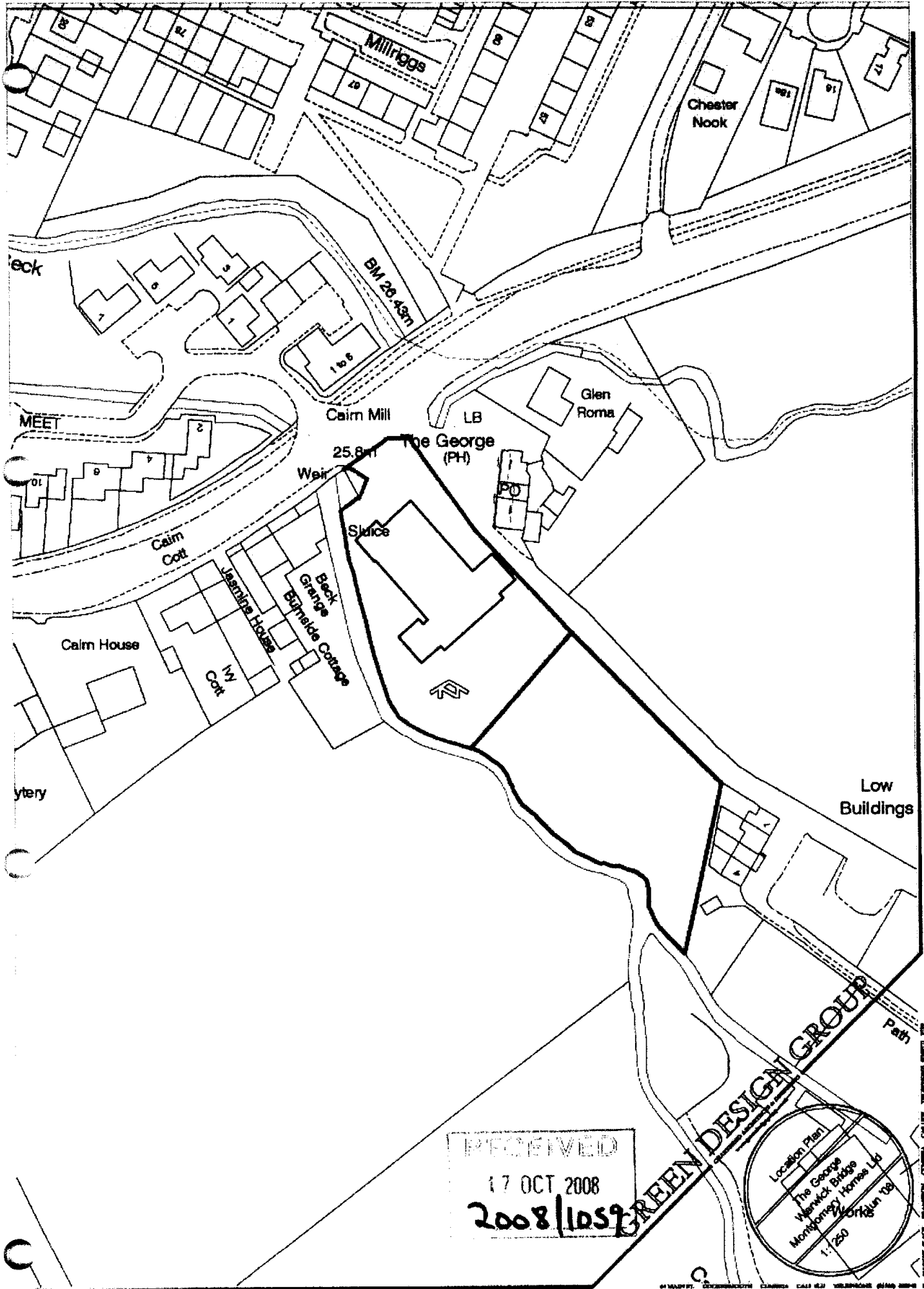
Article 8 recognises the "Right To Respect for Private and Family Life";

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.

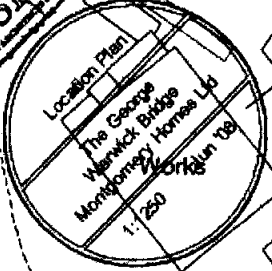
7. Recommendation

Reason For Including Report In Schedule B

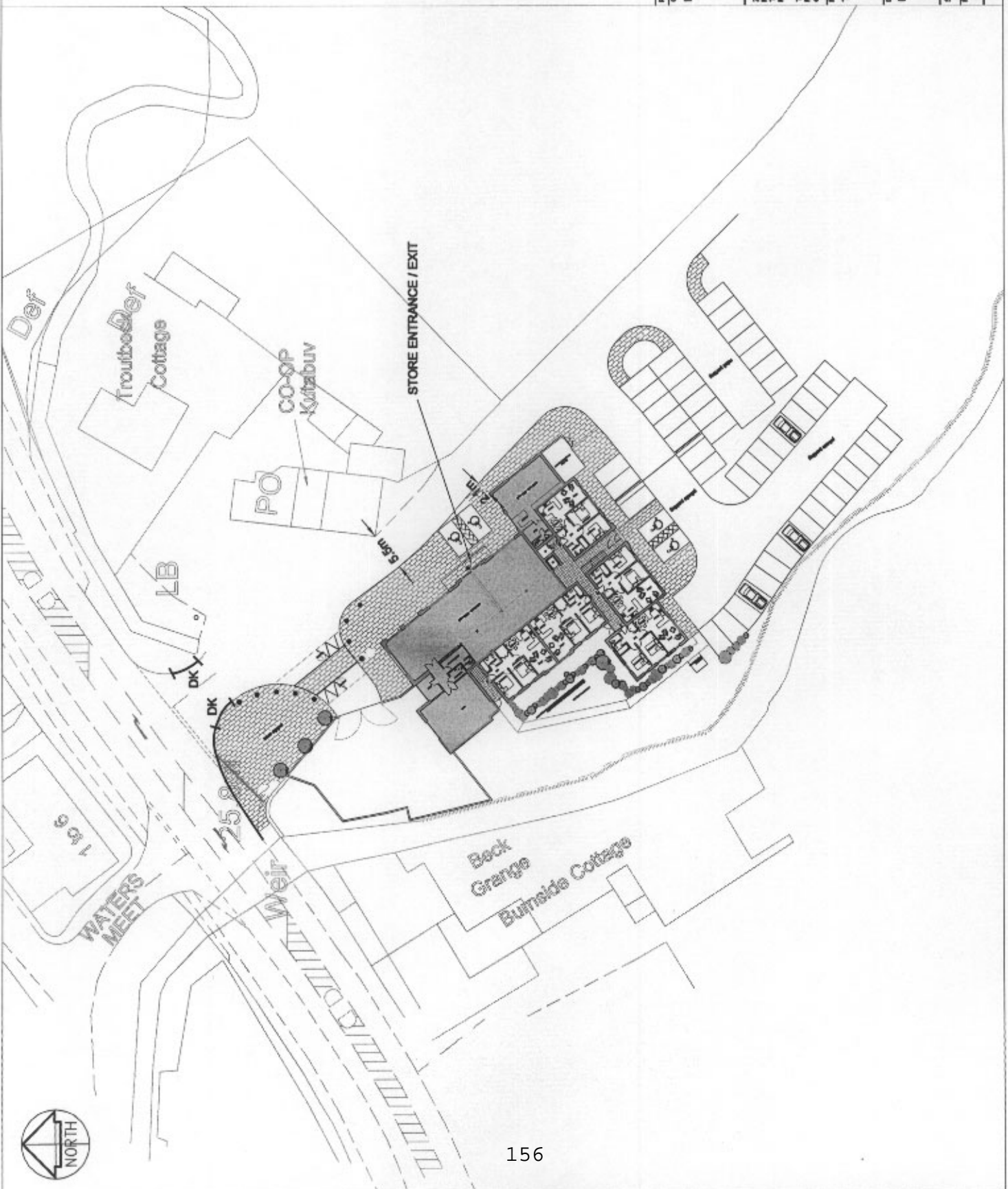
At the time of preparing the report further information from the applicant and consultation responses are awaited; and, the notification period has yet to expire.



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 2008/10593



DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND VERIFY ALL COORDINATES OF CORNERS



REV	DESCRIPTION	BY	DATE

MONTGOMERY HOMES



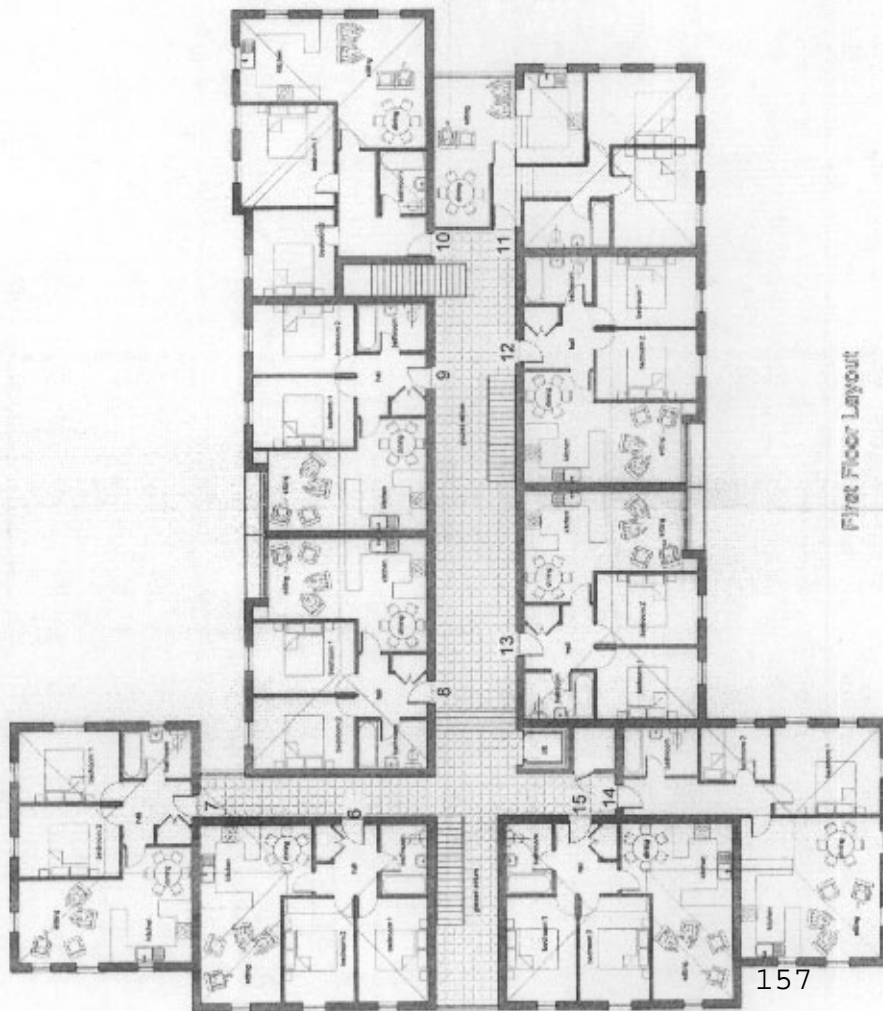
2 R. JAMES WHITE
 RESPONSIBLE UPON TIME
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 TEL: +44 (0)1453 200 7000
 FAX: +44 (0)1453 200 7000
 email: montgomery@wyg.com

Project: THE GEORGE, WARWICK BRIDGE

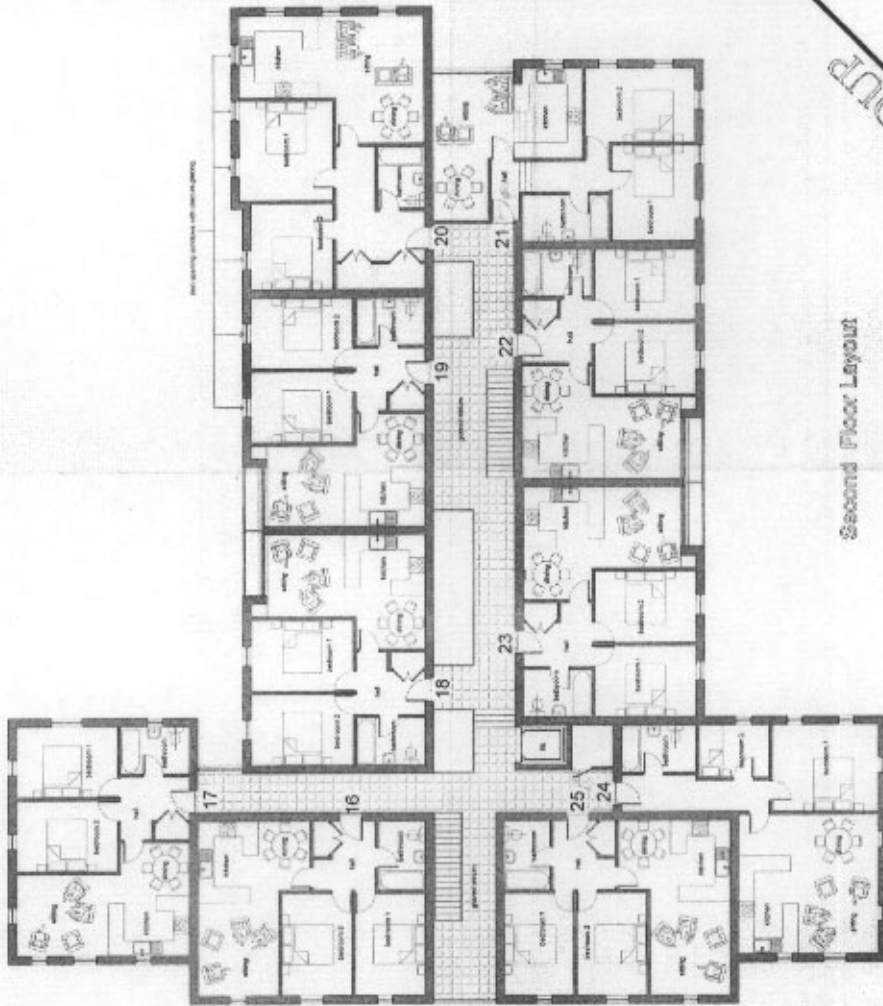
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First Floor Layout



Second Floor Layout

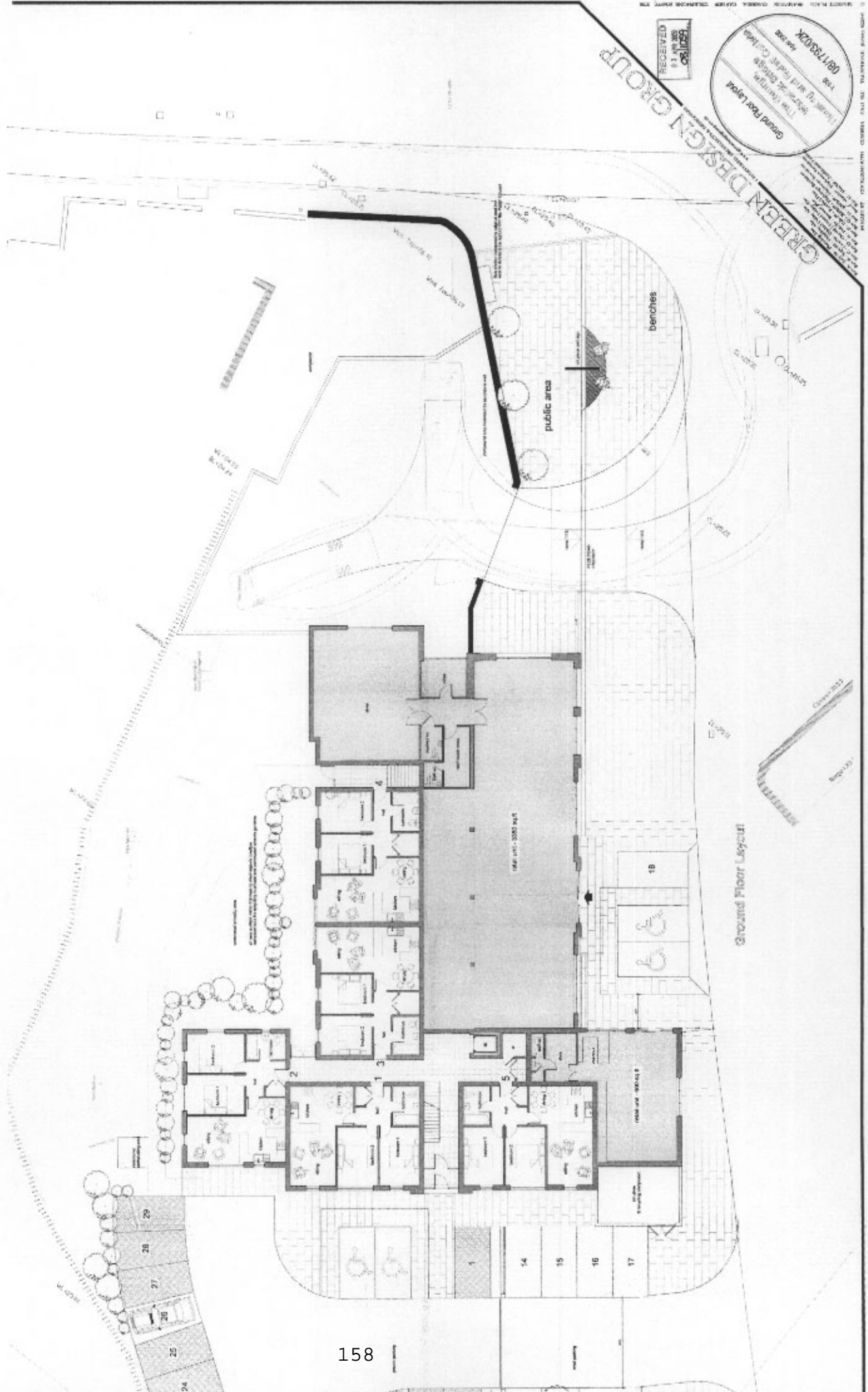
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 1st & 2nd Floor Layouts
 The George Washington University
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 The Learning
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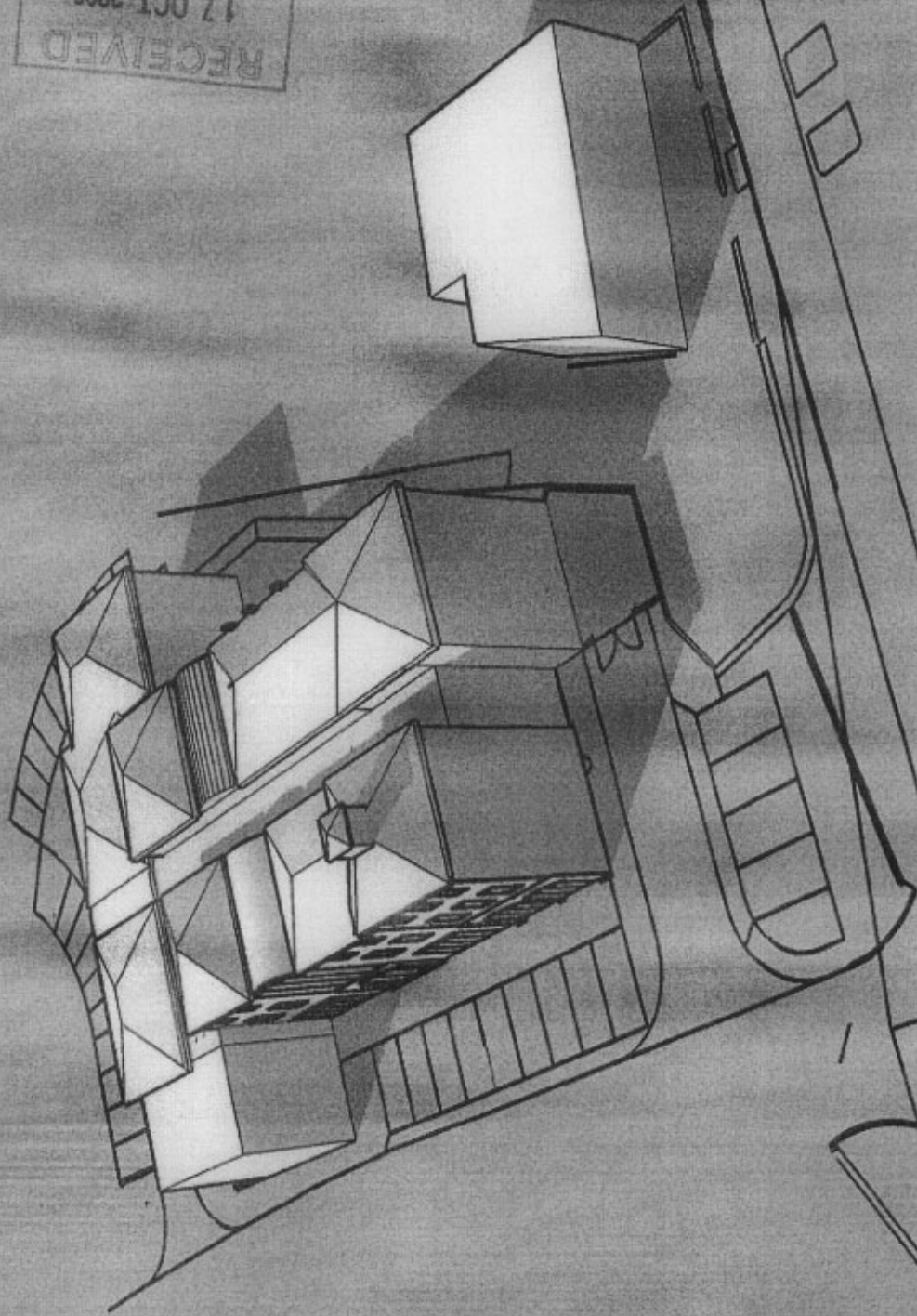
GREEN DESIGN GROUP
 1000 W. 10th Street, Suite 100
 Minneapolis, MN 55408
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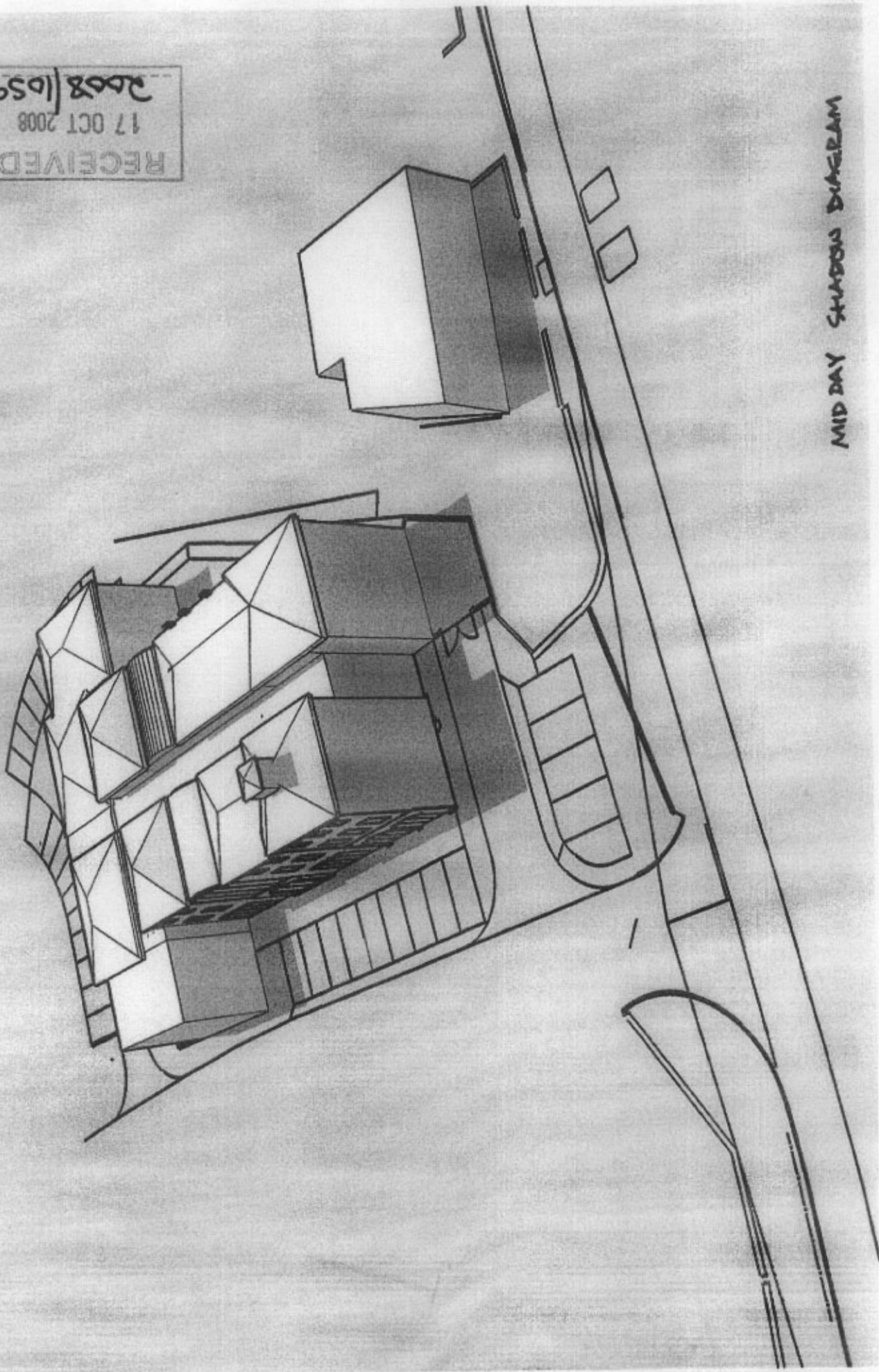
Ground Floor Layout

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9 AM SHADOW DIAGRAM

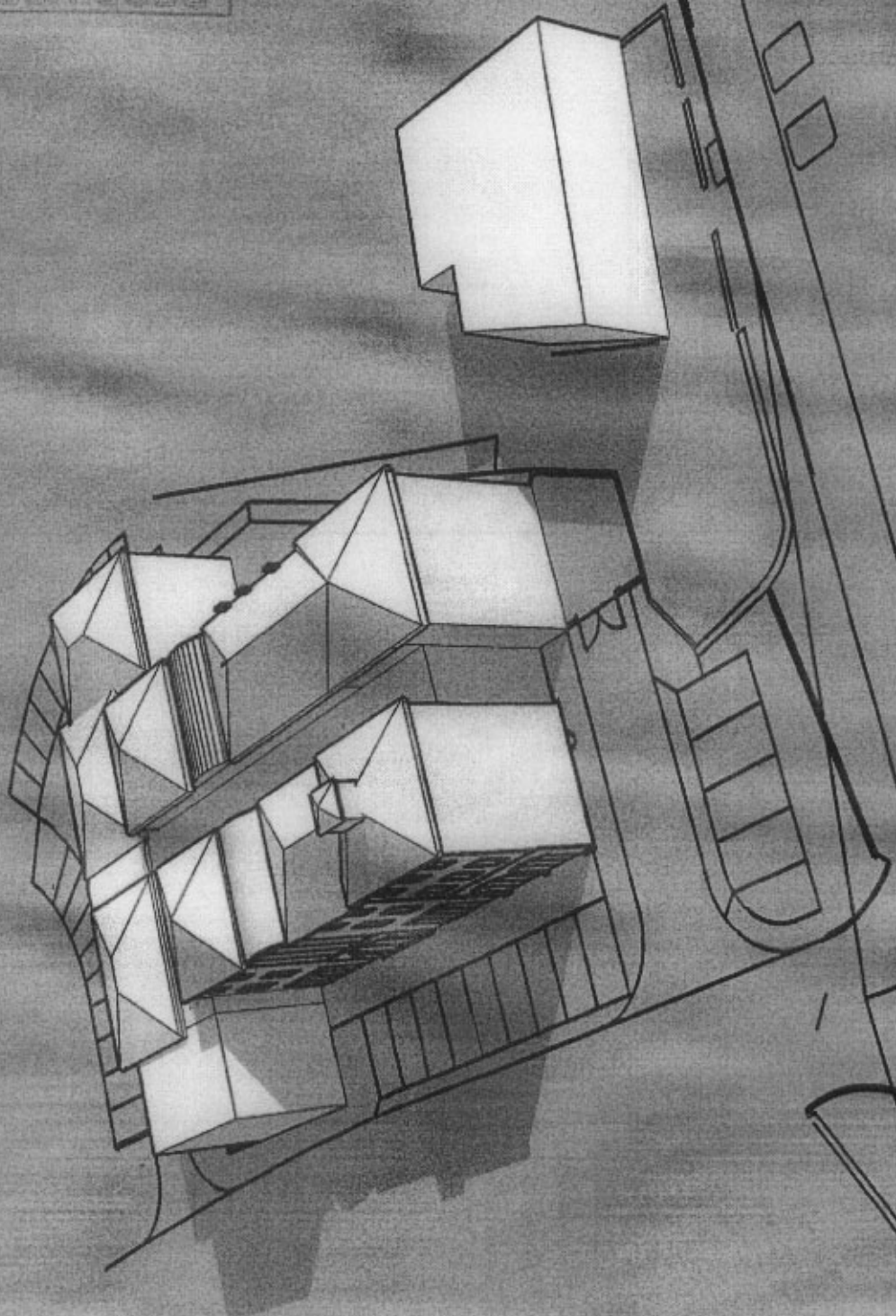


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MID DAY SHADOW DIAGRAM

2008/1059
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6PM. SHADOW DIAGRAM

SCHEDULE A: Applications with Recommendation

08/1087

Item No: 04

Date of Committee: 24/04/2009

Appn Ref No:
08/1087

Applicant:
Mr Colin Noble

Parish:
Brampton

Date of Receipt:
24/10/2008

Agent:
Taylor & Hardy

Ward:
Brampton

Location:
2 Crossways, Tarn Road, Brampton, CA8 1TU

Grid Reference:
353487 560639

Proposal: Erection Of A Dwelling And Formation Of Related Curtilage
Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as an objector has registered their right to speak.

1. Constraints and Planning Policies

Tree Preservation Order

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

Airport Safeguarding Area

Conservation Area

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

Airport Safeguarding Area

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP5 - Design

SCHEDULE A: Applications with Recommendation

08/1087

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

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

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;

Development Services Planning & Housing Services - Local Plans (Trees): following further discussions with the Agent, the Tree Officer is satisfied that the proposal would not adversely affect the protected trees to the south west of the site. However, a scheme of tree protection in accordance with British standard BS 5837 2005 must be submitted in writing and approved by the Local Planning Authority. Before any works commence on site the agreed tree protection scheme must be implemented;

Carlisle Airport: no objections;

Environment Agency (N Area (+ Waste Disp)): objected to the development as proposed in original response, pending a Land Drainage Consent application being made. The Agency has now received and validated a Land Drainage Consent application for permanent works and had discussions with the applicant, agent and their consulting engineers. The Agency's concerns have been addressed and the Land Drainage Consent has been issued. As a result the Agency has removed its objection;

Brampton Parish Council: no comments;

Conservation Area Advisory Committee: no objections.

3. Summary of Representations

SCHEDULE A: Applications with Recommendation

08/1087

Representations Received

Initial:	Consulted:	Reply Type:
1 Crossways	30/10/08	
Tarnway	30/10/08	
Kinmount	30/10/08	Objection
Brampton War Memorial	30/10/08	
Cottage Hospital		
Gelt Lodge	30/10/08	Objection
Woodburn	30/10/08	
Willow Close	30/10/08	Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to seven neighbouring properties. Three letters of objection have been received, which make the following points:

- It is a small constrained site;
- The proposed building is little different to the one which was recently refused and is not suitable for a Conservation Area;
- The site lies within a Conservation Area and adjoins an Area of Landscape Significance and is, therefore, unacceptable;
- The extent of the development at old Hemblesgate Farm, which took part of a field, is now becoming all too visible and the Brampton Conservation is being rapidly eroded;
- Application will encroach into the corner of a field;
- Concerned that the whole green space between Hemblesgate Farm and the application site, which is a beautiful rural aspect of the town's surroundings, will become developed;
- The Hemblesgate Farm development displaced considerable wildlife, some of which is now causing problems to local residents;
- The site does not lend itself to a property being built at this location;
- It will be difficult to infill on such a steep slope and will inevitably put the beck in danger;
- The development will be detrimental to the living conditions of the residents of Tarnway and Willow Close;
- The development would be detrimental to all the people of, and visitors to, Brampton, who value the views and the feeling of rural peace on the edge of the town;
- Thought the Council was committed to the policy of maintaining areas such as this, which have a positive visual impact and improve the quality of life;
- The proposed development is commercially driven, rather than being for any evident need;
- A similar proposal was refused at Committee very recently;
- The proposed development will stand opposite the hospital gate;
- Should permission be granted it would increase pressure to infill between Hemblesgate and Paving Brow, within the Conservation Area/Area of Landscape Significance.

4. Planning History

- 4.1 In May 2007, a planning application for the erection of a detached 3 bed dwelling house with garage was withdrawn prior to determination (06/1266).
- 4.2 In December 2007, a revised proposal for the erection of a detached 3 bed dwelling house with garage was refused planning permission (07/0723).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking planning permission for the erection of a dwelling and the change of use of former agricultural land to domestic garden on land adjacent to 2 Crossways, Brampton. The site is located on Tarn Road, opposite the entrance to Brampton War Memorial Hospital.
- 5.2 The site currently forms part of the garden to 2 Crossways, which is located directly to the north of the application site. However, it is understood that part of the site was formerly agricultural land and permission has not been granted for its change of use to garden area (the current application is seeking to regularise this use). Open fields are located to the west, with some mature trees, including some that are protected by Tree Preservation Orders, being located to the south. Tarn Road adjoins the site to the east, with large detached properties being located on the opposite side of Tarn Road, at a higher level than the application site.
- 5.3 The site, which has a frontage to Tarn Road of approximately 38m, slopes downhill steeply away from the road to a flat area of grass. The front part of the site is level with Tarn Road, with the lower part being approximately 3m lower. Brampton Beck, which is designated as a 'main river', runs through the lower part of the application site, which is separated from open fields by a post and wire fence. A post and wire fence also separates the application site from the mature trees to the south. A low timber fence marks the boundary with Tarn Road.
- 5.4 The site is located within the Brampton Conservation Area and part of the site (the area where the dwelling would be located) is identified in the Carlisle District Local Plan 2001-2016 (on the Brampton Inset Map) as falling within a primary residential area. The proposed garden area would lie in an area of white land (open countryside). The site is not within the County Landscape designation but is adjacent to it.

Background

- 5.5 In December 2007, planning permission was refused for the erection of a

SCHEDULE A: Applications with Recommendation

08/1087

3-bed dwelling with garage on this site. The reasons for refusal related to the scale and height of the proposed dwelling and the detrimental impact that the proposal would have on the living conditions of the occupiers of Tarnway, which is located to the west (rear) of the application site. The principle of the development was not itself an issue but scale, design and height were not acceptable.

The Proposal

- 5.6 The current proposal is seeking approval for an alternative design, based on a split level 3 bed dwelling. The design is taking advantage of the significant change in levels between the Tarn Road frontage, which is level with the road, and the rear part of the site, which is approximately 3m lower. The Tarn Road frontage would be single-storey and the dwelling would be cut into the bank, with the rear elevation being two-storey. The upper ground floor would contain a lounge/ dining room, a kitchen, a study, a shower room and a hall. The hall and shower room would be at street level and a short staircase would lead from there to the remainder of the upper ground floor. The lower ground floor would contain 3 bedrooms and a bathroom.
- 5.7 The elevation facing Tarn Road (east elevation) would be single-storey and would measure 9.3m in width. A 6m wide gable would project further forward than the remainder of the dwelling. The dwelling would measure 2.7m to the eaves and 5.2m to the ridge on this elevation.
- 5.8 The north elevation, facing 2 Crossway, is also essentially single-storey. The ground falls away steeply to the west, and the rear wall, which is curved, becomes two-storey. The west elevation would measure 7.8m to the ridge, with the eaves height varying from 4.4m to 5.4m. The south elevation, which would face the garden of the new dwelling would also be two-storey, and would be largely glazed.
- 5.9 The dwelling would be constructed of smooth render, with a dark grey slate roof. The south elevation would be constructed of a timber frame with glazing.

Assessment

- 5.10 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP5, CP6, CP12, H1, H2, T1 and LE19 of the Carlisle District Local Plan 2001-2016.
1. Whether The Proposal Is Acceptable in Principle
- 5.11 The part of the application site which would accommodate the dwelling is located within the settlement boundary of Brampton and is designated as a Primary Residential Area. The proposal is, therefore, acceptable in principle. The garden area would be located on white land (open countryside) which is also acceptable in terms of planning policy.

SCHEDULE A: Applications with Recommendation

08/1087

2. Whether The Proposal Is Appropriate To The Area

- 5.12 The front elevation of the dwelling, facing Tarn Road, would have a ridge height of 5.2m, and a width of 9.3m. This is very similar to the adjacent property (2 Crossway), which measures 5.3m to the ridge and is 9m wide on the Tarn Road elevation. Members should note that the dwelling that was previously refused planning permission on this site had a ridge height of 6.2m, which was considered to be out of character with the area.
- 5.13 The front elevation of the dwelling would be constructed of smooth render walls, under a slate roof, with the windows and doors being painted or stained timber. The south elevation, which would also be visible from Tarn Road, would be largely timber and glass. The materials proposed are appropriate to the site and the Conservation Area. In light of the above, the scale and design of the dwelling are regarded as acceptable.
- 5.14 The creation of the garden area encroaching into an area of open countryside is acceptable in policy terms. However, a condition is recommended to withdraw Permitted Development Rights for the dwelling and within the garden. The area of land immediately to the south of the application site is designated as an Area of County Landscape and this area contains a group of trees, some of which are protected by Tree Preservation Orders. This adjoining land is, therefore, protected from development.

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

- 5.15 The proposed dwelling would be located to the south of 2 Crossways on part of the existing garden area and would be separated from it by a parking and turning area. The proposed dwelling would be single-storey when viewed from the host dwelling and would have a ridge height of 5.2m. The north elevation of the new dwelling would face a side elevation of the host dwelling and would be between 8m and 11m away. Whilst it is acknowledged that each dwelling would have a kitchen window in these facing elevations, these would not directly face each other and would be secondary windows to the rooms they serve, as the host dwelling also has a kitchen window in the front elevation, whilst the proposed dwelling would have windows in the south and west elevations. In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of 2 Crossways through loss of light, loss of privacy or over dominance.
- 5.16 Tarnway is located to the west of the proposed dwelling and this property has a blank gable wall facing 2 Crossways and a rear conservatory which lies to the rear of the application site and which could potentially be overlooked by the proposed dwelling. However, the west elevation of the new dwelling, which faces Tarnway, has been designed to ensure that there is no overlooking and loss of privacy to the occupiers of Tarnway. Furthermore, the garden area of the new dwelling would be located at the lower ground level to ensure that there is no overlooking of Tarnway from the garden of the new dwelling. In light of the above, the proposal would not have an adverse impact on the

SCHEDULE A: Applications with Recommendation

08/1087

occupiers of Tarnway through loss of privacy or over-dominance. Members should note that the previously refused scheme proposed an elevated garden to the rear of the dwelling, which would have looked towards the rear conservatory of Tarnway. It was considered that, due to the existence of the raised area, the living conditions of the residents of Tarnway would have been detrimentally affected by reason of loss of privacy and over dominance.

- 5.17 The dwellings to the east of the application site, on the opposite side of Tarn Road, are over 45m away from the proposed dwelling and are at a higher level than the application site. The new dwelling would not, therefore, have an adverse impact on the occupiers of these dwellings.

4. Implications Of The Proposal On The Brampton Beck

- 5.18 Brampton Beck, which is a main river, runs through the site. The Environment Agency originally objected to the development as proposed, pending a Land Drainage Consent application being made. The Agency has now received and validated a Land Drainage Consent application for permanent works and had discussions with the applicant, agent and their consulting engineers. The Agency's concerns have been addressed and the Land Drainage Consent has been issued. As a result the Agency has removed its objection to the proposed development.

5. Impact on Trees

- 5.19 The Tree Officer is satisfied that the proposal would not adversely affect the protected trees to the south of the site. A condition has been recommended to ensure that a tree protection scheme is put in place prior to the commencement of development.

Conclusion

- 5.20 In overall terms, the scale and design of the proposed dwelling are considered to be acceptable. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring dwellings through loss of light, loss of privacy or over-dominance. In addition, the proposal would have an adverse impact on any trees or on Brampton Beck. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan. Approval is, therefore, 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

SCHEDULE A: Applications with Recommendation

08/1087

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

SCHEDULE A: Applications with Recommendation

08/1087

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

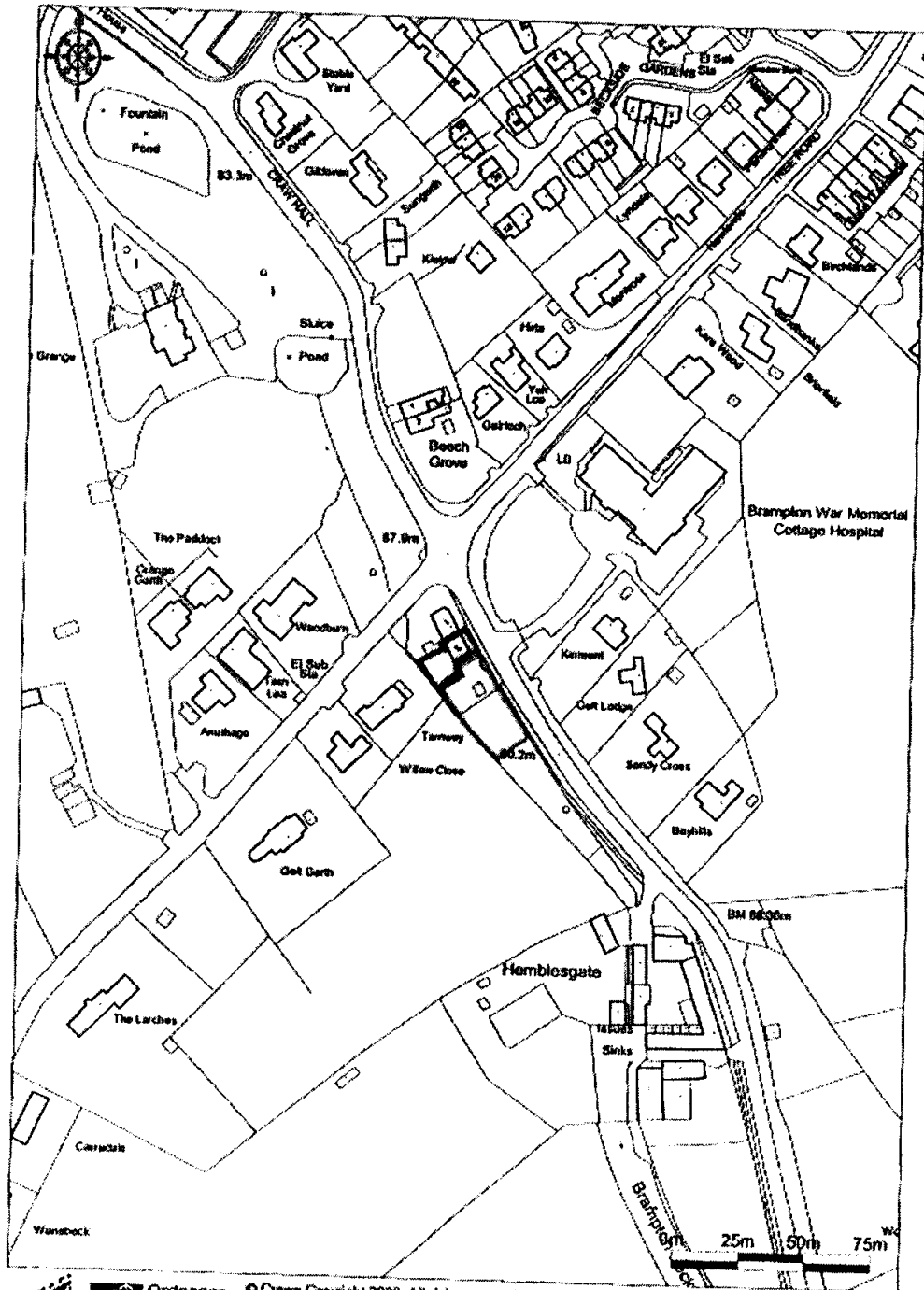
Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies H11, CP5 and LE19 of the Carlisle District Local Plan.

7. 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 in the west or north elevations 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 CP5 of the Carlisle District Local Plan.

8. No development shall commence until barriers for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



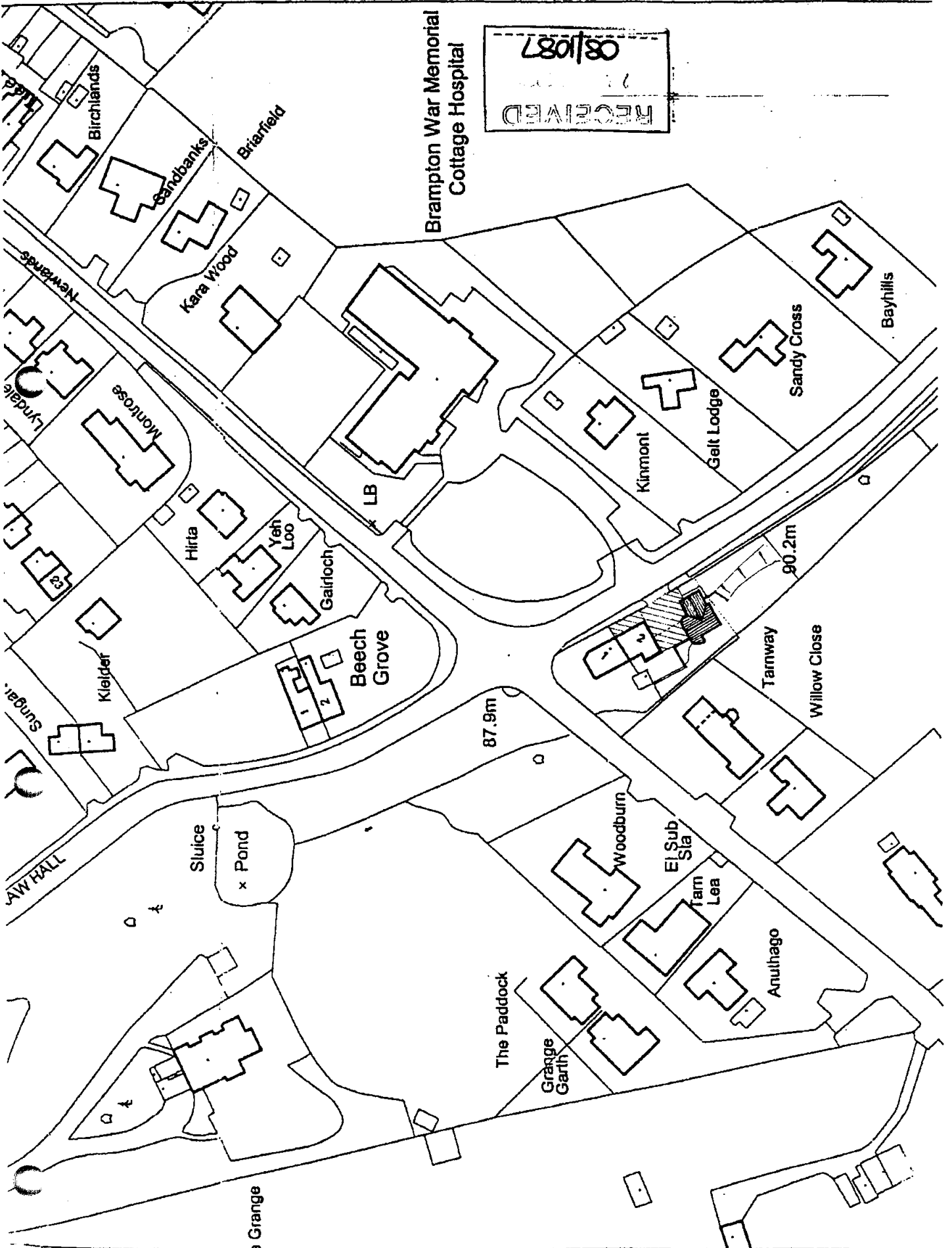
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08/1087

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08/10/87

Brampton War Memorial
Cottage Hospital



Alpha Design
Architectural Services

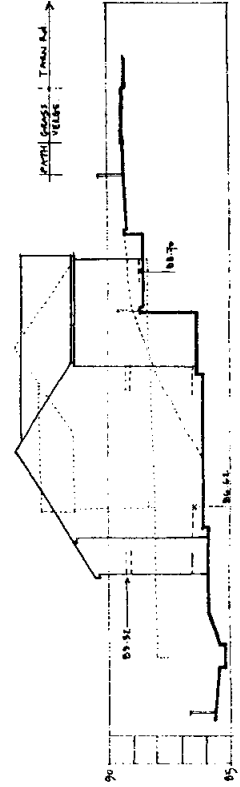
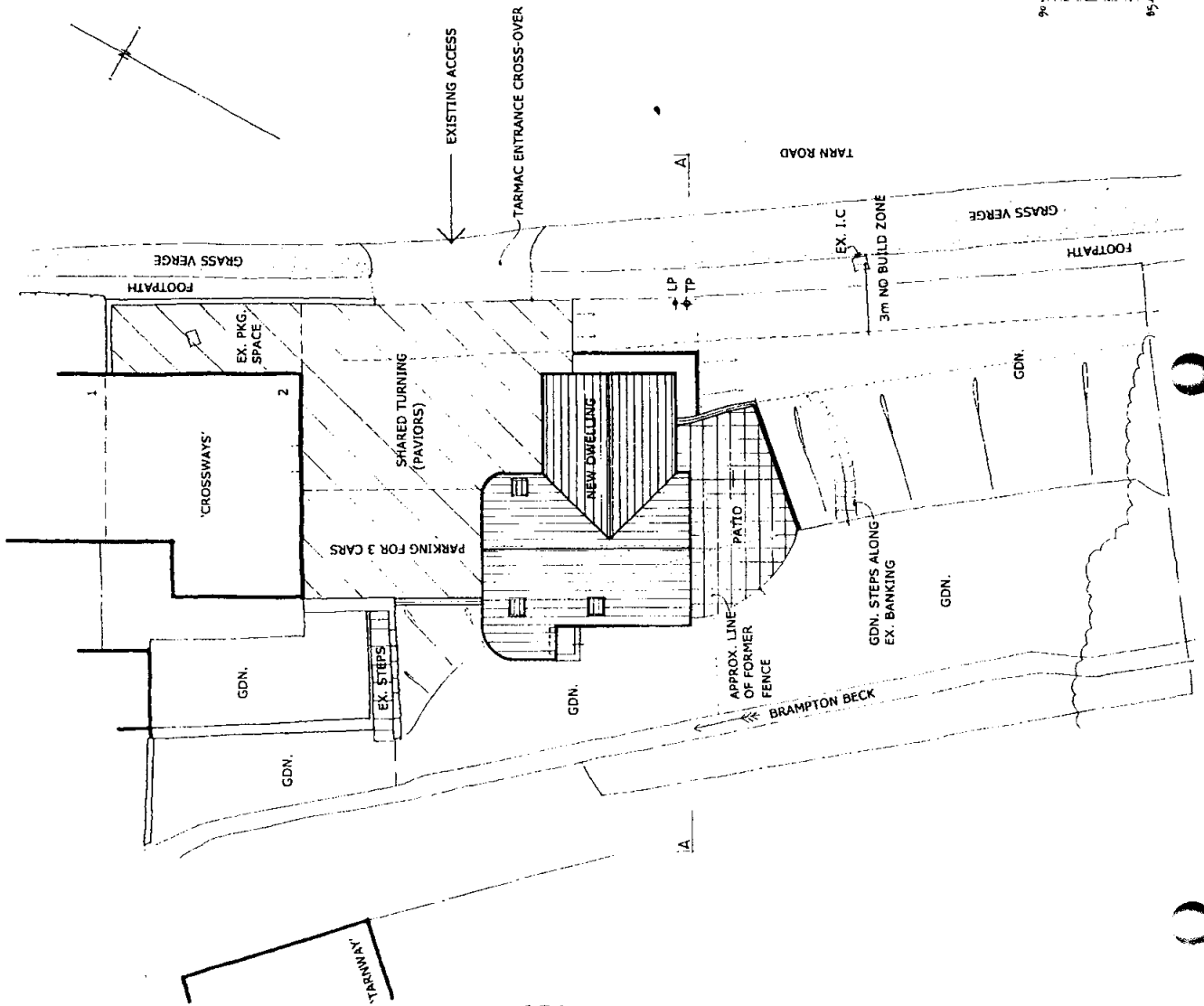
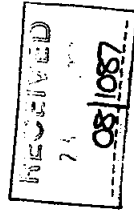
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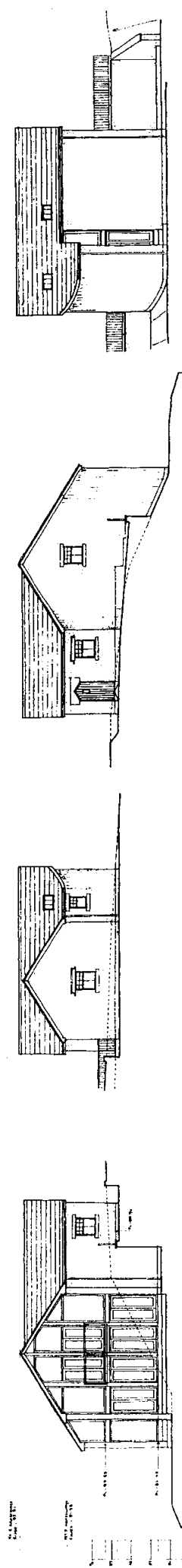
MR C. NOBLE

**LAND ADJACENT TO 2 CROSSWAYS,
TARN ROAD, BRAMPTON**

**SITE PLAN
1:200
OCTOBER 2008
08/05/619 - 02**

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WEST ELEVATION

NORTH ELEVATION

EAST ELEVATION

SOUTH ELEVATION

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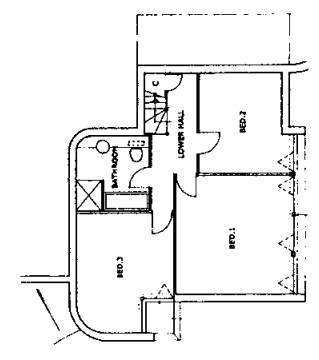
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 - WALLS: PAINTED SMOOTH RENDER WITH BRICKWORK AT GABLE ENDS, BROWN STAINED TIMBER CLADDING TO PORCHES, WINDOWS, DOORS, SCREENS & SOLINGS & STAINED FINISH
 - WINDOWS: TIMBER WITH PAINTED OR STAINED FINISH
 - DOORS: TIMBER WITH PAINTED OR STAINED FINISH
 - SKIRTS: WHITE ETC.
 - AV: GROUND BLACK UPVC

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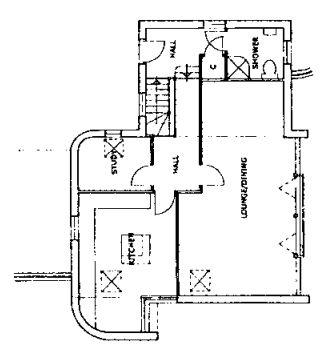
MR C. NOBLE

LAND ADJACENT TO 2 CROSSWAYS,
TAMWORTH, BRAMPTON

DWELLING PROPOSALS
OCTOBER 2008
11:00
09/09/08 - 05



LOWER GF PLAN
ALA - 1702



UPPER GF PLAN
ALA - 1702

Photograph 1: Photograph of application site, looking northwest towards 2 Crossways, Tarn Road, Brampton.



Photograph 2: Photograph taken from application site, looking west Towards Tarnway, Paving Brow, Brampton. The picture also illustrates 2 Crossways to the right of the picture.



Photograph 3: Photograph of application site, looking southeast towards Hemblesgate Court.



SCHEDULE A: Applications with Recommendation

08/1204

Item No: 05

Date of Committee: 24/04/2009

Appn Ref No:

08/1204

Applicant:

Mr Stewart

Parish:

Rockcliffe

Date of Receipt:

13/01/2009 15:40:15

Agent:

Black Box Architects
Limited

Ward:

Longtown & Rockcliffe

Location:

Ghyll Bank House, Low Harker, CA6 4DG

Grid Reference:

338425 560849

Proposal: Permanent Private Residential Caravan Park Of 12 Pitches With Individual Amenity Blocks And Ancillary Car Parking.

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is an application that has significant implications concerning the Council's ability to fulfil its obligation under the Housing Act 2004, to provide sufficient designated Gypsy and Traveller sites in the District and to develop a strategy to address their needs.

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

SCHEDULE A: Applications with Recommendation

08/1204

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): the layout details shown on the submitted plan are considered satisfactory from a highway perspective. I can therefore confirm that the Highway Authority has no objection to the proposed development.

For the avoidance of doubt the Applicant must not commence works on the vehicular access until in receipt of the Section 184 permit from our consultants CAPITA Symonds;

Department for Transport (Highways Agency): I note that there are no alterations to the boundary with the A74/M6 nor direct access proposed onto this strategic route being upgraded to motorway. It is understood that any drainage system or disposal of effluent would not connect to any existing or proposed drainage system for the A74 /M6 highway improvement scheme

Subject to the above therefore, I confirm that the Agency has no objections to both of these proposals;

Environment Agency (N Area (+ Waste Disp)): this proposal falls outside the scope of referrals we would wish to receive;

Rockcliffe Parish Council: comments awaited;

Kingmoor Parish Council: comments awaited;

Community Services - Drainage Engineer: comments awaited;

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

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

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

SCHEDULE A: Applications with Recommendation

08/1204

substantial maintenance liability.

Development Services Planning & Housing Services - Housing Strategy: I note that the planning application does not specify that this site is for the sole use of the Gypsy and Traveller community. I am assuming this is an oversight and I have based my response on this basis, and would suggest that the site is restricted to the use of the Gypsy Traveller Community.

Recent legislation and guidance from Government is aimed at identifying and addressing the shortfall in Gypsy and Traveller Accommodation across the country. Governments overarching aim is to ensure that members of the Gypsy and Traveller community have equal access to decent and appropriate accommodation and services akin to each and every other member of society.

A Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned by the Cumbria Housing Group (which comprises of the six Cumbrian district councils, Lake District National Park Authority and Cumbria County Council) in order to establish the need for Gypsy and Traveller Accommodation in each district. The results of this research were published in May 2008 and it a need for an additional 35 residential pitches in Carlisle between 2007 and 2016 above that which is already provided was identified.

Carlisle City Council has recently learnt that it has secured Gypsy and Travellers Site Grant to develop 15 residential pitches at Ghyll Bank, Harker from Communities and Local Government. Assuming that this development goes ahead, there would still be an unmet need in the Carlisle district based on the results of the GTAA.

We would hope that any newly developed sites in Carlisle are developed and managed in line with Governments recommended standards and all that this encompasses.

It is also imperative that the landlord of the site and the residents understand their rights and responsibilities under the Mobile Homes Act 1983 which applies to privately owned and licensed Gypsy and Traveller sites.

This development is adjacent to the proposed Local Authority site at Ghyll Bank and if Planning Permission is granted it is important that all parties work together to ensure that both sites are successful.

Environmental Services - Environmental Quality: I have the following observations:

1. To avoid the ponding of surface water on the set, all roads and hard standing shall be laid to such falls as necessary to secure adequate run off from water and for this purpose a suitable surface water drainage shall be provided.
2. Every caravan shall be stationed not less than 6 metres from every other caravan, this would include caravans on adjacent land not owned by the applicant, i.e. where caravans are positioned close to the boundary of the site. This is to ensure adequate separation with regards to the spread of fire.

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3. Due to the increase in the proposed usage of the existing septic tank, it is essential that the septic tank is suitable and sufficient in size to cater for the proposal. There have been instances where there has been evidence of septic tank surcharge from septic tanks located in the vicinity of this development.

It will be necessary for a site licence to be issued if the planning application is approved and implemented.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:	
	Ghyll Bank Stables	09/12/08	
	Ghyll Cottage	09/12/08	
	Ghyll Bank House	09/12/08	
	Ghyll Bank Caravan Park	09/12/08	
2 Old Harker		09/12/08	Objection
	10 Whitehall Drive	09/12/08	
Parish Council		09/12/08	
	- Stanwix Rural	09/12/08	
	Ash Bridge	09/12/08	Objection
	1 Old Harker	09/12/08	
	3 Old Harker	09/12/08	
	4 Old Harker	09/12/08	
	5 Old Harker	09/12/08	
	6 Old Harker	09/12/08	
	7 Old Harker	09/12/08	
8 Old Harker		09/12/08	Comment Only
	Ghyll Wood	09/12/08	
	Station House	09/12/08	
	Green Garth		Objection

- 3.1 This application was advertised in the form of the direct notification of the occupiers of 21 neighbouring properties and a press notice. In response, the Council has received correspondence from four parties raising the following eleven objections and concerns about the proposal.

1) all recent planning applications in the Low Harker area concerning facilities for travellers/gypsies: 05/0263 (29th March 2005); 06/0651 (8th June 2006) retrospective; 07/0522 (6th May 2007) retrospective; 08/0350 (16th April 2008); 08/0754 (15th August 2008) partly retrospective; 08/0976 (30th September 2008); 08/1203 (9th December 2008); and 08/1204 (4th December 2008). It is little wonder that some of us living in this small community feel overwhelmed. Even without the new application (08/1204), the number of pitches available for travellers is more than the total number of houses at Low Harker (15, from Green Garth to Ghyll Bank House). Application 08/1204 will in effect mean that there will be twice as many traveller caravans as non-traveller houses in this small area. Such a

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potential alteration to the character of the area was not envisaged in the Carlisle Development Plan published earlier this year.

2) The only routes to accessible public transport are either east to the A7 at Harker Park, or west over the motorway, turning left onto the road from Rockcliffe towards Crindledyke. Neither of these roads has a pavement (except over the M6 bridge). An extra 12 pitches in this area will increase the traffic flows and make journeys, particularly by wheelchair users, in either direction even more hazardous than they currently are.

3) As an example of how to engage with your local community, the process the Council has adopted has shown little short of contempt for existing residents.

4) It is considered that the submitted form is not correct in the following paragraphs:

paragraph 15 - Existing use: No mention of changing the existing use from that of Caravan Storage to residential accommodation, Land is currently designated as Light Industrial or Agricultural under the current Local Plan. Note: There is a Moratorium on any new build Residential accommodation in this Parish.

paragraph 16 - Trees: Applicant has answered no to there being any trees adjacent, there are trees on the road side, on the field between the site and the motorway and on the boundary of the application and the proposed Council site.

paragraph 18 - Residential Units: Applicant has answered no The application is for 12 sites for Permanent Occupancy, these are in effect Permanent Homes.

paragraph 20 - Employment: Applicant has answered yes to an additional Part Time Employee, in the Design and Access statement has said that work will be carried out by the owner. This extra employment opportunity should be treated with caution.

4) There is no provision for noise protection measures from the Motorway. St Neots Council has stated that it will not allow Gypsy encampments next to Motorways due to Health and Safety issues from noise and accident. There are other Health and Safety issues nearby, such as the National Grid Depot, a haulage company, a 20' high Motorway bridge, and the drainage pond for the Motorway extension.

5) Drainage is becoming a concern. This application, the Main site application, and the other three applications, all rely on septic tanks for effluent disposal that all disperse into Crindledyke Beck. In the event of heavy rain this beck becomes regularly flooded and backs up into a field running to the south of the complex, my concern is that even with a well maintained system, effluent could also be found in that field. This beck eventually

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disperses in the River Eden.

6) Circular 01/2006 and Policy H14 Carlisle Local Plan: Criteria used to assess suitability for provision of Gypsy encampments.

i) Character of the area: The area is designated under the local plan as being of Agricultural or light Industrial use only, there is a Moratorium on any new building of residences in this area, an outline application being turned down for change of use from industrial to residential by Kingmoor properties only recently.

A Planning Inspector restricted development on the Ghyll Bank complex to 15 pitches to safeguard the character of the area, since then the Council has granted Temporary Planning for 3 years in respect of 6 pitches and has an application in the pipe line for a further pitch along with the 12 in this proposal this now makes 34. The GTAA assumes 3.3 person per pitch on authorised sites which means an influx of around 112 people. This was never envisaged by the Inspector and will totally change the character of the area. Whilst this is a separate application from others for this complex the applications should be lumped together and the complex treated as a whole. It is considered that "we" can absorb the already granted applications for the Ghyll Bank Main site but any increase will be detrimental to the already established community and this application for change of use from industrial to residential should be denied.

ii) Impact on the Local Landscape: Whilst much of the site is screened, with the reduction of established planting during the construction of the Motorway, this site is now highly visible from Crindledyke and the Motorway itself, to safeguard any further deterioration in the Character of the Landscape this application should be denied.

Appropriate access and Parking: Parking is envisaged to be kept on site therefore can not be argued against. Access is by an unclassified road which leads to a dangerous crossroad on another unclassified road which runs between the All purpose Relief road and the A7 Trunk road at Harker. This road is unlit, has a 7 ton weight limit which is constantly ignored; has no footpaths and used as a rat run by people working on the Kingmoor Estate and Asda. The crossroad in question is only a hundred yards from a blind summit on the old Waverley line bridge and has seen several serious accidents one as recently as last September. Unless other access to the site can be arranged this application should be denied.

iii) Access to Community Services: As a leading council for the GTAA, Huntingdon states that adequate existing facilities should be available within reasonable travelling distance and can be reached on foot, cycle or public transport. As far as the Ghyll Bank site is concerned the nearest: schools are Rockliffe or Blackford, both over 2 miles away - most Gypsy children use Houghton school which is used to their needs; doctor Stanwix 3 miles or Longtown 6 miles; dentist (unknown) - nearest found is Central Carlisle; shop Asda 1.5 miles; nearest Public Transport Crindledyke 1 mile or Harker 1 mile

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- both of these require walking along either the all purpose road or the previously mentioned unclassified road, both of these are unlit and alleged to be dangerous; Police and Fire both covered by Longtown 6 miles or fifteen minutes away. All the above services can only realistically be accessed by car, which in the interests of the environment should be discouraged. For these reasons the application should be declined.

iv) Adverse effect on neighbours: Human Rights obligations Article 8: Right to respect for Private and Family Life Article 1 Protocol 1: Protection of Property, The right to Peaceful enjoyment of Possessions. By granting this application it is believed that if it is not possible to sell my property for a fair and reasonable sum, the Council would be in contravention of either of the above conditions. The resulting influx of people no matter how well behaved, can only increase noise and light pollution, an increase of Traffic on what is a very poor road. The probable increase in business activities from the complex as a whole. Because of these the application should be declined.

v) Accuracy of Data used to assess need: the figures given in the Cumbria GTAA regarding assessment of provision need to be interpreted with care, particularly in respect of need from 2012-2016 these are based on assumption only. The estimated need for pitches in the years 2006-2011 are 12 + 16 for Travelling Showmen information was taken from a study of 46 people in the Carlisle area 14 of those already living in housing, not on campsites, Other dubious information from the GTAA survey showing the extra need for pitches taken from "Use of Unauthorised Encampments" assumes 80% of these will be by new families, also assumes only 30% of these would want permanent pitches, but includes pitch requirements for the full 80%. It is alleged that one family both housing and lives in unauthorised encampments in both Allerdale and Carlisle areas, how many times have they been counted. Information given is qualified several times by the phrase, "extra provision should be based on as and when the need arises". GTAA also says that by supplying more provision than need the extra placing will be taken up by people being displaced from other areas rather than Travellers associated with the area. South Lanarkshire Council has a policy of moving on Travellers early in order to discourage them stopping. This displacement means that Travellers will move to this area and the excess places that has been created will quickly be filled up resulting in the need for more. Currently only 55% have connections with family in the area and only 23% were born here.

vi) Alternative options: would contest that at this moment in time there is current outstanding need for extra provision, any extra could be taken up by Hadrian's Park, at the time of the GTAA survey 24 pitches were empty. Or by the supply of Temporary stopping places for Travellers. In the time I have lived at Low Harker Ghyll Bank main site has never been full. Two of the three applications for peripheral sites to Ghyll Bank are from people displaced from Hadrian's Park, (for reasons other than lack of space) because of this true lack of need the application should be declined.

7) Felt that as this application for a caravan site is back to back to the gypsy

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camp at Harker it will only end up being an extension to the gypsy camp in the long run and as we already have a caravan site at Blackford alleged that there is no need for another so close.

8) At present an outflow from a septic drain is polluting the lane. Nothing appears to have been done other than a statement it has been there for years. This is nonsense. There are continual complaints regarding pollution of Cryndledyke Beck. Drainage is the most important matter and has to be addressed.

9) There are horse drawn caravans as well as motorised caravans. Where will the horses have stables and pasture? in the past these caravans were regularly parked in the lanes adjacent to Durdar Cross Roads and also Moorhouse to the west of the city. They stayed sometimes for months rather than weeks. There can be no parking in the lane because it must be kept free all the year round for stock movements etc. Will "No Parking" be enforced in the lane?

10) Will there be a limit to the extent of "Stay"? i.e. No permanent occupancy. It must be limited to days rather than weeks.

11) Who will supervise the site? Will there be a City Council Officer (In Residence) i.e. settle differences should they occur. Supervision is paramount. Who is taking on this responsibility.? i.e. 24 Hour "call out".

4. Planning History

- 4.1 The site is subject of a separate application, ref. no. 08/1204, for the creation of a private residential caravan park of 12 pitches.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Members will recollect that during their previous meeting consideration of the application was deferred in to allow an interested party adequate time to make representations; and clarify foul and surface water drainage arrangements for the site and area generally.
- 5.2 Ghyll Bank House is to the immediate south of Ghyll Bank Caravan Park at Ghyll Bank, Low Harker. The site currently comprises a detached house with an ancillary annexe (referred to as Ghyll Bank Cottage) and an office, a portacabin, a brick and corrugated sheeted building, and a storage area for caravans. 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

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is a mature hedge approximately 2.5 metres high along part of the frontage with the access lane. The northern boundary adjoins Ghyll Bank Caravan Park; the western boundary adjoining the caravan storage compound (i.e. "Carlisle Caravan Storage") based from Ghyll Bank House. The brick and corrugated sheeted building was formerly used as a builder's yard by Lled Construction.

- 5.3 This application seeks full permission for a twelve pitch residential caravan park to provide accommodation for Gypsies and Travellers on part of the site currently used for the commercial storage of caravans and mobile homes. The submitted layout plan shows each proposed pitch to be served by an amenity block with sufficient space to accommodate two vehicles and a tourer. Each pitch is delineated by kerb edging. Vehicular access is via controlled entrance gates with associated provision for visitor parking. The proposed amenity blocks have rendered walls with tiled roofs - see attached copies of plans.
- 5.4 The application is accompanied by a Design and Access Statement and a Sewage Treatment and Disposal System Report. The submitted Design and Access Statement explaining, amongst other things, that: the entrance will be splayed with temporary 1.8 metre high concrete fencing panels and gate pillars until the site is fully operational which will eventually be replaced with natural stone walling/ pillars and planting; the removable bollards are for added security; and the refuse removal will be by independent wheel bins to each pitch stored alongside the amenity block.
- 5.5 The Sewage Treatment and Disposal System Report explains that the site contains a private treatment and disposal system that serves the adjoining travellers site. It is proposed that the adjoining site will be served by a new sewage treatment and disposal system thus allowing the existing system to become available for the current proposal. The existing system comprising a septic tank is a cylindrical unit measuring 4850 mm by 2750 mm with an inlet invert of 1000 mm that provides an effectiveness capacity of 18,000 litres. This equates to a population equivalent of 80 people which is adequate for the proposed 12 no. residential caravans (circa 60 people). The septic tank has insufficient capacity for both sites. The final receptor of the septic tank effluent is into or onto land within the bunded area on the western boundary of the site which measures 1800 sq. metres. This is a significant area of ground for the long term acceptance rate of septic tank effluent. In terms of surface water disposal, the existing caravan storage area has been provided with a deep storm water drain which has connectivity with Harker Beck to the east of the site.

Background Information

- 5.6 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.
- 5.7 In the case of Hadrians Park there is planning permission for 30 permanent

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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 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 May 2008 a final report of the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA).
- 5.10 On the 1st May 2007 the transit site at Hadrians Park was closed and the caravans removed. On the 20th 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.
- 5.11 Following a visit on the 24th 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.
- 5.12 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.
- 5.13 In May 2008 the University of Salford published a 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 35 residential pitches; and 5 transit pitches by 2012.
- 5.14 The "closure" of the transit site at Hadrians Park and the apparent change in circumstances with regard to the use of Ghyll Bank Park, has naturally raised concerns over provision within the District.

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- 5.15 In such a context Members will be aware that under application reference numbers 07/0522, 07/1083 and 08/0350 temporary planning permission has been given for private Gypsy-Traveller sites at Ghyll Bank Stables, Parkfield Stables (Newtown) and Ghyll Bank Yard. In addition, permission has been granted for operational development (reference number 08/0976) that, if implemented, would lead to the potential reinstatement of use of Ghyll Bank Caravan Park as a Gypsy and Traveller site with 15 pitches but managed either by or on behalf of the City Council.

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.
- 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 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) any adverse impact on the upgrading of the A74;
 - 3) the suitability of the site for such purposes adjoining the A74 and with

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- 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.
- 5.21 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 and the remaining caravan/mobile home storage compound at Ghyll Bank House. The site is also screened by the existing bund along the western boundary.
- 5.22 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.
- 5.23 The application site is located approximately 60 metres to the north of the A74/M6 with mitigation in the form of the existing earth bund and a proposed concrete panel fence 2.4 metres high along the southern boundary with the remaining element of the caravan/mobile home compound.
- 5.24 When considering the issue of drainage, the accompanying Sewage Treatment and Disposal System Report highlights that the existing septic tank has insufficient capacity for both sites. In effect, a way forward could be the imposition of a Grampian type condition that ensures the current proposal does not take place until the proposed new drainage system to serve Ghyll Bank Caravan Park has been fully installed and is operational. In the context of concerns raised by interested parties, and further to the deferral of the application during the previous meeting, an Environmental Services Officer of the City Council has undertaken a series of dye tests. The preliminary results of the aforementioned tests indicate that a highway drain running along the lane is discharging; no discharge has been recorded from the septic tanks serving either Ghyll Bank House or Ghyll Bank Caravan Park. The applicant is, however revising the proposed layout of the site in order to take account of the relationship to the existing septic tank and storm water drains that cross the site.
- 5.25 When considering the living conditions of neighbouring residents, it is evident that the site will be enclosed and made secure as far as possible. There is likely to be an increase in the movement of traffic but it is not considered to be significant enough in itself to refuse permission. In overall terms it is considered that the infrastructure is capable of satisfactorily accommodating the potential increase in the number of residents. In terms of any social impacts it is appreciated that difficulties of integrating a large influx of people over a short period of time is a material consideration. However, in this case

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the proposal involves limited numbers on a contained site with no evidence submitted concerning social tension and no reason to believe that residents of the proposed park would cause, or make worse, any social discord.

- 5.26 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 and the approved operational development at Ghyll Bank Caravan Park will not address the identified need for permanent pitches.

Other Matters

- 5.27 Other matters have been raised (with particular regard to the sustainability of the location and highway safety) but in the context of the authorised use for Gypsy and Traveller accommodation on the neighbouring properties and the comments of the Highway Authority, these are not considered sufficient in themselves to refuse permission.

6.0 Conclusion

- 6.1 On the basis of the foregoing, and with regard to on-going efforts to address and satisfactorily resolve matters associated with the identified need, it is considered that any harm is outweighed by the benefits. The recommendation is to grant permission subject to the awaited comments from interested parties and the receipt of a satisfactory revised layout plan.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 of 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

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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 evident that the application relates to part of an existing caravan storage compound with the associated movement of vehicles and people not considered to be significant enough to merit the refusal of permission.
- 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

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

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

3. 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.

4. There shall be no more than 12 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, 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.

5. 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.

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6. 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.

8. 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.

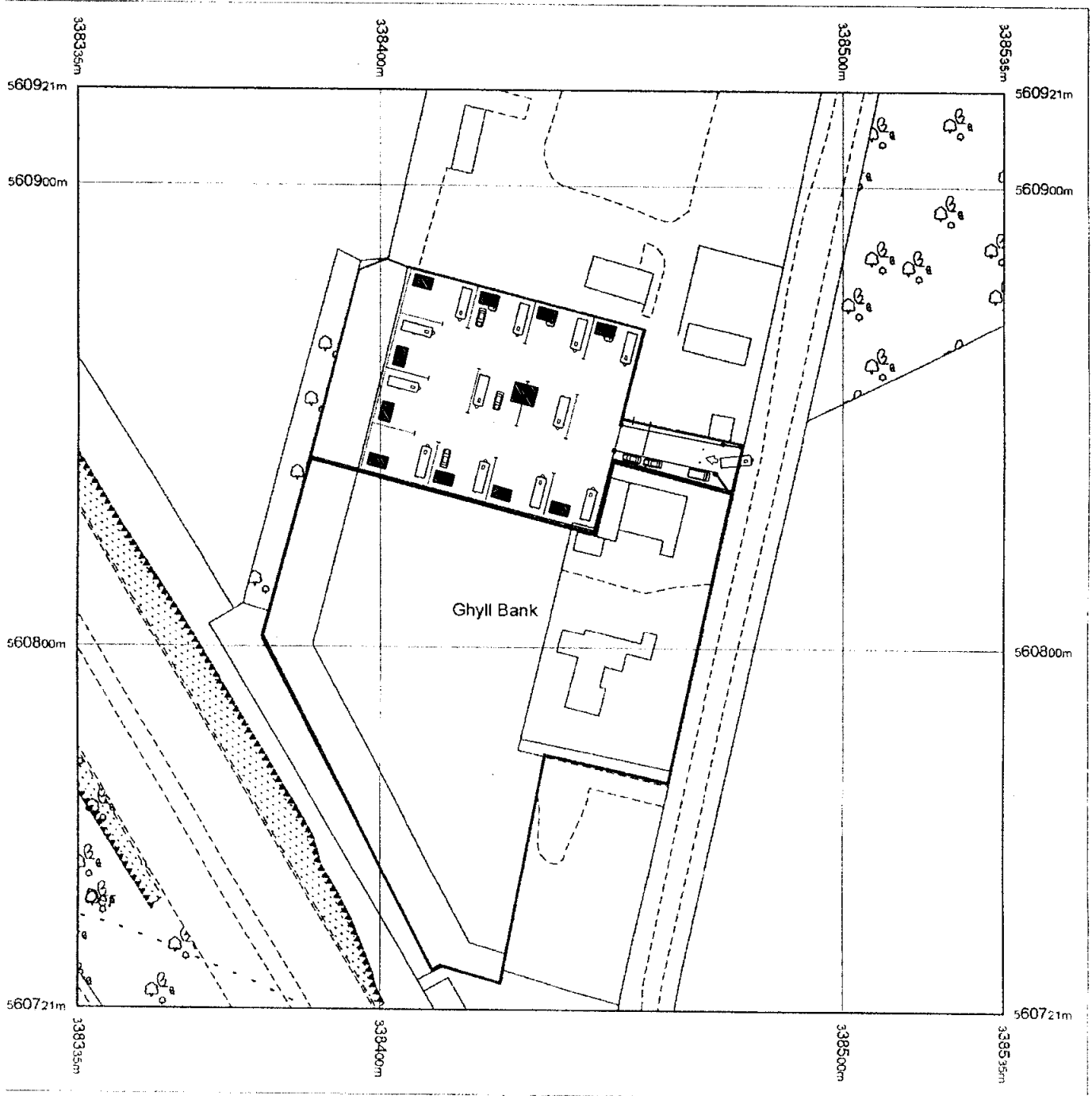
Reason: In order to safeguard the character of the area in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

9. 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.

12. No development hereby permitted shall be commenced until the proposed foul and surface water drainage scheme subject of the permission granted under 08/0976 to serve Ghyll Bank Caravan Park has been fully installed.

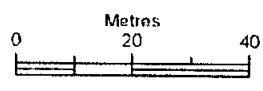
Reason: To prevent pollution of the water environment and thus comply with Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.



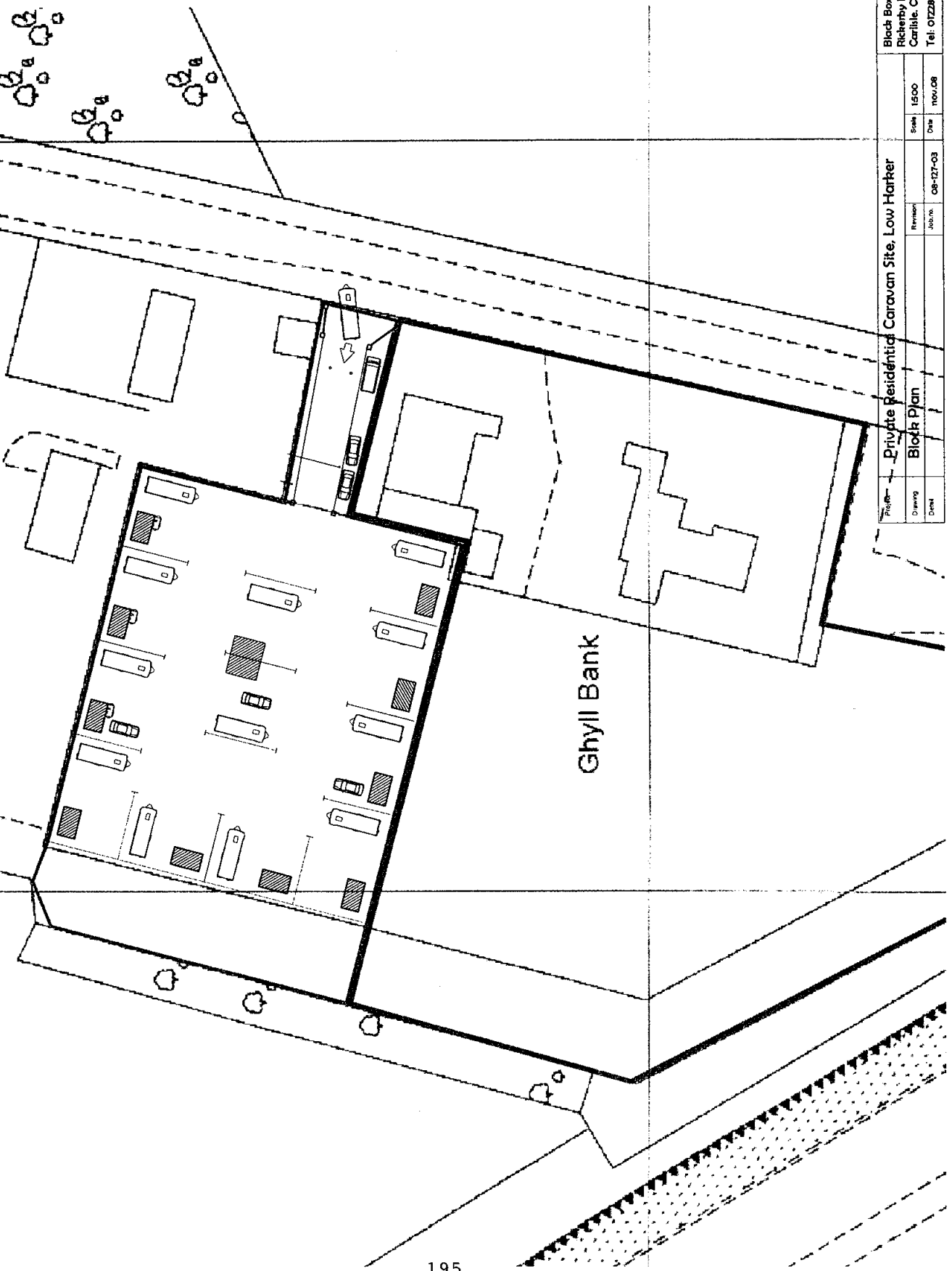
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Project	Private Residential Caravan Park. Low Harker			Black Box Architects Limited. Rickerby Buildings, Currock Carlisle. Cumbria. CA2 4AU	
Drawing	Site Location Plan	Revision		Scale	1:1250
Detail	Ownership	Job no.	08-127-02	Date	nov-08
				Tel: 01228 402 200	
				BLACK BOX architects	



Project: Private Residential Caravan Site, Low Harker		Scale: 1:500		Date: nov.06
Drawing: Block Plan	Revision:	Job no: 08-127-03		
Client:				
Black Box Architects Limited, Rickerby Buildings, Currock Carlisle, Cumbria, CA2 4AU Tel: 01228 402 200 BLACK BOX architects				



Design and Access Statement

Site address:
Ghyll Bank House
Low Harker
Carlisle
CA6 4DG

Application No. _____

Contact details

Applicant	
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Name:	Black Box Architects Limited
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Telephone:	01228 402 200

1. Description of development

Application for full planning approval for a permanent private caravan park of 12 pitches with individual amenity blocks and incidental parking provisions.

2. Design standards followed

Approved Document M (2004):
 BS8300 (2001 + amendments 2005):

Other (please state):

3. Philosophy and approach

The existing site use is for secure private caravan and mobile home storage and the proposals retain all surfaces and services. Ground surfaces are porous and rolled / self draining throughout and will be kerb marked to locate pitches in a regular manner. Amenity blocks are to be installed to each pitch for a one to one service facility. The blocks are prefabricated insulated panel construction with central heating and kitchen / toilet provision, built to a high standard and delivered to site, ready to install to ground connections. The drainage from each block is via new pipework to the existing, working septic tank within the site. Rainwater disposal is by natural dissipation.

Layouts of the pitches follow recommendations of the government planning guidance but with the added facilities and enclosure.

4. Key access issues of the design

Access is directly off the C classified lane with full visibility and turning radii. Visitor parking is set to one side of the entrance driveway and the access gateway is controlled by removable bollards to aid security.

The entrance will be splayed with temporary 1.8 metre high concrete fencing panels and gate pillars until the site is fully operational. These will eventually be replaced with natural stone walling and pillars, planting and edge treatment.

The removable bollards are for added security and to control vehicular access and exit from the park, allowing a more controlled occupancy.

Servicing of the amenity blocks will be via single point connections for both electricity and LPG and the refuse removal by independent wheel bins to each pitch, stored alongside the amenity block and brought to the site entrance on a regular basis to co-incide with Council collection programmes.

5. Sources of advice and consultation

The site has been discussed between the applicant and the area planning officer prior to the application, including design matters and density. Reasoning behind the application have also been discussed following current use of the site for caravan storage and the need to consolidate.

The applicant is well versed in data provided by Local Government and Planning guidance with regard to caravan sites and facilities and already has a record of very successful sites in Cumbria.

6. Nature and impact of environmental and structural constraints (if relevant)

All existing surfaces and drainage routes are to be retained. Rainwater is by natural dispersion through the porous ground surface and water table. Foul drainage is via new 100mm pipework connections to the existing septic tank on site. The tank currently drains to an established dispersion and is to be checked and validated before occupancy.

There are no issues of environmental impact to flora or fauna, the site being contained within the existing boundaries and making use of all present surfaces. Boundary treatments will be improved by use of 2.4 m concrete panel fencing to ensure containment. The fencing has already been discussed between the applicant and the planning department. A capping detail will be applied to the top lines of the concrete panels to effectively seal and provide weathering to the surface.

The boundary between the application site and the adjacent Council site is to be discussed between the applicant and the City Council as this boundary needs to be improved and made more secure, being outside the control of the applicant.

7. Management and Maintenance policies

Management of the site will be by the applicant on a daily basis. It will include monitoring, servicing and general maintenance to a high standard. Refuse collection and general site tidiness will also be monitored including entrances.

The policy of maintenance will be reviewed on a six monthly basis to ensure regular site control

Applicant's signature Black Box Architects

Date 20th November 2008

PLANNING & HOUSING SERVICES	
REF	08/1204
13 JAN 2009	
RECORDED	14

REPORT ON THE PROPOSED SEWAGE TREATMENT AND DISPOSAL SYSTEM AT CARLISLE CARAVAN STORAGE SITE, LOW HARKER IN COMPLIANCE WITH DEFRA PLANNING CIRCULAR 02/99, THE BUILDING REGULATIONS (ENGLAND & WALES) 2002 AND THE WATER RESOURCES ACT 1991 (AS AMENDED BY THE ENVIRONMENT ACT 1995)

CLIENT: Mr Isaac Stewart

SITE ADDRESS: Ghyll Bank House, Low Harker, Carlisle

CATCHMENT: Rockcliffe Beck (Eden)

NATIONAL GRID REFERENCE: E338435 560821

PLANNING APPLICATION No: 08/1204

LOCAL AUTHORITY: Carlisle City Council

Mr Stewart has submitted a planning application for the establishment of a 12No. residential caravans and amenity units on land at Ghyll Bank House, Low Harker.

Low Harker is currently remote from the public sewerage infrastructure however this is likely to become available as an when other commercial developments arise locally.

The development site contains a private treatment and disposal system which serves the adjoining travellers site. The traveller's site is to be enlarged and a new sewage treatment and disposal system will be introduced for the enlarged site. This will then allow the existing system to become available to Mr Stewart for his proposed 12No. residential caravans.

The existing system comprises of a septic tank and soakaway.

The septic tank is a cylindrical GRP unit measuring 4850mm by 2750mm with an inlet invert of 1000 mm which provides an effective capacity of 18,000 litres. This equates to a population equivalent of 80 which is adequate for the 12No. residential caravans (circa 60 people).

The septic tank has insufficient capacity for both sites.

The final receptor of the septic tank effluent is into or onto land within the bunded area on the Western boundary of the site which measures 1800m². This is a significant area of ground for the long-term acceptance rate of septic tank effluent.

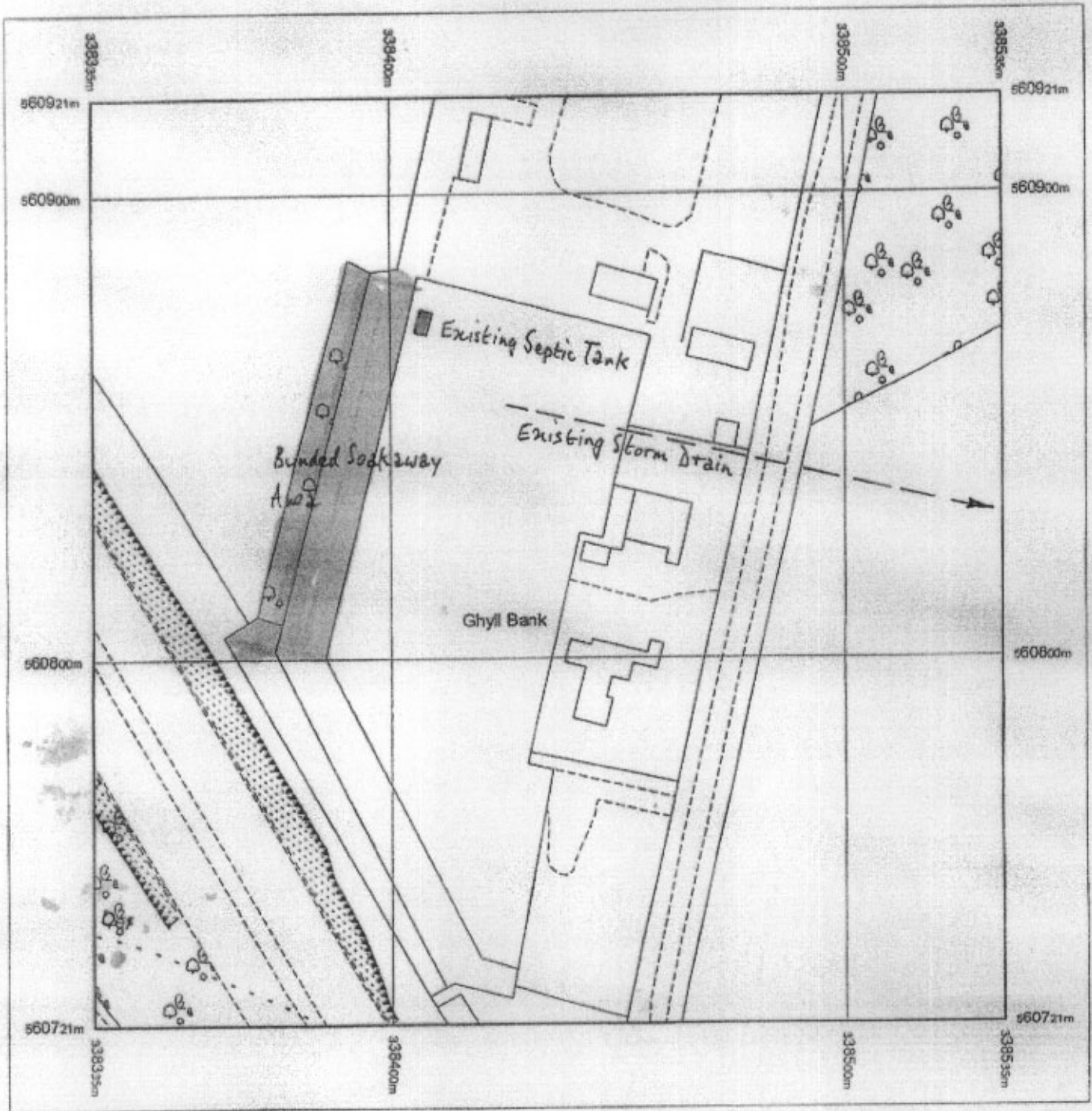
In terms of surface water disposal, the existing caravan storage area has been provided with a deep storm water drain which has connectivity with Harker Beck to the East of the site.

SIGNED:

D. Clayton

DATE: 5th January 2009

**Mr. D Clayton FCIWEM Dip CWEM C.Env
Chartered Water & Environmental Manager, Chartered Environmentalist
Lakeland Environmental Management
Fell Cottage
Plumpton
Penrith
Cumbria
CA11 9PF**



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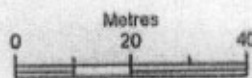
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SCHEDULE A: Applications with Recommendation

08/1175

Item No: 06

Date of Committee: 24/04/2009

Appn Ref No:
08/1175

Applicant:
Mr Neil Dixon

Parish:
Carlisle

Date of Receipt:
02/12/2008

Agent:

Ward:
Castle

Location:
3 The Crescent, Carlisle, Cumbria, CA1 1QN

Grid Reference:
340306 555680

Proposal: Change Of Use From Mortgage Company To Hair And Nail Salon
Amendment:

REPORT

Case Officer: Shona Taylor

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

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.

Listed Building In A Conservation Area

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

SCHEDULE A: Applications with Recommendation

08/1175

Local Plan Pol EC4 - Primary Retail Area

Local Plan Pol LE15 - Change of Use of Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol CP6 - Residential Amenity

2. Summary of Consultation Responses

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

Development Services Planning & Housing Services - Conservation Section:
no objections;

Northern Gas Networks: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
2 The Crescent	03/12/08	
4 The Crescent	03/12/08	

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

4. Planning History

4.1 Planning and Listed Building consent was granted in March 1998, under applications 98/0092 and 98/0095 respectively, for the erection of a replacement shopfront.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 No. 3 The Crescent is located within an historic part of the city; the building is Grade II Listed, located within the City Centre Conservation Area and is part of an area of Key Townscape Frontage. The site is identified as located within

SCHEDULE A: Applications with Recommendation

08/1175

a Primary Retail Area on the Urban Area Inset Map that forms part of the Carlisle District Local Plan 2001-2016.

- 5.2 This is one of two related applications submitted by the applicant, the other application (which follows in the Schedule) being for the erection of a fascia sign.

Proposal

- 5.3 The application is seeking retrospective approval for the change of use of 3 The Crescent from a Mortgage Company to a Hair and Nail Salon.
- 5.4 The submitted plans indicate that there will be no alterations to the building or to its layout, other than the erection of a new fascia sign, which is the subject of the following item in the Schedule.
- 5.5 The applicant has indicated that the proposed hours of opening will be 0900 hours until 1700 hours Monday to Friday, and 1000 hours until 1500 hours on Saturdays. The premises will employ two full time staff, and three part time staff, with a full time equivalent of 4 workers.
- 5.6 The application forms indicate that there is no proposed parking at the site.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies EC4, CP6, LE15 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.8 The proposal raises the following planning issues:
1. The Principle Of The Development
- 5.9 The change of use from a mortgage brokers to a hairdressers would not require planning permission, as a change from an A2 to an A1 use is permitted, where a ground floor display window exists. However, the inclusion of a nail salon within the proposal means that permission is required, as it is a "sui generis" use. The inclusion of this beauty use within a hairdressers is common, and the principle of the use in this location is therefore acceptable.
- 5.10 Although there is no proposed parking associated with the application site, the Highway Authority have raised no objections, due to the City Centre location. Whilst there is no on site parking, considering the previous use of the site, the Highway Authority consider this arrangement to be acceptable.
2. The Impact Of The Proposal Upon The Character Of The City Centre Conservation Area And The Grade II Listed Building
- 5.11 This application proposes no external or internal alterations to the premises and the Council's Conservation Officer has raised no objections to the

SCHEDULE A: Applications with Recommendation

08/1175

application. As such, the appearance of the Listed Building or the City Centre Conservation Area will not be affected by the change of use of the premises.

Conclusion

- 5.12 In overall terms, given the City Centre location and the previous use of the premises, its use as a hair and nail salon is acceptable. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan Policies.

6. Human Rights Act 1998

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

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

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

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

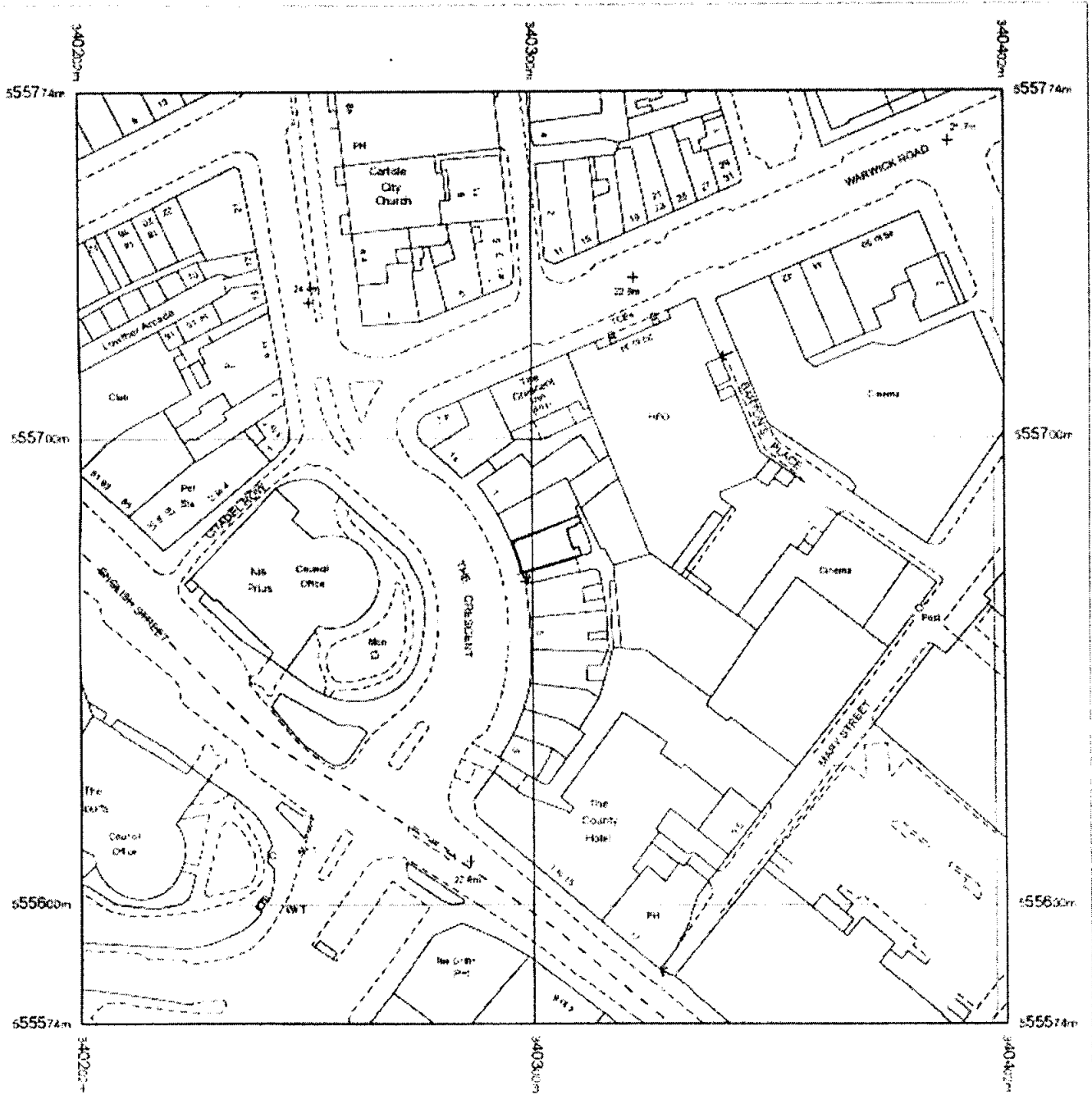
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

- 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 proposed retail units hereby approved shall not be open for trading except between 0900 hours and 1800 hours on Mondays to Saturdays or between 1000 hours and 1600 hours on Sundays.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.



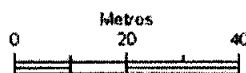
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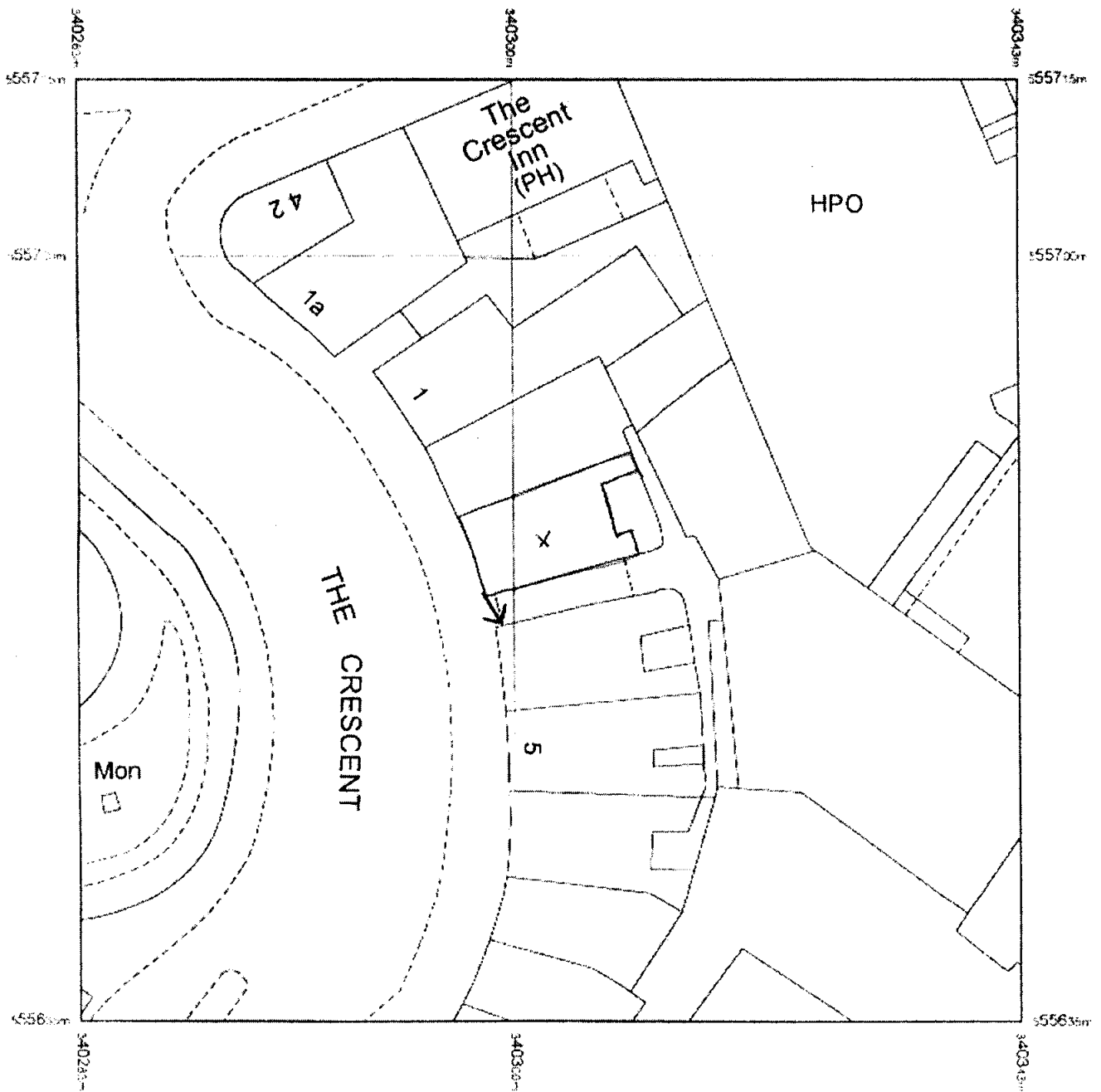


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08/1175



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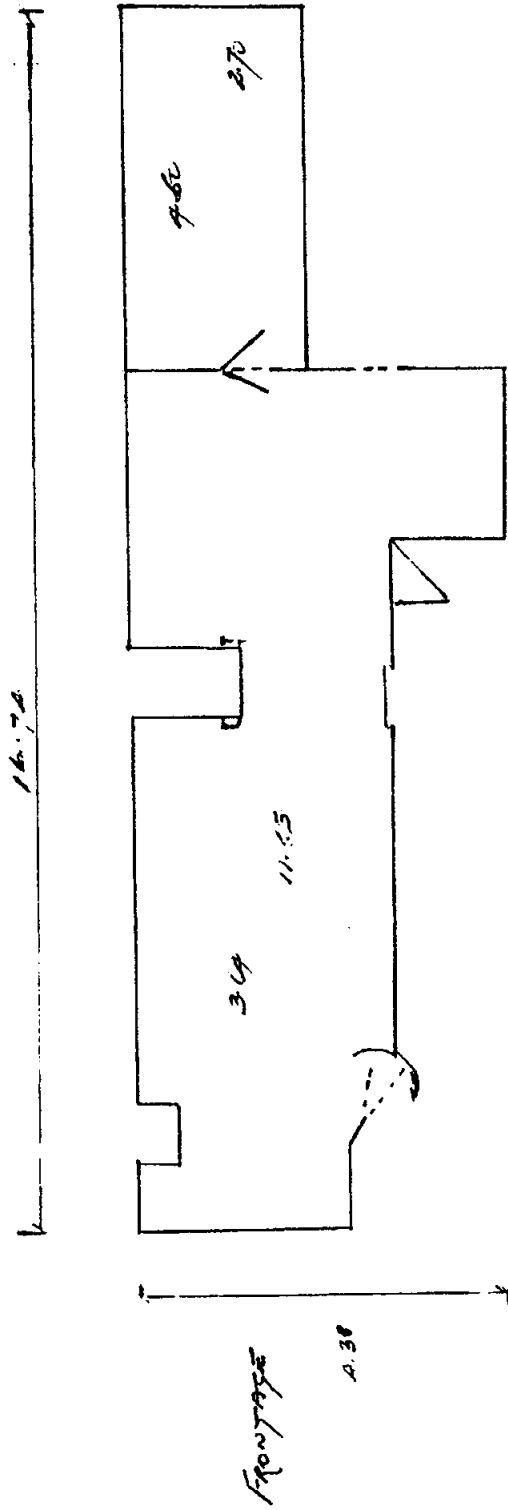
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BLUSH HAIR AND NAILS

3 THE CRESCENT, CARLSBAD, CALIF. 1941.

SCALE 1:100.

SL 11/80



SCHEDULE A: Applications with Recommendation

08/1176

Item No: 07

Date of Committee: 24/04/2009

Appn Ref No:
08/1176

Applicant:
Mr Neil Dixon

Parish:
Carlisle

Date of Receipt:
02/12/2008

Agent:

Ward:
Castle

Location:
3 The Crescent, Carlisle, Cumbria, CA1 1QN

Grid Reference:
340306 555680

Proposal: Erection of Fascia Sign

Amendment:

REPORT

Case Officer: Shona Taylor

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Local Plan Pol EC4 - Primary Retail Area

Local Plan Pol LE13 - Alterations to Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol EC17 - Advertisements

2. Summary of Consultation Responses

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

SCHEDULE A: Applications with Recommendation

08/1176

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Crescent	03/12/08	
4 The Crescent	03/12/08	

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

4. Planning History

- 4.1 Planning and Listed Building consent was granted in March 1998, under applications 98/0092 and 98/0095 respectively, for the erection of a replacement shopfront.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 No. 3 The Crescent is located within an historic part of the city; the building is Grade II Listed, located within the City Centre Conservation Area and is part of an area of Key Townscape Frontage. The site is identified as located within a Primary Retail Area on the Urban Area Inset Map that forms part of the Carlisle District Local Plan 2001-2016.
- 5.2 This is one of two related applications submitted by the applicant, the other application (which precedes this item in the Schedule) being for the change of use of the premises from a Mortgage Company to a Hair and Nail Salon.

Proposal

- 5.3 The application is seeking retrospective approval for the erection of a fascia sign for Blush Hair and Nails, 3 The Crescent.
- 5.4 The submitted plans indicate that the sign measures 3.1m in width and 0.8m in depth, at a height of 3.2m above the ground level. The sign will feature the name and phone number of the premises in silver text with a black

SCHEDULE A: Applications with Recommendation

08/1176

background. The maximum height of the lettering will be 300mm.

Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies EC4, EC17, CP6, LE15 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposal raises the following planning issues:
1. Whether The Signage Is Appropriate To The Building And The Setting
- 5.7 The premises occupies a prominent location within the City Centre Conservation Area as a Grade II Listed Building. The signage, which is non illuminated, is appropriate to the building in terms of its size, position and materials used. As such, it will not have an adverse impact upon the setting of the Conservation Area or the character or appearance of this Grade II Listed Building.

Conclusion

- 5.8 In overall terms, the scale and design of the signage is such that the character and appearance of the Conservation Area and the Grade II Listed Building will be safeguarded. 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 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.

SCHEDULE A: Applications with Recommendation

08/1176

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

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

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

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

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

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

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

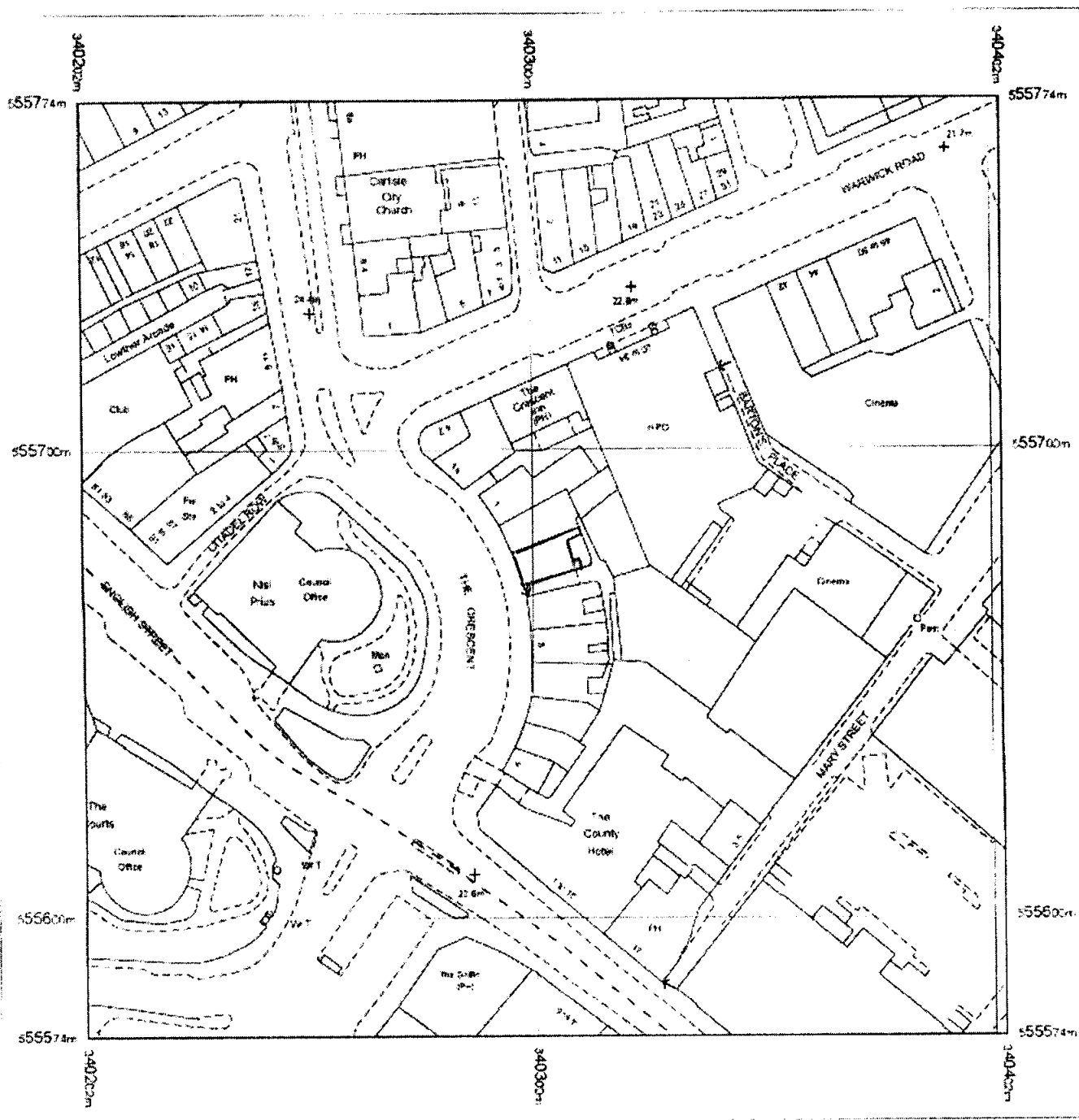
Reason: To accord with Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992.

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

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

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

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



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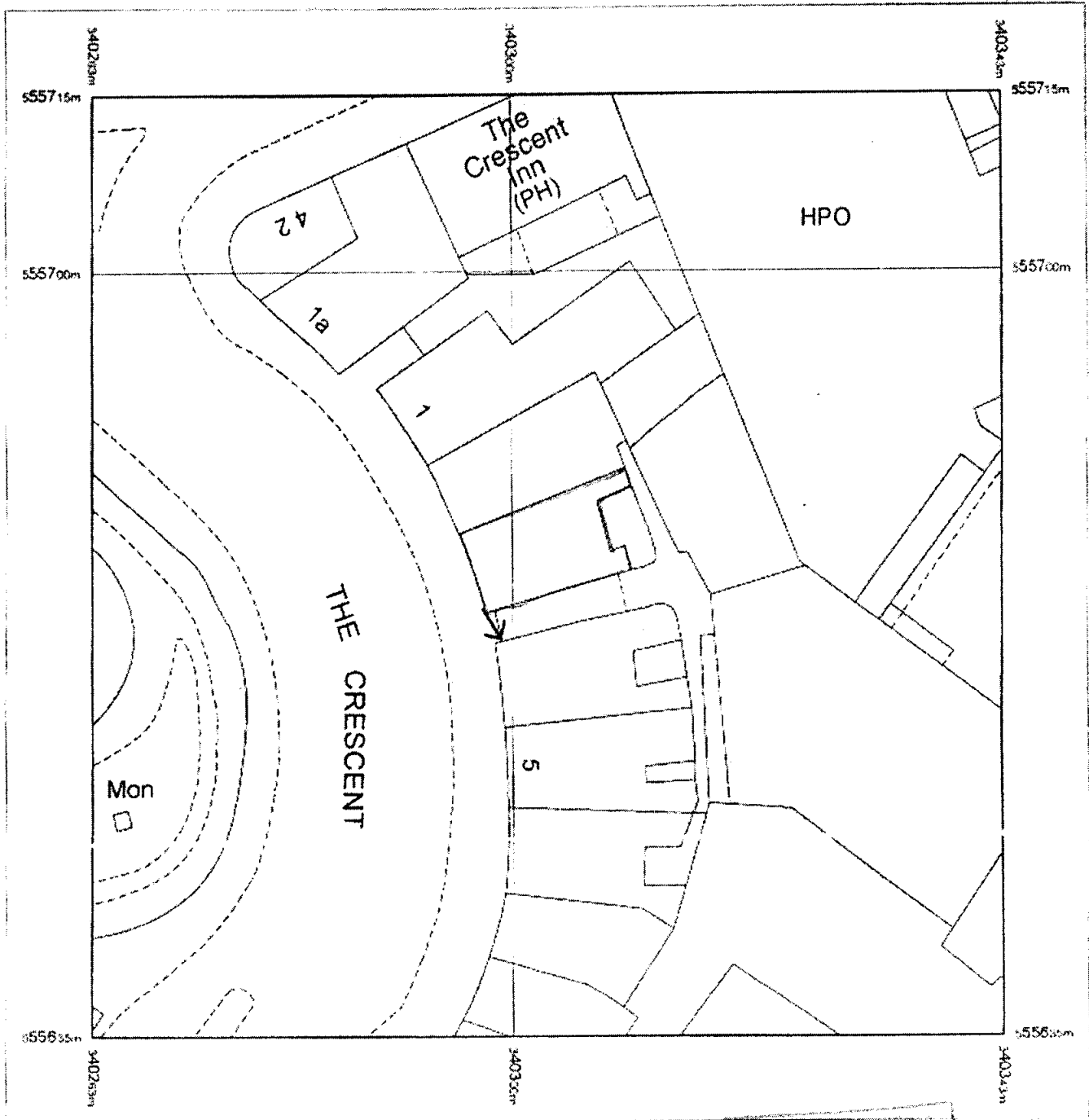
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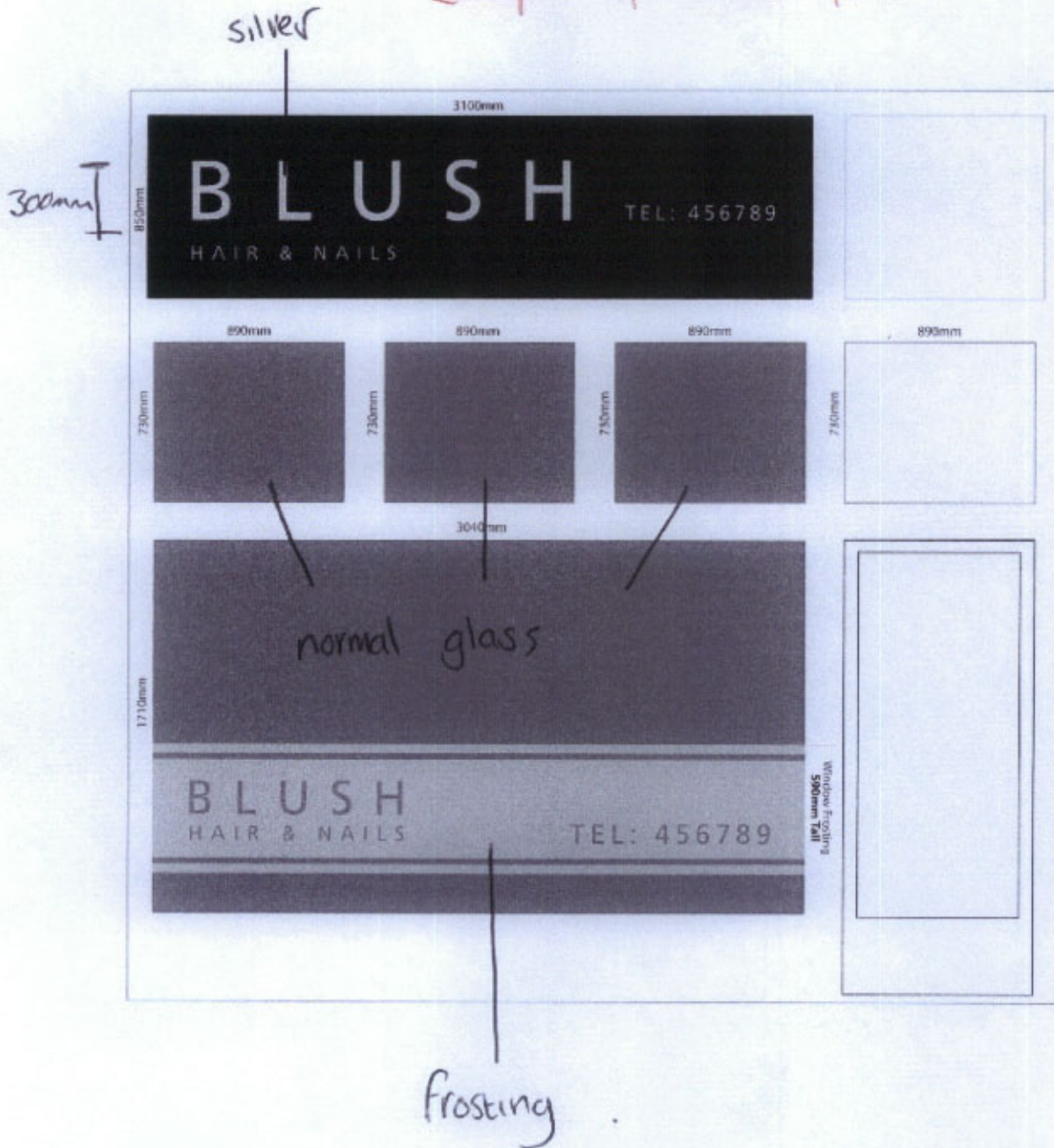
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example of shop front.



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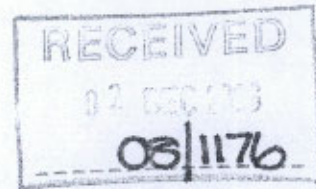
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7 Greystone Road
Carlisle Cumbria CA1 2DJ
TEL/FAX: 01228 545558



GILL SANS REGULAR
scale 1:20



BLUSH 100mm LH.

TEL: 528882 70mm LH.

HAIR & NAILS 90mm LH.



Carlisle TEL

SCHEDULE A: Applications with Recommendation

09/0036

Item No: 08

Date of Committee: 24/04/2009

Appn Ref No:
09/0036

Applicant:
Carlisle Housing
Association

Parish:
Carlisle

Date of Receipt:
02/02/2009

Agent:
Ainsley Gommon
Architects

Ward:
Morton

Location:
Land at Barras Close, Barras Close, Carlisle

Grid Reference:
338386 554235

Proposal: Residential Development Of 43 New Build Dwellings For Social Rent By Carlisle Housing Association. The Housing Mix Will Provide 4no 4 Bedroom Six Person Houses, 16 No 3 Bedroom Five Person Houses, 16 No 3 Bedroom Four Person Houses, 2 No 2 Bedroom Three Person Houses And 5 No 2 Bedroom Three Person Bungalows.

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the Committee for determination because the applicant has requested that the Committee agree to waive the requirement to pay a commuted sum as a contribution to the provision and ongoing maintenance of public open space/play facilities outwith the development site.

1. Constraints and Planning Policies

Public Footpath

The proposal relates to development which affects a public footpath.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H5 - Affordable Housing

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

SCHEDULE A: Applications with Recommendation

09/0036

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 LC3 - Amenity Open Space

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

Local Plan Pol LC8 - Rights of Way

Local Plan Pol H4 - Res.Dev.on Prev.Dev.Land&Phasing of Dev.

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

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): It would be inappropriate to require any Section 106 highway developer contribution. It is however agreed that the developer would enter into a suitable section 38 agreement with this authority to enable the internal roads to be adopted. As this development falls below the normal 80 dwelling threshold for residential travel plans I will not condition that this is included. I would however suggest that the applicant/ developer provide the appropriate measures ; which may include travel welcome packs, assessment of walking/cycling permeability to the site or even a trial bus pass provision for new occupants.

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:

1.The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

2.No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

3.Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development

SCHEDULE A: Applications with Recommendation

09/0036

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;

Community Services - Drainage Engineer: Reply awaited.

United Utilities (former Norweb & NWWA): No objection 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 water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Several public sewers cross the site and UU will not permit building over them. We will require an access strip of no less than 6m wide, measuring at least 3m either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of 'Sewers for adoption'. If diversions of the affected public sewer are required it will be at the applicants' expense. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer, Eric Keasberry (0161 609 7513) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

There are also water mains within the site and any necessary disconnection or diversion required as a result of the development will be carried out at the owner's expense.

Should this application be approved the applicant must contact our water fittings section (at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 2DS) and Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

Development Services - Property Services: Reply awaited.

Architectural Liaison Officer: I wish to make the following observations regarding this application, which I have considered from a Community Safety and Architectural Liaison perspective.

During a Project Team meeting on 10th December 2008, the desire to achieve 'Secured by Design' accreditation for this development was outlined. Various issues were discussed, including demarcation of space, garden boundary treatments, car parking provision and the incorporation of physical security measures. It was highlighted that an application (Reference 06/1290) was approved - with a condition that the right of way to Levens Drive would be maintained. It has been my stated view that retaining this footpath is contrary to 'Secured by Design' guidance and also conflicts with City Council Supplementary Planning Guidance (Designing Out Crime in Residential Areas). Consequently, this development will not achieve full 'Secured by Design' certification.

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However, it was apparent that the applicant intended implementing a package of crime prevention measures into the design, which demonstrates the desire to comply with Policy CP17 of the Carlisle District Local Plan (Designing Out Crime).

Perimeter Security and the Creation of 'Defensible Space'

Most of the site boundary abuts existing dwelling garden boundaries. The Planning and Design Statement (PDS) advises that rear garden boundaries shall comprise of fence and hedge planting to at least 1.8 metres. Where side or rear garden boundaries abut semi-public space, these should be at least 2.1 metres. Front and rear gardens should be separated by full height fencing, with matching gates that can be locked from the inside. Fencing should be positioned as close to the front build line as practicable, to avoid the creation of hiding places. I note that some of the dwellings do not have windows within the gable end walls, which restricts surveillance opportunities.

I am encouraged to note the intention to incorporate physical treatments to front gardens. The PDS advises that these shall comprise of knee rails and that corners vulnerable to short cutting shall be reinforced with walls and railings. This particular measure shall reinforce the front garden curtilages, which shall be utilised for car parking. Statistics from the British Crime Survey confirm that crime risks to vehicles can be reduced by almost 70% by withdrawing a vehicle into semi-private space.

(Units 10 – 11, Units 38 – 42)

Where access to the rear of premises is required for bin storage, I recommend that the gates should be brought forward in each case, to confirm ownership of these spaces. This measure is already demonstrated between Units 16 and 19.

Landscaping

Drawing 1187/PL030 provides the indicative landscaping scheme. The choice and location of species must be considered to ensure they do not compromise natural surveillance opportunities as they mature. A strict maintenance programme must be implemented to ensure plants do not become overgrown. Defensive planting in the form of thorny or spiked shrubs was discussed, to reinforce garden boundaries between the dwellings. The intention is to create an awkward physical barrier that shall deter intruders from 'roaming' between semi-private spaces.

Pedal Cycle Parking

I note the intention to provide pedal cycle parking, in order to acquire points for contribution to the Code for Sustainable Homes. The details of these features are not clear and I request further information on this issue.

Security Lighting

The objective is to provide constant, even but non-intrusive illumination around the buildings. 'Secured By Design' recommends the use of low energy compact fluorescent tubes, mounted in vandal resistant fittings and controlled by photoelectric

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cell or time switch from inside the building. Units should be placed as high as possible to prevent tampering. Householders should be able to switch lamps of, if they so desire.

The use of floodlighting controlled by passive infrared detector is not appropriate as the vicinity is always in darkness until the unit is triggered. The PIR is also prone to false activations by wildlife or domestic animals, which can be disconcerting to occupiers when triggered for no apparent reason. This method of illumination is appropriate for courtesy purposes only.

Residents should be able to look out of any window and easily observe the area around them and be reassured that no person is loitering there. This arrangement conveys to a potential offender that by trespassing into this illuminated area, their presence will be more readily detected.

Physical Security

Although this development shall not achieve full 'Secured By Design' accreditation, the applicant may still accrue points for the Code for Sustainable Homes by complying with the Part 2 of the requirements - Physical Security measures. The PDS confirms that all exterior doors within this development shall conform to BS PAS 24. However, ground floor windows must also conform to BS 7950 in order to comply, but this is not mentioned in the PDS. I recommend that all glazing at ground floor and vulnerable levels should be a laminated type, to at least 6.8mm.

Access to Footpath

The footpath access is well overlooked by dwellings (Units 14 – 18). It is important that the footpath and access points are well lit. I recommend the incorporation of obstructions to deter the misuse of motorcycles;

Environmental Services - Green Spaces: Reply awaited

Development Services Planning & Housing Services - Urban Designer: I have no significant criticisms of the revised scheme but would raise the following:

1. While identified as indicative, the applicant should be invited to verify the location of proposed solar water heating apparatus. For example, Unit 1's is located on a north-west facing roof slope whereas I understand that south facing would be more optimal.
2. While the use of render and brickwork is appropriate in terms of elevations, I have some concern over some of the arrangements proposed, in particular in instances where render and brick cut across the individual units in a staggered fashion, i.e. Units 16-18. It may be better to break treatments at the boundaries of individual dwellings rather than to create confusing overlaps which may give rise to maintenance disparities in future.
3. Any artstone (or similar) lintels which span window openings should be executed in a single span or subdivided through the use of a key stone. Abutting sections of

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span without a key stone should not be used.

4. Windows should be set back a bricks depth from the face of the building to articulate and give depth to the elevation.
5. Rainwater goods should be in a dark colour as stated in the Application. Detail is lacking on the submitted drawings but I would invite the applicants to consider using rafter brackets or rise and fall brackets to fix rainwater goods, avoiding the need for, and future maintenance of bargeboards and soffits.
6. Any new signage associated with the development should be wall mounted. Free standing, pole-mounted signage should not be used;

Ramblers Association: Reply awaited;

Open Spaces Society: Reply awaited;

Development Services Planning & Housing Services - Local Plans: This brownfield site lies within a Primary Residential Area on the adopted Local Plan proposals map, within which proposals for new residential development are acceptable provided that they meet the four criteria in the policy.

Policy LC4 normally requires new family housing development to provide certain standards of play space provision. However, as this site was previously housing, and there is to be no net gain in units, and also bearing in mind the financial implications of delivering a 100% social rented development, the Council will not require play space provision within the site.

The supporting information provided by the applicant is out of date and does not refer to adopted Local Plan policies.

Northern Gas Networks: Northern Gas Networks advise that they have no objections but advise that there may be apparatus in the area that may be at risk during construction works and should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail . NGN also advise:

1. should diversionary works be necessary they will be fully rechargeable
2. the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter
3. privately owned networks and gas mains owned by other GT`s may also be present in this area and information with regard to such pipes should be obtained from the owners
4. service pipes, valves, siphons, stub connections,etc are not shown but their presence should be anticipated;

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Environment Agency: Reply awaited. Response to previous application was as follows:

" The site is located within Flood Zone 1 as defined in Table 1 of PPG25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal and coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

Within Flood Zone 1, primary flood risk from new development is that posed either to the site or others by increases in surface water run off. Development within this category can generate significant volumes of water. The impact and risks posed by this will vary according to the characteristics of the development itself i.e. the scale of impermeable surfacing and of the catchment concerned i.e. catchment size, distance from local watercourses, capacity of local watercourses, gradient, soil type etc.

The planning application states that surface water will be to 'existing mains drainage'. However, the existing site is to be demolished and the existing infrastructure is likely to be destroyed in the process.

Because there are known capacity problems in the receiving watercourse (Fairy Beck , a 'main river') it is vital that for a range of annual flow rate probabilities up to and including the 1% annual probability of occurrence (1 in 100 year event) the re-developed rate of run off into the receiving watercourse should be no greater than the existing for the same event.

As there is a potential for betterment, the volume of run off should be reduced where possible, primarily by the use of Sustainable Drainage Systems that deal with rainfall at source.

The Agency has no objections, in principal, to the proposed development but recommends that if planning permission is granted the following condition is included to reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.'

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works supported by a drainage impact assessment (DIA) has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

The Environment Agency note that a Geotechnical and ground Contamination Interpretive Report was enclosed with the application and if the Council are disposed to granting permission request the inclusion of a condition requiring a site investigation of potential on-site ground contamination."

Housing Services : The Barras Close site is a prime location for a new affordable housing development, owing to its proximity to local shops, bus stops, GP surgery etc.

This application strongly reflects the need identified in the Housing Market Assessment for Carlisle, which highlights a significant need for more rented family

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housing. The Assessment also flags up the shortage of two-bedroom bungalows to meet the needs of elderly and disabled people (e.g. allowing overnight stays for carer's etc.), as all of the existing CHA bungalows at Morton Park are only one-bedroomed.

The tenure of the homes on this application is significantly preferable to the previous application (06/1290) which was granted permission, but included only 12 new affordable homes, despite being on the site of 40 demolished social rented flats.

It is particularly important for the Morton Park area that this development does go ahead for socially rented housing, as the vast majority of the ex-Council family homes have long since been lost to the social sector through Right to Buy sales (over 90% in the case of 3-bed family homes). However, I am aware that CHA have indicated they are struggling to "stack up" the scheme due to the requirement to meet Homes and Communities Agency (formerly the Housing Corporation) design standards, and reduced Grant per unit available from the HCA.

If this site is not developed it is in danger of becoming an eyesore.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
99 Newlaites Avenue	04/02/09	
101 Newlaites Avenue	04/02/09	
98 Levens Drive	04/02/09	
100 Levens Drive	04/02/09	
102 Levens Drive	04/02/09	
104 Levens Drive	04/02/09	
106 Levens Drive	04/02/09	
108 Levens Drive	04/02/09	
110 Levens Drive	04/02/09	
112 Levens Drive	04/02/09	
114 Levens Drive	04/02/09	
116 Levens Drive	04/02/09	
118 Levens Drive	04/02/09	
120 Levens Drive	04/02/09	
122 Levens Drive	04/02/09	
124 Levens Drive	04/02/09	
126 Levens Drive	04/02/09	
128 Levens Drive	04/02/09	
130 Levens Drive	04/02/09	
48 Hallin Crescent	04/02/09	
50 Hallin Crescent	04/02/09	
52 Hallin Crescent	04/02/09	
54 Hallin Crescent	04/02/09	
56 Hallin Crescent	04/02/09	
58 Hallin Crescent	04/02/09	
60 Hallin Crescent	04/02/09	
62 Hallin Crescent	04/02/09	
64 Hallin Crescent	04/02/09	
66 Hallin Crescent	04/02/09	
68 Hallin Crescent	04/02/09	Undelivered

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St Edmunds Chapel	04/02/09	Undelivered
103 Newlaithes Avenue	04/02/09	
105 Newlaithes Avenue	04/02/09	
107 Newlaithes Avenue	04/02/09	
109 Newlaithes Avenue	04/02/09	
111 Newlaithes Avenue	04/02/09	
113 Newlaithes Avenue	04/02/09	
115 Newlaithes Avenue	04/02/09	
117 Newlaithes Avenue	04/02/09	
119 Newlaithes Avenue	04/02/09	
121 Newlaithes Avenue	04/02/09	
123 Newlaithes Avenue	04/02/09	
125 Newlaithes Avenue	04/02/09	
127 Newlaithes Avenue	04/02/09	
129 Newlaithes Avenue	04/02/09	
131 Newlaithes Avenue	04/02/09	
80 Levens Drive	04/02/09	
82 Levens Drive	04/02/09	
84 Levens Drive	04/02/09	
86 Levens Drive	04/02/09	
88 Levens Drive	04/02/09	
90 Levens Drive	04/02/09	
92 Levens Drive	04/02/09	
94 Levens Drive	04/02/09	
96 Levens Drive	04/02/09	

- 3.1 Local contacts and consultation with residents by Carlisle Housing Association leading up to two open days held immediately adjacent to the site to consult on the draft proposals in December 2009, all as described in the Design and Access statement.
- 3.2 Publicity was given to the application by press and site notice and by direct notification of neighbouring occupiers. No representations have been received.

4. Planning History

- 4.1 Planning applications for demolition and redevelopment of the site were withdrawn in 2005 (05/817), refused in 2006 (06/960) and approved in 2007 (06/1290).
- 4.2 An application for a Demolition Determination (06/04/DEM) was approved in 2007.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for full planning permission for 43 new affordable family houses for rent - 38 two-storey houses and 5 bungalows - on the cleared

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site at Barras Close, Morton. The development will be accessed via the existing junction of Barras Close from Newlaithes Avenue.

Background

- 5.2 The Barras Close site was transferred from the City of Carlisle to Carlisle Housing Association in December 2002. It was originally developed with two-storey local authority maisonettes and blocks of single storey garages. Planning permission was previously granted in December 2006, application reference 06/1290, for the development of 49 new dwellings together with the demolition of the garages and existing maisonettes. The maisonettes and 43 no. of the garages were demolished in 2008.
- 5.3 Barras Close is a 1.12 hectare site situated to the south-west of Carlisle city centre. The site also included two separate garage courts accessed from Levens Drive. One row of garages still remains on the site, located on the westerly edge. Currently the north-west of the site is bounded by the rear garden fences of properties on Newlaithes Avenue and to the north-east by Hallin Crescent. The rear garden fences to houses fronting on to Levens Drive form the south-eastern boundary. Beyond the application site towards the south-west is a chapel and a parade of shops.

The Proposal:

- 5.4 Carlisle Housing Association in partnership with Lovell intends to develop affordable housing for rent on the Barras Close site. It is proposed that the 43 new units are built to the requirements of Housing Quality Indicators as set out within the Design Quality Standards under the Homes and Communities Agency. The mix of housing that will be built on the site will be as follows:

Dwelling Types	Floor Area	Total no.
2 bed 3 person	68.5 m ²	(5 Bungalows)
2 bed 3 person	68.2 m ²	(2 Houses)
2 bed 4 person	76.2 m ²	(16 Houses)
3 bed 5 person	86.1 m ²	(16 Houses)
4 bed 6 person	108.64 m ²	(4 Houses)
TOTAL		43

- 5.5 The scheme will be financially supported by the Housing Corporation, and therefore all the new properties will be designed and constructed to a minimum of Level 3 under the Code for Sustainable Homes.
- 5.6 The Design and Access Statement submitted with the application refers to the following aspects of the proposal:

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1. **Environmental Considerations.** The design of the new housing actively encourages environmentally responsible ways of living by providing adequate space for the storage of recyclable refuse and space for the collection of rainwater for watering the garden. It is proposed that the units will contain a Solar Hot Water Heating System. The requirement for the project to be designed and built to meet Level 3 of the Code for Sustainable Homes, will ensure that the development meets a particular standard throughout the design and the construction.
2. **Car parking.** The layout has been designed to provide parking within curtilage for each dwelling. The 2001 Cumbria County Census, which gives statistics for car ownership in Carlisle for 1991 and 2001 has been used to estimate car ownership on Barras Close in 2010. These figures give percentages of households with no car as - 21.2%, with one car - 48%, with two cars - 24.8% and with three cars or more - 6.5%. Using this model within the application site there will be 9 units with no cars, 21 units with one car, ten units with two cars and 3 units with three or more cars. The designated in curtilage parking within the proposals is for 73 spaces. Direct access to all rear gardens has been provided and where possible, in curtilage parking is located between gables to reduce the visual impact of cars within the site. In curtilage parking is proposed within each plot, and no street parking is proposed.
3. **Security.** The layout and units are to be designed to meet Secured by Design standards where possible.
4. **Accessibility and Adaptability.** The Code for Sustainable Homes incorporates some of the key features of 'Lifetime Homes' and 'Building for Life', which define ways in which residential development can be designed with future adaptability in mind. As well as catering for people with a physical disabilities, the dwellings provide space for home office use for flexible employment. The site layout has been designed to facilitate level access into the units. Where units have been located on the more steeply sloping areas of the site, the plots will effectively be stepped to provide level access and relatively level rear gardens.
5. **Facing Materials** The residential area of Morton typically consists of two storey semi-detached housing. The majority of this is constructed from brown-buff brick with concrete tiled roofs. Two main facing materials have been proposed for the units – brick and render with the roofs being clad in concrete interlocking tiles.
6. **Highways.** The new position and layout of Barras Close has been laid out to comply with the Cumbria Design Guide for the Layout of New Residential Development. The aim is to keep traffic speed low while allowing pedestrians and vehicles to coexist safely.
7. **Landscape and External Works.** The importance of green space is recognised by both Government and local communities. The 'Agenda for

Sustainable Communities' places green space at its heart. The inclusion of landscape with design aims to maintain or improve landscape character, and it is considered important to place emphasis on enhancement and restoration of landscape and the promotion of biodiversity. Within the application site much of the proposed landscape will be within the rear private gardens to the dwellings. All the units in the new development will have private rear gardens and in addition on the street frontages, smaller private garden spaces will be provided screened by shrub planting. In these gardens and within pockets of landscaping throughout the site it is proposed to plant a mix of predominantly native species that will establish well and thrive in this locality.

8. The Benefits of Landscape Design. Landscape and amenity space provide a wide range of positive benefits for the local communities who live around them. The benefits within the proposed development include:
 - a small range of enhanced character areas that heighten enjoyment of the environment for its users;
 - a safe and comfortable external environment for users, pedestrians and cyclists maintaining existing links to destinations beyond the immediate neighbourhood;
 - a range of sunny private garden areas that will encourage healthy activities within the community.

9. Landscape Design Aims. Ainsley Gommon Architects have established landscape design aims in the proposals to create:
 - a high quality sustainable landscape environment that is attractive to residents and visitors;
 - a landscape proposal that will heighten enjoyment of the environment and provide visual stimulation, variety and seasonal diversity;
 - a safe, stimulating and comfortable external environment in which to live, work and spend time;
 - compliance with the Code for Sustainable Homes, which encourages the use of native species, and provide habitats for birds and insects.

10. Landscape and Maintenance. One of the factors that distinguish a sought after and valuable housing environment from a failing environment is the quality and character of the landscape. Proper maintenance is essential for landscape to thrive and to contribute to community well-being. Structured longterm maintenance of the landscape will have major benefits in security and standard of work.

- 5.7 The applicants have also submitted a Financial Statement in support of their contention that a Section 106 contribution to the provision and ongoing maintenance of open space/play facilities elsewhere, in lieu of providing the facilities on site, could potentially jeopardise the scheme. A commuted sum of over £80000 was required for the previous proposal (06/1290). Greenspace have not yet confirmed what the new contribution will be but it is expected to be of the same order.

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5.8 The Financial Statement includes the following key points:

1. As the proposed scheme is all for rent the houses will have to conform with standards set by the Homes and Communities Agency in order to make the scheme eligible for Social Housing Grant. This requires the size of the units to be increased and Code for Sustainable Homes level 3 to be achieved. Grant is required as there is no opportunity for cross subsidy on the site due to the development being single tenure
2. Despite the scheme being all for rent in order to meet local housing need, pre-application discussions have indicated that a Section 106 contribution will be sought from the new scheme for open space / play provision as the development provides 40 or more units.
3. As no cross subsidy is available for this scheme, the scheme will be funded by a combination of grant funding from the Homes and Communities Agency (HCA) and a mortgage taken against the value of net rental income over a 30 year period for a property when built. The rent levels that can be charged for these properties are set by the HCA.
4. Whilst discussions with the HCA have indicated that Social Housing Grant will be forthcoming for the scheme, the current grant levels that are being offered by the HCA are not sufficient for the grant, combined with the mortgage taken against the net rental income from a property, to pay the delivery of the scheme. It is therefore necessary for CHA to make up the shortfall from its own reserves in order to deliver this development.
5. The revenue created by the scheme is less than the total cost of delivering the scheme with a shortfall of approximately £418,385 (or approximately £9,700 per house), money CHA will have to find from its own reserves in order to deliver the project.
6. The costs above exclude the potential Section 106 Contribution that may be sought from the development. Any additional costs, such as the Section 106 Contribution, would have to be taken from CHA's reserves. This would potentially make this scheme unviable, the result being that the scheme may not proceed and the loss of 43 units for rent in an area of high housing demand.
7. In the best case, CHA may still proceed with the scheme but this additional £87,500 taken from CHA's reserves would come from money put aside to deliver affordable housing elsewhere in Carlisle. On the basis of this scheme, this money could otherwise have been used to deliver a further 9 properties for rent elsewhere in the city.

Assessment:

- 5.9 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

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the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.

5.10 PPS3 promotes a responsive approach to the provision of housing and an overall improvement in the responsiveness of the market to deliver much needed additional housing. Paragraph 3 specifically reflects the Government commitment to improving the affordability and supply of housing for all communities.

5.11 Paragraph 10 sets out 5 specific objectives for the planning system as follows:

- high quality housing that is well designed and built to a high standard.

- a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.

- a sufficient quantity of housing taking into account need and demand and seeking to improve choice.

- housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.

- a flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including reuse of previously-developed land, where appropriate.

5.12 The strategic policies of Joint Structure Plan (2001-2010) and the Regional Spatial Strategy reflect the Government`s four sustainable development objectives. The strategic policies to support this vision include:

- (a) focusing new development in Carlisle

- (b) giving priority to utilising, and making efficient use of, previously developed land

- (c) focusing on sites that are accessible by public transport, walking and cycling

- (d) ensuring the provision on new housing sites of a proportion of affordable housing for local people and their retention to meet affordable and local needs in perpetuity

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- 13 I consider that by (1) developing a previously developed site within easy walking/cycling distance of facilities and amenities, with good access to public transport, and (2) providing social housing for rent at a density of 38 units per hectare, the proposed development would contribute to the achievement of key sustainability objectives. The proposal is an integral part of a hierarchy of national, regional and local partnerships and initiatives seeking to deliver the Governments Sustainable Community objective and, at a local level, fulfil the Carlisle City Vision.
- 14 However while the principle of residential development of this site, including a financial contribution for the provision of play facilities outwith the site, has been established by the permission granted under reference 06/1290, the current proposal needs to be assessed against the objectives of the Carlisle District Local Plan (which reflect both National Government Policy and the Regional Spatial Strategy.
- 15 In consideration of this application Policies H2, H4, H5, CP5, CP6, CP9, CP12, CP15, CP16, CP17, LC3, LC4 and LC8 of the Carlisle District Local Plan(2001 - 2016). The relevant aspects of these policies seek to ensure that development proposals:
- (a) do not adversely effect the amenity of adjacent residential property
 - (b) should complement or enhance existing residential areas and their amenity
 - (c) have satisfactory access and appropriate parking arrangements
 - (d) provide an appropriate mix of different types of houses (including affordable housing) to meet the needs of different types of household
 - (e) achieve high standards of design
 - (f) provide a choice of means of travel to the site and ensure that the new development is designed to provide safe and convenient access for cyclists and pedestrians
 - (g) include the provision of suitable areas of open space for public use for passive and active recreation either within the development or elsewhere, through commuted payments towards the provision of play space
 - (h) where appropriate, retain existing trees, shrubs and hedges and implement landscaping schemes
 - (i) contribute to creating a safe and secure environment minimising the opportunity for crime
 - (j) address situations where an increase in surface water run-off is likely to create or exacerbate flooding problems

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- (k) do not adversely affect protected species and ensure that their habitats are not affected by development
- (l) protect rights of way
- (m) take account of the need for energy conservation and efficiency, recycling and waste minimisation

5.16 Taking each of the policy objectives in turn:

a. Amenity of Existing Residential Property:

The Council's guidelines for separation distances between primary facing windows (21 metres) and 12 metres gable end to primary facing window is met in the majority of cases. However in the case of properties in Leven's Drive which have built rear extensions, the proposed separation distance is the same as, or greater than, the distance from the former flats with the added advantage that the upper windows of the new dwellings are bedrooms rather than living rooms. Plot 18 has a secondary bedroom window in the gable facing but it does not directly face primary windows in the existing property (92/94 Leven's Drive). The separation distance between the rear windows of Nos 80 to 86 Leven's Drive and the gable of the house on Plot 15 is 11.8 metres - marginally less than the guideline distance. The applicant has been approached regarding this but it is unlikely that this full guideline distance can be achieved without compromising the remainder of the layout. Given the overall benefits which the development will bring, it is not considered that it would merit refusal of the application.

Where the separation distance between primary facing windows is less than 21 metres between some of the existing and proposed properties in Newlathes Avenue, the only upper floor windows are bathrooms and a condition can be attached to require opaque glazing.

Rear gardens are enclosed by fences and hedge planting which will be 1800mm high on all interface boundaries and 1500mm high on the majority of party boundaries with 1800mm high privacy screening where the party fence abuts the dwelling.

It is considered that the length of rear gardens of both the proposed and existing houses, close-boarded fencing and the siting and design of the new houses will ensure that the privacy of existing properties is safeguarded.

b. Character of the Existing Residential Area:

With the exception of part of the western/southwestern boundary which adjoins the rear of the shops in Newlathes Avenue, the development site is surrounded by a mixture of two storey terraced housing, bungalows and flats. The site has already been cleared of housing and most of the garages. The

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removal of the remaining garages to the rear of the shops and the erection of social housing of a type for which there is a demand, in a landscaped setting with off-street parking would enhance the amenity of the existing residential area. If this site is not developed it is in danger of becoming an eyesore

c. Access and Parking:

A total of 73 curtilage parking spaces have been provided. Generally all bungalows and two bedroom houses have one in curtilage parking spaces and houses with 3 or 4 bedrooms have been provided with two parking spaces. The new position of Barras Close has been laid out to comply with the Cumbria Design Guide for the layout of New Residential Development and the aim is to keep traffic speed low while allowing pedestrians and vehicles to co-exist safely. Cumbria Highways have indicated that, because the number of houses proposed is less than those demolished they do not envisage any problems at the junction of the access road with Newlathes Avenue. They have no objections to the proposal subject to the developer entering into a suitable section 38 agreement with this authority to enable the internal roads to be adopted and to conditions being applied with regard to submission of full design details, phasing of highway construction works and adequate provision for construction vehicles.

With regard to the need to provide for easy, safe and inclusive access to, into and within buildings, houses complying with the Code for Sustainable Homes are designed with future adaptability in mind (including catering for disabled persons)

d. Appropriate mix of House Types:

Housing Services have advised that this application strongly reflects the need identified in the Housing Market Assessment for Carlisle, which highlights a significant need for more rented family housing. The Assessment also flags up the shortage of two-bedroom bungalows to meet the needs of elderly and disabled people (e.g. allowing overnight stays for carer's etc.), as all of the existing CHA bungalows at Morton Park are only one-bedroomed.

Housing Services also advise that:

1. it is particularly important for the Morton Park area that this development does go ahead for socially rented housing, as the vast majority of the ex-Council family homes have long since been lost to the social sector through Right to Buy sales (over 90% in the case of 3-bed family homes); and
2. CHA have indicated they are struggling to "stack up" the scheme due to the requirement to meet Homes and Communities Agency (formerly the Housing Corporation) design standards, and reduced Grant per unit available from the HCA.

e. Standards of Design:

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Brick and render will provide a contrast with each other and will be used to offer variation to the elevations and mark the entrance positions. The proposal to introduce render on the elevations, will create an opportunity for colour in an otherwise monotonous visual environment. The roofs will be clad in concrete interlocking tiles, which will provide a low maintenance and long life roof covering.

It is recognised that the house plan layouts and elevations are plot specific and provide active frontages with roof pitches designed for the use of solar thermal panels.

While it is considered that the design has well integrated components and is in harmony with the surrounding residential area, the applicant's response is awaited to the suggestions made by the Council's Urban Design Officer with regard to window design and possible future maintenance issues.

f. Choice of Means of Travel to the Site:

There are convenient links to public transport and shops and suitable cycle and pedestrian links. The design of the house includes storage for bicycles to allow the use of non-polluting means of personal transport

g. Openspace provision:

As with the existing planning permission none of the original open space (0.18ha) is retained. Although it is not intended to provide a play area within the proposed development, a commuted sum towards the provision and on-going maintenance of a new or enhanced off-site facility could be secured by a legal agreement between developers and the Council. The applicant has indicated that having to make this contribution could threaten the viability of the whole scheme. If the scheme does proceed but the contribution would have to come from CHA reserves put aside to deliver affordable housing elsewhere in Carlisle. The applicant has advised that on the basis of this scheme, the money could have been used to deliver a further 9 properties for rent elsewhere in the city.

While the latter would address a real housing need, it is equally important that the families occupying the social housing have ready access to play facilities and I consider therefore that unless it can be conclusively established that paying the contribution to provide play facilities would make the scheme unviable, the request for the Council to waive the contribution should be denied. Professional advice has been sought on this issue.

h. Landscaping:

The site currently lacks any mature healthy trees and it is recognised that the small number of garden remnants do not merit retention.

The landscape proposals are intended to soften and integrate the edges of

SCHEDULE A: Applications with Recommendation

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this new housing development into its surroundings using native trees and shrubs. Within the new development the houses, streets and gardens will be planted with trees of appropriate scale and character for residential use and for the fairly intimate scale of this small development. Plants have been selected to enhance the setting of the new dwellings and to respond to the expected findings of the ecological survey which is to be carried out.

A condition is required to ensure (1) submission of methods of ground preparation and planting to be employed together with details of the type and density of plants in the shrub beds and (2) implementation.

i. Security and Crime:

The Secured by Design standard takes into account the layout of the site and passive security provided by dwellings overlooking footpaths. The proposals provide active frontages in all parts of the layout, and where gables overlook the footpaths these incorporate windows that allow for surveillance. Rear gardens are enclosed by fences and hedge planting .

Front boundaries will be protected by knee rails, and corners vulnerable to short-cutting will be protected by wall and railings 900-1000mm high. The locking mechanisms and detailing of the doors and windows have been specified to meet Pass 24 standards (for Secured by Design). The footpaths will be illuminated with new lighting meeting Cumbria County Council standards and the layout of the site is designed to create passive surveillance of all areas.

The Architectural Liaison Officer is generally satisfied with proposals but has advised that as the footpath link to Levens Drive is retained the scheme does not meet the full Secured by Design standard . He has also suggested modifications to the scheme and requires some additional information. A response is awaited from the applicant.

j. Surface Water Runoff:

A condition was attached to the previous permission requiring submission of details of a scheme for the provision of surface water drainage works. The applicant has been asked to clarify the proposals for the discharge of surface water as discharge to the Public Sewerage System may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

k. Protected Species:

The new landscape will be used to maintain the biodiversity of the site, and provide and extend habitats for local wildlife.

l. Rights of Way:

The proposal submitted retains the footpath which links Barras Close with Levens Drive. With the redevelopment of the garage court it has been

SCHEDULE A: Applications with Recommendation

09/0036

possible to simplify and widen the route of the footpath so that there are no right angled bends within it and therefore no areas along it that are secluded and dangerous in terms of prevention of crime. A condition can be attached requiring a footpath diversion order to be progressed

m. Energy Conservation/ Waste Minimisation/ Recycling

It is proposed that the units will contain a Solar Hot Water Heating System, adequate space for the storage of recycleable refuse and space for the collection of rain water for watering the garden.

Conclusion:

- 5.17 Clarification of issues with regard to detailed design considerations, storm water drainage, the contribution for the provision and maintenance of play facilities outwith the site and issues raised by the Architectural Liason Officer, are currently underway and an update will be provided at Committee. Subject to satisfactory resolution of these issues, it is considered that the proposed development accords with the provisions of the Development Plan. As there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Development Plan and is recommended for approval subject to appropriate conditions.

6. Human Rights Act 1998

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

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

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

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

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

- 6.3 The proposal has been considered 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.

SCHEDULE A: Applications with Recommendation

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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 carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

3. No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

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

4. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until 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. To support Local Transport Plan Policy LD8.

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works, supported by a Drainage Impact Assessment (DIA), has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

SCHEDULE A: Applications with Recommendation

09/0036

Reason: To ensure a satisfactory means of surface water disposal in accordance with the objectives of Policy CP12 of the Carlisle District Local Plan (2001 - 2016)

6. No development shall take place until further details of the landscaping scheme, including methods of ground preparation and planting to be employed together with details of the type and density of plants in the shrub beds, 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 CP5 of the Carlisle District Local Plan (2001 - 2016)

7. 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 buildings 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.

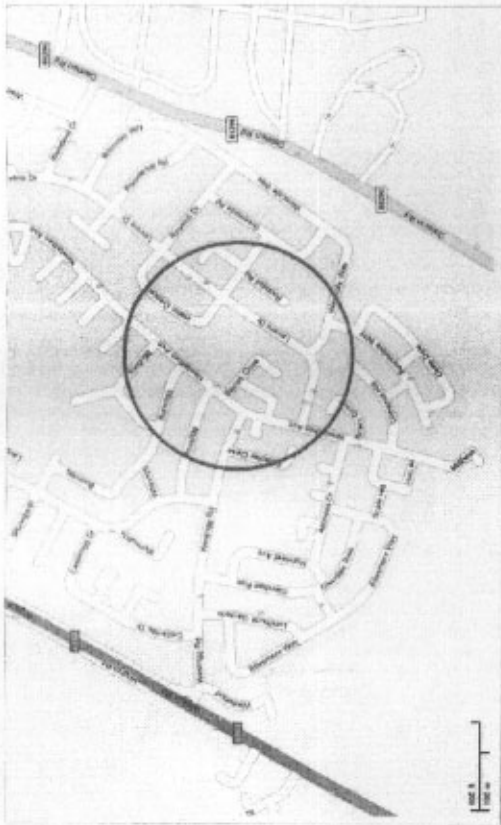
Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan (2001 - 2016)

8. No work shall commence on site until a footpath diversion order, under Section 257 of the Town and Country Planning Act 1990, has been confirmed and the route constructed to accommodate walkers in safety.

Reason: To ensure that the right-of-way over Footpath 109291 is retained in accordance with the objectives of Policy LC8 of the Carlisle District Local Plan (2001 - 2016)

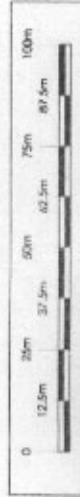
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the first floor windows to the bathrooms in the western elevation of Plot 6 shall be obscure glazed, to a minimum of Factor 3, and non-opening 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 H2 and CP5 of the Carlisle District Local Plan (2001 - 2016).

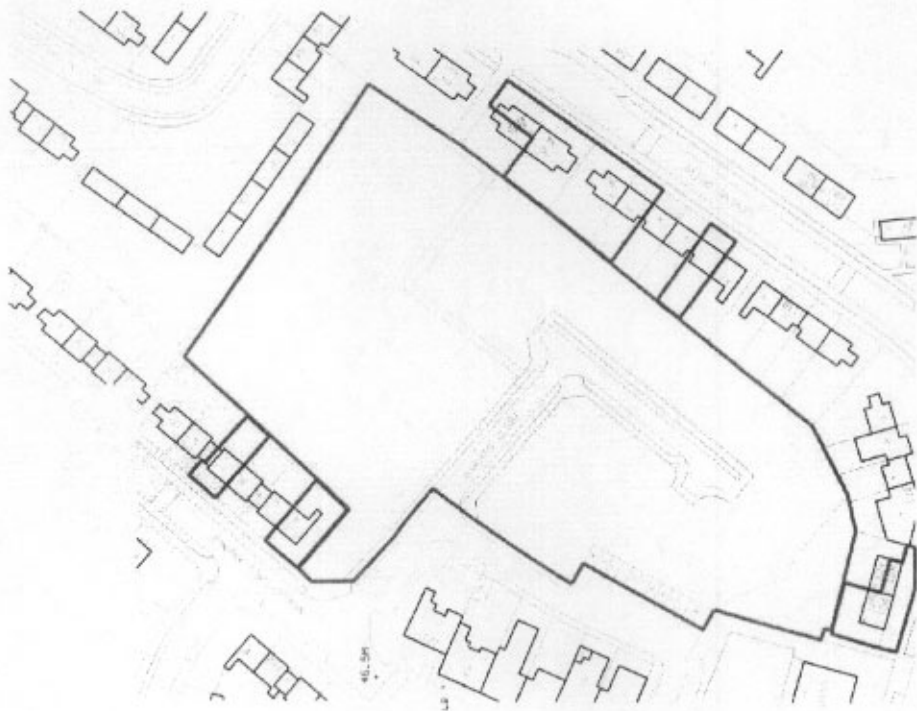


Site Location Plan NTS

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28 JAN 2010
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DRAWING STATUS:		PLANNING
Baron's Close, Morton, Carlisle		
1187-PL010 Location Plan		
1:1250	20.01.09	SL



Site Location Plan 1:1250

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Boundary Treatments

- F1 - 1500mm Moblone
- F2 - 1800mm Moblone
- F3 - 1800mm fence with trellis
- F4 - 1200mm close boarded fence
- F5 - 1800mm close boarded fence
- F6 - 1200mm wall with 600mm trellis above
- F7 - 1000mm railings
- F8 - 1500mm fence on retaining wall
- F9 - 2100mm privacy screen
- F10 - 450mm trip rail/knee rail

Plot Mix

2B 3P Bungalow	5
2B 3P House	2
2B 4P House	16
3B 5P House	16
4B 6P House	4
Total	43

Slab Levels to be within +/- 150mm of those stated.

Proposed Site Layout

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FOR
OFFICIAL
USE

Carlisle LOVELL

DRAWING (DATE) PLANNING

DATE AND SCALE

BY (NAME) PROJECT NO (NUMBER)

1:1000 1:1000 1:1000



Plot Mix

2B 3P Bungalow	5
2B 3P House	2
2B 4P House	16
3B 5P House	16
4B 6P House	4
Total	43

Slab Levels to be within +/- 150mm of those stated

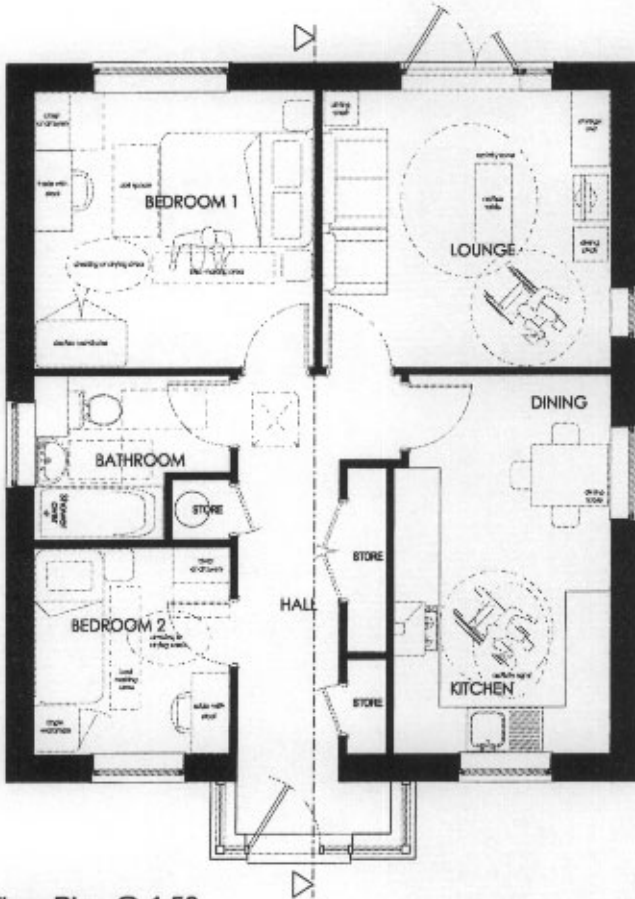
Proposed Landscaping Layout

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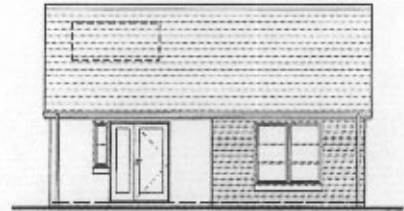
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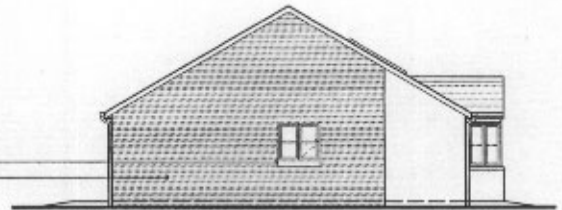
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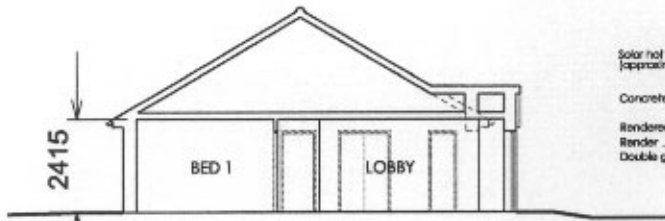
Front Elevation



Rear Elevation



Gable Elevation



Section

- Solar hot water heating panels (approximate location)
- Concrete tiled roof
- Rendered window surround
- Render
- Double glazed windows



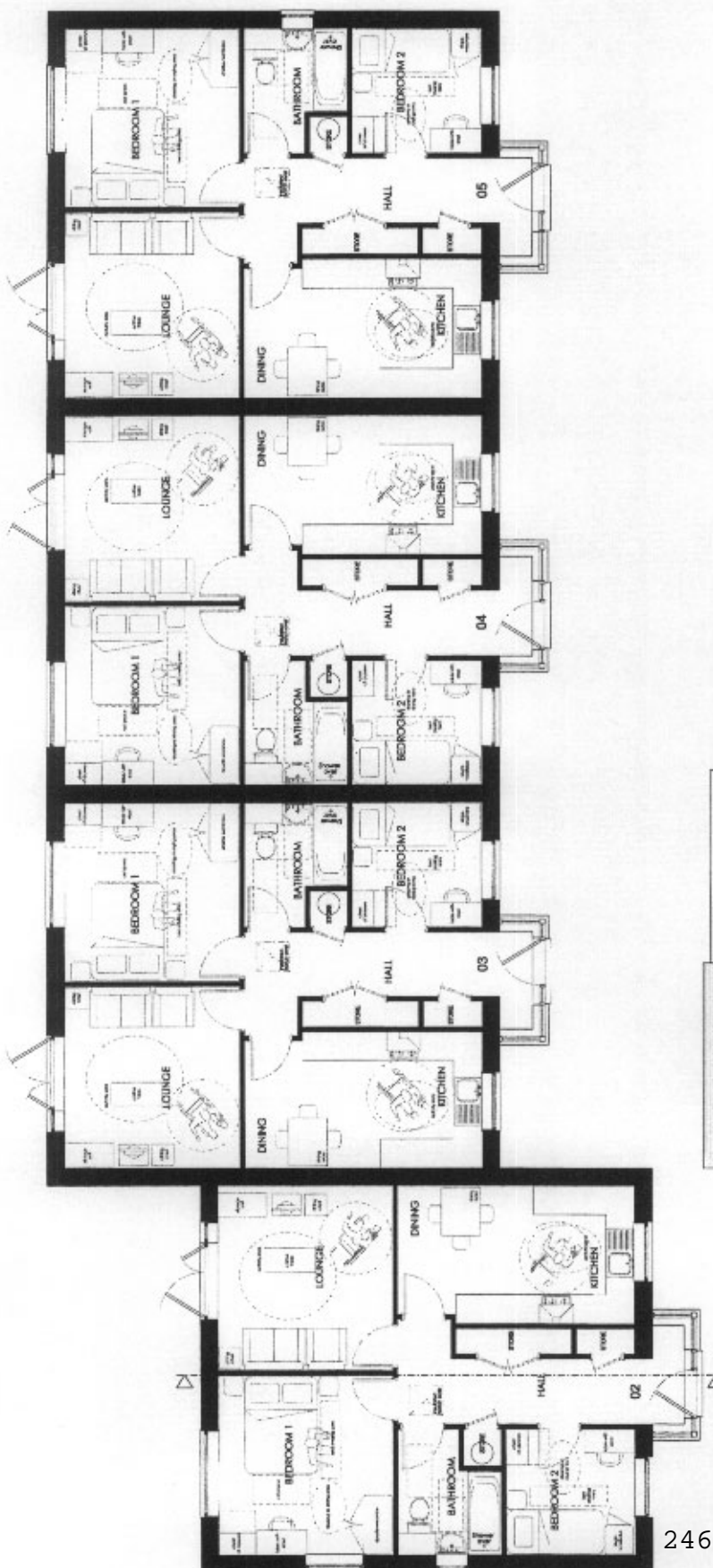
Gable Elevation

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Plot 01

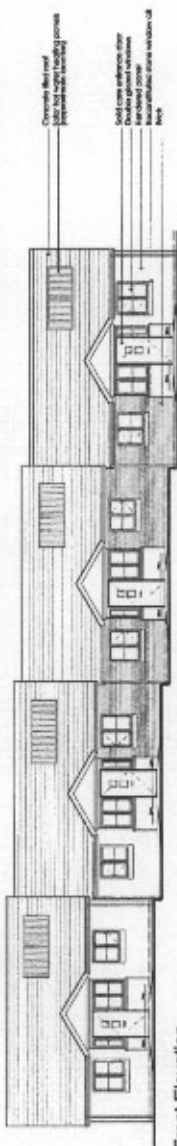
Carlisle HOUSING ASSOCIATION **LOVELL**

Ainsley Gannon	DRAWING STATUS:	PLANNING
	Barra Close, Marlon, Castle	
	1187/PL100 Block Plans, Elevations & Section - Plot 01	
1:100	13-01-09	SL

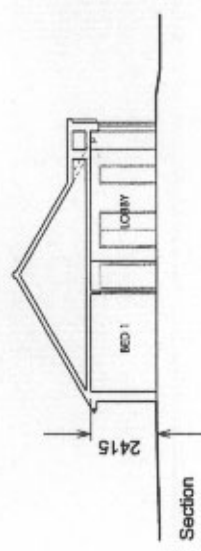


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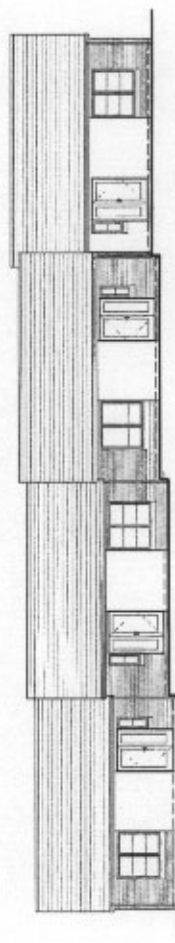
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Front Elevation



Section



Rear Elevation



Gable Elevation

Gable Elevation

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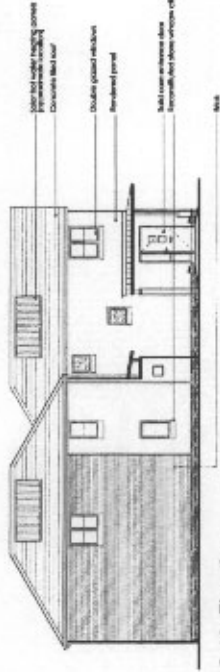
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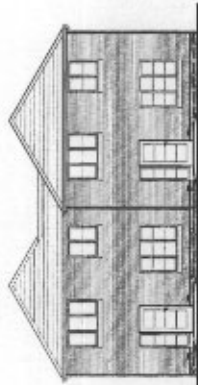
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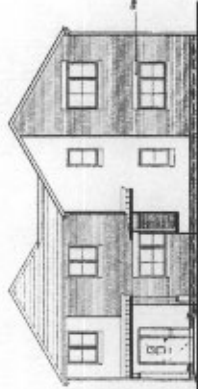
 Anlley Gorman



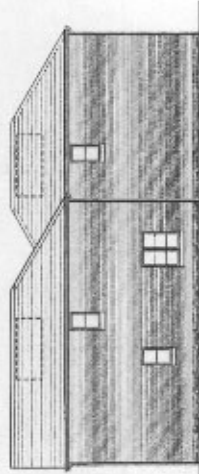
Gable Elevation



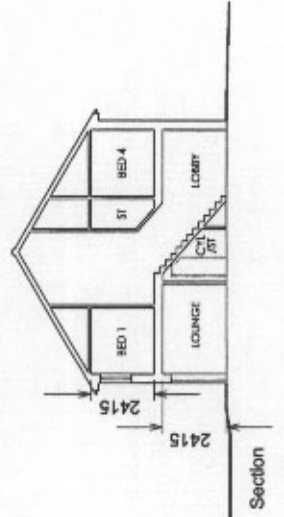
Rear Elevation



Front Elevation



Gable Elevation



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31 JAN 2003
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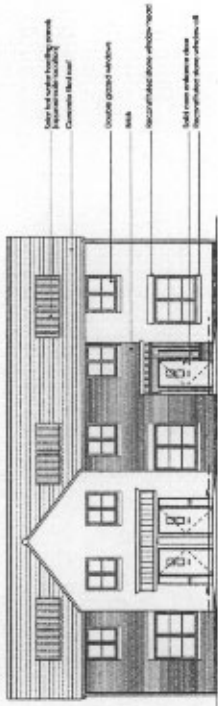
Carlisle Lovell
PLANNING

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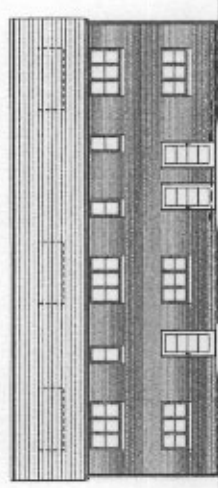
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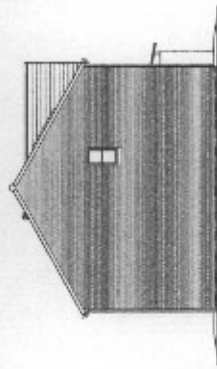
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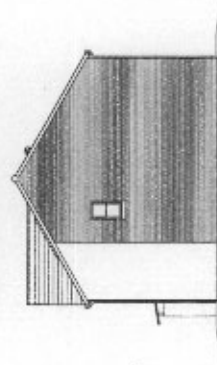
Front Elevation



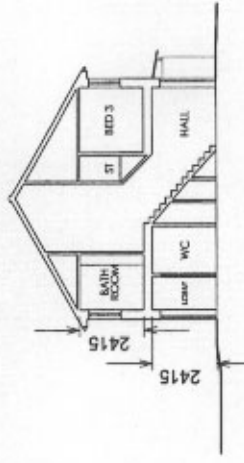
Rear Elevation



Gable Elevation.



Gable Elevation

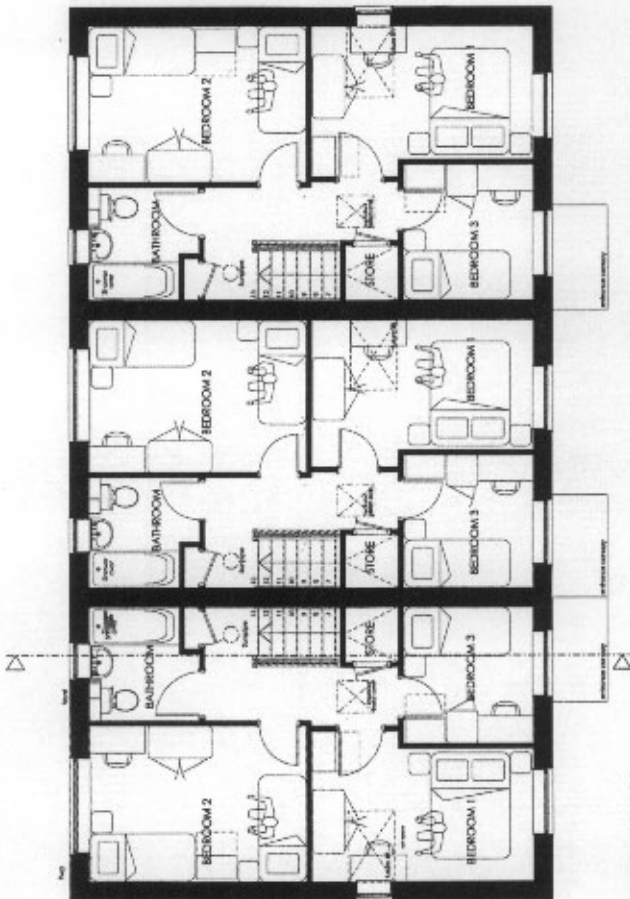


Section

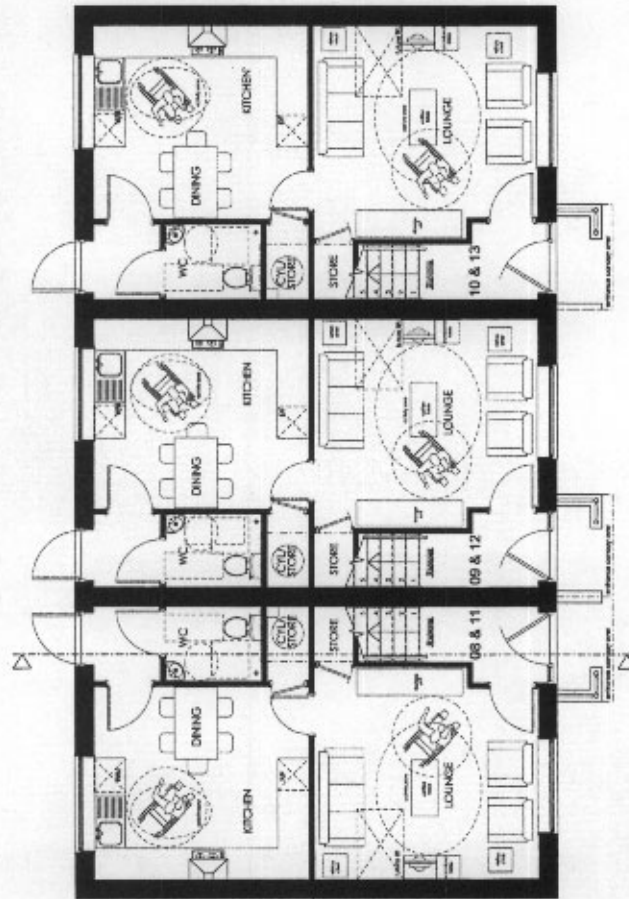
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118/PL/100 Rev: Plans, Elevations & Section - Phase 1 - 10
1:100

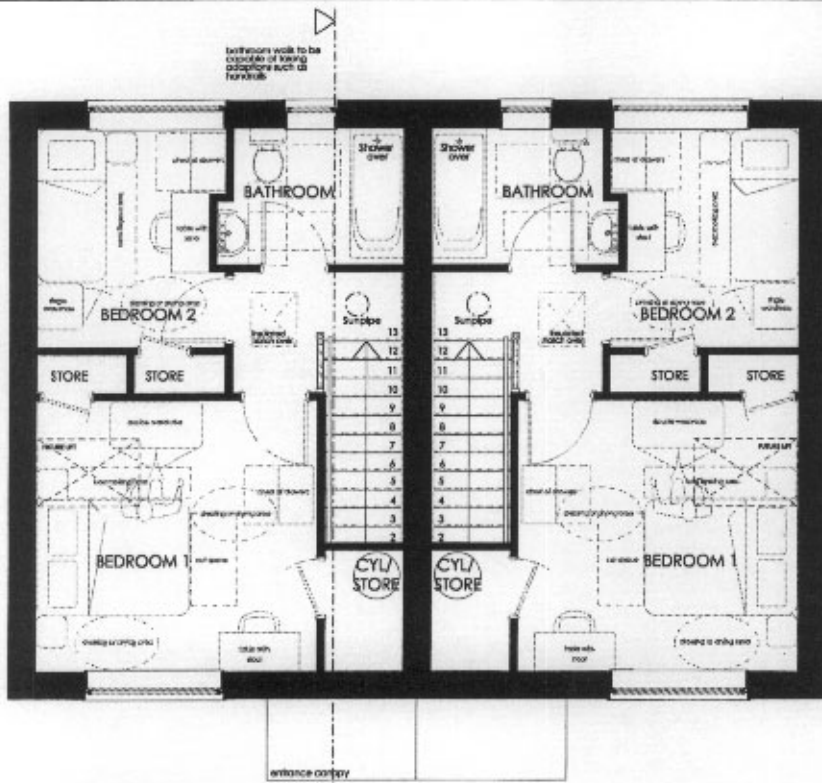
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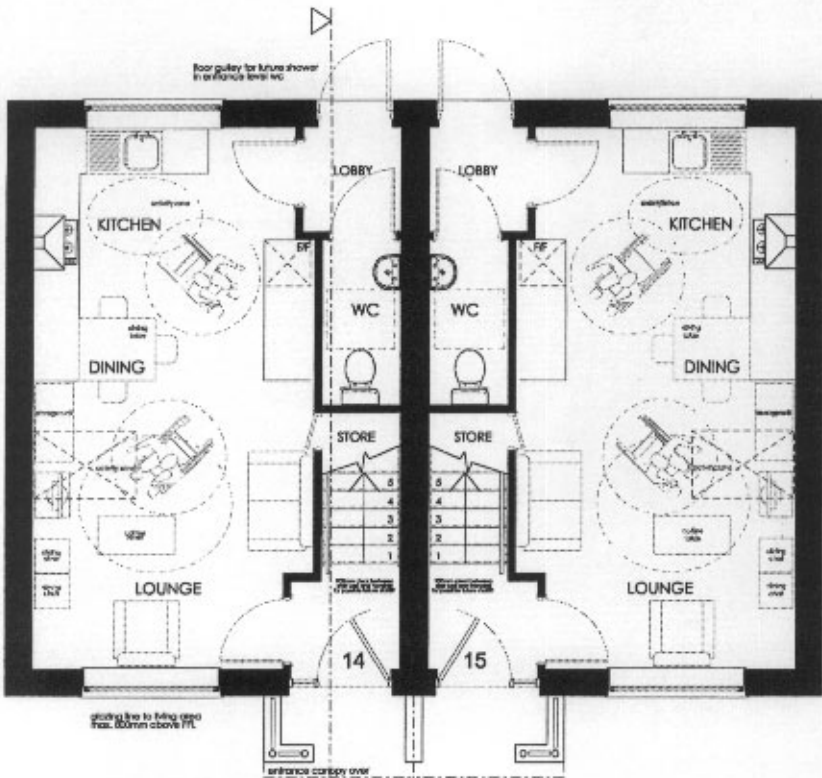
First Floor Plan @ 1:50



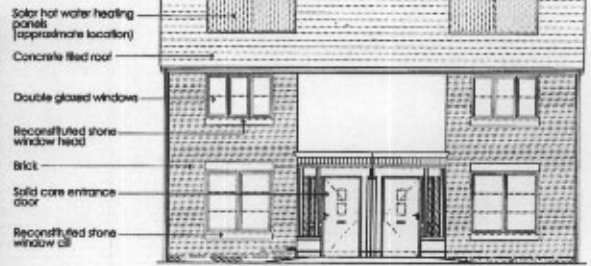
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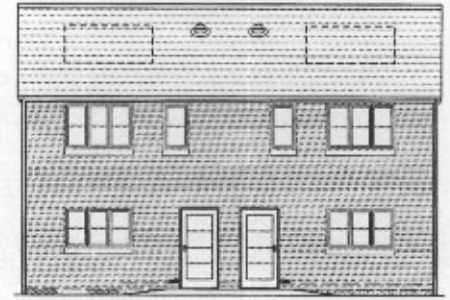
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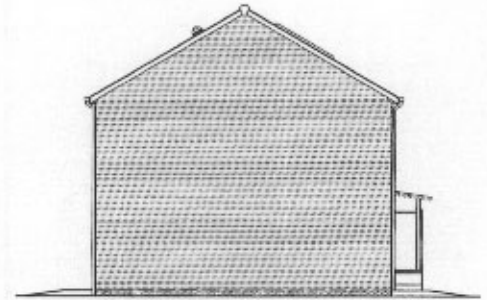
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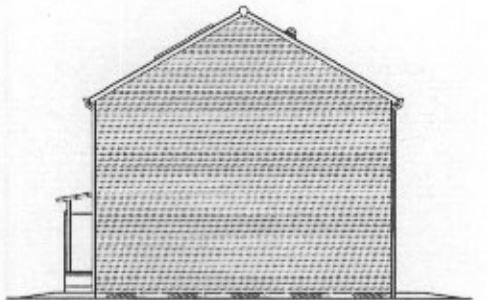
Front Elevation



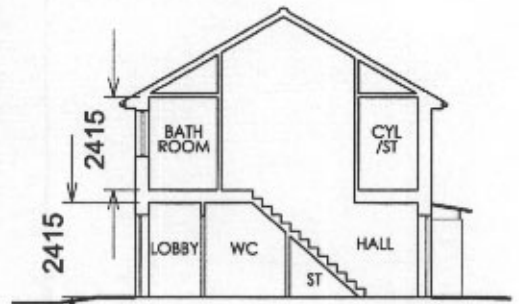
Rear Elevation



Gable Elevation



Gable Elevation



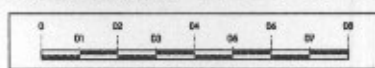
Section

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09/0036

Plots 14 - 15

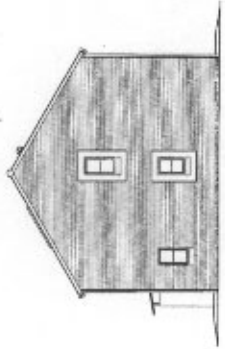
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Carlisle **LOVELL**
RESIDENTIAL ARCHITECTS

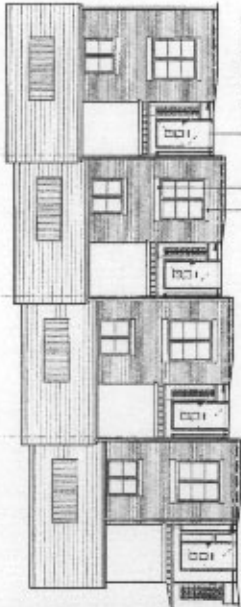


Ainsley Common RESIDENTIAL ARCHITECTS	DRAWING STATUS:	PLANNING
	4	Barrow Close, Marston, Carlisle
	1187/PL104	Block Plans, Elevations & Section - Plots 14 - 15
	1:100	13-01-09

*This form is for the use of the Architect, Surveyor, Engineer, etc. It is not to be used for the purpose of a contract. It is not to be used for the purpose of a contract. It is not to be used for the purpose of a contract.



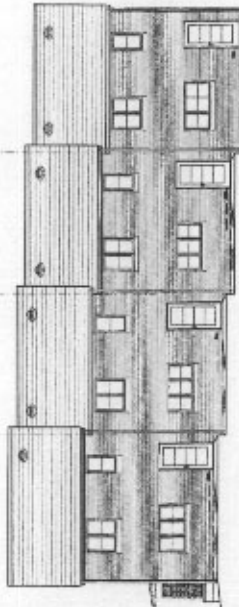
Gable Elevation



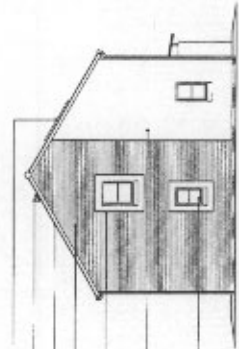
Front Elevation



Gable Elevation



Rear Elevation



Section

- 1:100 1st floor (including garden)
- 1:100 2nd floor (including landing)
- 1:100 3rd floor
- 1:100 4th floor
- 1:100 5th floor
- 1:100 6th floor
- 1:100 7th floor
- 1:100 8th floor
- 1:100 9th floor
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- 1:100 50th floor

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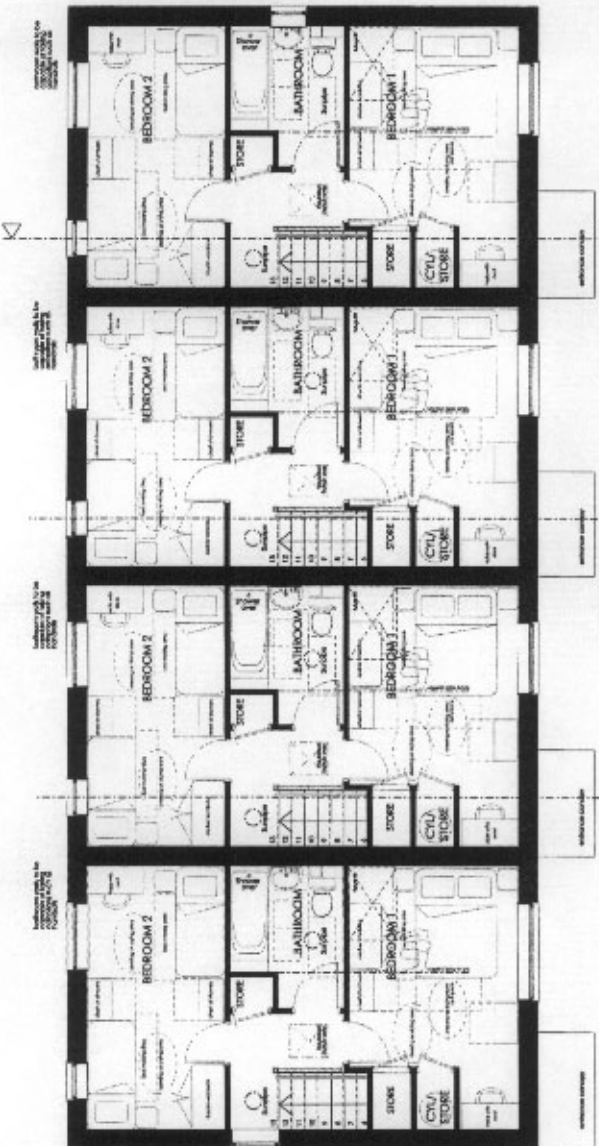
Carlisle Lovell

DRAWING STATUS: PLANNING

1182/PT/104 - Block 19a, Southside & Garden, Plot 19-22

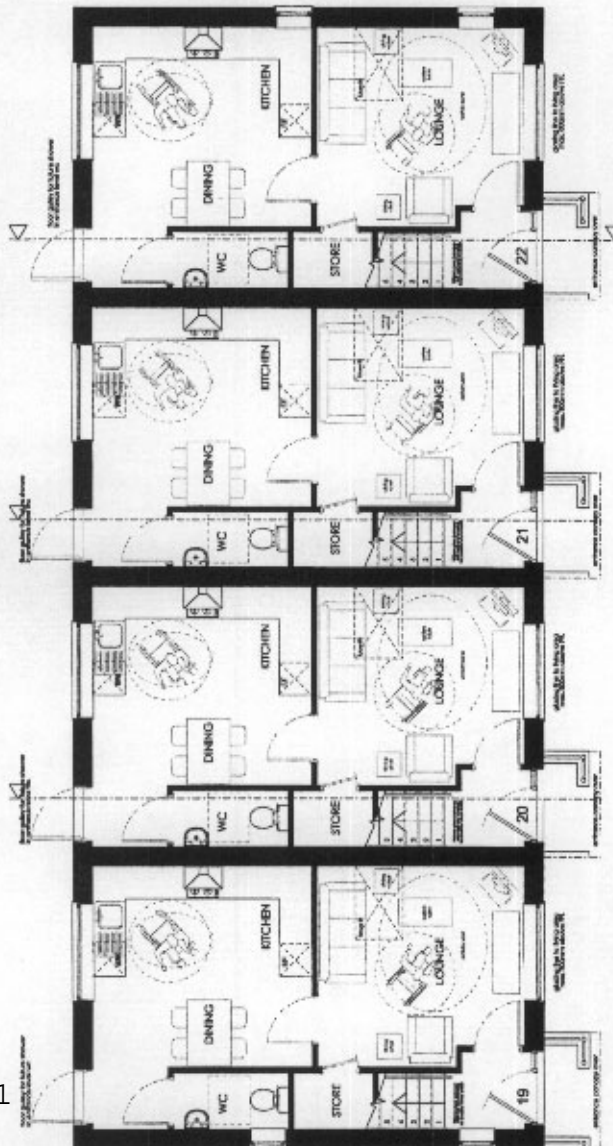
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Arday Common



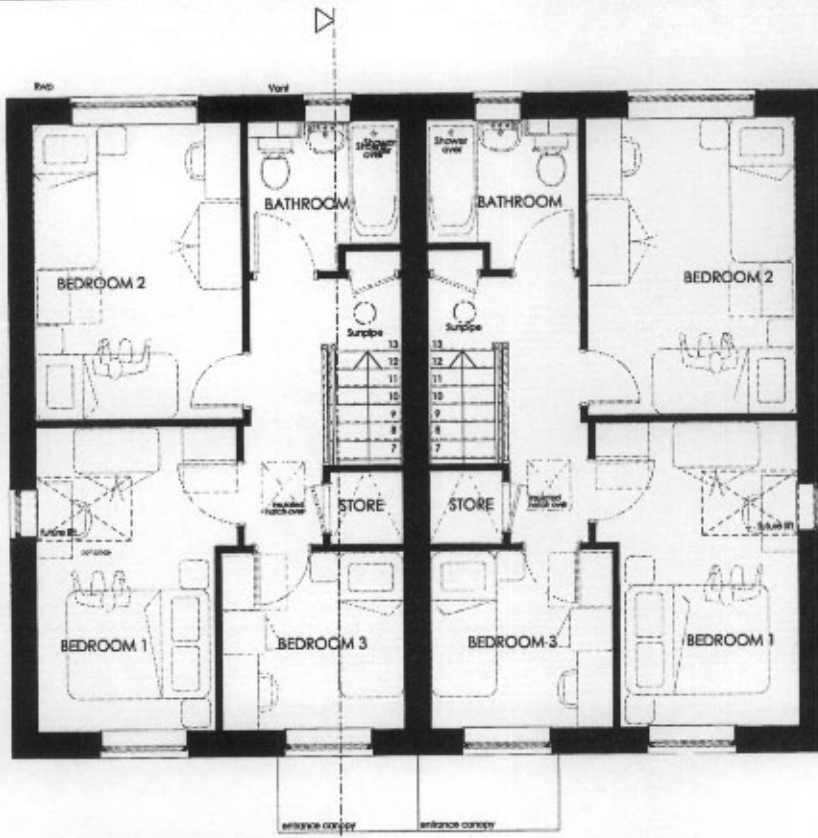
First Floor Plan @ 1:50

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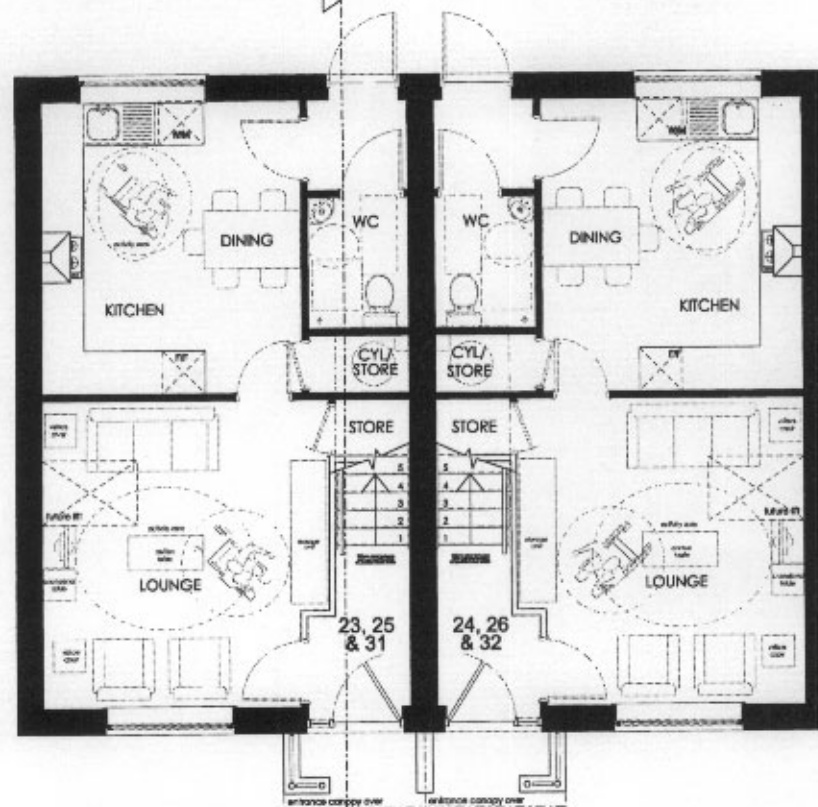


Ground Floor Plan @ 1:50

Plots 19 - 22



First Floor Plan @ 1:50

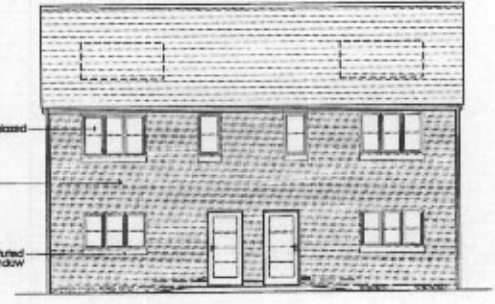


Ground Floor Plan @ 1:50

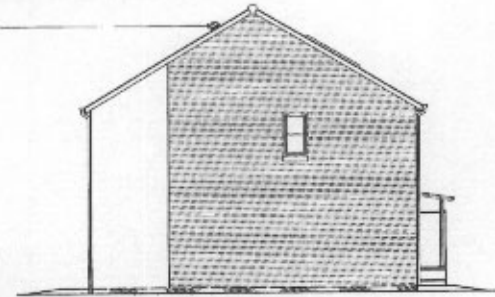
Plots 23 - 26 & 31 - 32



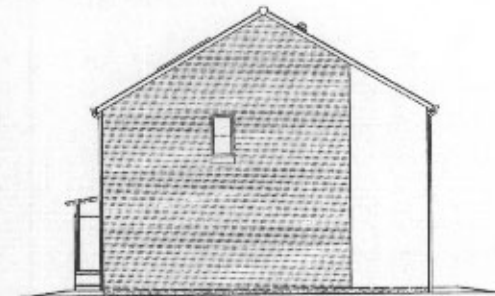
Front Elevation



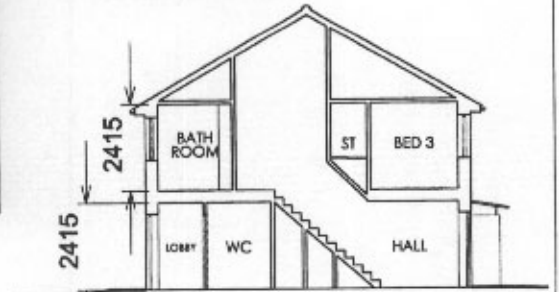
Rear Elevation



Gable Elevation



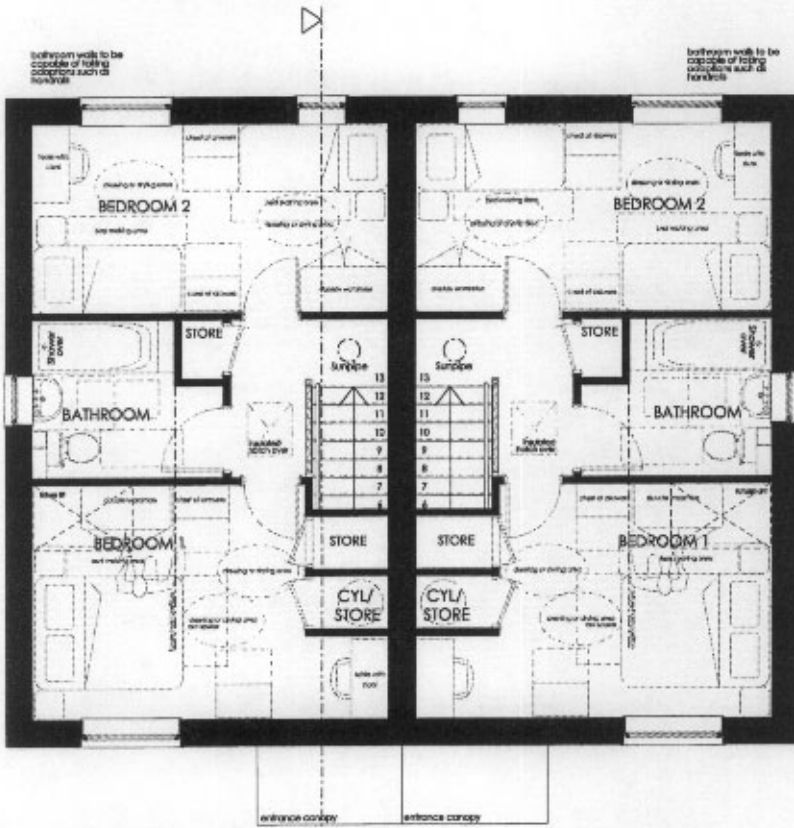
Gable Elevation



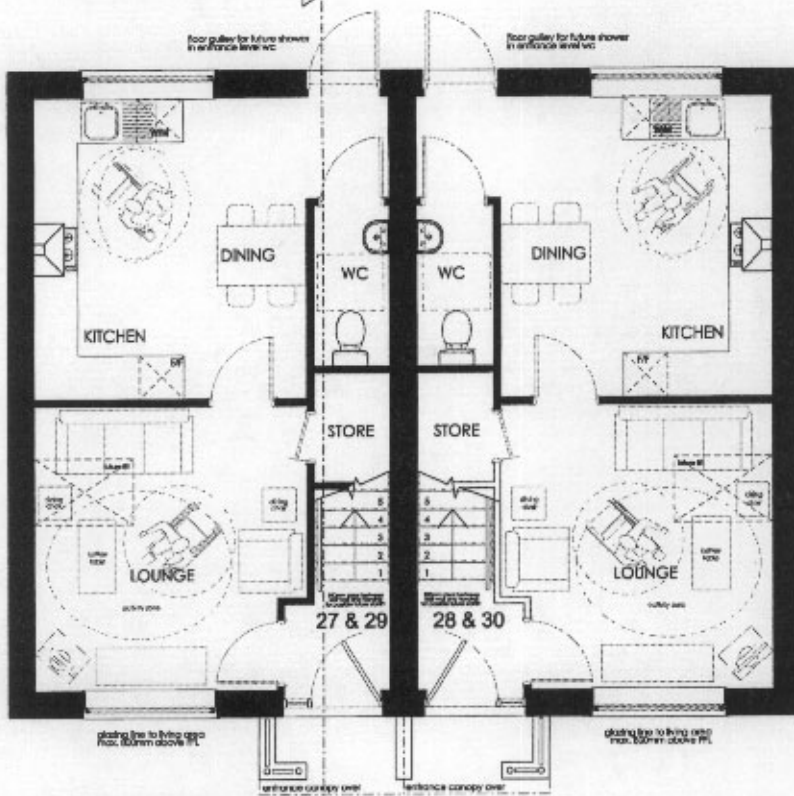
Section

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28 JAN 2019
09:09:36

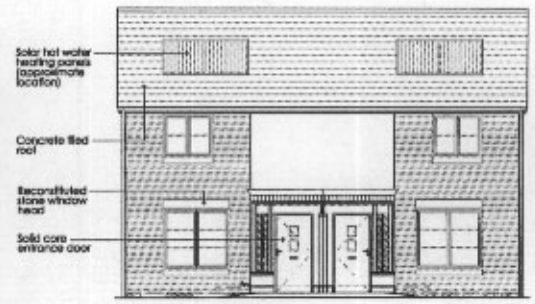
Ainsley Common	DRAWING STATUS:	PLANNING
	Barra Close, Morton, Carlisle	
	1187/PL107 Block Plans, Elevations & Section - Plots 23 - 34 & 31 - 32	
Scale:	1:100	Date: 13-01-09



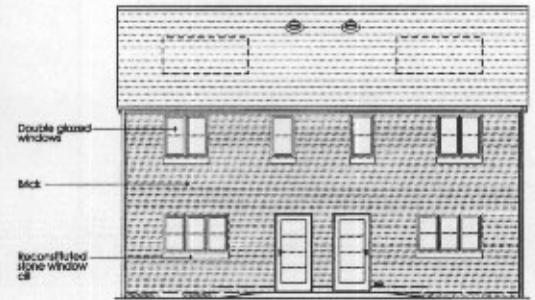
First Floor Plan @ 1:50



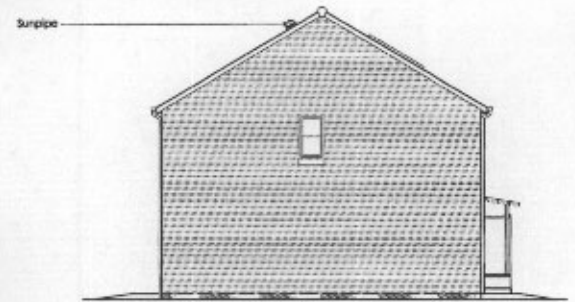
Ground Floor Plan @ 1:50



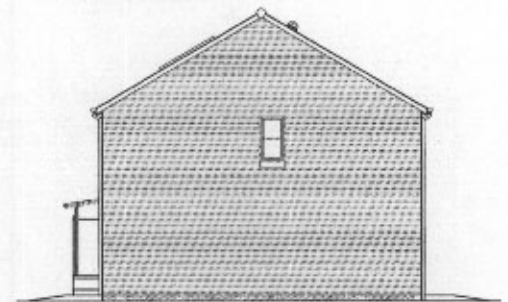
Front Elevation



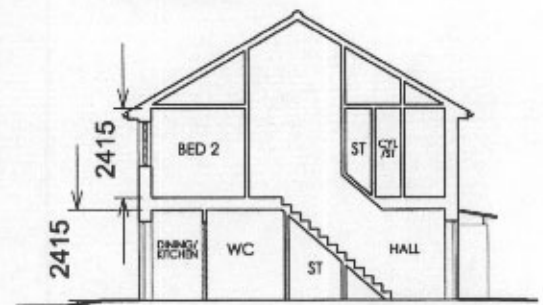
Rear Elevation



Gable Elevation



Gable Elevation



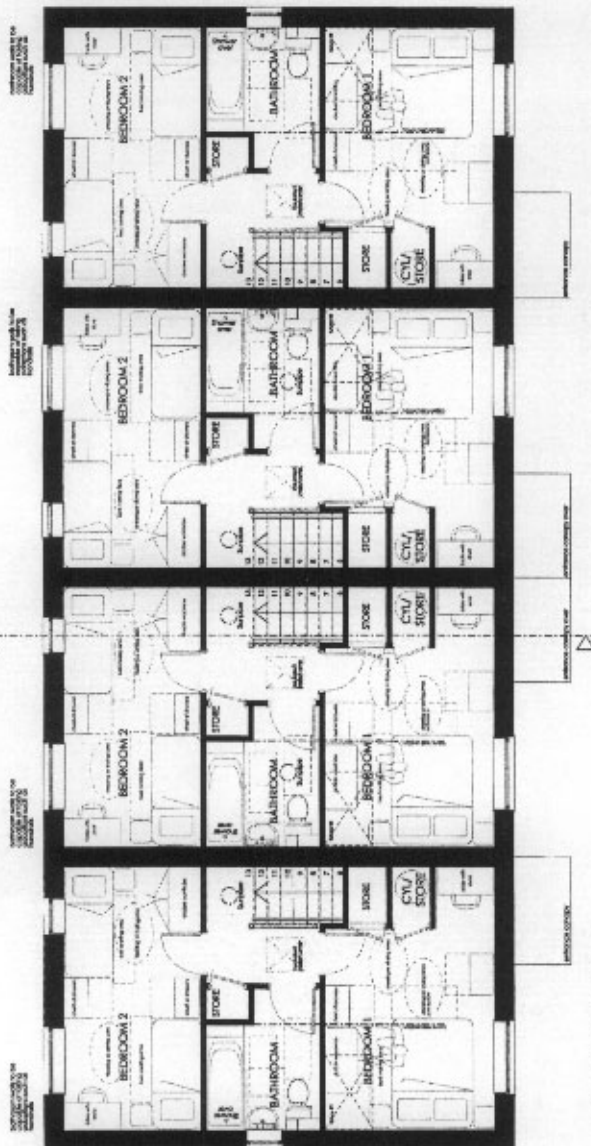
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09/0036

Plots 27 - 30

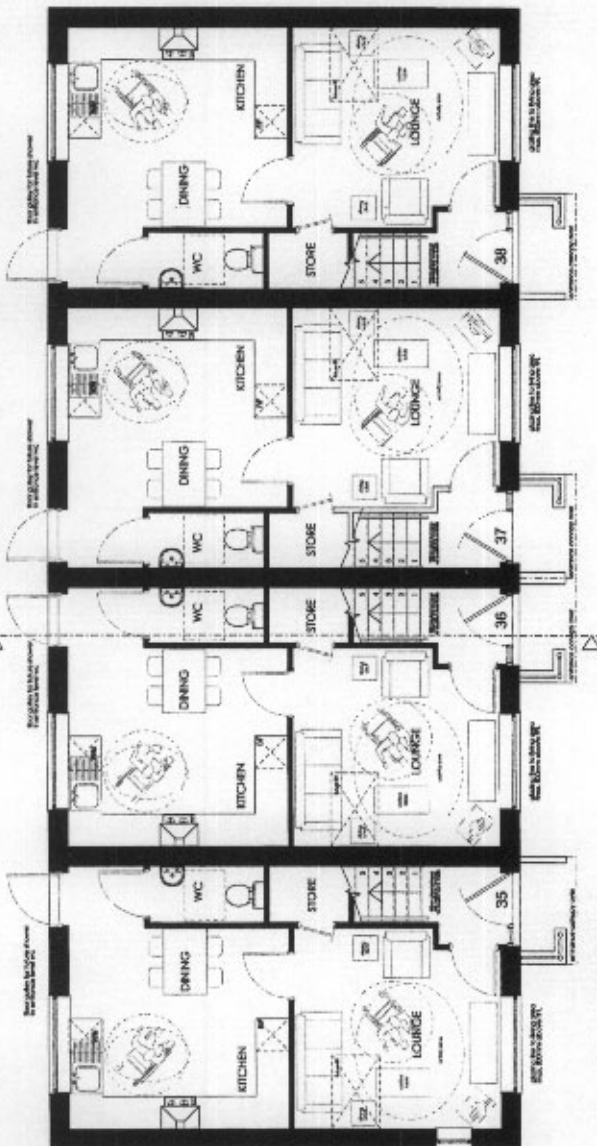
Carlisle HOUSING ASSOCIATION **LOVELL**

Ainsley Common	DRAWING STATUS:	PLANNING
	Barnes Close, Morton, Carlisle	
	1187/PL108 Block Plans, Elevations & Section - Plots 27 - 30	
	1:100	13-01-09



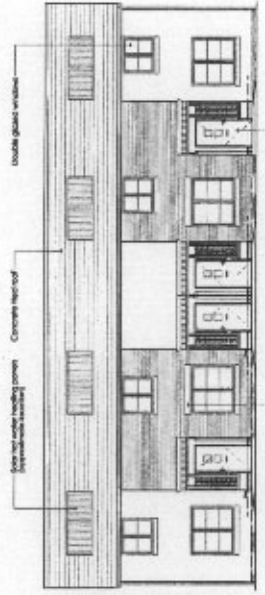
First Floor Plan @ 1:50

254



Ground Floor Plan @ 1:50

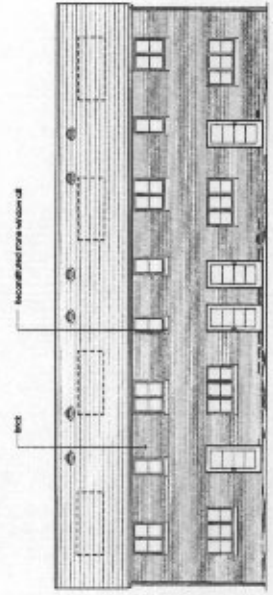
Plots 35 - 38



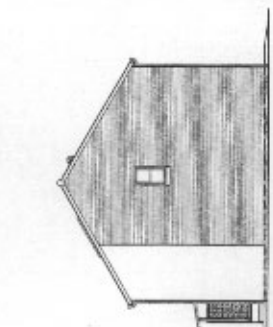
Front Elevation



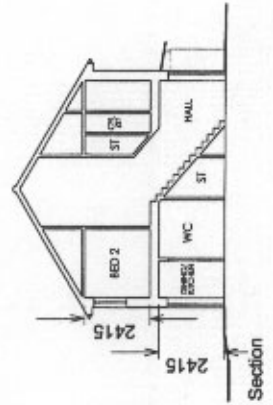
Gable Elevation



Rear Elevation



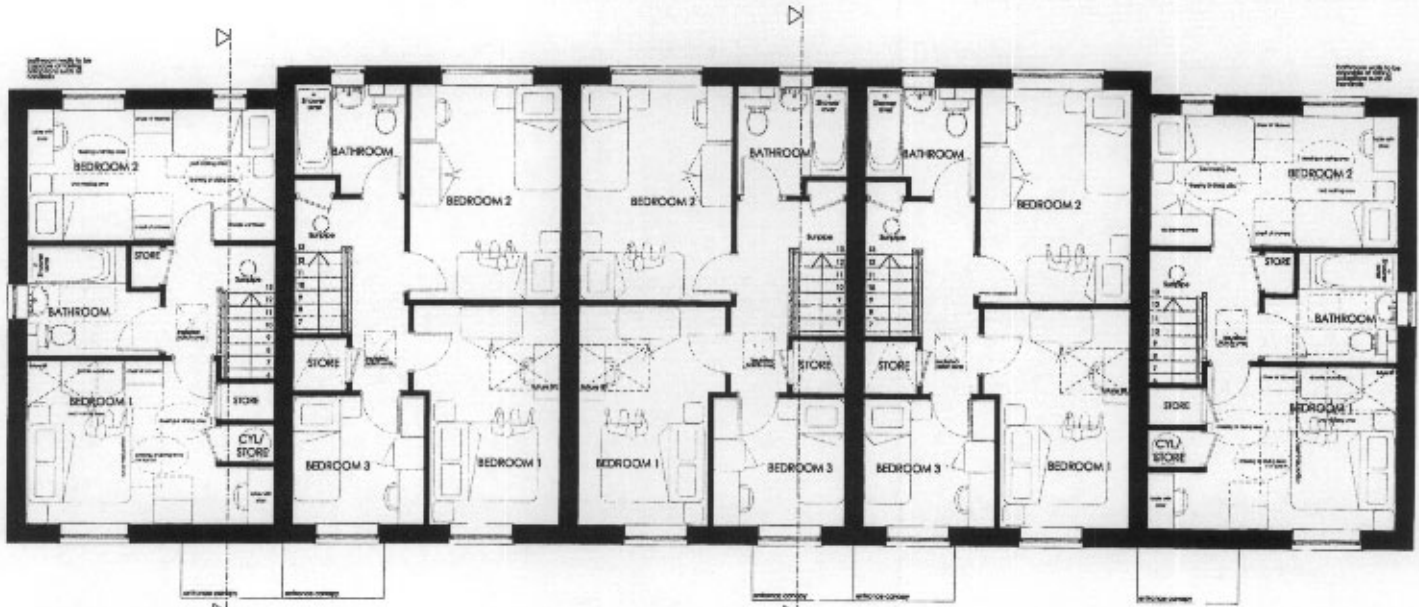
Gable Elevation



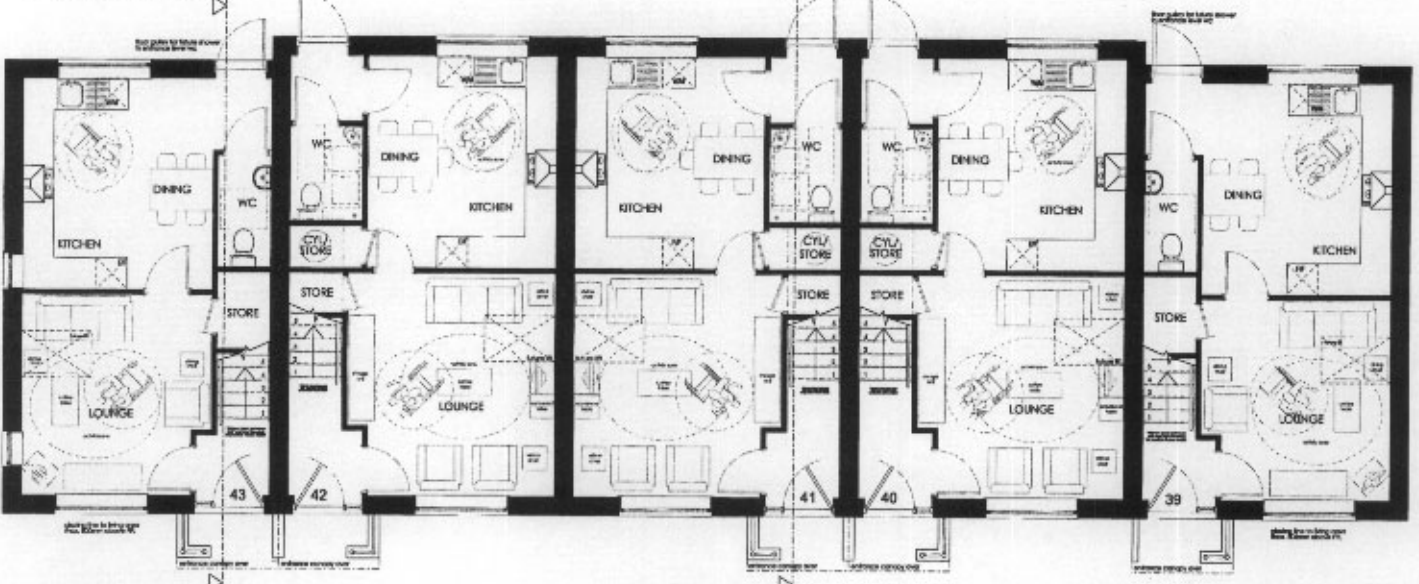
Section

RECEIVED
28 JAN 2013
09:00:36

Carlisle LOVELL
DRAWING STATUS: PLANNING
1187/P/109
Scale: Plans, Sections & Elevation: Plot 35, 38
1:100 | 1:50 | 1:20 | 1:10 | 1:5 | 1:1 | 1:0.5 | 1:0.25 | 1:0.125



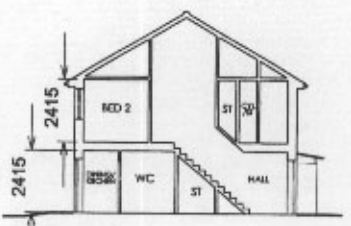
First Floor Plan @ 1:50



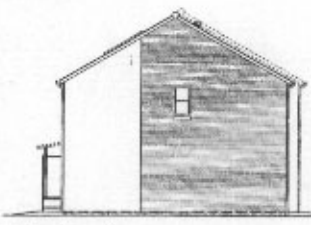
Ground Floor Plan @ 1:50



Front Elevation



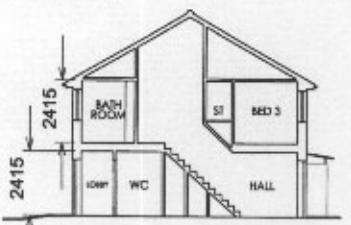
Section 2B 4P



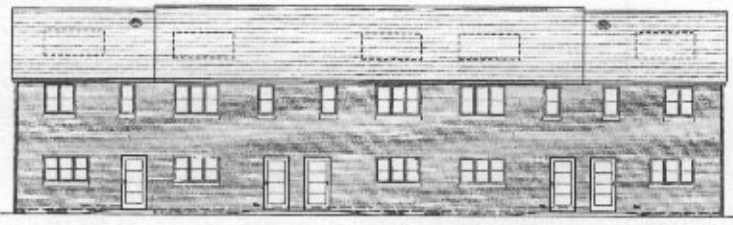
Gable Elevation



Gable Elevation



Section 3B 5P



Rear Elevation

Plots 39 - 43

RECEIVED
28 JAN 2008
09 0036

Carlisle LOVELL

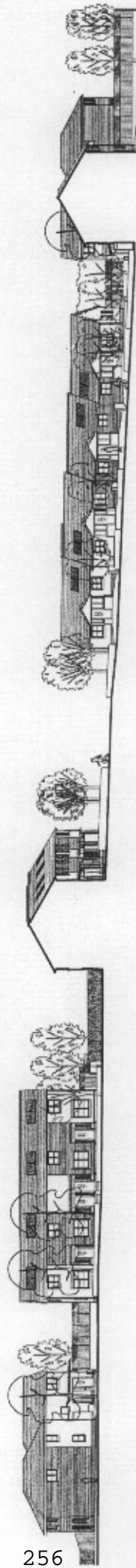
DRAWING STATUS: PLANNING

1187/PL110

1:50 1:50 1:50 1:50 1:50



Section A-A



Section B-B



Section C-C

RECEIVED
78 JUN 2015
09/00/06



Carlisle LOVELL
 DRAWING STATUS: PLANNING
 Project: Street Class, Newby, Colton
 Drawing: 1187/P-000 Proposed Street Elevation
 Date: 1/28/15
 Scale: 1/8" = 1'-0"

Proposed Street Elevations



Proposed Buildings
Proposed Site Boundary



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Level Partnership Ltd.	
Barra Court, Carleisle.	
Topographic Survey.	
Scale 1:500	1:500
Surveyed 27th October, 2009	27th October, 2009
Drawn 27th October, 2009	27th October, 2009
Check 27th October, 2009	27th October, 2009

RECEIVED
 11 AM 2009

SCHEDULE A: Applications with Recommendation

09/0106

Item No: 09

Date of Committee: 24/04/2009

Appn Ref No:

09/0106

Applicant:

Mr P Collins

Parish:

Wetheral

Date of Receipt:

23/02/2009

Agent:

Jock Gordon

Ward:

Wetheral

Location:

Land between 16 & 17 Faustin Hill, Wetheral,
Carlisle CA4 8JZ

Grid Reference:

346442 554989

Proposal: Erection of Single Detached Dwelling (Outline)

Amendment:

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee as five letters of objection have been received.

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.

Conservation Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H9 - Backland Development

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

SCHEDULE A: Applications with Recommendation

09/0106

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): no objection to the proposal provided as the application form states that site will be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway.

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;

Local Plans (Tree Preservation), Development Services: no objections;

Wetheral Parish Council: no objections to the application, but would ask that Highways consider widening the road and re-kerbing of the access road around the turning circle, as large vehicles i.e. delivery, refuse and recycling wagons cannot negotiate the small turning circle, which results in damage to both the kerbing and green in this area;

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
	6 Faustin Hill	25/02/09
	7 Faustin Hill	25/02/09
	8 Faustin Hill	25/02/09
	9 Faustin Hill	25/02/09
	10 Faustin Hill	25/02/09

SCHEDULE A: Applications with Recommendation

09/0106

11 Faustin Hill	25/02/09	
12 Faustin Hill	25/02/09	
13 Faustin Hill	25/02/09	
14 Faustin Hill	25/02/09	
15 Faustin Hill	25/02/09	
16 Faustin Hill	25/02/09	
18 Faustin Hill	25/02/09	Objection
19 Faustin Hill	25/02/09	
20 Faustin Hill	25/02/09	Objection
21 Faustin Hill	25/02/09	Objection
22 Faustin Hill	25/02/09	Objection
1 Greenacres		Objection

3.1 This application has been advertised by the direct notification of seventeen neighbouring properties. In response, six letters of objection has been received.

3.2 The letters raise concerns regarding:

1. housing density and its impact on the character of the area;
2. loss of privacy and the potential to generate noise disturbance;
3. size of plot and its relation to site boundaries;
4. loss of light into adjoining gardens;
5. overlooking and overbearing;
6. existing highway problems and congestion within Faustin Hill;
7. retention of original layout of the estate;
8. alleged lack of consultation with neighbouring residents;
9. detached house would be inappropriate in an estate of semi-detached properties.

4. Planning History

4.1 There is no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

5.1 The proposal is located in the gardens of 16 and 17 Faustin Hill which forms part of a small housing estate located on the eastern side of Plains Road, Wetheral. Numbers 16 and 17 Faustin Hill are located in the centre of Faustin Hill which is made up of a combination of linked and semi-detached houses. The properties boundaries are mainly wooden fences of varying designs ranging in height between approximately 1.5 metres and 1.8 metres with the exception of the eastern boundary which consists of a mature beech hedge approximately 2 metres in height.

Background

- 5.2 The application seeks Outline Planning Permission for the erection of a detached house, to be sited to the north-west of 17 Faustin Hill. As previously, explained, the application is in Outline, as such, no detailed drawings have been submitted. The Design and Access Statement, which accompanies this application, outlines that the scale parameters of the proposal are that the height will be between 6 metres and 8 metres with the width being between 8 and 10 metres and the length between 7 and 10 metres.
- 5.3 The design, scale and massing of the proposed dwelling would be similar to those of its immediate neighbours. Vehicular access and parking would be provided to the south of the proposed dwelling.

Assessment

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H9, CP3, CP5, CP6, CP12 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposals raise the following issues:
1. Whether The Principle of Development Is Acceptable
- 5.6 The application site is located on land which currently forms the gardens of 16 and 17 Faustin Hill within the village of Wetheral. Policies require that development proposals, and in this instance residential development, 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. In particular, H1 of the Local Plan, identifies Local Service Centres that are considered to be sustainable and appropriate for additional development, subject to consideration against the relevant policy criteria. Wetheral is one such Local Service Centre; therefore, the principle of development is considered to be acceptable.
2. Whether The Scale And Design Of The Dwelling Is Acceptable
- 5.7 The submitted block plan illustrates that the proposed dwelling would be of a similar scale and massing to those of its immediate neighbours, albeit a detached house. The Design and Access Statement indicates that the design of the dwelling would be reflective of the existing houses in style and the use of materials and detailing. Furthermore, the proposal would achieve adequate amenity space and off-street parking.
- 5.8 Although the estate has a variety of linked and semi-detached dwellings. Advice contained with PPS3 "Housing" advocates the use of brownfield sites in sustainable locations. Whilst this proposal seeks approval for a two storey

SCHEDULE A: Applications with Recommendation

09/0106

dwelling the resultant impact on the streetscene would not be obtrusive or detrimental to the character of the area.

- 5.9 In summary, the scale and massing of the proposed dwelling is comparable to the existing properties within the Faustin Hill. Accordingly, the development would not form a discordant feature in the street scene.

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

- 5.10 The proposed dwelling would be so orientated so as to achieve adequate separation distance between the primary windows of the existing residential properties and the proposed dwelling (21 metres). As such, taking into consideration the scale and position of the proposed dwelling in relation to these properties, it is unlikely that the living conditions of the occupiers of these properties will be compromised through loss of light, loss of privacy or overdominance.

4. Impact Of The Proposal On Highway Safety

- 5.11 Several of the objectors have raised objections in regard to highway safety and existing congestion within Faustin Hill. Members should be aware however, that the proposal seeks approval for the formation of a new vehicular access which would provide a parking and turning space for the dwelling within its curtilage.

- 5.12 Wetheral Parish Council has also requested that the Highway Authority consider widening the road and re-kerbing the access road around the turning circle in order to improve access for large vehicles. The Highway Authority has been made aware of this request; however, it can not be considered as part of this planning application.

- 5.13 Following normal practice consultation has been undertaken with the Highway Authority. It is the Highway Authority's view that the layout details shown on the submitted plan are considered satisfactory from a highway perspective and there are no objections to the proposal subject to the imposition of three conditions.

- 5.14 The local resident's concerns regarding the access arrangements are noted; however, since the Highway Authority do not share these concerns it is the Officers view that a refusal of the application on this basis could not be substantiated.

Conclusion

- 5.15 In overall terms, the principle of the proposed development is acceptable. The scale, siting and massing of the proposed dwelling is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or overdominance. Adequate car parking, access and amenity

SCHEDULE A: Applications with Recommendation

09/0106

space would be provided to serve the dwelling. In all aspects the proposal is 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 Protocol of the Act but in this instance, it is not considered that there is any conflict. If any conflict was to be alleged it is not felt to be of sufficient weight to refuse planning permission.

7. Recommendation - Grant Permission

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

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

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

SCHEDULE A: Applications with Recommendation

09/0106

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

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

3. No development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

4. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

5. Details of proposed crossings of the highway verge and/or footway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be commenced until the details have been approved and the crossings have been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

6. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the 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

7. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and have been brought into use. The vehicular access turning provisions shall be retained and capable of use at all times thereafter and shall not be

SCHEDULE A: Applications with Recommendation

09/0106

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.

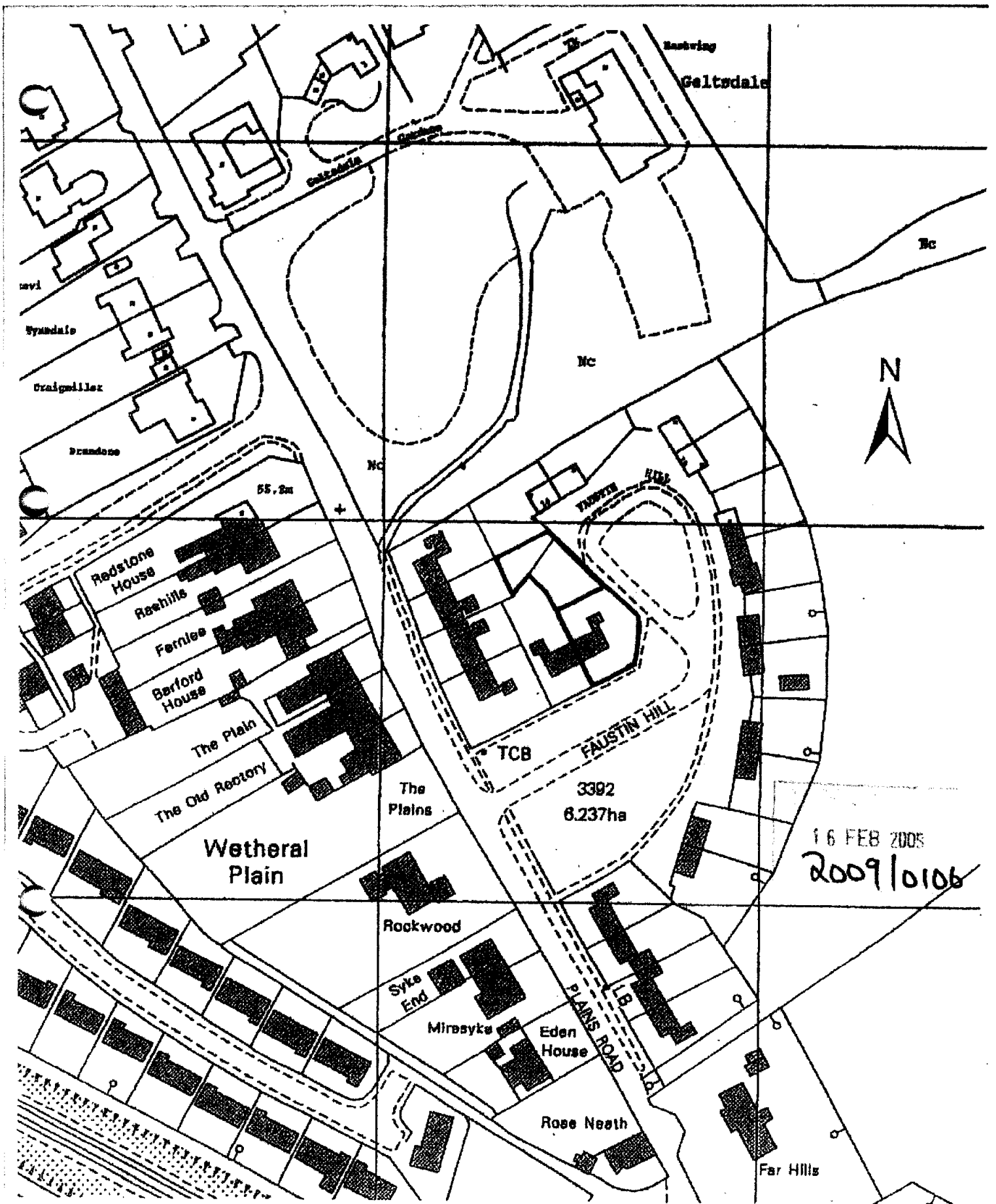
To support Local Transport Plan Policies: LD5, LD7, LD8

8. No development shall take place until full details of hard and soft landscape 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 the dwelling. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south 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 CP6 of the Carlisle District Local Plan 2001-2016.

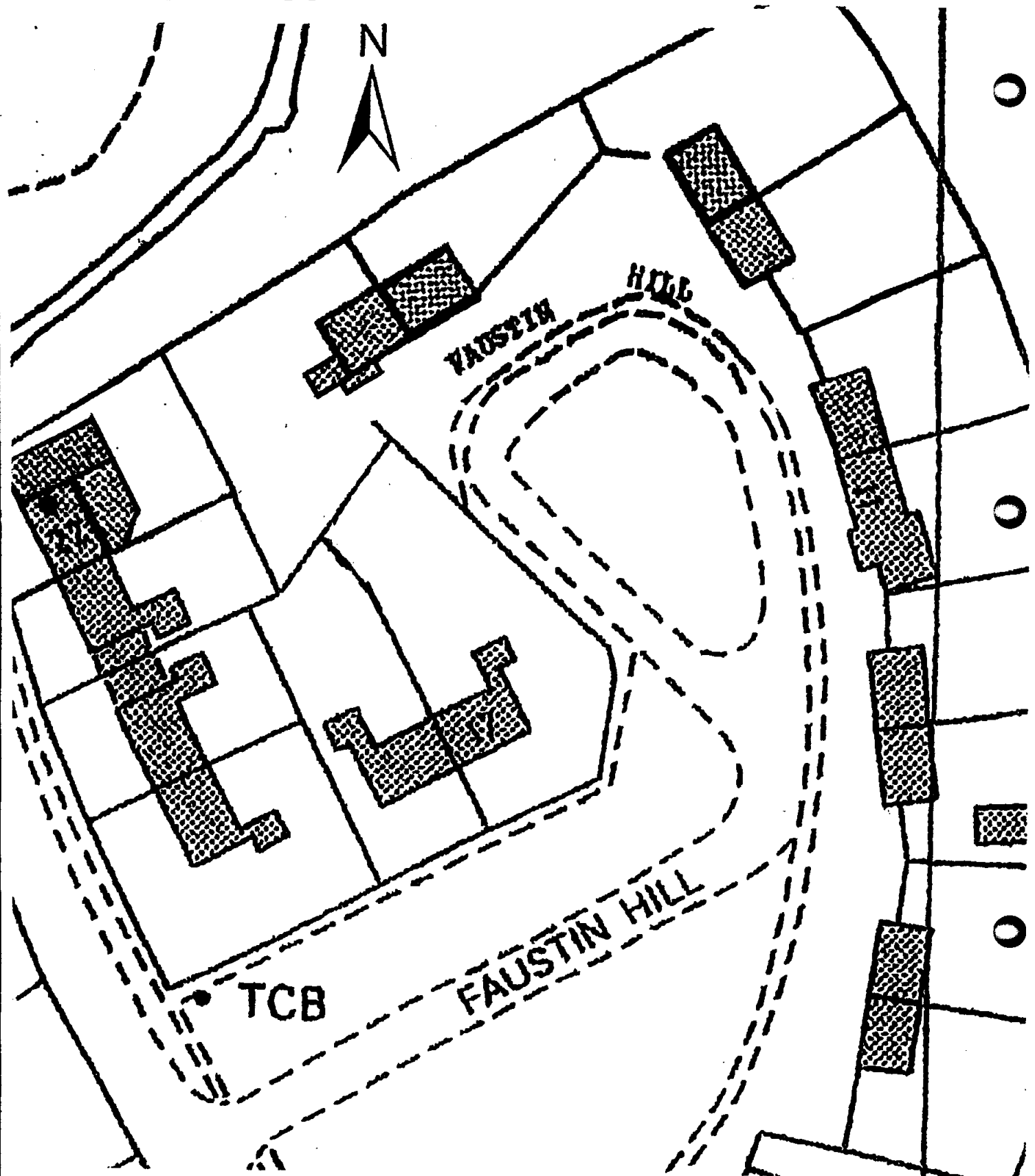


PROPOSED DETACHED DWELLING

LOCATION PLAN

16 & 17 FAUSTIN HILL - WETHERAL

SCALE : 1-1250

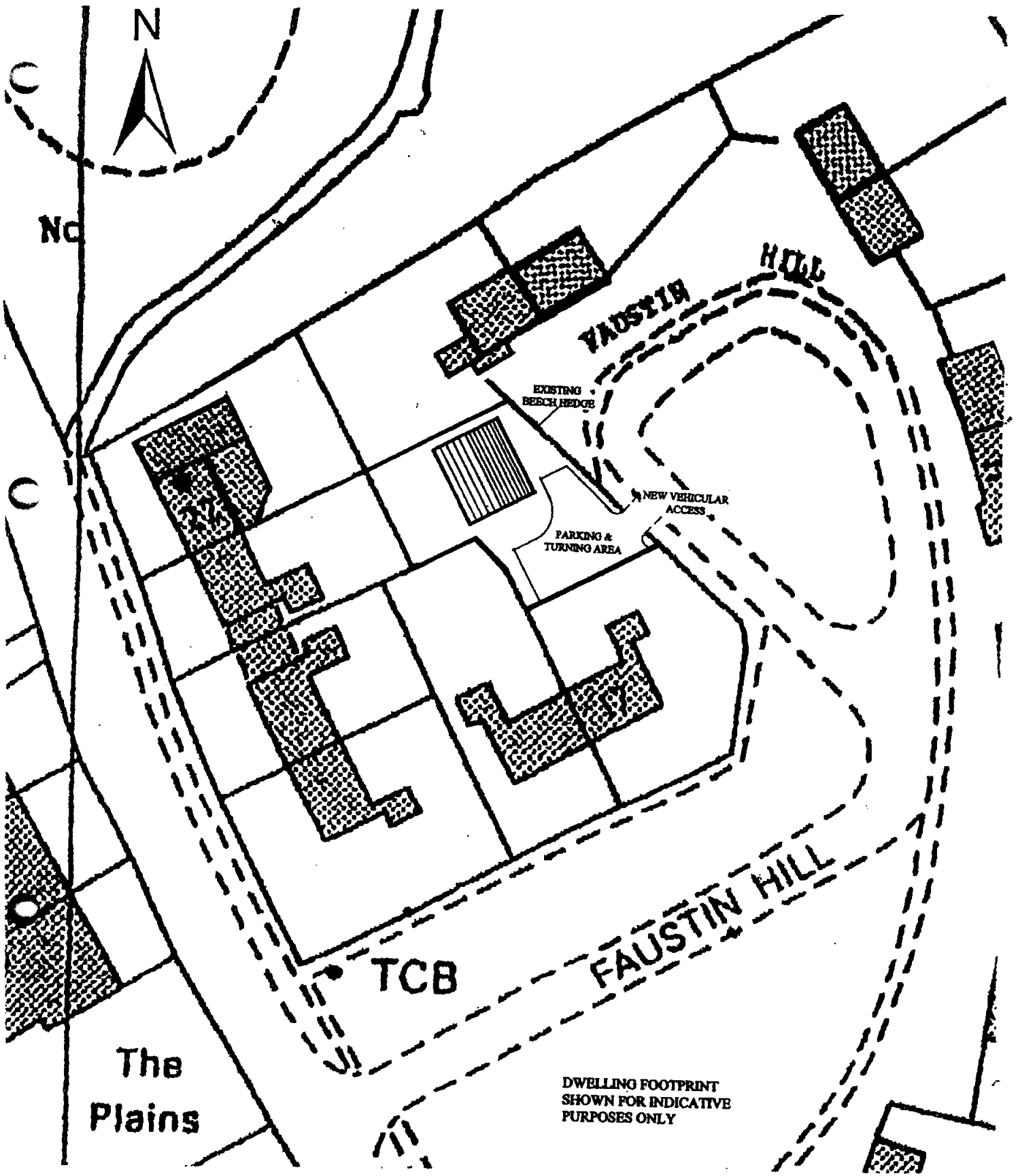


PROPOSED DETACHED DWELLING

16 & 17 FAUSTIN HILL - WETHERAL

SITE PLAN AS EXISTING

16 FEB 2009
2009/0106



PROPOSED DETACHED DWELLING

16 & 17 FAUSTIN HILL - WETHERAL

SITE PLAN AS PROPOSED

16 FEB 2009
2009/0106

SCALE : 1-500

DESIGN & ACCESS STATEMENT

16 FEB 2009
2009/0106

**FOR
PROPOSED DETACHED DWELLING
AT
LAND BETWEEN 16 & 17 FAUSTIN HILL - WETHERAL**

The application is for outline planning permission only, to determine whether the proposal is acceptable in principle.

All matters are reserved except for site access.

USE :

The use is for a single detached three bedroom house on a garden site within the Local Service Centre of Wetheral, but outside the Conservation area.

LAYOUT :

The site, of approximately 325m², is in a cul-de-sac of two storey semi-detached houses which is adequate to accept the proposed dwelling, along with associated parking and amenity space. The siting of the dwelling relates to the surrounding properties in providing the required minimum amenity distance of 21 metres between the windows of opposite dwellings. There will be no windows of habitable rooms on the north and south elevations of the proposal.

SCALE :

The scale of the dwelling will be in relation to the existing two storey houses in the cul-de-sac. The scale parameters of the proposal will be : height between 6 and 8 metres, width between 8 and 10 metres, length between 7 and 10 metres.

APPEARANCE :

The eventual design of the proposal will be reflective of the existing houses in style and the use of materials and detailing.

LANDSCAPING :

The site has existing boundaries of low level timber fencing to the west and a mature beech hedge to the east. There will be new boundaries created to the north and south by timber panel and post fencing. The parking and turning area will be hard surfaced.

ACCESS :

There will be a new vehicular and pedestrian access to the site, complying with Highways Authority requirements, and which will provide level access up to and into the dwelling.

CRIME PREVENTION :

The external doors and windows will have security locks and catches fitted, along with an intruder alarm and PIR security lighting.

SCHEDULE A: Applications with Recommendation

09/0130

Item No: 10

Date of Committee: 24/04/2009

Appn Ref No:
09/0130

Applicant:
Mrs L J Eplett

Parish:
Carlisle

Date of Receipt:
23/02/2009

Agent:
Jock Gordon

Ward:
Denton Holme

Location:
3 Dowbeck Road, Carlisle, Cumbria, CA2 7BX

Grid Reference:
339153 555378

Proposal: Erection Of Timber Decking & Handrails To Front & Side Of Dwelling
(Revised/Retrospective Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the retrospective nature of the application and because of its scale and potential impact on the street scene.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol H11 - Extns to Existing Resid. Premises

2. Summary of Consultation Responses

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

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

1 Dowbeck Road
5 Dowbeck Road

03/03/09
03/03/09

SCHEDULE A: Applications with Recommendation

09/0130

7 Dowbeck Road	03/03/09
8 Dowbeck Road	03/03/09
10 Dowbeck Road	03/03/09

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

4. Planning History

- 4.1 An application to erect timber decking and handrails to the front and side of the dwelling was refused in July 2008.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is a retrospective application which seeks approval for the erection of timber decking and handrails at 3 Dowbeck Road, Carlisle. The property is a semi-detached brick built dwelling, which is part rendered on the front elevation and has a tiled roof. The property, which is surrounded by residential development, has gardens to the front, side and rear. The dwelling is elevated above Dowbeck Road, which runs downhill from Weardale Road, past the property. A 1m solid wooden fence, with a concrete base and posts, separates the dwelling from the highway.

Background

- 5.2 Members will recall that the application was refused at Development Control Committee in July 2008 for the following reason:

The proposed decking, by virtue of its scale and siting, would have a detrimental impact on the character of the area. As such, the proposal is contrary to Criteria 2 and 4 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and Criteria 2 and 4 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan Revised Redeposit Draft (as amended by the Inspector's Report).

The Proposal

- 5.3 The decking and handrails, which are constructed of timber, are located to the front and side of the dwelling. Due to the change in levels, the height of the decking varies from 0.9m, adjacent to 1 Dowbeck Road, to 1.6m, adjacent to the applicant's own garden. 1.2m high handrails run along the edge of the decking. The decking is approximately 3m wide at the front of the dwelling, where it comes within 1m of the front boundary fence. To the side of the

SCHEDULE A: Applications with Recommendation

09/0130

dwelling, the decking projects outwards by 3.7m and sits adjacent to the remainder of the applicant's side garden. This revised application is seeking to remove the front corner of the decking, which lies adjacent to Dowbeck Road, in order to reduce its visual impact. The width of the decking fronting Dowbeck Road would be reduced from 9.8m to 7m, whilst its length would be reduced from 10.3m to 8.3m. In addition, a barked area is to be provided between the front boundary fence and the decking.

- 5.4 The dwelling is located at a higher level than the road, and sits above the front and side gardens of the property. The applicant has added the decking, which is at the same level as the house, to increase the useable space within the curtilage. A table and chairs and a two seater swing chair were sited on the decking, at the time of the site visit.
- 5.5 Members should note that since the last application was refused, the applicant has added a bark surface adjacent to the decking and placed some planters in the garden, adjacent to the decking. In addition, the applicant has also sought to address concerns, that have previously been expressed, about the small strip of garden that remains between the decking and the front boundary fence. At the time of the last application, large weeds were growing in this area and it looked unsightly. The applicant is proposing to clear this area and put down bark chippings, similar to those which have already been placed to the side of the decking.

Assessment

- 5.6 The relevant planning policies against which the application is required to be assessed include Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016.
- 5.7 The proposal raises the following planning issues:
1. Whether The Proposal Is Appropriate To The Dwelling
- 5.8 Given the height of the decking, together with the handrails, and given that it extends some 3m out from the front of the dwelling, it is visually prominent and looks incongruous when viewed against the brick/ render property. The visual impact would, however, be reduced by removing the front corner of the decking adjacent to Dowbeck Road.
- 5.9 Whilst the decking is prominent, it is not considered to be so visually harmful to warrant refusal of the application. Additional planting, adjacent to the base of the decking, would help to reduce the visual impact of the decking and this could be secured, and retained, by way of a condition. In addition, the removal of the weeds that are currently growing between the decking and the front boundary fence and the provision of a bark surface in this area would visually improve the current decking. It is worth noting that there have been no objections from local residents to the proposed development.
2. The Impact Of The Proposal On The Living Conditions Of Neighbouring

SCHEDULE A: Applications with Recommendation

09/0130

Residents

- 5.10 The decking is located to the front and side of the dwelling and is in close proximity to the boundary with adjacent residential dwellings. The residential properties on the opposite side of Dowbeck Road, which are at a lower level than the decking, are 15m away from the front of the decking. This distance is adequate to ensure that the living conditions of the occupiers of these properties are not harmed, through loss of privacy.
- 5.11 The boundary with 5 Dowbeck Road lies in close proximity to the decking, which is 1.1m high at this point. There is a 2m high solid wooden fence between the properties and this reduces the impact of the decking. Whilst the height of the decking would enable a degree of overlooking of the neighbouring garden (No. 5), this is not significantly worse than would occur without the decking being present, given the difference in ground levels between the two properties. In terms of direct overlooking of the property itself, this would be limited due to the angle at which the dwelling sits in relation to the decking.

3. Other Issues

- 5.12 If the Development Control Committee decides that the decking, as proposed, is unacceptable, enforcement action would then be required to remove the element of the decking that is considered to be unacceptable.

Conclusion

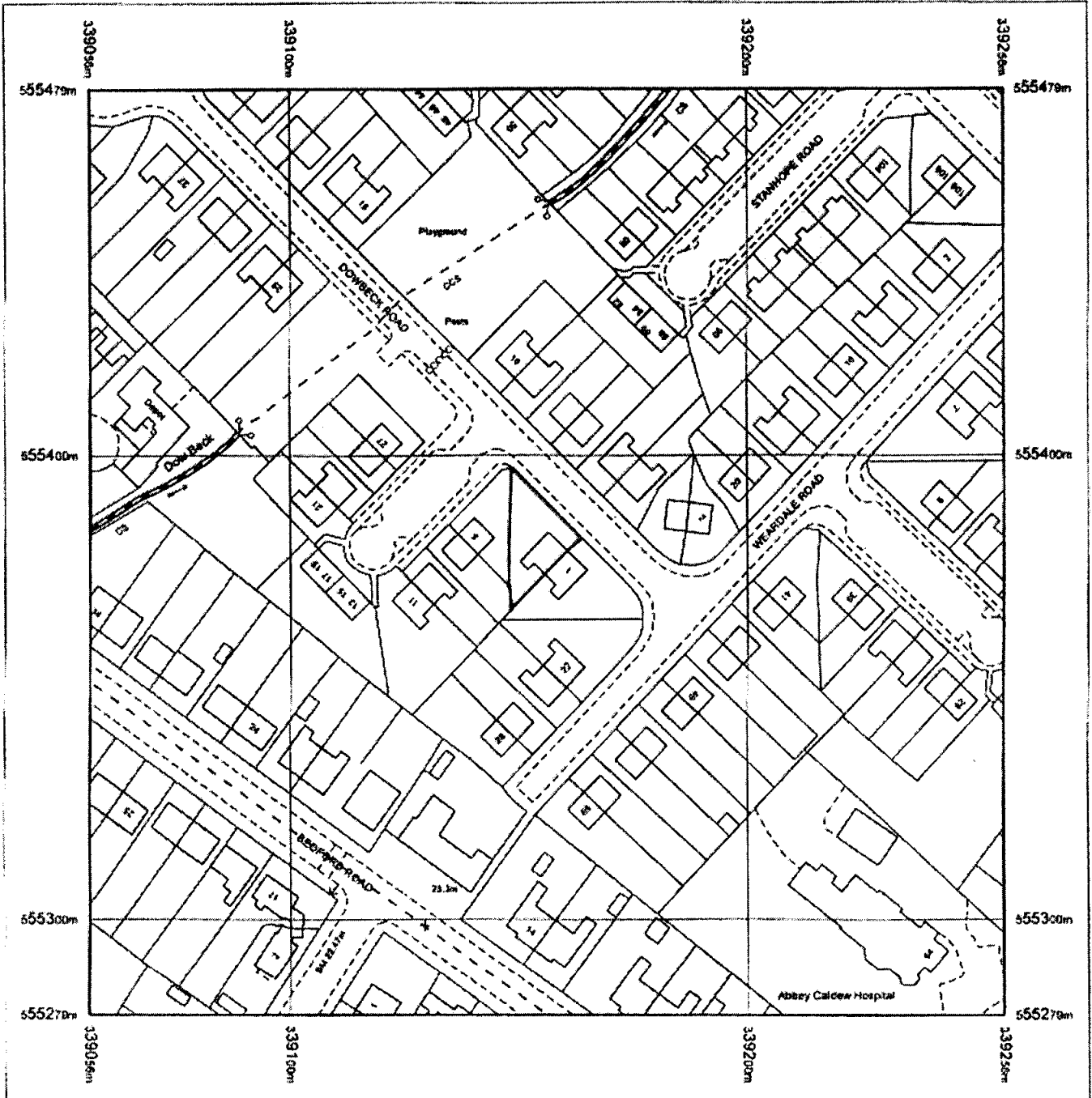
- 5.13 In overall terms, the visual impact of decking is acceptable, provided that additional landscaping is provided along the base of the decking. The decking would not have an adverse impact on the living conditions of the occupiers of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

6. Human Rights Act 1998

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

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

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



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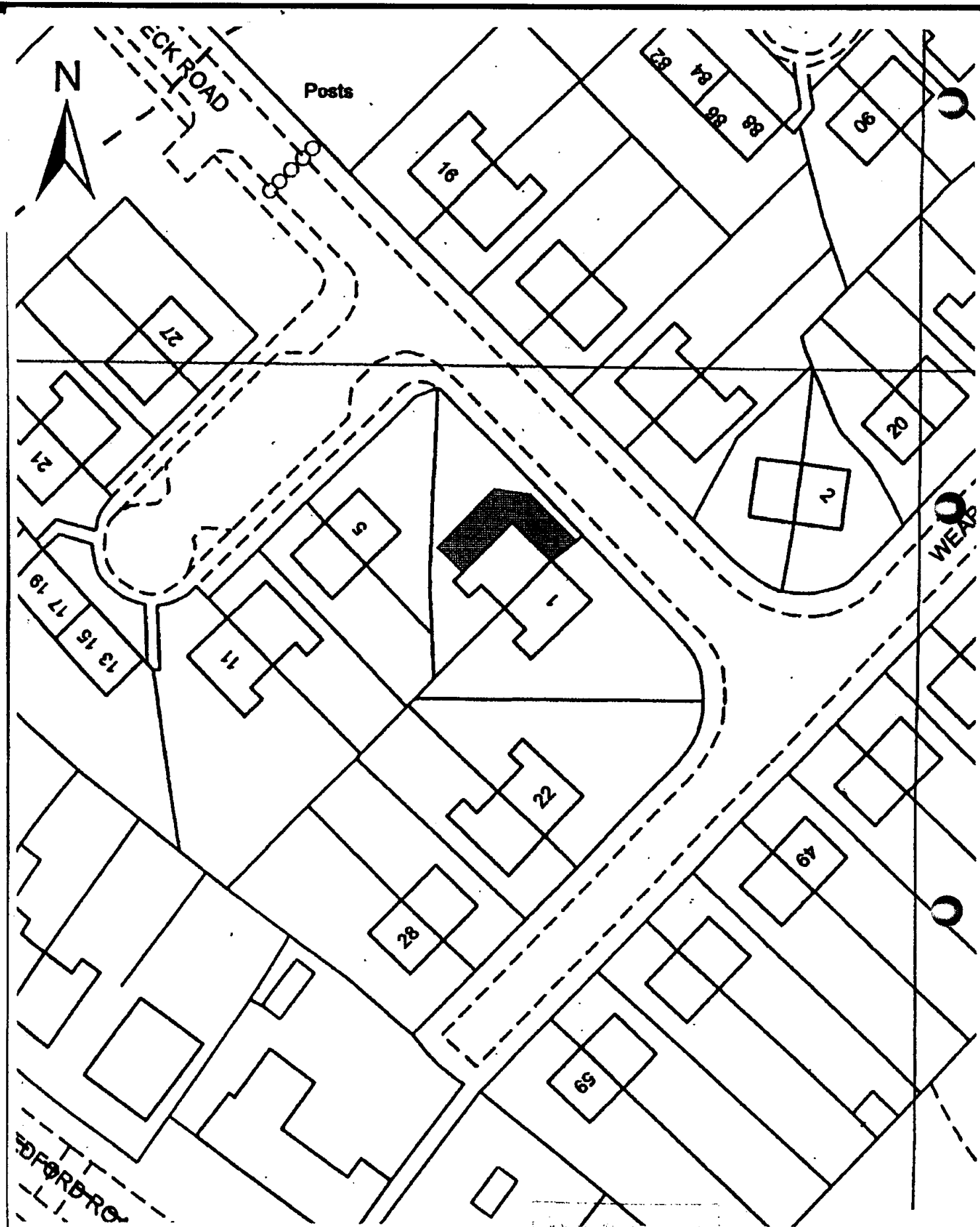
09/030

PROPOSED DECKING

LOCATION PLAN

3 DOWBECK ROAD - CARLISLE

SCALE : 1-1250



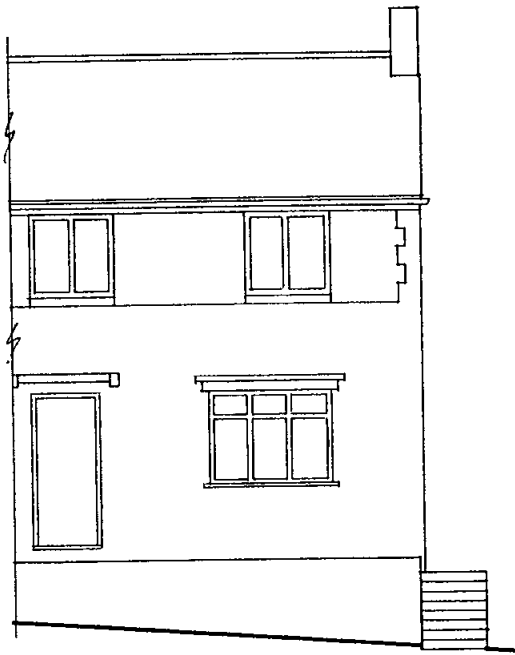
PROPOSED DECKING

23 FEB 2009
09/0130

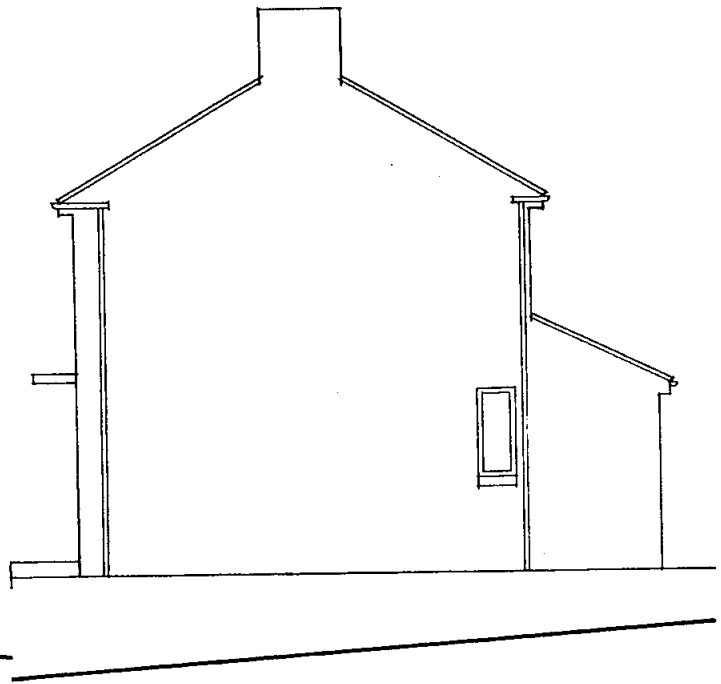
SITE PLAN

3 DOWBECK ROAD - CARLISLE

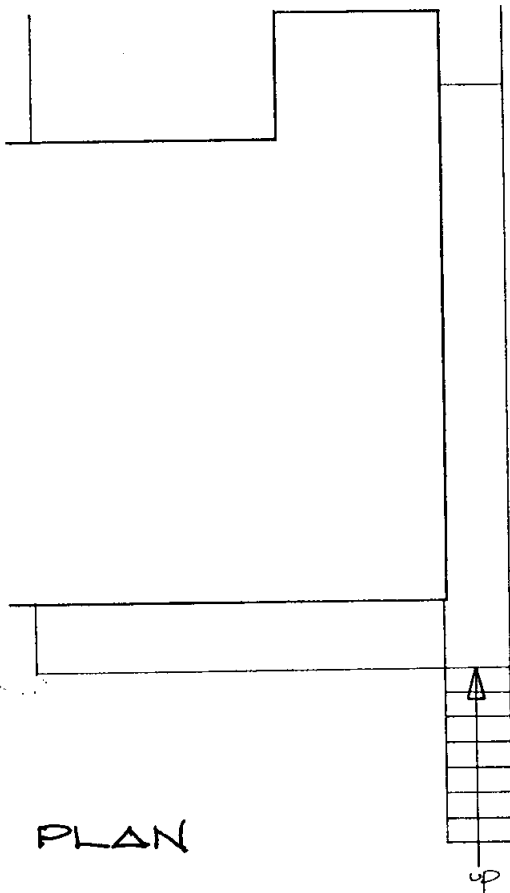
SCALE : 1-500



FRONT ELEVATION



SIDE ELEVATION



PLAN

AS EXISTING

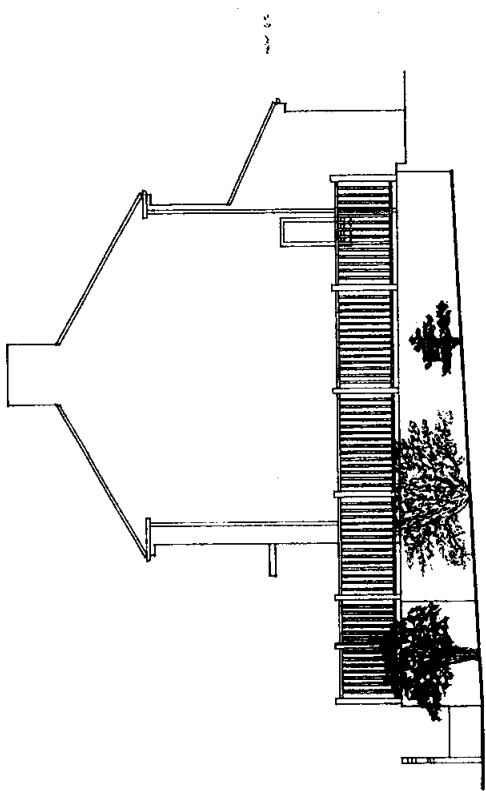
RECEIVED
23 FEB 2008
09/0130

PROPOSED DECKING
3 DOWBECK ROAD - CARLISLE

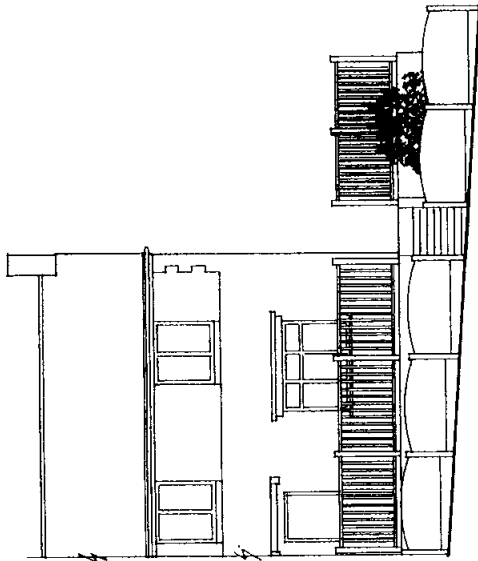
DRG. No. 1767/1

SCALE: 1-50

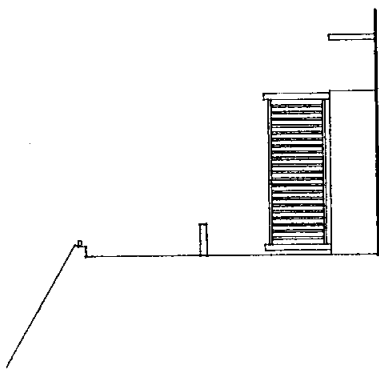
DATE: NOV. 2007



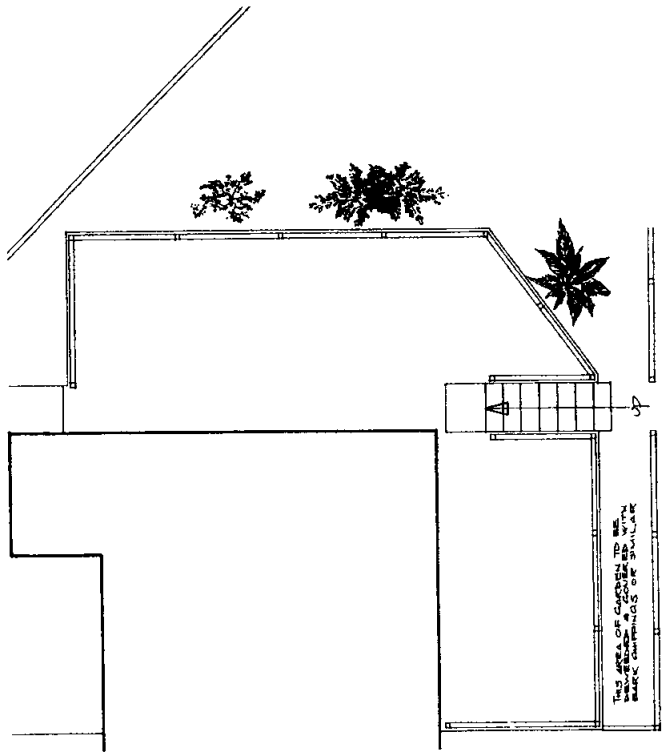
SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION



Revised: 30-8-05: Amended



AS PROPOSED

PROPOSED DECKING
3 DOWBECK ROAD - CARLISLE

CASE No. 1767/2A
SCALE: 1:50
DATE: NOV. 2007

Photograph 1: Photograph of No.3 Dowbeck Road taken from the road. Members will note the decking is as refused by committee on 11/7/08 under application reference 08/0337. The decking to the right hand side of the picture is the corner that the applicant has proposed to remove.



Photograph 2: Photograph of No.3 Dowbeck Road taken from the side garden. Members will note the decking is as refused by committee on 11/7/08 under application reference 08/0337. This photograph also shows the corner of decking that the applicant has proposed to remove (to the left of the photo).



Photograph 3: Photograph of No 3 Dowbeck Road taken from outside the adjoining semi detached dwelling looking down Dowbeck Road. Members will note the decking is as refused by committee on 11/7/08 under application reference 08/0337.



SCHEDULE A: Applications with Recommendation

09/0046

Item No: 11

Date of Committee: 24/04/2009

Appn Ref No:
09/0046

Applicant:
Mr Liam Moscrop

Parish:
Kingmoor

Date of Receipt:
04/03/2009

Agent:

Ward:
Stanwix Rural

Location:
Land adjacent to the T junctions north of Edenside,
Cargo, Carlisle

Grid Reference:
336941 559820

Proposal: Erection Of Detached House, Garage, Stables, Indoor Riding Arena And
Multi-Purpose Barn (Reserved Matters)

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the land subject to this application belongs to the wife of Councillor Weedall.

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.

Rev Redeposit Pl. Pol DP1 - Sustainable Develop. Locations

Rev Redeposit Pl. Pol CP1 - Landscape Character/Biodiversity

Rev Redeposit Pl. Pol CP4 - Design

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

Rev Redeposit Pl. Pol EC11 - Rural Diversification

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

SCHEDULE A: Applications with Recommendation

09/0046

Rev Redeposit Pl. Pol H7 - Agricultural And Forestry Need

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

Rev Redeposit Pl. Pol T1 - Parking Guidelines

Rev Redeposit Pl. Pol LC1 - Leisure Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections to the "Reserved Matters" application; however, the comments made in respect of the "Outline" application still apply;

Community Services - Drainage Engineer: awaiting comments;

United Utilities (former Norweb & NWWA): no objection to the proposal providing that if possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities;

Kingmoor Parish Council: awaiting comments;

Development Services Planning & Housing Services - Local Plans: has no comments to make as this is a "Reserved Matters" application and any issues raised at the "Outline" application stage were dealt with at that time, i.e. in relation to the principle of the development, which has now been established;

Development Services Planning & Housing Services - Local Plans (Trees): no objections to the current application; however, the applicant is reminded that in order to discharge Conditions 6 and 7 of the "Outline" consent it will be necessary to provide a landscaping scheme and details of the proposed tree/hedge protection barriers;

Northern Gas Networks: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
<div style="border: 1px solid black; width: 150px; height: 30px; display: inline-block;"></div>	St. Owens 80 Edenside	10/03/09 23/03/09

SCHEDULE A: Applications with Recommendation

09/0046

81 Edenside	23/03/09
82 Edenside	23/03/09
83 Edenside	23/03/09
84 Edenside	23/03/09
85 Edenside	23/03/09
86 Edenside	23/03/09
87 Edenside	23/03/09
88 Edenside	23/03/09
89 Edenside	23/03/09

- 3.1 This application has been advertised by means of a site notice and notification letters sent to eleven neighbouring properties. No verbal or written representations have been made at the time of preparing this report.

4. Planning History

- 4.1 In 2008 the Development Control Committee granted "Outline" planning permission for the erection of a dwelling and an equestrian centre (Application 07/1033).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks "Reserved Matters" approval for the erection of a dwelling and the creation of an equestrian centre within a field, which is situated 200 metres to the north of the junction of the minor road that leads to Cargo with the main road that links Carlisle with Rockcliffe. The application site, which covers an area measuring 5,123 square metres, is located within the undeveloped open countryside 4.5km to the north west of the centre of Carlisle. The site's south western frontage is bounded by the Carlisle-Rockcliffe road and its north eastern boundary abuts a minor road that leads to a single dwelling, known as "St Owens". Substantial hedges align both road frontages. The western boundary of the application site backs onto open fields.
- 5.2 Although the area is rural in character it is allocated as "white land" within the settlement boundary of Carlisle, as identified on the Urban Area Inset Map that accompanies the Local Plan. Areas of "white land" have no specific land use designation and no future change of use of the land use is envisaged. Development in such areas has to be considered on its merits and need to be in the location specified, although this issue has already been addressed when the outline application was determined.

The Proposal

SCHEDULE A: Applications with Recommendation

09/0046

- 5.3 The proposal comprises two elements: firstly, the erection of a domestic dwelling and, secondly, the creation of an equestrian centre. With regard to the former, the proposal involves the erection of a detached two storey, four bedroom dwelling, with a footprint that measures approximately 136 square metres. A detached garage/store is also proposed. The dwelling and garage would be contained within its own domestic curtilage with separate vehicular access. The external walling of both the dwelling and the garage would be finished using cream coloured render with red stone quoins and cills. All windows and doors are to be upvc framed. The roofs of both buildings will be finished with grey concrete roof tiles.
- 5.4 The proposed dwelling and its grounds are located towards the southern extent of the application site, nearest to the new residential estate known as Edenside, which is situated on the former Site 4 of RAF 14MU. A condition was imposed when "Outline" permission was granted that required the dwelling to be occupied by a full time worker at the equestrian centre.
- 5.5 The second element of the scheme, which relates to the equestrian centre, involves the creation of a riding school and livery that would be located within the northern extent of the site. It comprises an indoor arena, stable block, multi purpose barn, isolation boxes and an associated parking area.
- 5.6 The buildings associated with the equestrian centre vary in size; however, they will all be finished using matching materials. The external walling of these building will be finished using 1.8 metre high precast concrete panels, with olive green profile cladding above. The same profile cladding would also be used on the roofs.
- 5.7 In respect of the size of these buildings the indoor arena is the largest measuring 24 metres in width, 46 metres in length, 5.2 metres to the eaves and 7.8 metres to the ridge. The stable block measures 11 metres in width, 21 metres in length, 4 metres to the eaves and 5.8 metres to the ridge. The multi-purpose barn has matching eaves and ridge heights as the stable block; however, its footprint is marginally smaller, measuring 10 metres by 18 metres. The isolation boxes, which are smaller still, have a footprint of 27 square metres and an overall height of 4.15 metres.
- 5.8 A new vehicular access, centrally located along the equestrian centre's frontage, would be formed onto the Carlisle-Rockcliffe Road.
- 5.9 The applicant operates Cargo Riding School, which is a family run business that was established in 1973. Until recently the business has operated from within the village of Cargo; however, the site that it previously occupied is no longer available, hence the need for alternative accommodation.
- 5.10 When the "Outline" application was submitted the applicant stated that the commercial element of the site, which comprises a livery service and equestrian tuition, would attract approximately 96 vehicular movements per week. These would be divided into the normal 'liveries' and two daytime and two evening tuition sessions during the week, with four daytime sessions over

SCHEDULE A: Applications with Recommendation

09/0046

the weekend. The premises are proposed to be open to the public from 9 a.m. to 9 p.m. The applicant does not envisage that the centre would typically be open until 9 p.m.; however, these opening hours provide flexibility should the need arise, particularly in terms of the livery aspect of the scheme.

- 5.11 Hay and straw deliveries would probably occur 4-6 times per year with feed collected by the applicant in small quantities on a more regular basis. It is intended to stable no more than fourteen horses/ponies at any one time and employ two part time members of staff to assist in the day-to-day running of the business. External lighting will be required, although only during the proposed opening times and occasionally during routine checks of the premises at night.
- 5.10 The foul water drainage from the domestic and commercial elements of the scheme would be discharged into a septic tank or treatment plant, with surface water collected in storage tanks and recycled where possible. Excess surface water would be discharged to a surface water culvert adjacent to the site, which may require a separate consent from the Environment Agency.

Assessment

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP5, CP12, EC11, H1, H7, LE7, T1 and LC1 of the Carlisle District Local Plan 2001-2016.
- 5.12 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.13 The principle of the proposed development has been established as acceptable through the approval of the "Outline" application. Members should note that only the appearance and landscaping of the development were reserved for subsequent approval. On this basis, Members have already accepted that the layout, scale and access arrangements are acceptable.
2. Whether The Appearance Of The Development Is Acceptable.
- 5.14 With the exception of the isolation boxes, which are required for sick horses, the proposal is identical to that which was approved by the Development Control Committee. The "Outline" application was accompanied by elevation drawings of the overall development to give Members a clear indication of the scale and mass of the buildings proposed. The current application includes more detailed elevations of these buildings, but their overall proportions are unchanged.
- 5.15 The design and materials to be used in the construction of the dwelling and garage are broadly acceptable; however, it will still be necessary for the applicant to submit samples of these materials to ensure that that the specific materials complement the surrounding countryside landscape. The

SCHEDULE A: Applications with Recommendation

09/0046

appearance and finishes to the equestrian centre buildings are as anticipated and are appropriate to the location.

3. Impact Upon The Landscape Character Of The Surrounding Area.

5.16 For the most part the structures proposed are relatively low lying and would be largely screened by the roadside hedge. The more substantial structures proposed, such as the dwelling and the indoor arena, are set back from the road frontage thereby lessening their prominence. The visual impact of the development can also be minimised through the retention of the existing roadside hedgerows and the provision of additional landscaping where appropriate. Although the application is accompanied by a landscaping scheme a more detailed plan is required before this issue has been satisfactorily addressed. It is also necessary to give further consideration to additional landscaping to soften the visual impact of the expansive car parking area that is required to serve this development.

5.17 When assessing the visual impact it is also important to consider the site within the context of its surrounding. Whilst the site located within the open countryside on the opposite side of the road to the site, on the former RAF site, is a residential estate comprising 96 dwellings. Similarly, 0.5km to the southeast of the site is BSW Sawmill, which covers an extensive area.

5.18 The development will have an impact upon the countryside landscape; however, given the agricultural appearance of the enterprise and the context of the site's surroundings the visual impact of the development will not be significant.

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

5.19 The nearest residential properties are sited within the neighbouring residential estate, approximately 70 metres to the south of the proposed dwelling, which is the closest physical structure of the proposed development. Situated between the development site and Edenside estate is the Carlisle-Rockcliffe road, which is aligned on either side by substantial hedges, which are to be retained.

5.20 Members should also note that between the residential estate and the main road is a landscaped bund. Whilst the landscaping on the bund has yet to mature, its purpose is to soften the visual impact of the residential estate; however, it will also serve to screen the equestrian centre from these properties. In light of the above, the living conditions of the occupiers of these dwellings will not be affected as a result of loss of light, overdominance or as a result of its physical presence.

5.21 It is acknowledged that during the winter months the building associated with the proposed development may become more visible as natural screening recedes; however, given the distance at which these structures would be viewed the development would not be visually intrusive to the residents of

SCHEDULE A: Applications with Recommendation

09/0046

Edenside.

- 5.22 The development will result in an increase on the number of vehicles using the Carlisle-Rockcliffe road; however, the road is already heavily trafficked with large vehicles associated with BSW Sawmill and the nearby industrial estate. Whilst the existing level of traffic may reduce following the construction of the Carlisle Northern Development Route, on balance, over the course of a day, the likely increase in traffic generated by the development is not significant and would not adversely affect neighbouring residents.
- 5.23 The applicant had previously indicated that external lighting will be required when the premises are in operation. This aspect has been regulated by a condition attached to the "Outline" consent; however, it is not envisaged that external lighting would affect neighbouring residents, partly because of the distance that the development is located from these dwellings, but also because of level of external illumination that is emitted from BSW Sawmill/Kingmoor Marshalling Yard.

5. Whether Adequate Access And Parking Provision Is Available.

- 5.24 When the "Outline" application was considered the Highway Authority commented that the level of traffic generation is reasonable and acceptable. The issues relating to access, scale and layout were not held over for the "Reserved Matters" application; however, the Highway Authority was of the view that these aspects can be regulated through the imposition of several planning conditions that were attached to the "Outline" consent. Further information is required from the applicant in order to satisfy the requirements of these conditions and, therefore, they cannot be discharged at this stage.

6. Disposal Of Foul And Surface Water.

- 5.25 The applicant has indicated that foul water from the development will be discharged to a septic tank or treatment plant, with surface water discharged to storage tanks, in order for it to be recycled. Conditions were imposed when outline permission was granted to regulate these aspects of the development and they are required to be discharged prior to development commencing on site.

6. Other Matters.

- 5.26 The site layout plan illustrates the position of a small office, feed store and tack room, although, no elevations of these structures have been supplied. The applicant has been made aware of the need to supply this information and it is anticipated that it will be available in advance of the Committee meeting. If this information has not been received, given the size of these structures, it will be recommended that the Committee grant "authority to issue" approval, subject to the receipt of satisfactory details.

Conclusion

5.27 In overall terms, the principle of the location of the development, together with the creation of a dwelling has been established as acceptable through the approval of the "Outline" application. The scale and layout of the development is acceptable and it can be implemented without harm to either the visual qualities of the surrounding landscape or the living condition of the occupiers of neighbouring properties. Suitable vehicular access and car parking provision would be provided to serve both the residential dwelling and the equestrian centre. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

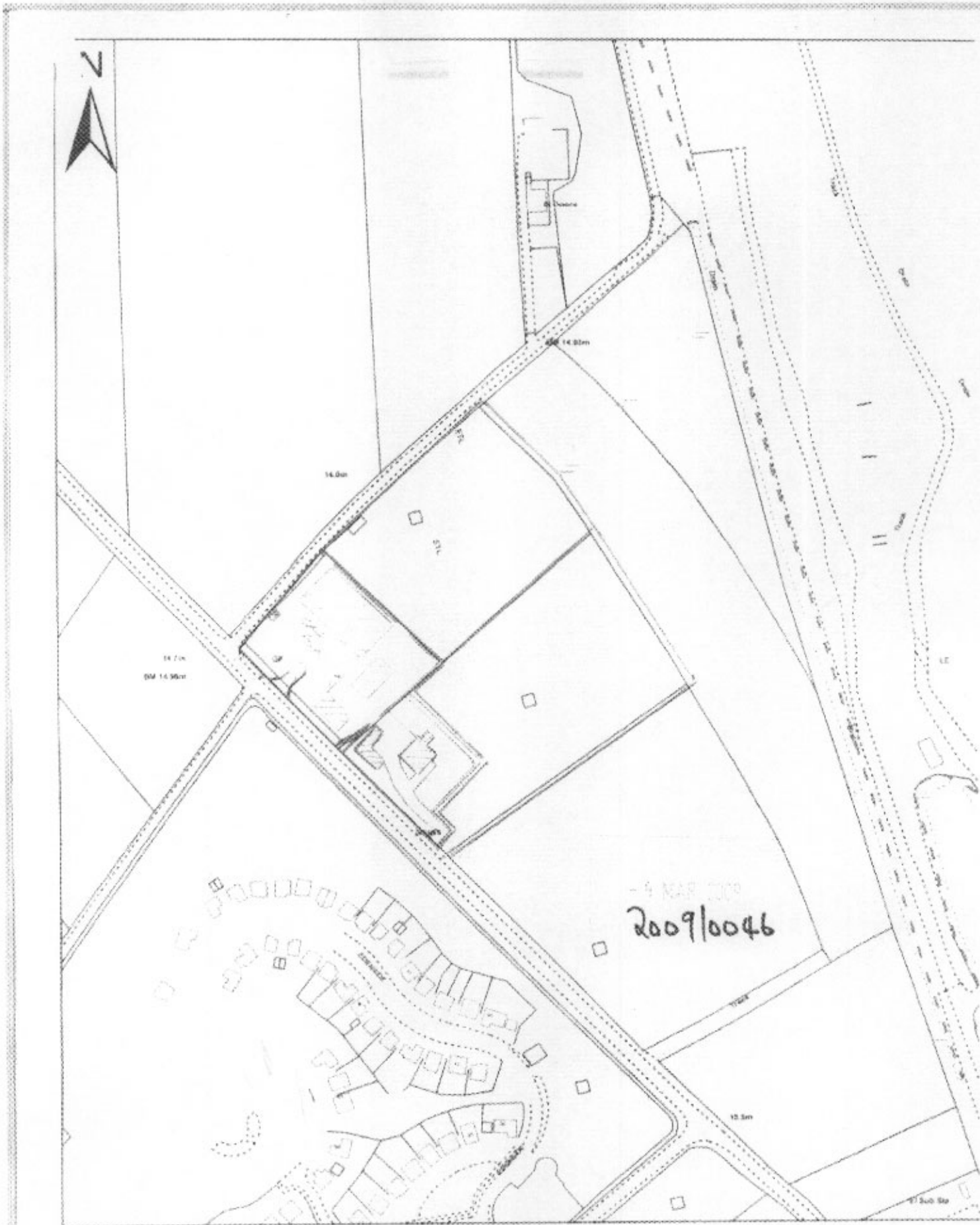
Article 8 recognises the "Right To Respect for Private and Family Life";

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

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

7. Recommendation -

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 1 (part), 2 (part), 3 (part), 4, 5 and 6 (part) attached to the outline planning consent to develop the site.



Land at Cargo

Scale: 1:2,500 Date: 25/06/2007

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 Carlisle City Council LA 0100024459. 2007.

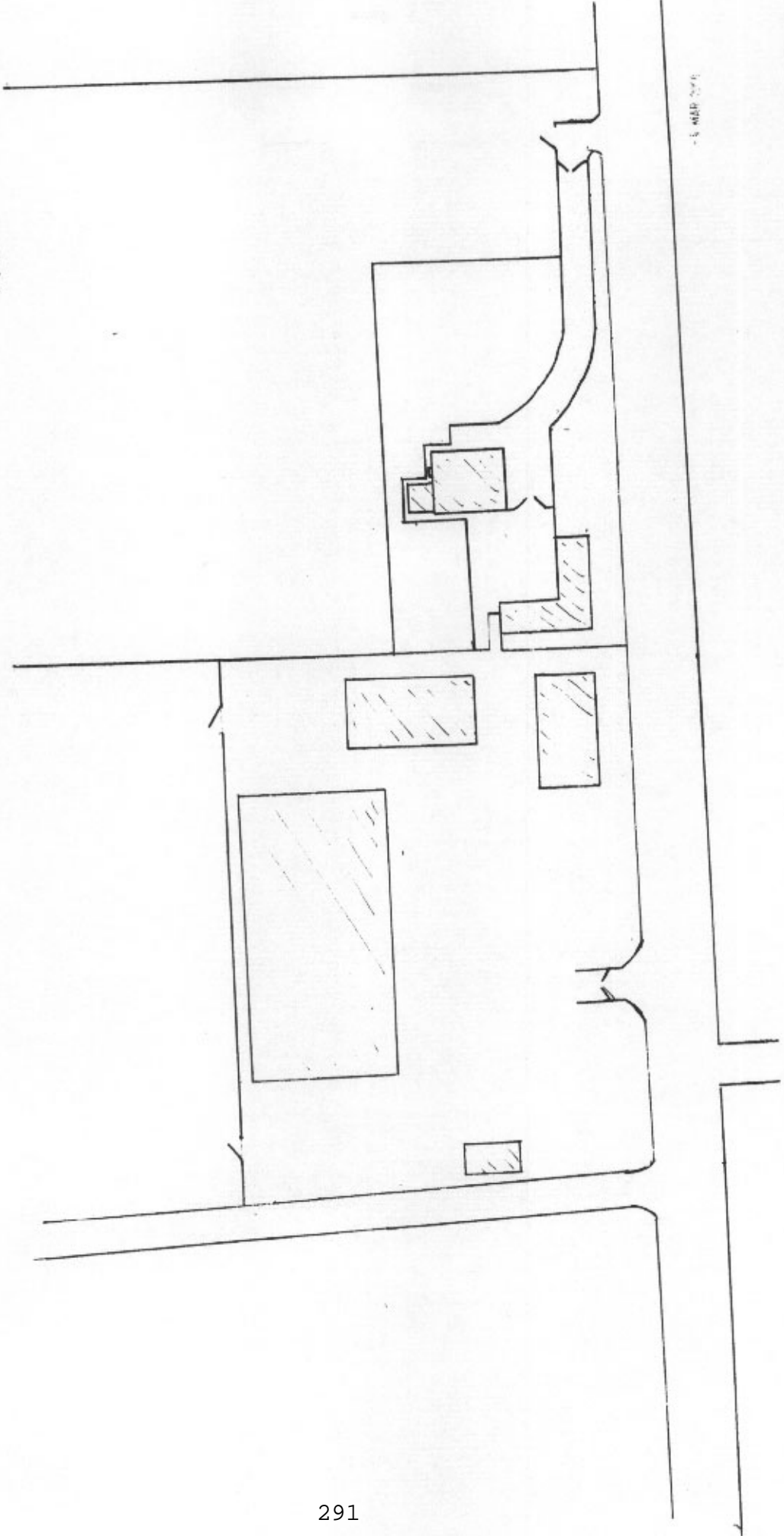
CARLISLE
 CITY COUNCIL



www.carlisle.gov.uk

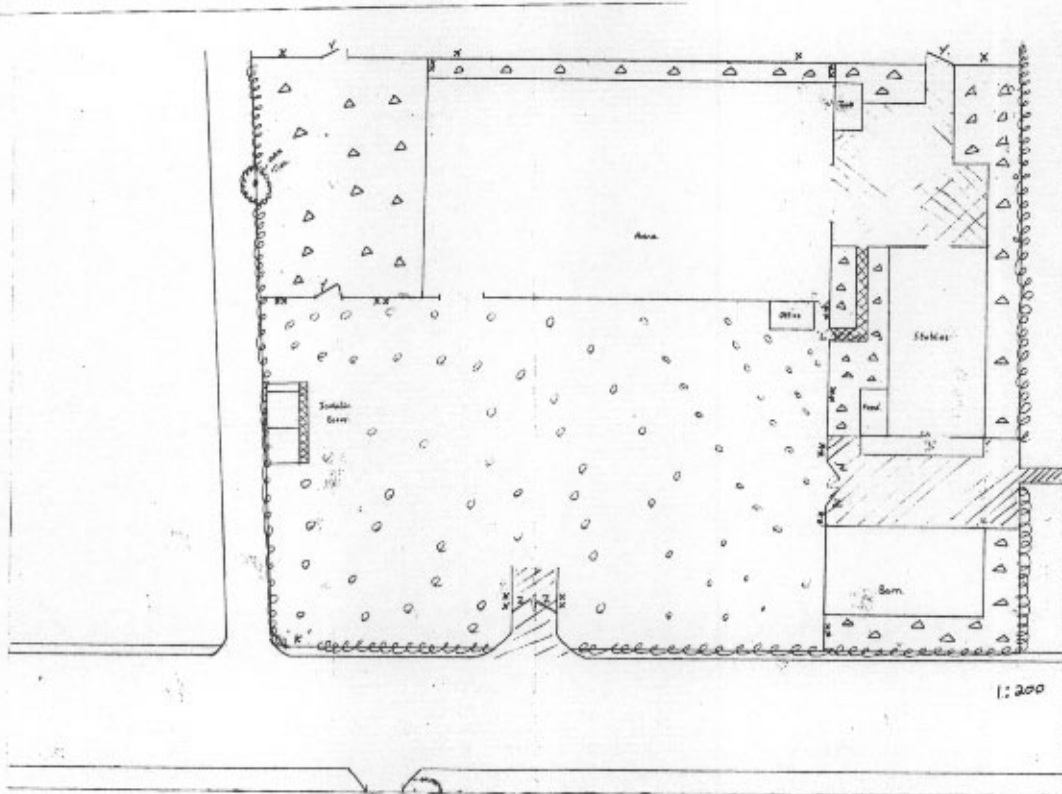
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 Rickergate
 Carlisle
 CA3 8QG**

1:500



MAP 200

Drawing 10.



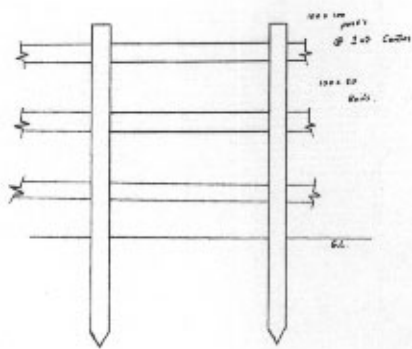
Surface level 1

16.10.1910
1910/1911

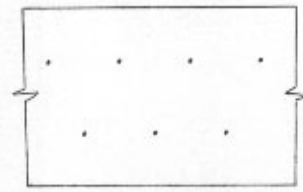
- key
- ⊙ Hardwood area
 - ▨ Concrete area
 - ▧ Terrace area
 - X Fence as per Drawing 2
 - XX Fence as per Drawing 3
 - △ Clipped wooden board
 - K Existing Gate blocks
 - L New gate
 - Z New field gates '5' Bar Galvanised Design

1:200

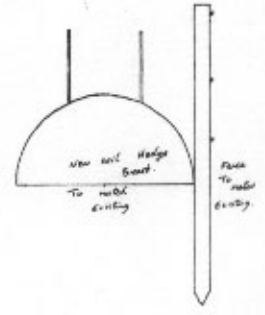
Face Drawing '2' 1:10



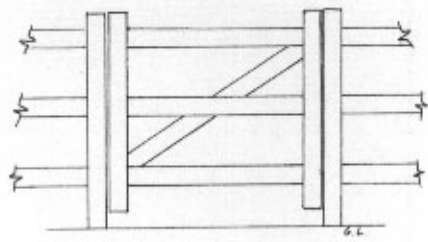
Drawing 'K' 1:10

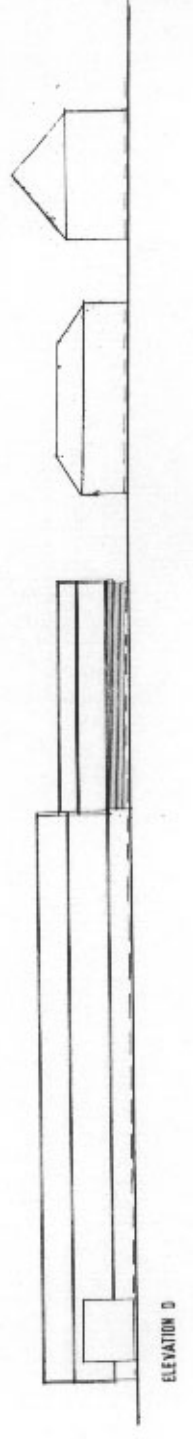
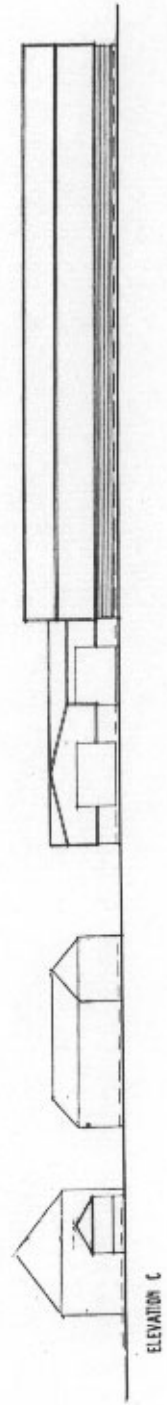
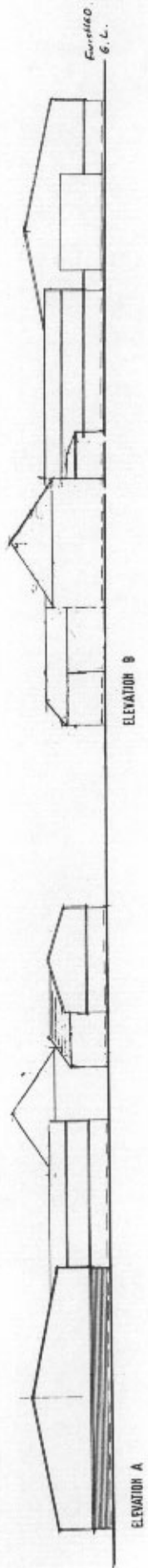


New Hedges Planted At 600m Spacing



Drawing 'L'



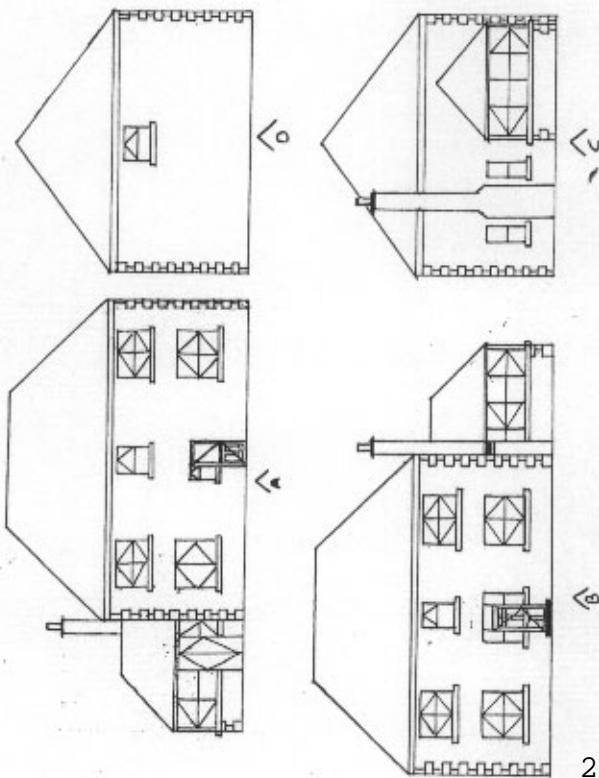


REVISION D
16 JAN 1980
J. B. B. B.

Proposed erection of buildings and dwellings
to form riding centre
CARRI, CARLUIS for J. B. B. B.
Elevations 1/200 07/0

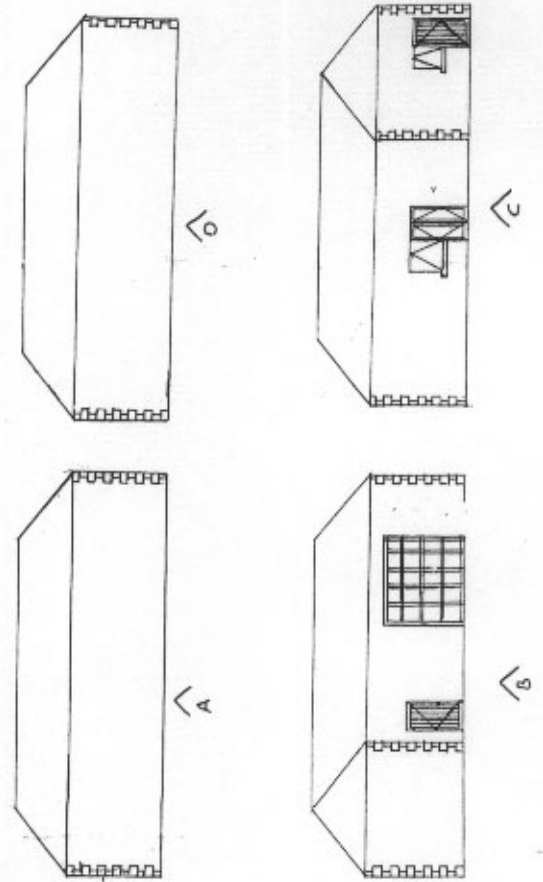
House & Garage.
APPEARANCE.

- Coloured brick to O.P.C level, Black above.
- Cream Smooth render - Finish above O.P.C.
- Red Stone quoins & sills.
- Grey Roof & Ridge tiles.
- White u.P.V.C Fascias & Soffits.
- White u.P.V.C Windows & Doors.
- White garage Door.
- White Gutters, Downpipes & Soil pipes.

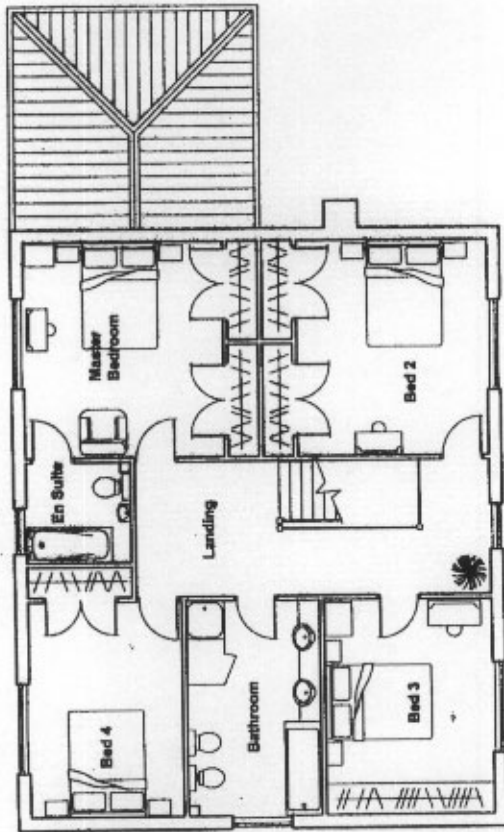
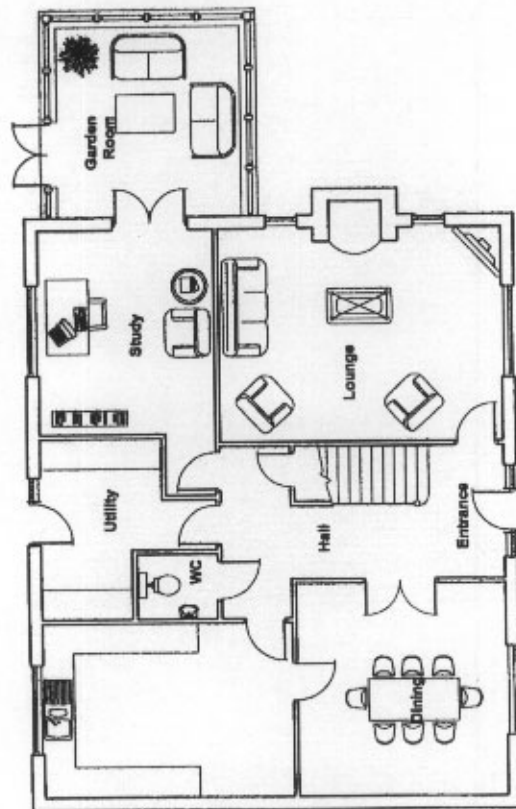


1:100

Elevations.



RECTIFIED
21 MAY 1971
Roof 100%



1 MAR 2009
2009/0046

Maple

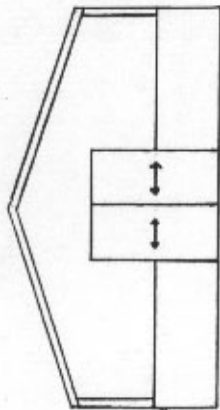


Manufacturers of Fine Timber Frame Homes
Toronto: 1041 Denison Park, Toronto: L4N 1S1, Michichie, Prescott: P8J 6S2, Tel: (1)995 079444

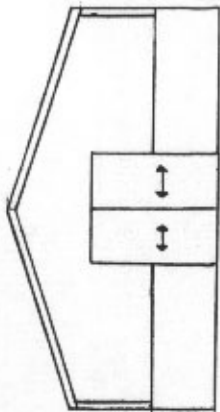
Client	Monocrop	Scale	1:100	Dwg. No.	4939/01	Date	February 2007
Drawing Title	GF & FF Layout						
Drawn	AR	Checked		Site			

STABLE'S

Elevation 'C'

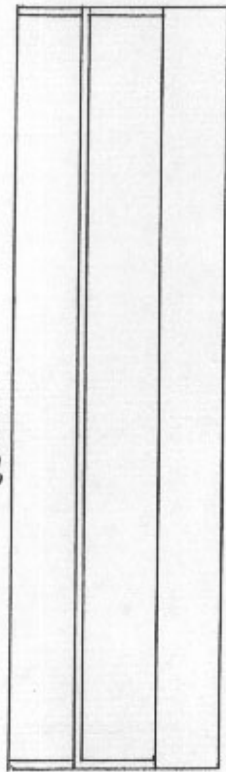


Elevation 'D'

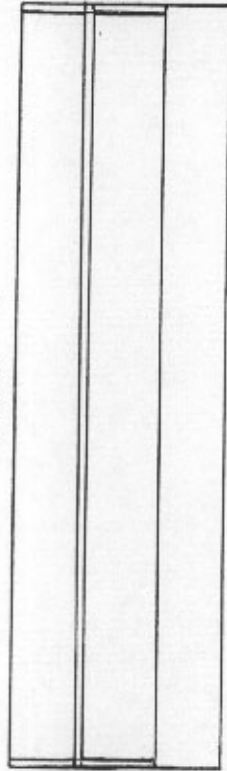


Olive green profiled sheeting
to sides & roof with clear
sleebs for lighting.
Precast concrete panels 1.8mtrs
High to base
Some materials to all
three Buildings.

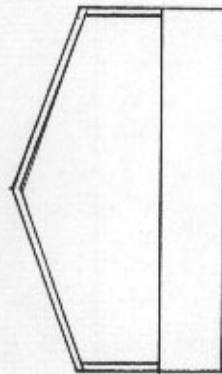
Elevation 'A'



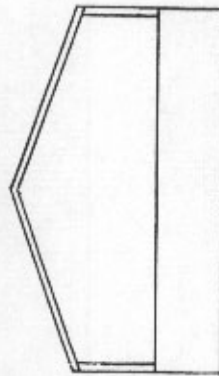
Elevation 'B'



Elevation 'A'

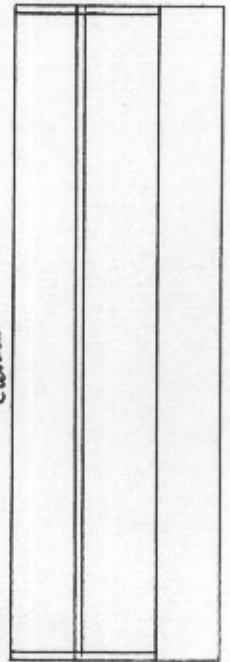


Elevation 'B'

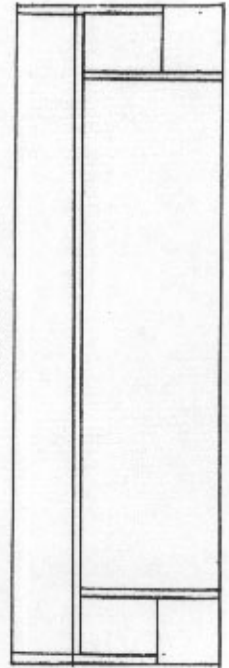


BARN

Elevation 'D'



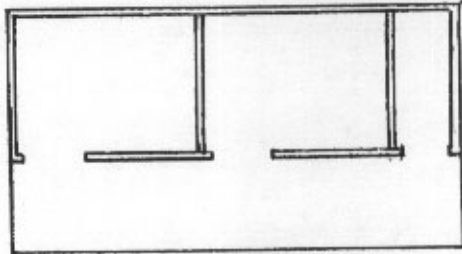
Elevation 'C'



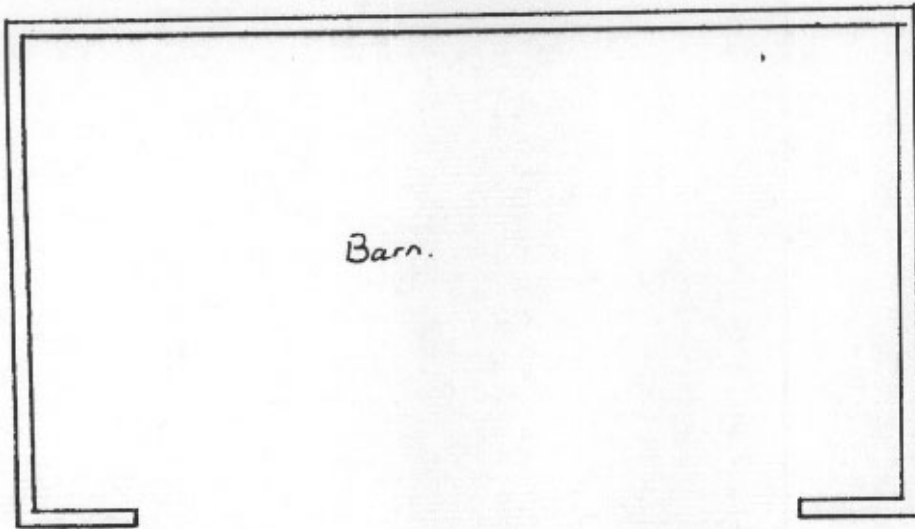
26 JAN 2008
200910046

1:100

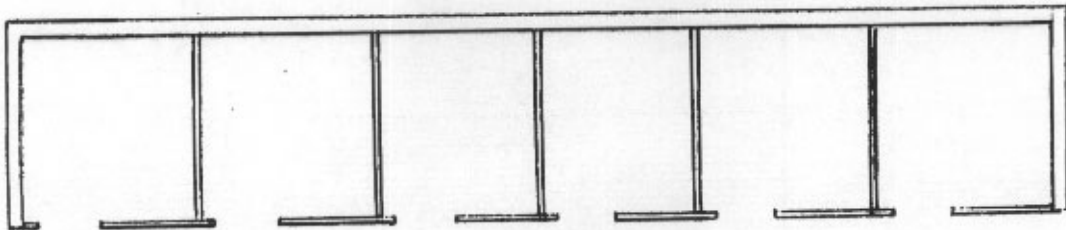
2009/0045
-4 MAR 2009



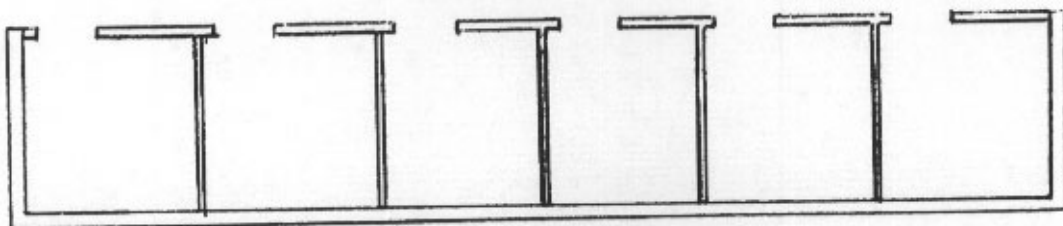
ISOLATION
BOXES.



Barn.



STABLE BLOCK



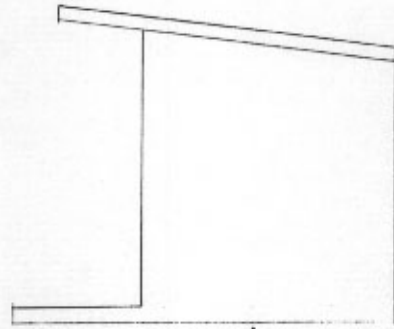
Drawing 2.

Isolation Elevations

Block Construction
 olive green profile sheeting
 & Trims
 Black gutters & Down pipes

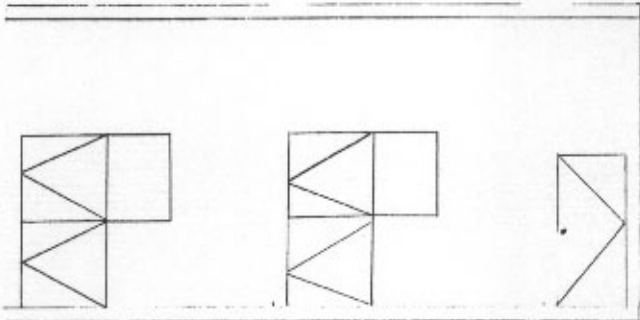


A

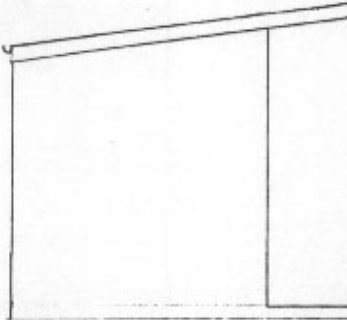


C

G.L.



B



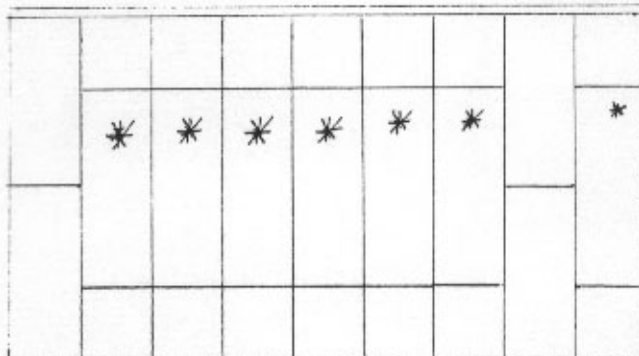
D

1:50

G.L.

26 JAN 2005
 2005

1:50
 Roof Plan.



100mm Half Round Gutter

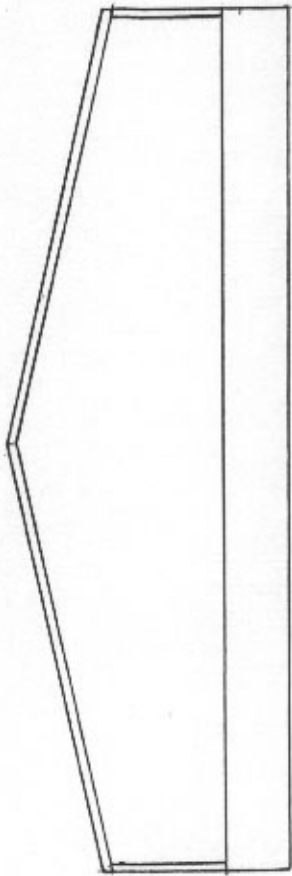
* - Clear Roof Lights

All other sheets & Trims
 Olive green

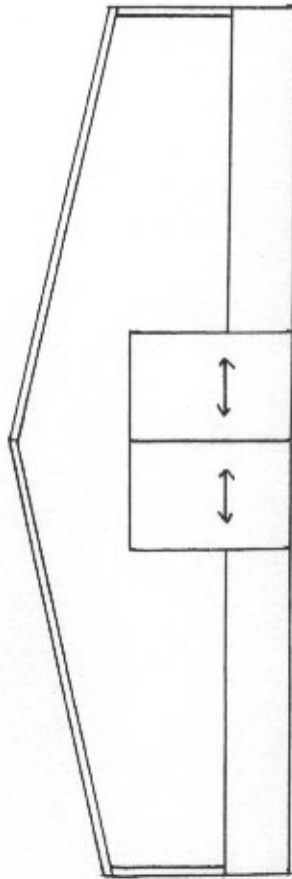
Drawing 4.

ARENA

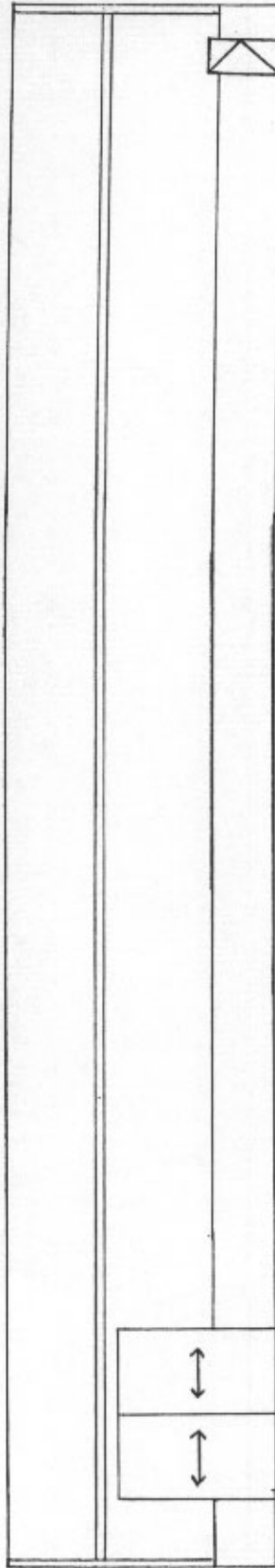
Elevation 'A'



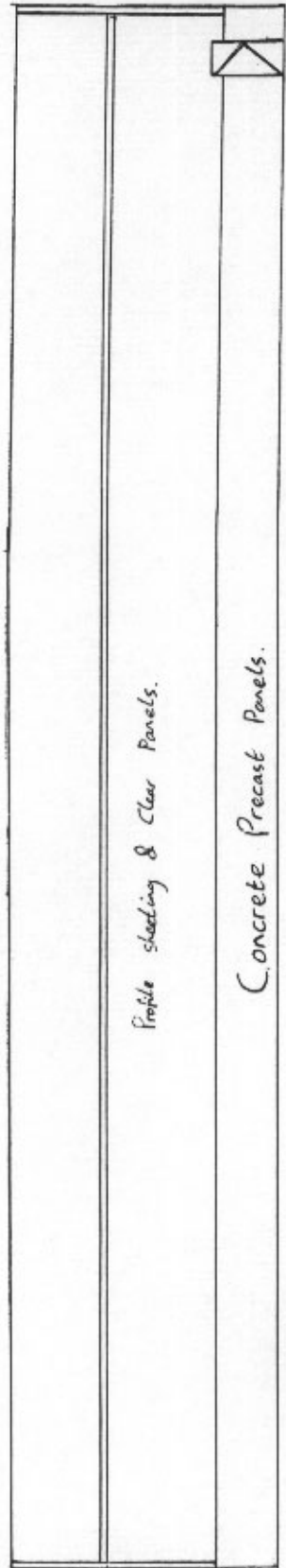
Elevation 'B'



Elevation 'C'



Elevation 'D'



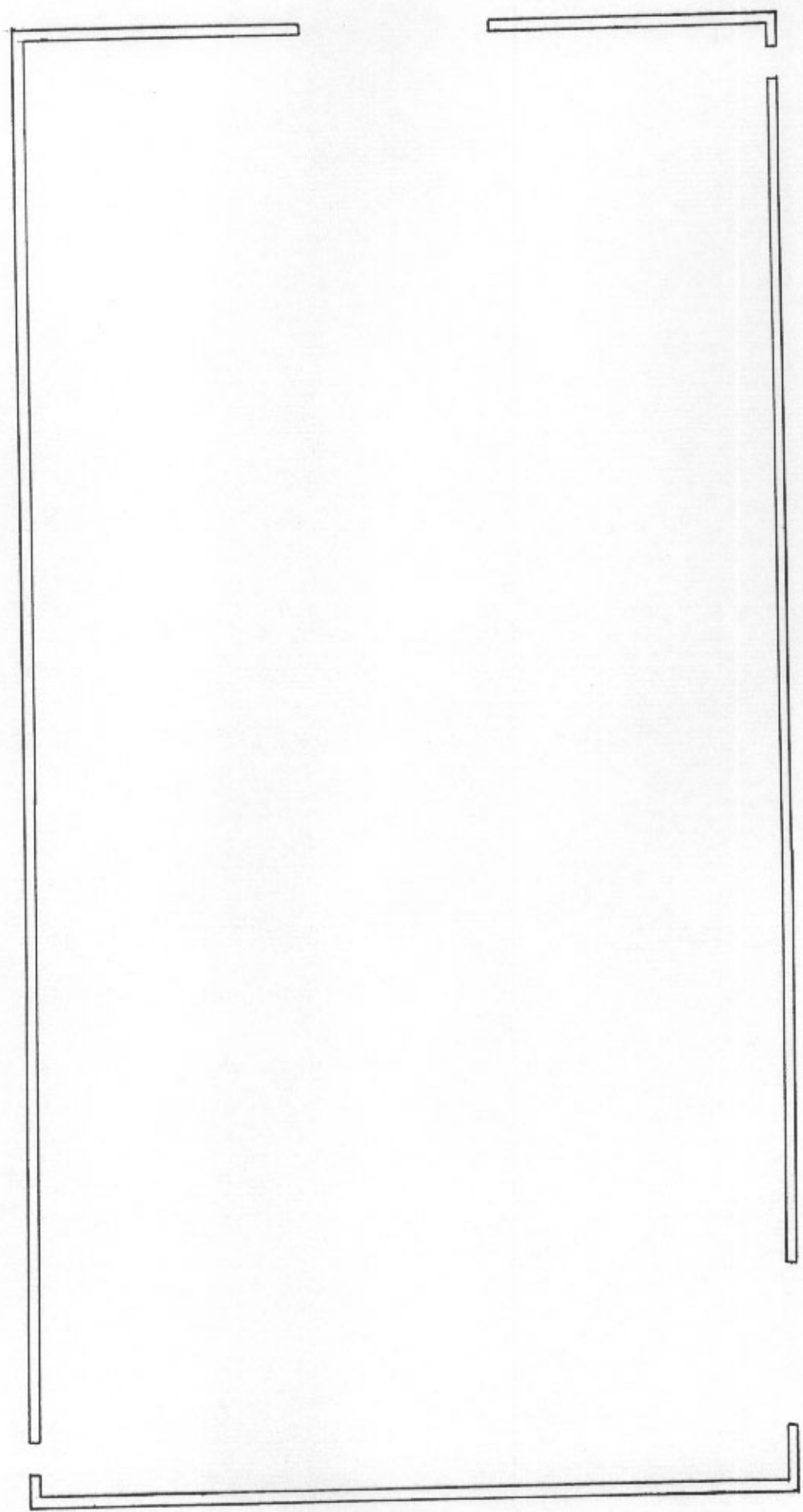
Profile showing & Clear Panels.

Concrete Precast Panels.

2009/10002
L.A.C. 2009. 4.

ARENA

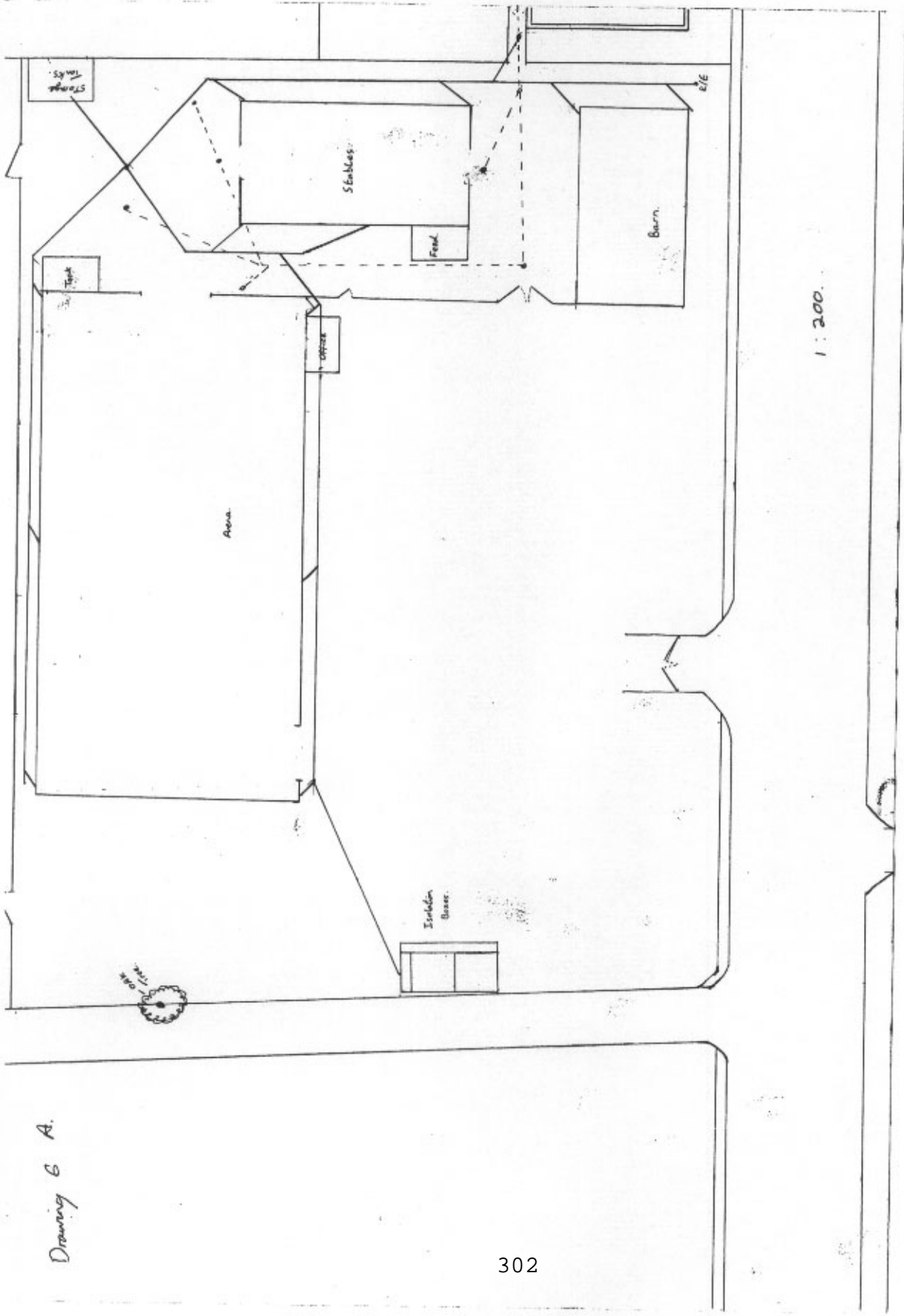
1:100



Drawing 6 A.

Surface water.

Foul water.

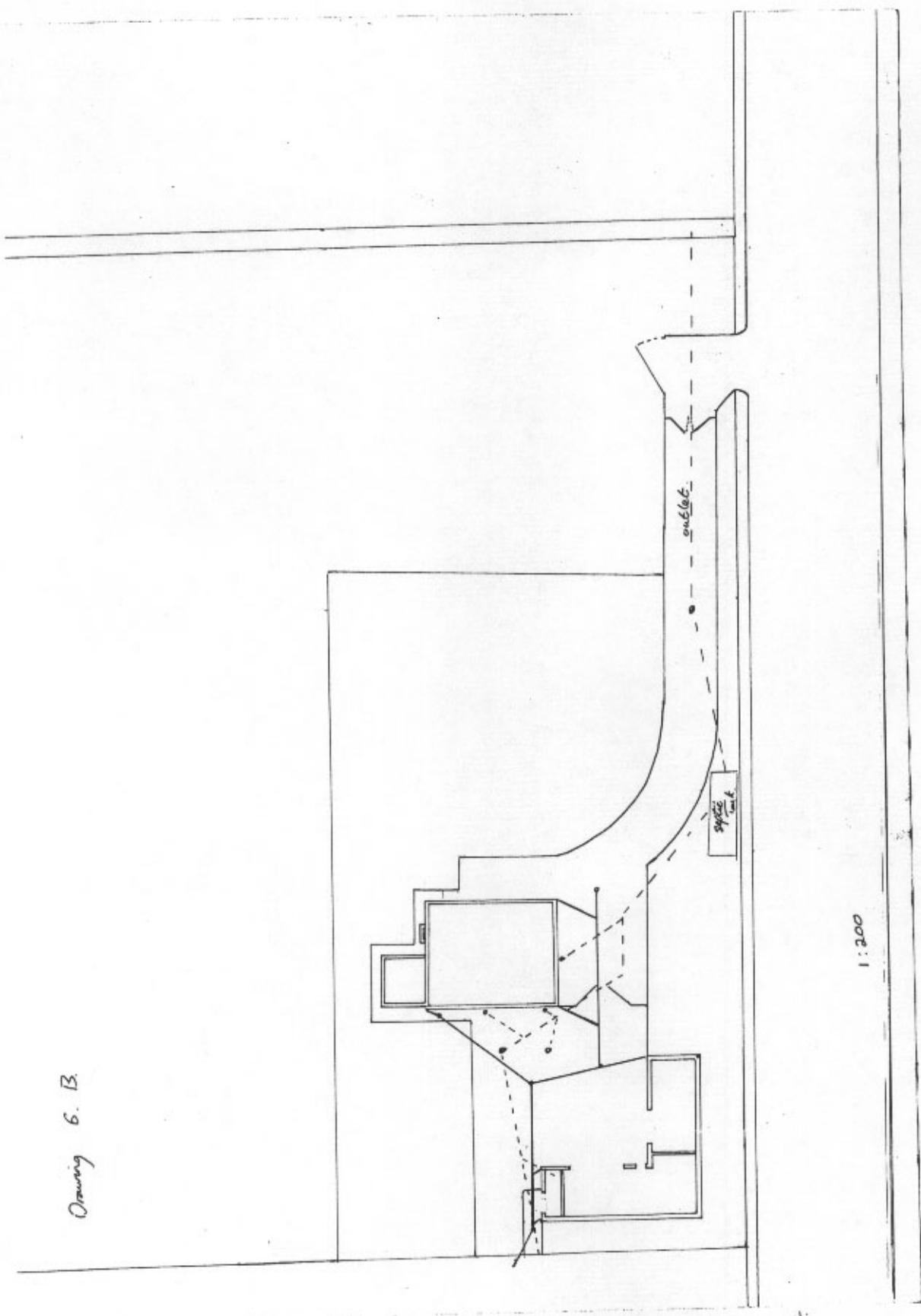


1:200

Draw layout 1

RECEIVED
23 JAN 2008
10091309
1009130944

Drawing 6. B.



Drain layout 2

1:200

Foul water

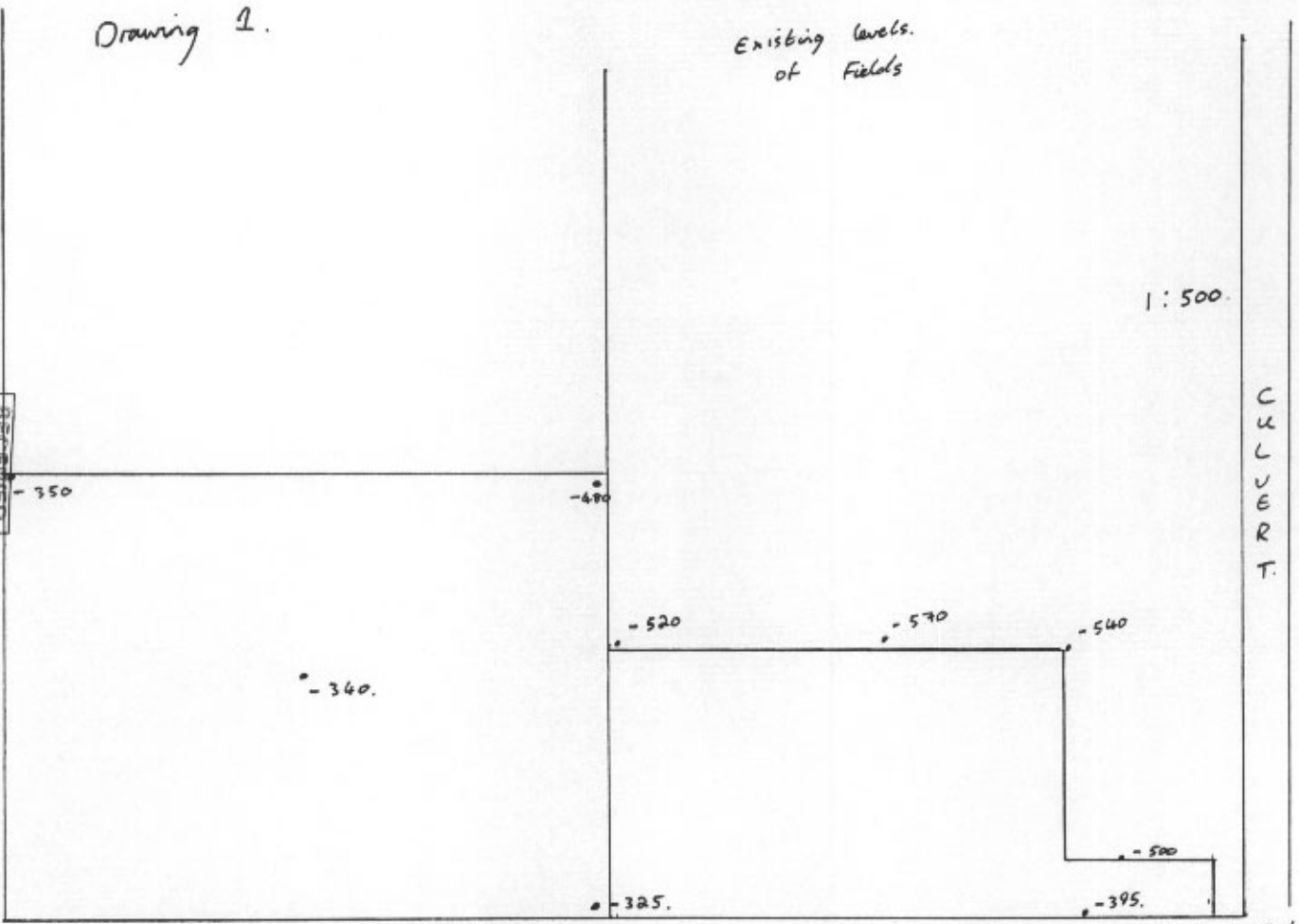
—
Surface water

Drawing 1.

Existing levels.
of Fields

1:500

APPROVED
26 JAN 2009
2009 IN/MLK

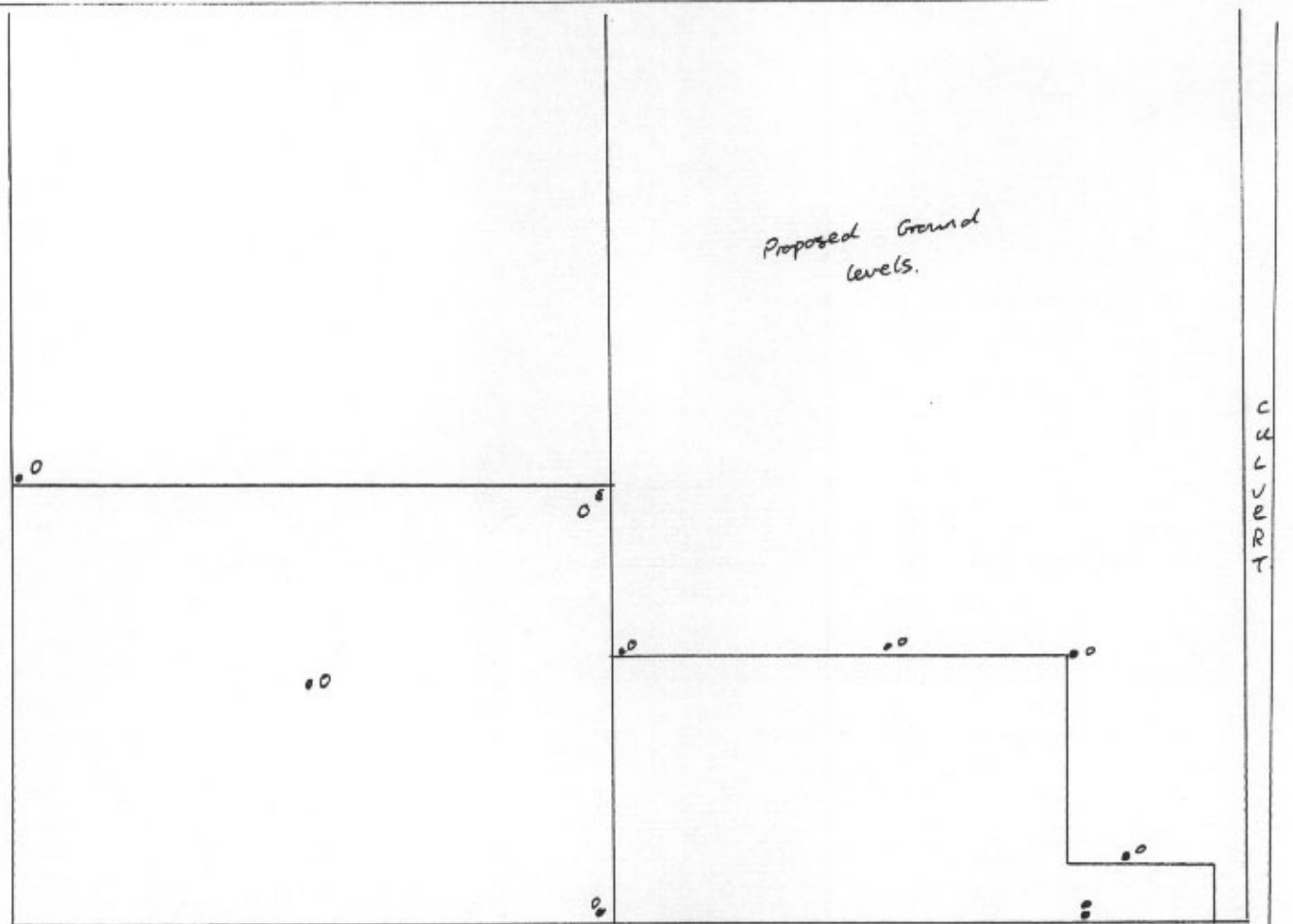


Drain
+450

Road.

• Datum point
Drain near
culvert.

Proposed Ground
levels.



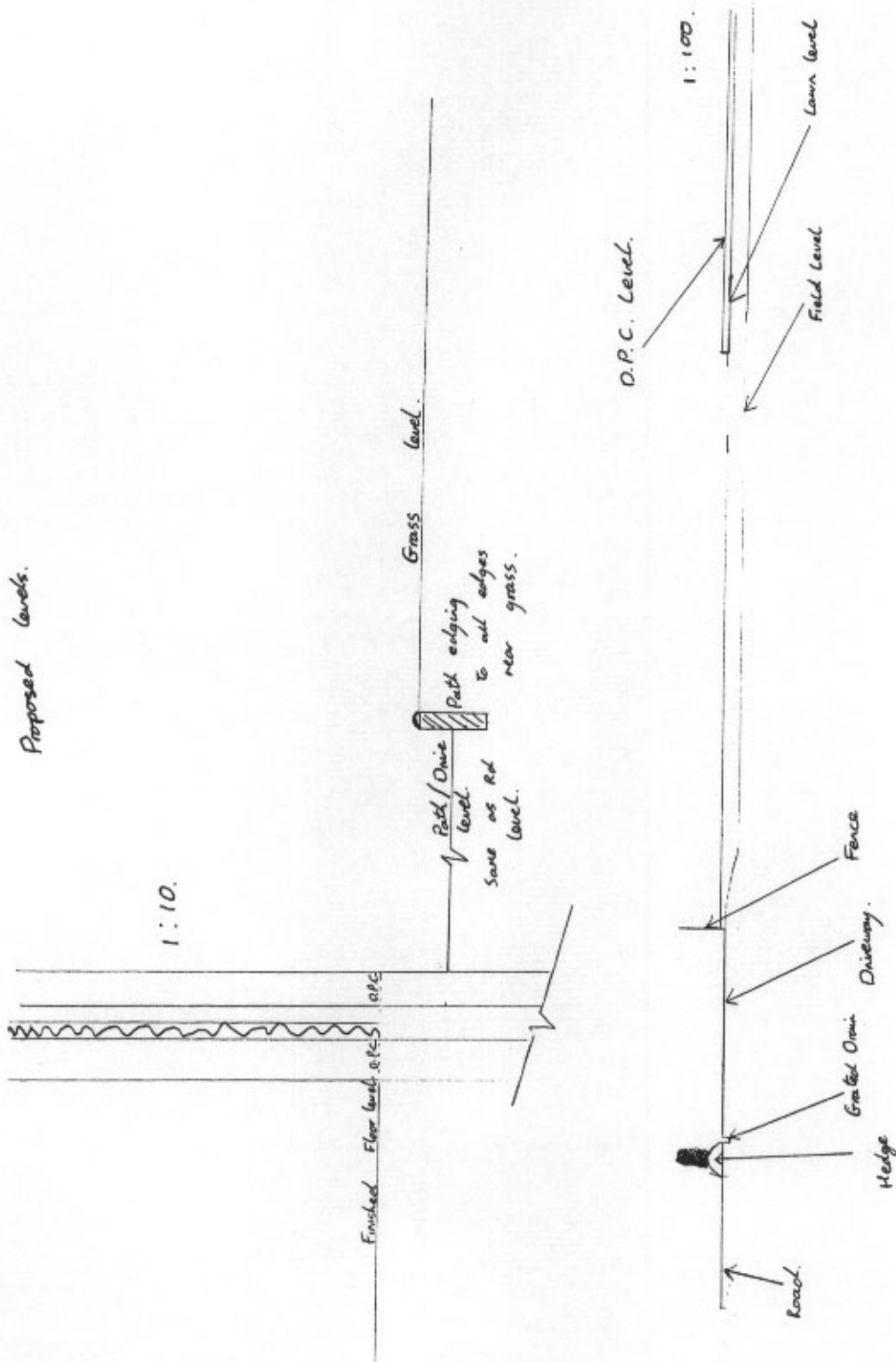
Drain
+450

304

ROAD.

• Datum point
Drain near
culvert.

Drawing 5.



RECEIVED
26 JAN 2009
2009/10046

SCHEDULE A: Applications with Recommendation

09/0139

Item No: 12

Date of Committee: 24/04/2009

Appn Ref No:
09/0139

Applicant:
Mr Carruthers

Parish:
Wetheral

Date of Receipt:
02/03/2009

Agent:
Co-ordinate (Cumbria)
Limited

Ward:
Wetheral

Location:
Old School House, Cotehill, Carlisle, CA4 0EA

Grid Reference:
346882 550185

Proposal: Two Storey Rear Extension To Provide Sun Room On Ground Floor
With Bedroom Above & Installation Of New Window To Side Elevation
At Ground Floor

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee as the applicant is an employee of the City Council.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Local Plan Pol H11 - Extns to Existing Resid. Premises

2. Summary of Consultation Responses

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

Wetheral Parish Council: no comment; and

National Grid UK Transmission: the risk to the operational electricity and gas transmission network is negligible.

SCHEDULE A: Applications with Recommendation

09/0139

3. Summary of Representations

Representations Received

Initial:		Consulted:	Reply Type:
	10 St Johns Close	03/03/09	
	11 St Johns Close	03/03/09	
	12 St Johns Close	03/03/09	
	13 St Johns Close	03/03/09	
	14 St Johns Close	03/03/09	Undelivered
	Wellspring Christian	03/03/09	Undelivered
School			
	11 Townhead Road	03/03/09	
	12 Townhead Road	03/03/09	
	Rowan Lodge	03/03/09	
		16/03/09	

- 3.1 This application has been advertised by means of direct notification to the occupiers of ten of the neighbouring properties. At the time of writing this report, no representations have been received.

4. Planning History

- 4.1 Planning permission was granted in 2001 for the erection of a detached garage.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application seeks Full Planning permission approval for an extension to Old School House, Cotehill, Carlisle. The property occupies a plot within the village, to the rear and attached to Wellspring Christian School and comprises a two storey dwelling that is finished in painted facing render under a slate roof. The property is located within the village envelope with residential properties to the south and west of the application site. To the north of the site is the grounds to the village hall.
- 5.2 The site is bounded to the north by a concrete post and timber fence that measures approximately 1.6 metres in height. The western boundary comprises of outbuildings belonging to the applicant's property, a timber fence and a brick wall.
- 5.3 It is proposed to extend the dwelling on the north elevation through the construction of a two storey extension. The footprint and ridge of the

SCHEDULE A: Applications with Recommendation

09/0139

structure would be in line with the existing property and would provide a sunroom on the ground floor with a bedroom above. The extension would be constructed from materials to match those of the existing property.

- 5.4 The relevant planning policy against which the application is required to be assessed is Policy H11 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

Assessment

1. Whether The Proposal Is Appropriate To The Dwelling

- 5.5 The extension would be sited on the north elevation of the building. The scale and footprint of the proposal would be proportionate and appropriate to the existing property. The extension would occupy land adjacent to the existing gable of the dwelling and would not therefore detract from the character or appearance of the area. Furthermore, the extension would be constructed from materials to match the existing building.

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

- 5.6 The boundary between the application site and the neighbouring properties to the west is reasonable height to safeguard their living conditions and also comprises of a single storey outbuilding. The main aspect from the proposed windows in the extension will be to the north and east, overlooking the grounds of the village hall and the former school.
- 5.7 Given the orientation of the dwelling and the proposed extension in relation to the adjacent properties, it is not considered that the occupiers would suffer from any loss of daylight or sunlight. Due to the siting, scale and design of the extension, the development will not adversely affect the living conditions of the occupiers of the neighbouring properties by virtue of unreasonable loss of light, loss of privacy or over-dominance.

Conclusion

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

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

09/0139

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.

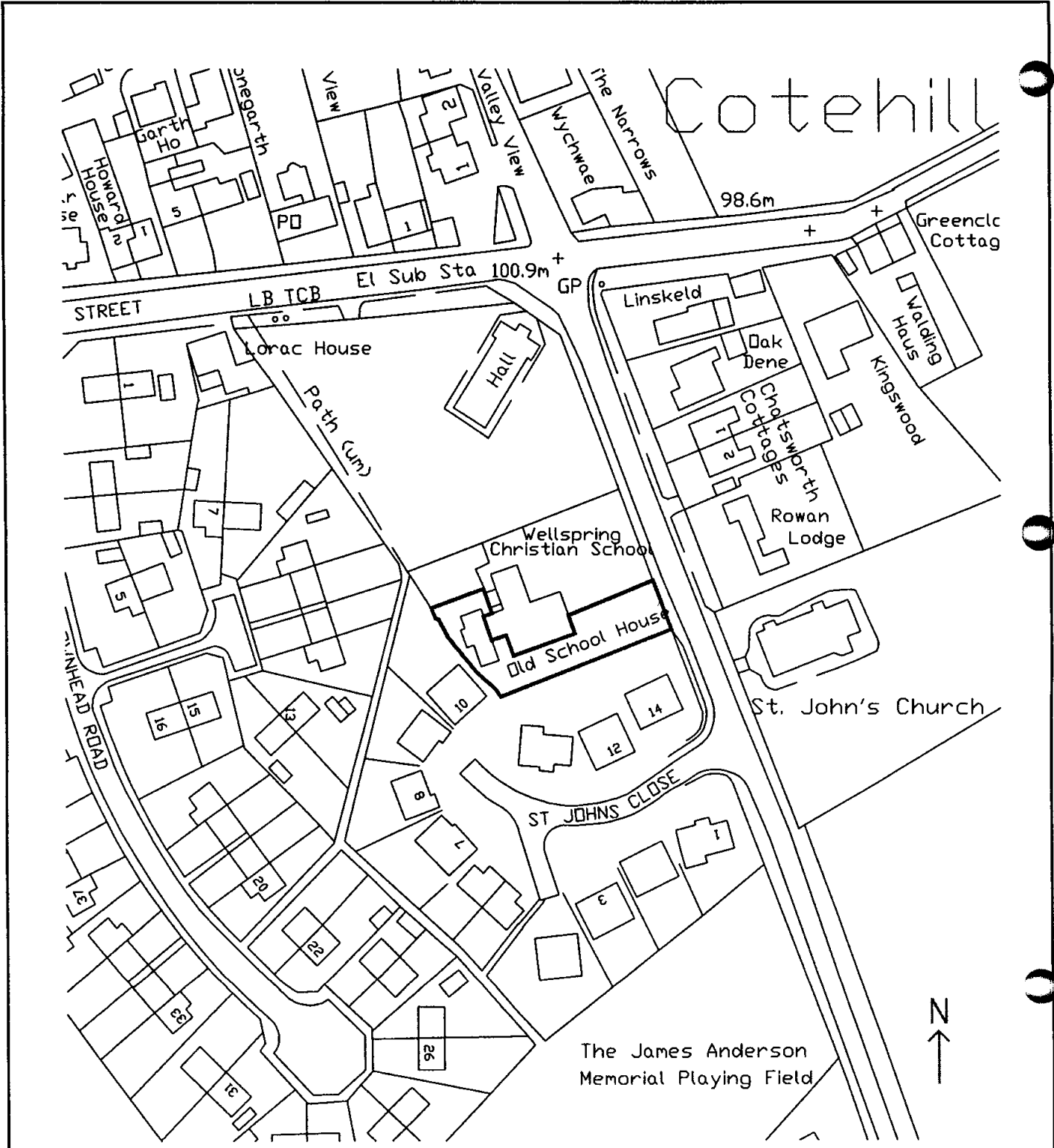
7. Recommendation - Grant Permission

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

Reason: To ensure a satisfactory external appearance for the completed development in accordance with Policy H14 of the Carlisle District Local Plan 2001-2016.

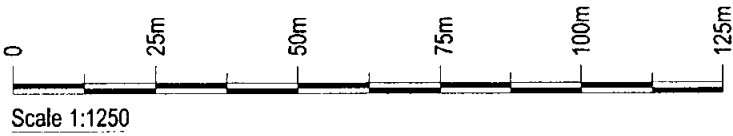


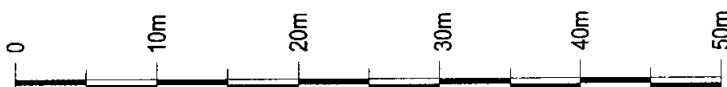
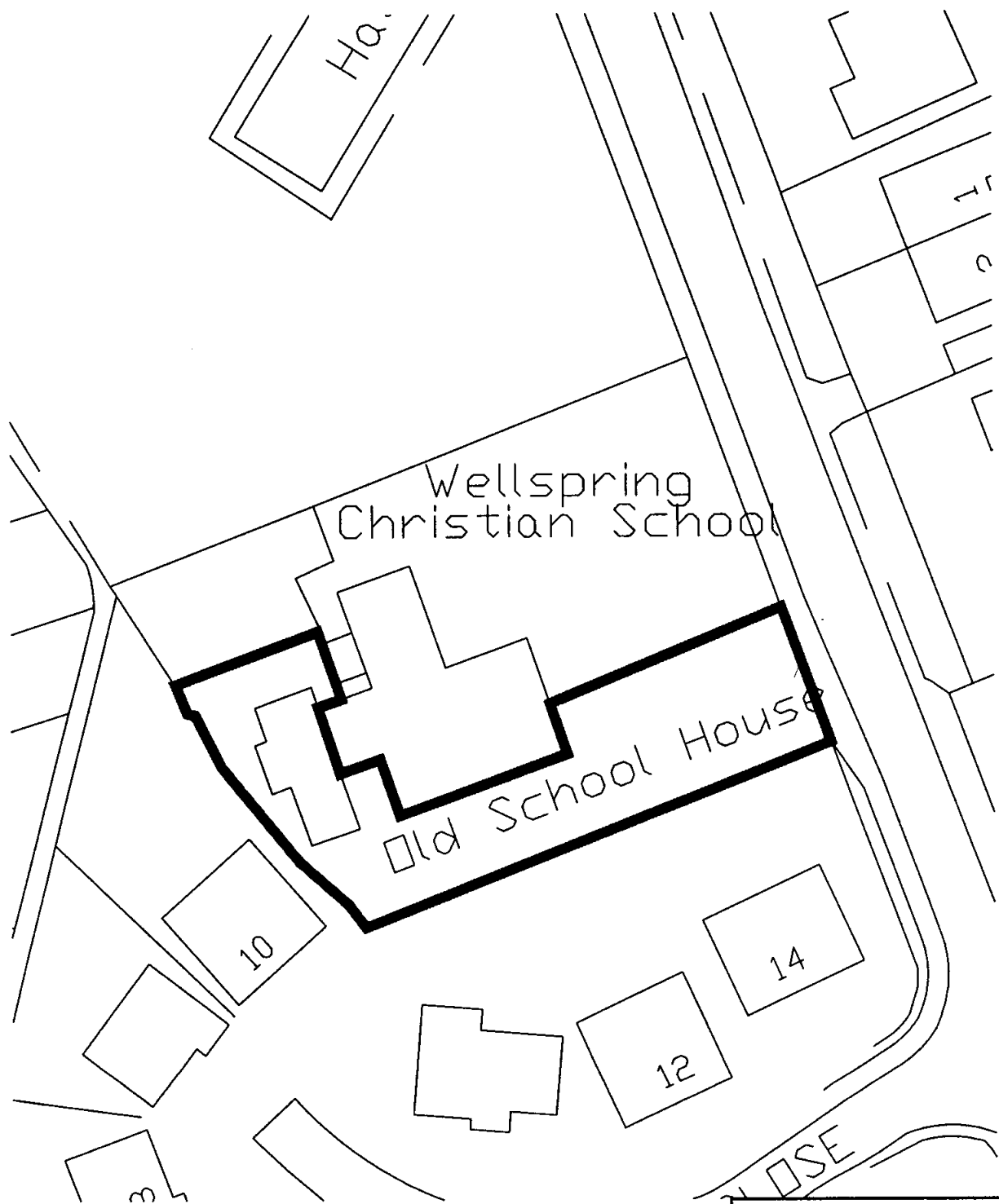
Co-ordinate (Cumbria) Ltd
 Building Consultancy Services
 25 STANTON ROAD • ETTERBY • CARLISLE • CUMBRIA • CA3 9QT
 Tel: 01228 810221 • Mobile: 07912 061631
 Email: alan@cleod@btinternet.com

JOB
Rear 2 Storey Extension to Old School House, Cotehill

DRAWING
Location Plan

DRAWN BY	AMcL	DATE	05/02/08	SCALE	1:1250
DRAWING NUMBER	C058/100/01		REVISION	-	



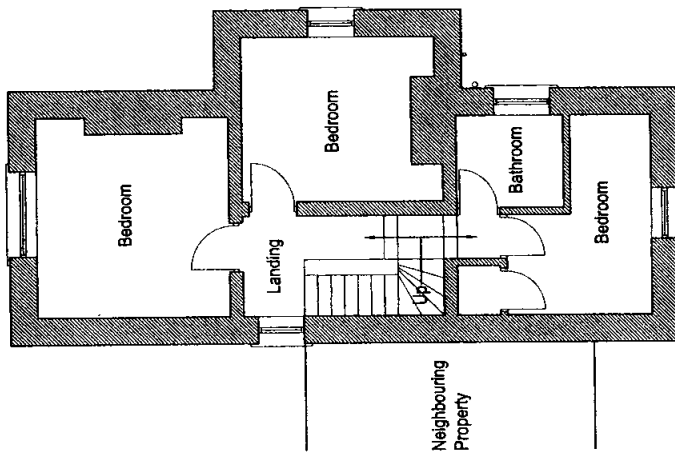


Scale 1:500

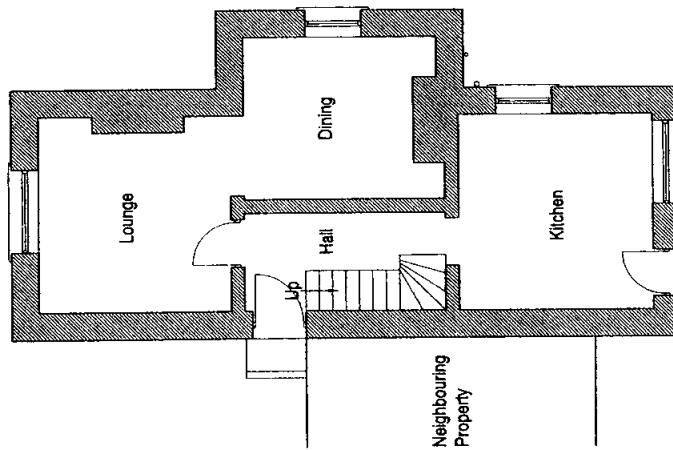


Co-ordinate (Cumbria) Ltd Building Consultancy Services 25 STANTON ROAD • ETTERBY • CARLISLE • CUMBRIA • CA3 9QT Tel: 01228 810221 • Mobile: 07912 061631 Email: alanmcleod@btinternet.com			
JOB			
Rear 2 Storey Extension to Old School House, Cotehill			
DRAWING			
Block Plan			
DRAWN BY	AMcL	DATE	05/02/09
		SCALE	1:500
DRAWING NUMBER	CO58/100/02		REVISION
			-

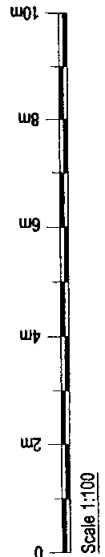
Existing Materials
 Walls: Render finish painted white to all elevations.
 Facing brickwork below DPC
 Slate roof to all elevations
 Roof:
 Windows: Brown upvc to all elevations
 Doors: Brown upvc to all elevations
 Gutters: Black upvc to all elevations
 Downpipes: Black upvc to all elevations



Existing First Floor Plan



Existing Ground Floor Plan



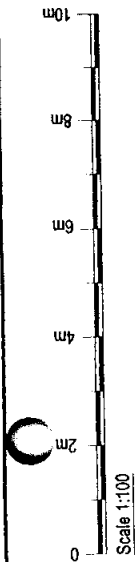
26 FEB 2009
 2009/0139

Coordinate (Cumbria) Ltd
 Building Consultancy Services
 25 STANTON ROAD • LETTISBY • CARLISLE • CUMBRIA • CA3 9QT
 Tel: 01228 110221 • Mobile: 07812 04181
 Email: enquiries@coordinate.com

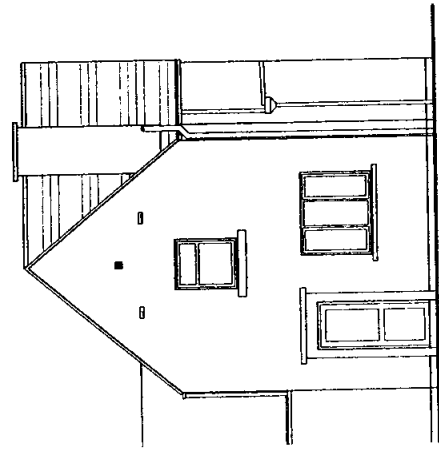
JOB: Rear 2 Storey Extension to Old School House, Cotehill

DRAWING NUMBER: Existing Floor Plans

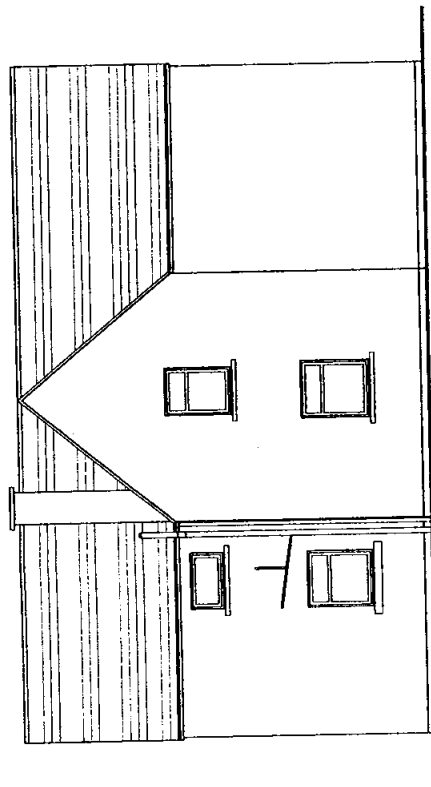
DATE: 05/02/09 SCALE: 1:100
 DRAWN BY: JAMEL
 CHECKED BY: JAMES
 DRAWING NUMBER: 51/100/03



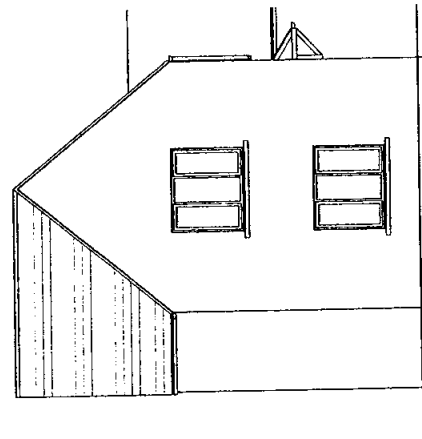
- Existing Materials**
- Render finish painted white to all elevations.
 - Walls: Facing brickwork below DPC
 - Roof: Slate roof to all elevations
 - Windows: Brown upvc to all elevations
 - Doors: Brown upvc to all elevations
 - Gutters: Black upvc to all elevations
 - Downpipes: Black upvc to all elevations



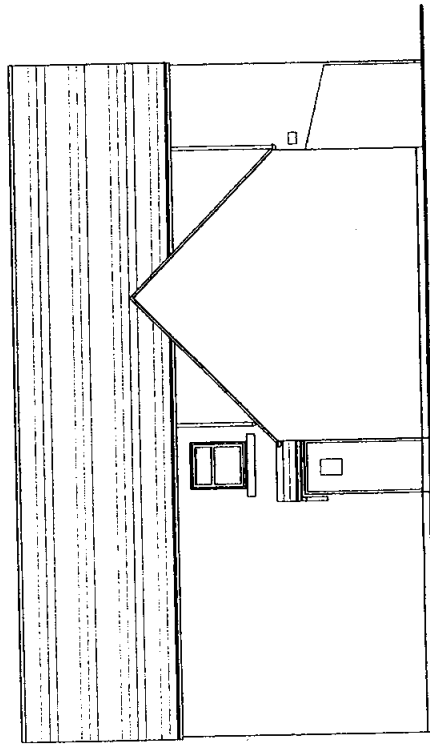
Existing Rear Elevation



Existing Side Elevation



Existing Front Elevation



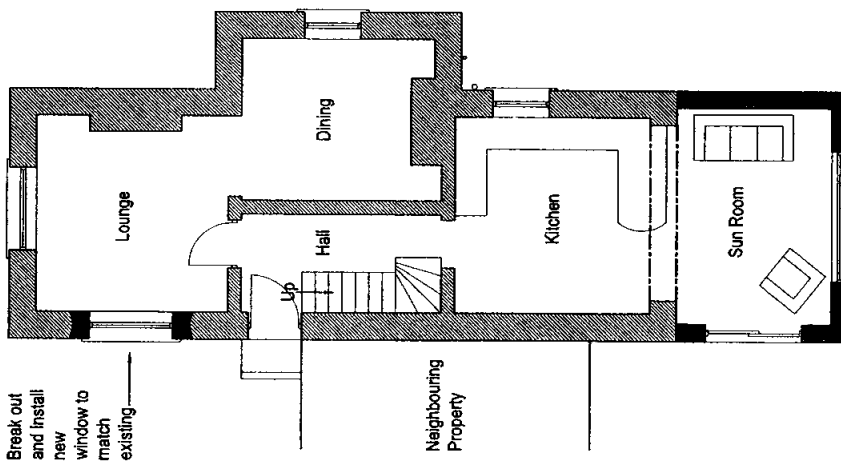
Existing Side Elevation

26 FEB 2009
2007/0139

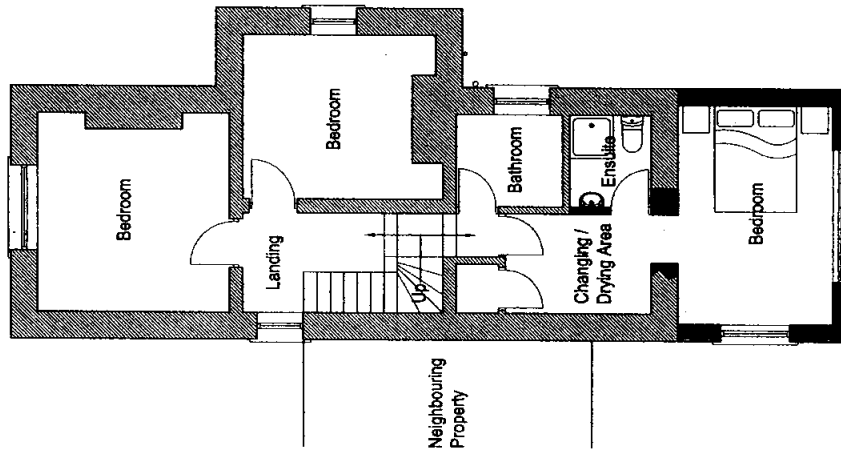
Co-ordinate (Cumbria) Ltd	
Building Consultancy Services	
25 STANTON ROAD • BETERBY • CARLISLE • CUMBRIA • CA3 9DT	
Tel: 01228 810221 • Mobile: 07912 061831	
Email: admin@co-ord.com	
DATE: 02/02/09	SCALE: 1:100
DRAWN BY: AJML	REVISION:
Rear 2 Storey Extension to Old School House, Cotehill	
DRAWING NUMBER: CO51/100/04	
DRAWING TITLE: Existing Elevations	

Proposed Materials

- New Walls: Blockwork with Render finish painted white and facing brickwork below DPC to match existing
- New Roof: Slate roof to match existing
- New Windows: Brown upvc to match existing
- New Cufflers: Black upvc to match existing
- New Downpipes: Black upvc to match existing
- New Ext. Doors: Brown upvc to match existing



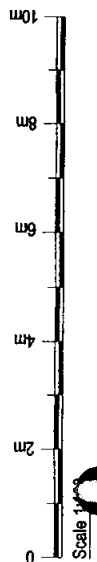
Proposed Ground Floor Plan



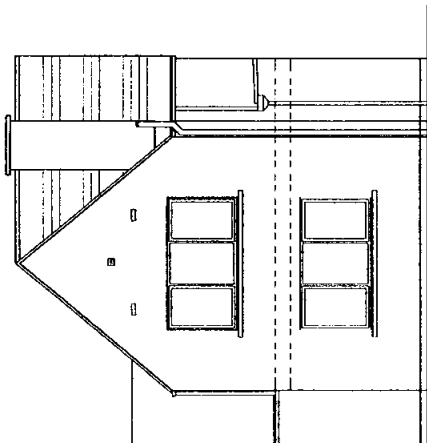
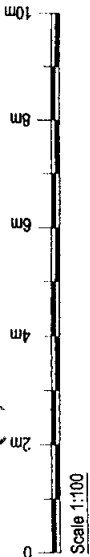
Proposed First Floor Plan

26 FEB 2009
2009/0139

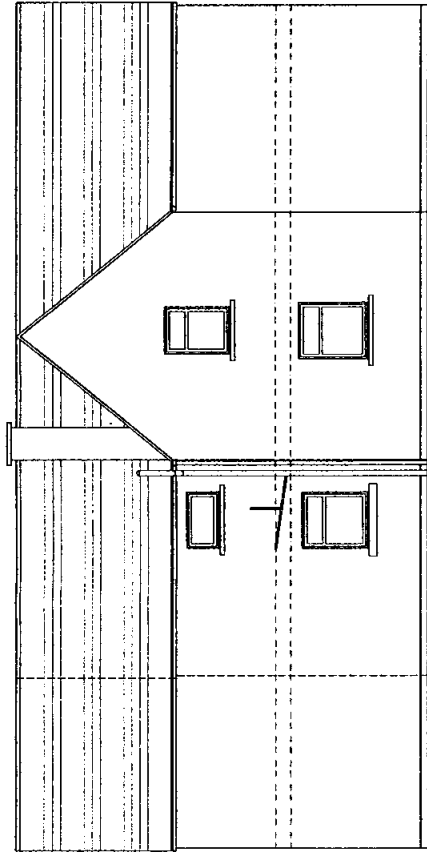
Co-ordinate (Cumbria) Ltd Building Consultancy Services 25 STANTON ROAD • ETTERRBY • CHARLE • CUMBRIA • OX1 9OT Tel: 01284 810221 • Mobile: 07912 081831 Email: admin@co-ord.com	
Rear 2 Storey Extension to Old School House, Cotehill	
Proposed Floor Plans	
DRAWN BY: AJAC SCALE: 1:100 NUMBER: CC517/100/05	DATE: 02/09 SHEET: 1 OF 1



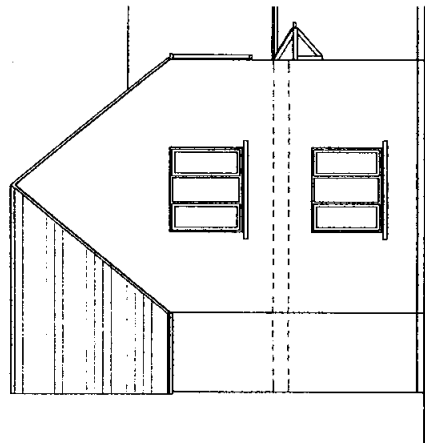
- Proposed Materials**
- New Walls: Blockwork with Render, finish painted white and facing brickwork below DPC to match existing
 - New Roof: Felt roof to match existing elevations
 - New Windows: Re-use existing white upvc to all elevations
 - New Gutters: Black cast iron to match existing
 - New Downpipes: Black cast iron to match existing
 - New Ext Doors: White upvc



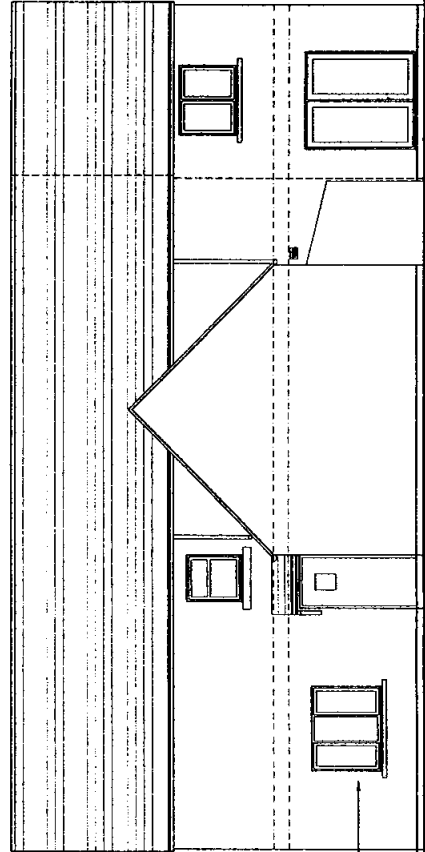
Extent of New Extension
Proposed Rear Elevation



Extent of New Extension
Proposed Side Elevation



Proposed Front Elevation



Extent of New Extension
Proposed Side Elevation

26 FEB 2009
2009/0139

Co-ordinate (Cumbria) Ltd
 Building Consultancy Services
 25 STANTON ROAD • ETTERRY • CUMBRIA • CA8 9BT
 Tel: 01284 81821 • Mobile: 07753 01811
 Email: info@co-ordinate.com

DATE	18/02/09	SCALE	1:100
DRAWN BY	AAE	DATE	18/02/09
DRWING NUMBER	CO51/100/06	REMARKS	-
Proposed Elevations			
Rear 2 Storey Extension to Old School House, Cotahill			

SCHEDULE A: Applications with Recommendation

09/0074

Item No: 13

Date of Committee: 24/04/2009

Appn Ref No:
09/0074

Applicant:
A & S Developments

Parish:
Stanwix Rural

Date of Receipt:
10/02/2009

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
Land To The Rear Of 42 The Green, Houghton,
Carlisle, CA3 0LA

Grid Reference:
340926 559183

Proposal: Variation Of Conditions 3 (Landscaping) And 8 (External Stonework) Of
Application 08/1091

Amendment:

1. Accurate drawings that illustrate the alterations to the boundary wall.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination to highlight the proposed changes to the approved scheme, which had previously been granted by the Development Control Committee following objections raised by a local resident and Councillor Bainbridge.

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 CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol H1 - Location of New Housing Develop.

SCHEDULE A: Applications with Recommendation

09/0074

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Stanwix Rural Parish Council: no comments;

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
39 The Green		
39 The Green	19/02/09	
Stanwix Rural	16/02/09	Comment Only
40 The Green		
40 The Green	19/02/09	
41 The Green		
41 The Green	19/02/09	
160 Houghton Road	16/02/09	
162 Houghton Road	16/02/09	
14 Beech Grove		
14 Beech Grove	19/02/09	
15 Beech Grove		
15 Beech Grove	19/02/09	
16 Beech Grove		
16 Beech Grove	19/02/09	
61 Tribune Drive	16/02/09	Comment Only
63 Tribune Drive	16/02/09	

3.1 This application has been advertised by means of a site notice and notification letters sent to seventeen neighbouring properties. In response one letter of objection has been received from a local resident, which raises the following concerns:

1. The trees that were supposed to be retained as per the approved consent have been removed without prior permission;
2. A shed has been erected in the rear garden of Plot A without permission being obtained. Rain water from the shed is alleged to flow from the roof into the garden of the objector's property. The shed also results in loss of light due to the difference in the ground level between the application site and the objectors property; and

SCHEDULE A: Applications with Recommendation

09/0074

3. Permission for the work that has taken place on this site has typically been gained retrospectively.
- 3.2 Members will also note that Councillor Bainbridge has written in on behalf of the occupiers of Spring Grove and has raised the following issues:
 1. The original wall to the rear of their property, which has been raised in height by 0.45 metres, should be randomly laid in accordance with the recently approved application;
 2. In respect of the removal of the three trees, which formed part of the approved landscaping scheme Councillor Bainbridge has commented that sympathetic landscaping would only serve to enhance the appearance of the development; and
 3. Councillor Bainbridge has also criticised the developer for the retrospective nature of the various applications that have related to the construction of the properties on this site;
- 3.3 Whilst the concerns regarding the retrospective applications are noted Members are reminded that this, in its own right, is insufficient justification to refuse the application.

4. Planning History

- 4.1 In 1996 Outline planning permission was sought for the erection of a dwelling. The application was withdrawn prior to determination (Application 96/0313).
- 4.2 In 1996 Outline planning permission was granted for the erection of a dwelling and the formation of a vehicular access from Beech Grove (Application 96/0710).
- 4.3 In 1999 the renewal of a previous Outline consent was granted for the erection of a dwelling (Application 99/0358).
- 4.4 In 2006 Outline planning permission was granted for the erection of a three dwellings within the rear garden area of No.42 The Green (Application 06/1115).
- 4.5 In 2007 Reserved Matters approval was granted pursuant to the above outline consent (Application 07/0351).
- 4.6 In 2007 Full planning permission was granted for the erection of a fourth dwelling (Application 07/0353).
- 4.7 In 2008 Full planning permission was granted retrospectively for a revision to application 07/0353 to include an annex (Application 08/0285).

SCHEDULE A: Applications with Recommendation

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- 4.8 In 2008 Full planning permission was granted for the erection of three bungalows, which would replace the existing permission for the erection of two dormer bungalows (Application 08/0422).
- 4.9 In 2008 Full planning permission was granted, retrospectively, for the erection of three bungalows in lieu of the previous approval (Application 08/1091).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks to vary conditions 3 and 8 of application 08/1091, which relates to the erection of three detached bungalows on land to the rear of No.42 The Green, Houghton. The site is close to the centre of Houghton, and about 25 metres north of the village green. The application site is situated within part of the former garden of No.42, which is a substantial two storey property of traditional construction. Two of the three properties have been built (Plots A and C); however, work is yet to start on the third dwelling.
- 5.2 The surroundings to the application site are wholly residential with the exception of Houghton School located beyond the southern boundary. To the east of the site lie two dormer bungalows that occupy the head of the cul de sac of Beech Grove. To the south lies a bungalow, No. 61 Tribune Drive. To the west lies another bungalow, Spring Grove, and the 'host' dwelling, No. 42 The Green. To the north of the application site are a recently constructed two storey dwelling and a bungalow that share the same access road as the three bungalows. Excluding No. 42 The Green, the surrounding properties, which are of modern construction, are predominantly single storey/one and a half storey in height.

Background

- 5.3 In 2006 "Outline" planning permission was granted by the Development Control Committee for the erection of a bungalow and two dormer bungalows. Following the approval of a "Reserved Matters" application the bungalow has been built; however, due to concerns over the current housing market the applicants sought approval to erect three bungalows on the land that had planning permission to be occupied by the two dormer bungalows. This application was approved at the July meeting of the Development Control Committee (Application 08/0422).
- 5.4 Following the above approval work commenced on site and two of the three bungalows were built; however, the dwellings were not built in accordance with the approved plans and, therefore, a revised/retrospective application was submitted. This was approved by the Development Control Committee in December last year (Application 08/1091). In considering the application

SCHEDULE A: Applications with Recommendation

09/0074

Officers had raised concerns that the dwelling erected on Plot A overlooked the rear of an adjacent property, known as Spring Grove. In order to mitigate the impact upon the occupiers of Spring Grove the applicant agreed to raise the height of the existing stone wall between these properties. A condition was imposed that required the wall to be increased by 0.45 metres in height prior to the occupation of the dwelling on Plot A (Condition 8). The condition also required that the wall was finished using randomly laid natural stone as shown on the approved drawing.

- 5.5 The applicant's had also provided details of the landscaping scheme that they proposed to implement, which was acceptable to the Council. Condition 3 of application 08/1091 required the landscaping works to be carried out in accordance with the submitted detail prior to the occupation of any of the dwellings or in accordance with the programme agreed by the Local Planning Authority.
- 5.6 Since the approval of the above application the wall has been raised, although the work has not been carried out in accordance with the approved plan. Three trees which were also identified to be retained as part of the landscaping scheme have also been removed.
- 5.7 This current application now seeks retrospective consent to vary these conditions in accordance with the work that has been carried out. Whilst this application seeks retrospective approval Members are reminded that this fact alone should not prejudice the determination of the application.

The Proposal

- 5.8 It is proposed vary the wording of Condition 3 (the proposed landscaping scheme) and Condition 8 (the alterations to the stone wall between Plot A and Spring Grove) to reflect the works that have been carried out on site.
- 5.9 The alterations to the approved landscaping scheme involve the removal of four semi mature trees to the rear of Spring Grove, which comprise two Silver Birches, a Rowan and a Larch tree. The applicant has said that these trees were removed as they were positioned above the sewer that crosses the site. The applicant does not propose to incorporate any replacement planting for the same reason; however, the remainder of the landscaping scheme would be implemented in accordance with the previously agreed details, which involves planting four Cherry trees along the rear boundary of the three bungalows.
- 5.10 In respect of the alterations to the boundary wall it had been agreed that it would be raised in height by 0.45 metres in randomly laid natural stone in order to match the appearance of the wall below. The applicant has raised the height of the wall by 0.45 metres; however, as opposed to building the wall up in stone, a series of stone pillars have been erected, between which is vertically boarded timber fencing. The pillars that face inward toward the development site complement the appearance of the wall as the stone work is randomly laid. The stone work on the side of the wall, which faces towards

SCHEDULE A: Applications with Recommendation

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the garden of Spring Grove, has also been built using natural stone but instead of being randomly laid it is coursed. The applicant has explained that the neighbour's side of the wall was built in this fashion, as it enabled the wall to be built from the development site without builders having to enter the garden of Spring Grove, which would avoid any plants being damaged and minimise disturbance.

- 5.11 There are no other alterations to the approved scheme and the sole issues for Members to consider are the implications of the above changes.

Assessment

- 5.12 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP10, H1 and T1 of the Carlisle District Local Plan 2001-2016.

- 5.13 The proposals raise the following planning issues:

1. Whether The Variation To The Landscaping Scheme Is Acceptable.

- 5.14 When "Outline" permission was sought in 2006 the City Council's Landscape Architect commented that although the garden of No. 42 was well stocked with trees and shrubs, a number of which are interesting or unusual for this area, the trees were not worthy of statutory protection by means of a Tree Preservation Order. The Landscape Architect stated that the trees that were present were relatively small with very limited public visibility, and, as such, there would not be a significant loss of public amenity if these trees were removed. In respect of this current proposal, which proposing to vary the approved landscaping scheme through the removal of four trees to the rear of Spring Grove, the Council's Landscape Architect has made no observations.

- 5.15 The removal of these trees is unfortunate; however, the trees were not worthy of statutory protection in their own right and their loss does not result in any significant harm to the visual amenity of the wider area. The overall development, which comprises a cul de sac of five properties, is attractively laid out and the additional planting which is still proposed will serve to enhance it further still. The variation to the landscaping scheme is acceptable and it is recommended that the wording of Condition 3 is amended to reflect the revised drawing that accompanies this current application.

2. Whether The Alterations To The Boundary Wall Are Acceptable.

- 5.16 The wall has been raised by 0.45 metres and, therefore, it serves its intended purpose in that it safeguards the privacy of the occupiers of Spring Grove. The specific issue for Members to consider is whether the appearance of the wall is acceptable. To assist Members in making this judgement three photographs of the wall have been reproduced in the Schedule following this report. One of the photographs is taken from within the development site; the other from within the curtilage of Spring Grove.

SCHEDULE A: Applications with Recommendation

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- 5.17 The use of stone pillars and timber fencing is not inappropriate and is acceptable in terms of its general design. The stone pillars that face the development site are finished using randomly laid stone and blend in sympathetically with the original wall below.
- 5.18 The key issue to consider is whether the use of coursed stone to the opposite side of the wall, which forms the rear boundary of Spring Grove, is appropriate. The stone that has been used is new and, therefore, there is a greater distinction between the old and new stone than would be apparent once the new stone has weathered. Notwithstanding the latter point, there is clearly a distinction between the new wall and the old wall in terms of the way that the stone is laid and the size of the individual blocks. In terms of assessing the visual harm that this causes Members are advised that the coursed stone work can only be seen from the rear gardens of Spring Grove, and to a lesser extent, the neighbouring property, No.160 Houghton Road.
- 5.18 It is unfortunate that the developer did not apply the same quality of finish that they utilised on the side of the wall that faces the development site; however, once the stone weathers the contrast between the old and the new sections of the wall will become less apparent. On balance, it is the Officers view that the appearance of the wall is not sufficiently poor to warrant refusal of this application. Similarly, it would not be expedient to enforce the removal of the coursed stone and its replacement with randomly laid stone.
- 5.19 The frustration of the local residents and Ward Councillor regarding the retrospective nature of the application is shared by Officers; however, as Members are aware this is insufficient reason, in its own right, to warrant refusal of an application. It would only be justifiable to refuse the application if the appearance of the wall was of such poor design that it caused significant harm to the living conditions of neighbouring residents or the visual amenity of the wider area. For the reasons detailed in this report and as illustrated on the photographs that he have been reproduced in the schedule this is not the case and it is recommended that the variation to the wording of Condition 8 be agreed.

3. Other Matters

- 5.20 Although it is not pertinent to the decision the applicant's solicitor, Cartmell Shepherd, has stated that the stone boundary wall between the development site and Spring Grove is in the ownership of the applicant. This information has been supplied in response to a query raised by a local resident.
- 5.21 Another local resident has voiced concern regarding an unauthorised shed that has been erected in the rear garden of Plot A. Commonly such structures do not require planning permission; however, properties only benefit from "permitted development rights" once they have been occupied. The applicant has been advised of this and is aware that the shed should either be removed or an application submitted for its retention. This is being dealt with as a separate matter and this issue should not prejudice the determination of this application.

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- 5.22 In overall terms, the details that have been supplied to vary Conditions 3 and 8 are acceptable. Neither the alterations to the landscaping scheme or the boundary wall detract from the character of the area or the living conditions of neighbouring residents. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The materials to be used shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 3 of application 06/1115 unless otherwise agreed, in writing, by the Local Planning Authority.

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

2. The hard surface materials to be used shall be in accordance with those details submitted to the Local Planning Authority and discharged under condition 4 of application 06/1115 unless otherwise agreed, in writing, by the Local Planning Authority.

SCHEDULE A: Applications with Recommendation

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

3. The development hereby approved shall be landscaped in accordance with the details contained on Drawing No. 11/3/2007/IM, received 17th March 2009, prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

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

4. The dwellings shall not be occupied until visibility splays providing clear visibility of 2.4 metres by 25 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

5. Prior to the access being brought into use a 2.4 metre x 2.4 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 in accordance with Local Transport Policies LD7 and LD8.

6. The dwellings shall not be occupied until the parking, loading, unloading and manoeuvring facilities have been constructed in accordance with Drawing No. 11/3/2007/IJ, received 24th November 2008. 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.

SCHEDULE A: Applications with Recommendation

09/0074

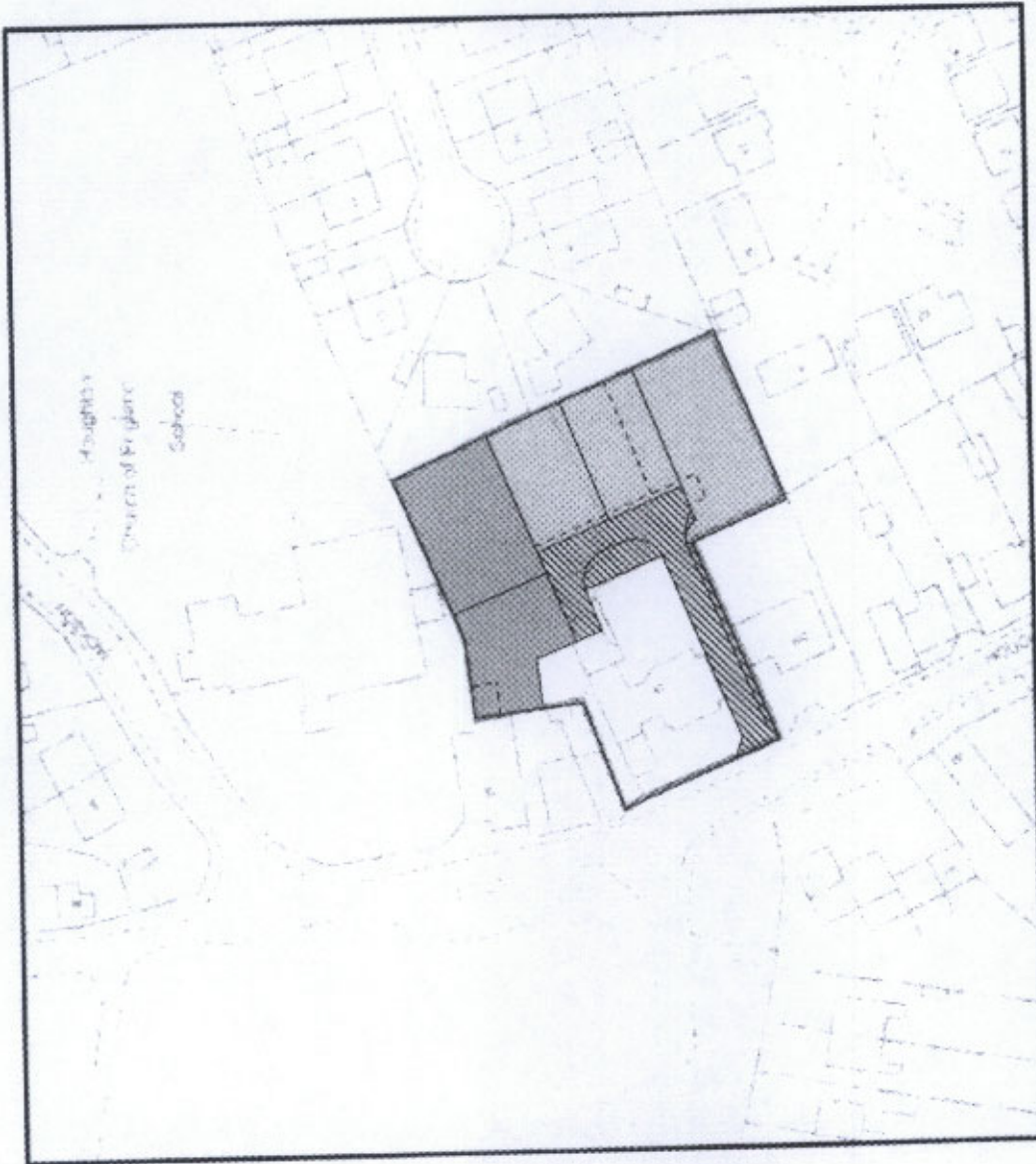
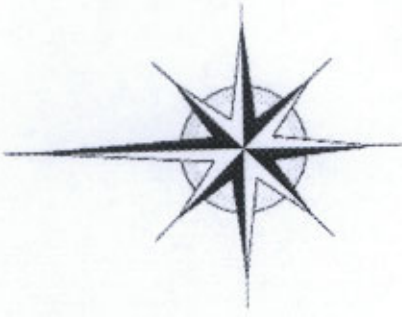
Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policies S3, LD7, P10 and LD5.

7. 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 skylights or dormer windows shall be inserted in any of the roof slopes of the dwellings hereby approved without the permission of the Local Planning Authority.

Reason: In order to protect the privacy of residents in close proximity to the site and to ensure compliance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

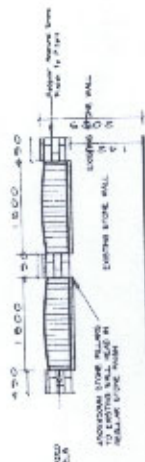
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), the boundary wall between Plot A and the rear of Spring Grove (No.162 Houghton Road) shall be retained in accordance with the approved details, as illustrated on Drawing No. 11/3/2007/IM received 17th March, unless otherwise agreed, in writing, by the Local Planning Authority

Reason: To safeguard the privacy of the occupants of neighbouring properties in accordance with Policies CP6 of the Carlisle District Local Plan 2001-2016.

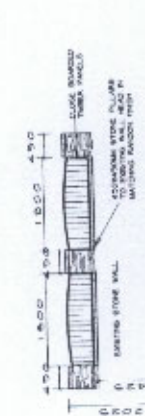


BLOCK PLAN 1.1250

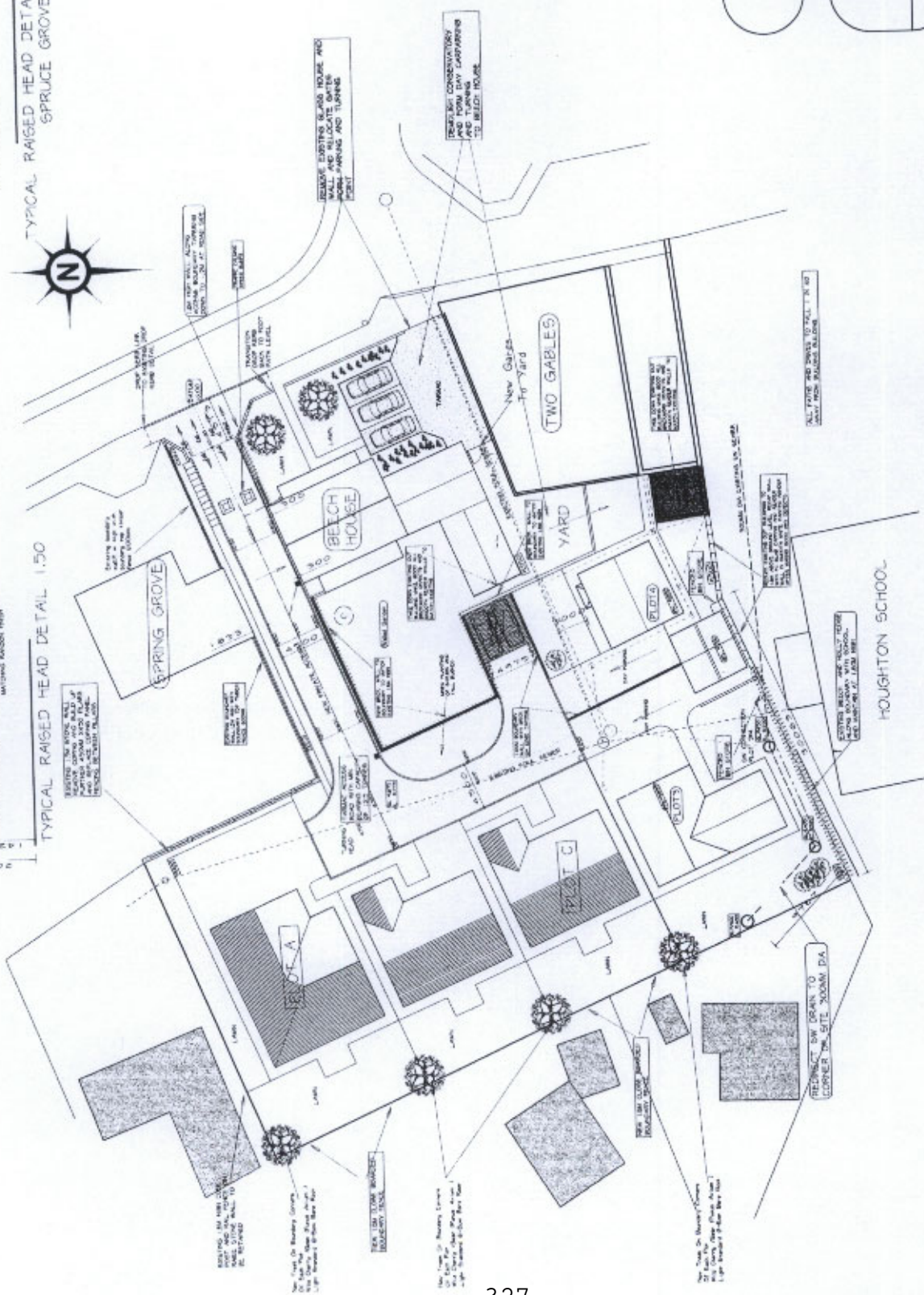
10 FEB 2009
2009/0074



TYPICAL RAISED HEAD DETAIL 1:30
SPRUCE GROVE SIDE



TYPICAL RAISED HEAD DETAIL 1:30



REVISED
11/13/2007
2007/10/14

TSADA BUILDING DESIGN SERVICES
Tadao Tsada, Longwood, Carolina, Columbia, SC 29040
Tel: 803.781.1111
Mobile: 803.627.8371

Job title
**BLOCK PLAN UNIT 4
TO LAND AT REAR OF THE BEECHES
HOUGHTON, CAROLINA**

All data shown on this project is based on the information provided by the client and is not to be used for any other purpose. The architect is not responsible for the accuracy of the data provided by the client. The architect is not responsible for the accuracy of the data provided by the client.

Drawing by W.R.FAULDER	Client A & S SERVICES B DYKES TERRACE STANWIX CAROLINA	Dwg No. 11/19/2007/114
		Scale AS SHOWN
Date 2/13/2007	Amendments A PLAN LAYOUT B WALLS AND DOOR C DOOR AND WINDOW D DOOR AND WINDOW E DOOR AND WINDOW F DOOR AND WINDOW	

BLOCK PLAN 1:200

Photograph 1: Photograph of the boundary wall between the Plot A and Spring Grove, which has been taken from within the development site. Members will note that the stonework to the pillars has been randomly laid to match the original stone wall below.



Photograph 2: Photograph of the boundary wall between the Plot A and Spring Grove, which has been taken from within the curtilage of Spring Grove. Unlike the opposite side of the wall the pillars have been built in coursed sandstone.



Photograph 3: A more detailed photograph that illustrates the coursed sandstone that has been used on the construction of the stone pillars, which face inwards towards the garden of Spring Grove.



C

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SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 17/02/2009 and 09/04/2009

Appn Ref No:
09/9009

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
13/02/2009

Agent:
Cumbria County Council

Ward:
Harraby

Location:
Richard Rose Academy, Edgehill Road, Carlisle
CA1 3SL

Grid Reference:
342799 554345

Proposal: Extension of Existing Temporary Modular Classroom Buildings to
Provide Additional Teaching Space and Ancillary Accommodation
including Associated Relocation of Cycle Storage

Amendment:

REPORT

Case Officer: Colin Godfrey

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 05/03/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 16/03/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
Portland Square
Carlisle
Cumbria

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 10 February 2009.

**viz: Extension of existing temporary modular classroom buildings to provide additional teaching space and ancillary accommodation including associated relocation of cycle storage
Richard Rose Academy (Former N Cumbria Technology College), Edgehill Road,
Carlisle, Cumbria, CA1 3SL**

subject to due compliance with the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

3. The development hereby permitted shall not be retained on the site after 24th January 2011.

Reason: To ensure that the permission shall only be valid for the same temporary period as previous planning permissions granted for the site.

Dated the 16 March 2009



.....
Signed: Shaun Gorman
The Head of 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 Environment or any other officer of Cumbria County Council, shall be in writing.

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
ORDER 1995 (AS AMENDED)**

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. Key development plan policies that were taken into account by the County Council before granting permission are referred to in the reasons for the conditions of the planning permission.
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 16 March 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 15

Between 17/02/2009 and 09/04/2009

Appn Ref No:
08/9032

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
16/12/2008

Agent:
Mrs Maggie Mason

Ward:
St Aidans

Location:
Richard Rose Central Academy, Lismore Place,
Carlisle, CA1 1LY

Grid Reference:
340896 556020

Proposal: Erection Of New 11,500sqm, 3 Storey Academy Building For 1,500
Students With New Vehicular And Pedestrian Access And Service Area
With Associated Landscaping

Amendment:

REPORT

Case Officer: Angus Hutchinson

City Council Observations on the Proposal:

Decision: City Council Observation - Raise Objection(s) **Date:** 02/02/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 19/02/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
The Courts
Carlisle
Cumbria
CA3 8NA

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 12 December 2008.

**viz: Erection of new 11,500sqm, 3 storey Academy Building for 1,500 students with new vehicular and pedestrian access and service area with associated landscaping.
Richard Rose Central Academy (Formerly St Aidan's School), Lismore Place,
Carlisle, Cumbria, CA1 1LY**

subject to due compliance with the following conditions:

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

For the avoidance of doubt "development" as referred to in these conditions shall include demolition of buildings.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

3. No development shall take place on the site above foundation level prior to the submission to and approval in writing by the Local Planning Authority of the type, colour and finish of all external materials.

Reason: In the interests of visual amenity.

4. The European Protected Species Method Statement 2 Mitigation and Compensation Section, Marshall Ecology Report no. 80709/02.4, updated

November 2008, shall be implemented in full. Any amendments to this method statement must have the written approval of the Local Planning Authority prior to implementation.

Reason To safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008).

5. No development shall commence on the site above foundation level until details of the measures to enable disabled access to the building have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that easy, secure, and inclusive access is provided in accordance with Carlisle District Local Plan 2001 – 2016. POLICY CP15

6. No development shall take place on site above foundation level until details of design and materials of the cycle and waste bin storage areas and sprinkler tanks have been submitted and approved by the local planning authority.

Reason: In the interests of visual amenity.

7. No excavation of foundations shall commence on the site until a scheme for provision of foul and surface water drainage has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that drainage is to an approved appropriate standard in accordance with NWRSS Policy EM5.

8. No development shall take place until a plan has been submitted to and approved by the Local Planning Authority reserving adequate land for the construction compound and parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

9. The whole of the access area to any parking areas 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 conform with Local Transport Plan Policies: LD5, LD7, LD8

10. The development shall not be brought into use until the access drive is surfaced with bituminous, cement, or resin bound materials.

Reason: In the interests of highway safety and to conform with Local Transport Plan Policies: LD5, LD7, LD8

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

Reason: In the interests of highway safety, and to conform with Local Transport Plan Policies: LD7, LD8

12. The development shall not be occupied until the car parking areas indicated on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking areas shall be retained in this form at all times. The car parks shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. There shall be no parking outside of the marked bays.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to conform with Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32

13. The development shall not be brought into use until a Travel Plan has been submitted to and approved by the Local Planning Authority.

Reason: To aid in the delivery of sustainable transport objectives and to conform with Local Plan Policies: WS3, LD4 and Structure Plan Policy T31

14. On the 1st April each year following the development being brought into use a report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval for a period of at least 5 years.

Reason: To aid in the delivery of sustainable transport objectives and to conform with Local Plan Policies: WS3, LD4 and Structure Plan Policy T31.

TREE PROTECTION

15. Prior to the commencement of development, a Tree Protection Plan shall be submitted to the Local Planning Authority for approval. This shall include detailed design for the tree protection fences to be erected, their location in accordance with the 'Protection zone for existing trees' as identified on the *Landscape Layout Sketch Design Plan Stage E, dated November 2007*, and other protection measures when plant or people have to move within these areas. Once approved, the scheme shall be implemented in full and apply to any works or activity taking place within the 'Protection zone for existing trees'. The protection measures shall remain in situ from the commencement of construction of the development to its completion.

Reason To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.

16. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to the Local Planning Authority for approval. This shall demonstrate how the site will be redeveloped without causing harm to trees to be retained and where appropriate shall include proposals for tree friendly building techniques, no drill techniques and tree work such as pruning and felling. The approved methodology shall be implemented in full.

Reason To ensure that the existing on site trees are not lost or damaged as a result of the redevelopment of the site.

DETAILED LANDSCAPING SCHEME

17. Prior to commencement of development above foundation level the developer shall submit a scheme detailing landscaping and boundary wall treatment to the Local Planning Authority for approval. The scheme shall include details of the following:

- the species type, number and spacing of all trees and shrubs to be planted,
- design and pavers of the piazza , artwork , and the proposed metal fencing panels.

Once approved, the scheme shall be implemented in its entirety in the first planting season following completion.

Reason To reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application.

TREE, SHRUB AND HEDGE PLANTING

18. Existing trees, shrubs and hedges and those planted in accordance with the requirements of this permission shall be protected, managed and maintained in accordance with a management and maintenance plan to be submitted for the approval of the Local Planning Authority within six months of the date of the completion of development. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

Reason To secure the satisfactory establishment and maintenance of trees, hedges and shrubs in the interests of local and residential amenity, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit).

LIGHTING AND SECURITY

19. Prior to any development above foundation level the developer shall submit for approval to the Local Planning Authority, details of the proposed lighting and any surveillance system (to include CCTV and infra red detector locations and camera types) to be installed to secure the site. This shall include a detailed

explanation and justification for the type of installations proposed and a plan to demonstrate how any harm or disturbance to bats will be avoided, and how site security will be managed. Once approved the lighting and surveillance system and site security management plan shall be implemented in full as detailed in the approved documents.

Reason To ensure that the site is adequately secured in order to prevent and minimise the opportunity for crime, in accordance with Policy CP16 of the Carlisle District Local Plan 2001-2016, and to safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008).

INFORMATIVES

This grant of planning permission does not absolve the developer of the need to comply with legislation that safeguards protected species. In particular, with regards to this application, any works that would affect a bat or a bat roost, at any time during the development, would require a licence under Regulation 44 of the Habitat Regulations, as amended, before the works commencing. Works that might affect a bat or a bat roost could include pre demolition stripping of asbestos or mechanical and electrical services. Please note failure to comply with these requirements resulting in harm to bats or their habitat could be a criminal offence.

Dated the 19th day of February 2009



.....
Signed: Shaun Gorman
The Head of 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:

North West Regional Spatial Strategy (NWRSS) (December 2008)

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Plans, strategies, proposals and schemes (including those of education, training and health service providers) should ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for:

- 1 the full spectrum of education, training and skills provision, ranging from childcare and pre-school facilities, through schools, to further and higher education and to continuing education facilities and work-related training;
- 2 health facilities ranging from hospitals down to locally based community health facilities; and
- 3 sport, recreation and cultural facilities.

In doing so they must take account of the views of the local community (including service users) and carry out an assessment of demographic, sporting, recreational, cultural, educational, skills & training and health needs in local communities. Furthermore, they should ensure that accessibility by public transport, walking and cycling is a central consideration.

Particular attention should be given to improving access to and addressing spatial disparities in service and facilities provision, in areas which have the greatest needs (in terms of poverty, deprivation, health and education inequalities, rural service provision), or where communities or the local economy are poorly served.

Proposals and schemes, for all major developments and regeneration schemes, and especially for housing, employment or mixed uses, should ensure appropriate health, cultural, recreational, sport, education and training provision from the outset including for example Children's Centres and SureStart Initiatives.

Policy EM 5 Integrated Water Management

In achieving integrated water management and delivery of the EU Water Framework Directive, plans and strategies should have regard to River Basin Management Plans, Water Company Asset Management Plans, Catchment Flood Management Plans, and the Regional Flood Risk Appraisal. Local planning authorities and developers should protect the quantity and quality of surface, ground and coastal waters, and manage flood risk, by:

- working with the Water Companies and the Environment Agency when planning the location and phasing of development. Development should be located where there is spare capacity in the existing water supply and waste water treatment, sewer and strategic surface water mains capacity, insofar as this would be consistent with other planning objectives. Where this is not possible development must be phased so that new infrastructure capacity can be provided without environmental harm;
- producing sub-regional or district level strategic flood risk assessments, guided by the Regional Flood Risk Appraisal. Allocations of land for development should comply with the sequential test in PPS25. Departures from this should only be proposed in exceptional cases where suitable land at lower risk of flooding is not available and the benefits of development outweigh the risks from flooding;
- designing appropriate mitigation measures into the scheme, for any development which, exceptionally, must take place in current or future flood risk areas, to ensure it is protected to appropriate standards, provides suitable emergency access under flood conditions, and does not increase the risk of flooding elsewhere;
- requiring new development, including residential, commercial and transport development, to incorporate sustainable drainage systems and water conservation and efficiency measures to the highest contemporary standard;
- encouraging retrofitting of sustainable drainage systems and water efficiency within existing developments;
- raising people's awareness of flood risks (particularly for vulnerable groups) and the impacts of their behaviours and lifestyles on water consumption.

Carlisle District Local Plan 2001 – 2016 (adopted 9 September 2008)

POLICY CP15 Access, Mobility and Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;

- 2 The location of any development proposal in relation to its potential users;
 - 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
 - 4 Provision of on-site facilities such as public toilets and appropriate signage
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development will assist in providing educational and leisure opportunities in accordance with the development plan, and there are no material considerations that indicate the decision should be made otherwise. Any harm will reasonably be mitigated by the planning conditions and informatives included in the notice of planning consent. 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 19th day of February 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 16

Between 17/02/2009 and 09/04/2009

Appn Ref No:
08/9035

Applicant:
United Utilities

Parish:
Carlisle

Date of Receipt:
19/12/2008

Agent:
Cumbria County Council

Ward:
Castle

Location:
Land Off Catholic Lane, Catholic Lane, Carlisle,
Cumbria

Grid Reference:
340684 556255

Proposal: Proposed New Outfall

Amendment:

REPORT

Case Officer: Angus Hutchinson

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 31/12/2008

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 16/03/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: United Utilities
1st Floor Clearwater 4
Lingley Mere Business Park
Lingley Mere Avenue
Great Sankey
Warrington
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 December 2008.

viz: Proposed new outfall.
Land off Catholic Lane, Strand Road, Carlisle, Cumbria, CA1 1NB

subject to due compliance with the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

3 No work on the sewer outfall shall take place except in the period 1 June and 30 September inclusive in any year.

Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008)

Dated the 16th March 2009



.....
Signed: Shaun Gorman
The Head of 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:

Minerals and Waste Local Plan (1996 – 2006)

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.

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.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development enables improvements to waste water facilities and has no adverse visual impact. It is therefore in accordance with the development plan policies quoted above and there are no material considerations that indicate the decision should be made otherwise. 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 16th March 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Environment,
on behalf of the Council.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent. However, you should take careful notice of the advice given below as it may affect your proposal.

1. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving "controlled waste", which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business, Penrith, CA11 9BP (08708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
4. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
5. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under Article 21 of the Town and Country Planning (General Permitted Development) Order 1995 and must be made in writing. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

SCHEDULE C: Applications Determined by Other Authorities

08/0557

Item No: 17

Between 17/02/2009 and 09/04/2009

Appn Ref No:
08/0557

Applicant:
Mr Peter Cuthbert

Parish:
Carlisle

Date of Receipt:
03/06/2008

Agent:
MWE Architects

Ward:
Denton Holme

Location:
Atlas Works, Nelson Street, Carlisle, Cumbria, CA2
5NB

Grid Reference:
339637 555154

Proposal: Conversion Of Part Of Former Mill Building To Create 12no. Apartments
And 1no. Commercial Unit With Undercroft Parking (revised application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: The proposal was seeking consent to convert part of a former mill building to 12 residential apartments and 1 commercial unit, with undercroft parking.

The Inspector considered the main issues to be the effects of the proposed development on the supply of employment land in Carlisle and the housing land supply in the area.

The Inspector considered that in the context of Carlisle District as a whole the loss of this older style industrial floor space would be fairly insignificant when compared to modern industrial requirements. Whilst Policy EC1 seeks to retain employment uses the justification to the policy identifies older industrial parts of Carlisle (including Denton Holme) as areas where exceptions to the policy will be appropriate, especially where premises are not suited to modern day requirements. The mill building does not currently meet modern industrial requirements and could not do so without significant financial investment.

The Inspector also considered that the management of the supply of housing land in Carlisle would not be significantly harmed by the proposal.

SCHEDULE C: Applications Determined by Other Authorities

08/0557

The Inspector, therefore, allowed the appeal subject to a number of conditions, including the provision of 3 affordable housing units and the provision of open space contributions.

Appeal Decision: Appeal Allowed with Conditions **Date:** 18/03/2009

SCHEDULE C: Applications Determined by Other Authorities

08/0606

Item No: 18

Between 17/02/2009 and 09/04/2009

Appn Ref No:
08/0606

Applicant:
Story Homes

Parish:
Carlisle

Date of Receipt:
12/06/2008 17:30:04

Agent:

Ward:
Castle

Location:
Our Lady and St Joseph's Church, Warwick Square,
CA1 1NG

Grid Reference:
340623 555851

Proposal: Erection Of A Directional Sales Board For The Adjoining Hanson Place
Development

Amendment:

REPORT

Case Officer: Shonà Taylor

Decision on Appeals:

Appeal Against: Against Advert Decision

Type of Appeal: Written Representations

Report: The appeal site relates to Our Lady and St Josephs Church, Warwick Square, a Grade II Listed Building within the Portland Square/Chatsworth Square Conservation Area. Permission was sought for the erection of a directional sales board for the adjacent Story Homes 'Hanson Court' development at Waterton Hall. The application was not a retrospective one, however, since the Council's refusal of advert consent the sign has been erected, and was in place at the time of the Inspectors site visit.

The application was determined under delegated powers on the 8th August 2008 when it was refused on the following grounds:

"The freestanding advertisement is proposed to be located on the railings in front of Our Lady and St Joseph's Church, situated on the corner of Warwick Square and Warwick Road. St Joseph's is a Grade II Listed Building located within the Portland Square/Chatsworth Square Conservation Area. In such a location the sign because of its design, size and position would be a visually obtrusive feature that would be highly visible within the street scene. The sign would detract from the character, appearance and setting of the Grade II Listed Building and the Portland Square/Chatsworth Square Conservation Area. The proposal is therefore contrary to the objectives of Policies E43 and E47 of the Carlisle District

SCHEDULE C: Applications Determined by Other Authorities

*Local Plan as well as Policies E35, LE13 and LE20 of the Carlisle District
Local Plan Revised Redeposit Draft as amended by the Inspectors
Report."*

08/0606

The Inspector concurred with the Councils view, stating that the sign intrudes into the setting of the church, and bears no relation to the church. In the Inspectors opinion the advertisement undermines the gravity of the church and diminishes the contribution that the building makes to the Conservation Area. Additionally, the Inspector considered that the colour was strident and unduly assertive in relation to the generally subdued quality of the signage in this part of the Conservation Area, and also that its impact is not lessened by the adoption of a 'v' form.

The Inspector recognised that the sign is only required for a temporary period and that the building works are nearing completion. However, they did not consider that this was sufficient reason to allow the appeal, as in their opinion it does not outweigh the adverse impact on the character and appearance of the Conservation Area and the setting of the church.

The inspector concluded that the display of the advertisement would be detrimental to the interests of amenity and the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 11/03/2009

SCHEDULE C: Applications Determined by Other Authorities

Item No: 19

Between 17/02/2009 and 09/04/2009

Appn Ref No:
09/9006

Applicant:
Brampton Skip Hire Ltd

Parish:
Brampton

Date of Receipt:
28/01/2009

Agent:
Cumbria County Council

Ward:
Brampton

Location:
Warren House Farm, Brampton, Cumbria, CA8 2HY

Grid Reference:
354036 561373

Proposal: Renewal Of Temporary Planning Permission For Continued Use Of
Waste Transfer Station/Recycling Facility For A Further 12 Months Until
A New Site In Carlisle Is Completed

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 02/03/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/03/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Brampton Skip Hire Ltd
Warren House Farm
Newcastle Road
Brampton
Carlisle
CA8 2HY

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 27 January 2009.

viz: Renewal of Temporary Planning Permission for continued use of waste transfer station/recycling facility for a further 12 months until a new site in Carlisle is completed.

**Warren House Farm, Newcastle Road, Brampton, Carlisle, Cumbria,
CA8 2HY**

subject to due compliance with the following conditions:

TIME LIMITS

1. This permission shall be for a limited period only expiring on 31 January 2010, by which date the use of the buildings and land for the deposit, sorting, storage and transfer of waste materials shall have ceased, and all waste shall have been removed from the site.

Reason: This is not a suitable site for a permanent transfer facility, the deposit, sorting, storage and transfer of waste is only acceptable to enable the current business to operate whilst alternative premises are secured.

HOURS OF WORKING

2. The waste transfer facility shall not operate outside the hours:

07:00 to 17:00 Mondays to Saturdays

No operations hereby permitted shall take place on Sundays or on Bank and Public Holidays.

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.

WHEEL CLEANING

3. The site access shall be kept clean and maintained in a good state of repair free of potholes for the life of the operations hereby permitted.

Reason: To ensure that the condition of the public bridleway does not deteriorate through use by vehicles transporting sand in accordance with Policy 1 of the Cumbria Minerals and Waste Local Plan.

4. No large or heavy goods vehicle leaving the site shall enter onto the public highway unless it is in a condition that will not cause mud or other material to be deposited on the public highway.

Reason In the interests of highway safety and local amenity, in accordance with Policy 1 of the Minerals and Waste Local Plan.

RESTORATION

5. Within 6 months of the date of this consent a scheme for the restoration of the site to agriculture shall be submitted to the Local Planning Authority for approval. The restoration scheme shall include the restoration of all the surface areas used for operations forming part of the waste transfer station hereby approved. The approved restoration scheme shall be implemented in its entirety.

Reason: To ensure the proper restoration of the site in accordance with Policy 21 of the Minerals and Waste Local Plan saved policies.

Dated the 19th day of March 2009



.....
Signed: Shaun Gorman
The Head of 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

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

Policy DC4

Waste management facilities that accord with Core Strategy Policies 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below.

- a) Proposals for scrapyards, vehicle dismantlers, materials recovery facilities, or transfer and storage facilities to facilitate materials re-use and recycling, including household waste recycling centres, will be permitted on existing or planned industrial estates or at existing waste management sites,
- b) Developments of facilities involving processing, storage or transfers of non-inert waste in proximity to housing, business uses, or other sensitive industries will only be permitted if enclosed within a building, and adverse emissions controlled through appropriate and well managed equipment,
- c) Facilities for physical, chemical or biological treatments of waste will be permitted if they reduce the potential of waste to pollute the environment; and are:
 - i. on industrial estates, or
 - ii. at non-inert landfill sites where they are needed for pre-treatment, or for treatment of leachate, and will not prejudice good operational standards or the restoration scheme,
- d) open windrow green waste composting will be permitted, where adequate stand off distances can be established to safeguard other land uses from odours and emissions, and development is on:
 - i. farms or open countryside locations, or
 - ii. isolated industrial estates or waste management sites,

- e) Other facilities for composting waste will only be permitted where odours and emissions to atmosphere are controlled by effective enclosure and other techniques,

Cumbria Minerals and Waste Local Plan (saved policies)

Policy 21

There will be a presumption in favour of restoring mineral and waste sites to agriculture, forestry and amenity (including nature conservation) afteruses following temporary developments. Restoration to agriculture will be required where the loss of agricultural land would adversely affect the economic viability of the farm holding.

- 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 20th March 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 20

Between 17/02/2009 and 09/04/2009

Appn Ref No:
08/9028

Applicant:
OnSide North West in
conjunction with Cumbria
County Council

Parish:
Carlisle

Date of Receipt:
30/10/2008

Agent:
Cumbria County Council

Ward:
St Aidans

Location:
Richard Rose Academy, Parking Area To East Of
Sports Hall, Victoria Place, Carlisle, CA1 1LY

Grid Reference:
340931 556069

Proposal: New Building To Accommodate Lesiure, Education And Sporting
Facilities For Children And Young People

Amendment:

REPORT

Case Officer: Richard Maunsell

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date:

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 18/02/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Onside North West
Atria
Spa Road
Bolton
BL1 4SR

Cumbria County Council
The Courts
Carlisle
Cumbria
CA3 8NA

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 24 October 2008.

**viz: New building to accommodate leisure, education and sporting facilities for children and young people
Richard Rose Central Academy (Formerly St Aidan's School), Lismore Place,
Carlisle, Cumbria, CA1 1LY**

subject to due compliance with the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

3. No development shall take place above ground level on the site prior to the submission to and approval in writing by the Local Planning Authority of the type, colour and finish of all external materials.

Reason: In the interests of visual amenity.

4. No development shall commence on the site until a Flood Risk Management Plan has been submitted to and approved by the Local Planning Authority

Reason: To ensure that reasonable measures are taken to mitigate impacts of residual flooding in accordance with NWRSS Policy EM5.

5. No development shall commence on the site until details of the measures to enable disabled access to the building have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that easy, secure, and inclusive access is provided in accordance with Carlisle District Local Plan 2001 & 2016. POLICY CP15.

6. The development shall not be brought into use until a scheme for the management of the facility has been submitted to and approved by the Local Planning Authority.

Reason: To protect the residential amenity of the area.

7. No development shall take on site until a scheme for relocation and /or redesign of the storage area for waste arising from the operations of the facility has been submitted and approved by the local planning authority.

Reason: To ensure there is sufficient secure storage for residual and recyclable waste arising from the facility.

8. Prior to excavation for the footings of the development, site investigations shall be carried out to establish the course of the public sewer adjacent to the northern boundary of the site. A scheme for the construction of footings and routing of the sewer shall then be submitted to, and approved by, the Local Planning Authority. The scheme shall be to the satisfaction of the sewage undertaker and if necessary should include diversion into a new, straight length of pipeline, laid to adoptable standards, between two new manholes and positioned with its CL 1.5m from the face of the external wall. The scheme must in any case ensure that the pipes (new or existing) would not be subject to any additional loading from the new building.

Reason: To ensure that drainage is to an approved appropriate standard.

9. No development shall commence on the site until a scheme for provision of foul and surface water drainage has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that drainage is to an approved appropriate standard.

10. Prior to commencement of development above foundation level the developer shall submit a scheme detailing landscaping and boundary wall treatment to the Local Planning Authority for approval. Once approved, the scheme shall be implemented in its entirety in the first planting season following completion of the development.

Reason: To reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application

11. No development shall take place until a plan shall be submitted to and approved by the Local Planning Authority³2 reserving adequate land for the parking of

vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: In the interests of highway safety during the construction work in accordance with Local Transport Policies: LD8

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

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

13. 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 occupied/brought into use.

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

14. 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, LD8

15. 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 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 and Structure Plan Policy: T32

16. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives. To support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31

Dated the 18th day of February 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of 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:

North West Regional Spatial Strategy (NWRSS) (December 2008)

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Plans, strategies, proposals and schemes (including those of education, training and health service providers) should ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for:

- the full spectrum of education, training and skills provision, ranging from childcare and pre-school facilities, through schools, to further and higher education and to continuing education facilities and work-related training;
- health facilities ranging from hospitals down to locally based community health facilities; and
- sport, recreation and cultural facilities.

In doing so they must take account of the views of the local community (including service users) and carry out an assessment of demographic, sporting, recreational, cultural, educational, skills & training and health needs in local communities. Furthermore, they should ensure that accessibility by public transport, walking and cycling is a central consideration.

Particular attention should be given to improving access to and addressing spatial disparities in service and facilities provision, in areas which have the greatest needs (in terms of poverty, deprivation, health and education inequalities, rural service provision), or where communities or the local economy are poorly served.

Proposals and schemes, for all major developments and regeneration schemes, and especially for housing, employment or mixed uses, should ensure appropriate health, cultural, recreational, sport, education and training provision from the outset including for example Children's Centres and SureStart Initiatives.

Policy EM 5 Integrated Water Management

In achieving integrated water management and delivery of the EU Water Framework Directive, plans and strategies should have regard to River Basin Management Plans, Water Company Asset Management Plans, Catchment Flood Management Plans, and the Regional Flood Risk Appraisal. Local planning authorities and developers should protect the quantity and quality of surface, ground and coastal waters, and manage flood risk, by:

- working with the Water Companies and the Environment Agency when planning the location and phasing of development. Development should be located where there is spare capacity in the existing water supply and waste water treatment, sewer and strategic surface water mains capacity, insofar as this would be consistent with other planning objectives. Where this is not possible development must be phased so that new infrastructure capacity can be provided without environmental harm;
- producing sub-regional or district level strategic flood risk assessments, guided by the Regional Flood Risk Appraisal. Allocations of land for development should comply with the sequential test in PPS25. Departures from this should only be proposed in exceptional cases where suitable land at lower risk of flooding is not available and the benefits of development outweigh the risks from flooding;
- designing appropriate mitigation measures into the scheme, for any development which, exceptionally, must take place in current or future flood risk areas, to ensure it is protected to appropriate standards, provides suitable emergency access under flood conditions, and does not increase the risk of flooding elsewhere;
- requiring new development, including residential, commercial and transport development, to incorporate sustainable drainage systems and water conservation and efficiency measures to the highest contemporary standard;
- encouraging retrofitting of sustainable drainage systems and water efficiency within existing developments;
- raising people's awareness of flood risks (particularly for vulnerable groups) and the impacts of their behaviours and lifestyles on water consumption.

Carlisle District Local Plan 2001 – 2016 (adopted 9 September 2008)

POLICY CP15 Access, Mobility and Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;

- 2 The location of any development proposal in relation to its potential users;
 - 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
 - 4 Provision of on-site facilities such as public toilets and appropriate signage
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development will assist in providing educational and leisure opportunities in accordance with the development plan, and there are no material considerations that indicate the decision should be made otherwise. Any harm will reasonably be mitigated by the planning conditions and informatives included in the notice of planning consent. 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 18th day of February 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 21

Between 17/02/2009 and 09/04/2009

Appn Ref No:
09/9002

Applicant:
North West Recycling Ltd

Parish:
Rockcliffe

Date of Receipt:
15/01/2009

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Unit A, Rockcliffe Estate, Kingmoor Park, Carlisle,
CA6 4RW

Grid Reference:
336412 560783

Proposal: Change Of Use From An Industrial Building (for B8 Use) To The
Development And Operation Of Materials Recycling Facility To Enable
The Sorting And Recycling Of Waste Materials

Amendment:

REPORT

Case Officer: Richard Maunsell

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 03/02/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/03/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Mr Allan - North West Recycling Ltd
Warren House Farm
Newcastle Road
Brampton
Carlisle
Cumbria
CA8 2HY

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 6 January 2009.

**viz: Change of use from an industrial building (for B8 use) to the development and operation of a materials recycling facility to enable the sorting and recycling of waste materials
Unit A, Kingmoor Park, Rockcliffe Estate, Carlisle, Cumbria, CA6 4RW**

subject to due compliance with the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

- 3 No operations, including the loading or transportation of materials or operation of plant or machinery, shall take place on site outside the hours:

07.00 to 18.00 hours Mondays to Fridays
07.00 to 15.00 hours on Saturdays.

No loading or transportation of materials, or operations of plant or machinery shall take place on Sundays or on Bank or Public Holidays.

However this condition shall not operate so as to prevent the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

However this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

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.

- 5 No deliveries of waste materials to the site shall take place until a scheme for routing of all traffic entering or leaving the site has been submitted to and approved by the Local Planning Authority. When approved all vehicles in the operators control shall adhere to the scheme.

Reason: In the interests of road safety and the amenity of residents in accordance with Policy 1 of the Minerals and Waste Local Plan.

- 6 No deliveries of waste materials to the site shall take place until a method statement detailing how the operations will be carried out with regard to great crested newts has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that no harm is caused to European Protected Species.

- 10 No development shall take place on the site until details of the weighbridges, associated office and cycle shelter have been submitted to and approved by the Local Planning Authority.

Reason: To secure for subsequent approval by the Local Planning Authority details relevant to the development hereby permitted which were not submitted with the planning application.

- 11 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.

- 13 All vehicles under the site operators control that are fitted with reversing alarms shall use a white noise type unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site.

- 14 No deliveries of waste materials to the site shall take place until details of hard and soft landscaping proposed shall be submitted for the approval of the Local Planning Authority and when approved implemented within the first available

planting season. Any trees or shrubs that die or become diseased within five years of planting shall be replaced with plants of a similar size and species unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 15 All vehicles used to transport mineral from the site onto the public highway shall be sheeted or otherwise covered.

Reason: In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties.

- 16 Any litter arising outside the building shall be cleared daily.

Reason: In the interest of local amenity and to prevent release of litter on to neighbouring properties.

- 17 No skips shall be stacked on site except in the area designated in the approved plan ENW103/3/303, and these skips shall not be stacked more than 4 high.

Reason: To minimise the visual impact of the development in accordance with MWLP Policy 7.

- 19 Any materials intended for sale or other disposal outside the site shall not be stocked except where shown on the approved plan ENW103/3/303. The aggregate stockpiles shall not exceed 4 metres in height, except with the prior approval of the Local Planning Authority.

Reason: To minimise the visual impact of the development in accordance with MWLP Policy 7.

- 20 No external storage of waste materials shall take place alongside the north elevation of the building until a scheme detailing visual screening of the storage area has been submitted for the approval of the Local Planning Authority and when approved implemented in full.

Reason: In the interests of visual amenity.

- 21 No deliveries of waste materials to the site shall take place until a scheme for foul and surface water drainage has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that drainage is to an approved appropriate standard in accordance with RSS Policy EM5.

Dated the 19th day of March 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of 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:

Minerals and Waste Local Plan (1996 – 2006) saved policies

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 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 52

Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.

North West Regional Spatial Strategy (NWRSS) (December 2008)

POLICY EM9 Secondary and Recycled Aggregates

The Regional Planning Body will work with the Regional Aggregates Working Party, mineral and waste planning authorities, and others to maximise the role played by secondary and recycled sources of aggregates in meeting the Region's requirements by:

- working with the construction industry to achieve a target of 20% of construction aggregates to be from secondary or recycled sources by 2010 and 25% by 2021;
- encouraging local authorities and developers to incorporate temporary materials-recycling facilities on the sites of major demolition or construction projects; and
- plans and strategies identifying, sites or criteria for the provision of permanent recycling plants for construction and demolition waste in appropriate locations.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development will increase the role of recycled aggregates 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 19th day of March 20090

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

SCHEDULE C: Applications Determined by Other Authorities

Item No: 22

Between 17/02/2009 and 09/04/2009

Appn Ref No:
09/9003

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
15/01/2009

Agent:
Cumbria County Council

Ward:
Castle

Location:
Trinity School, Strand Road, Carlisle, CA1 1JB

Grid Reference:
340556 556254

Proposal: Proposed Redevelopment At Trinity School To Include Partial Demolition, New 2 Storey Extensions And Associated Access, Parking And Landscaping

Amendment:

REPORT

Case Officer: Richard Maunsell

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 12/02/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 19/03/2009

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

CUMBRIA COUNTY COUNCIL

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

NOTICE OF PLANNING CONSENT

To: Cumbria County Council
County Offices
Kendal
Cumbria
LA9 4RQ

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 12 January 2009.

**viz: Redevelopment of school to include partial demolition, new 2 storey extension and associated access, parking and landscaping
Trinity School, Strand Road, Carlisle, Cumbria, CA1 1JB**

subject to due compliance with the following conditions:

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

Reason: To ensure the development is carried out to an approved appropriate standard.

- 4 No demolition shall take place between 1 November and 15 April in any year.

Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008)

- 5 No work to the hedgerow adjacent to the Zero Path shall be undertaken during the bird breeding season (March to July) in any year.

Reason: To protect nesting birds.

- 6 No excavation of foundations shall commence on the site until a scheme for provision of foul and surface water drainage has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that drainage is to an approved appropriate standard in accordance with NWRSS Policy EM5.

- 7 Immediately prior to demolition on any phase a further survey for bats shall be carried out as recommended in the Marshall Ecology Bat Survey Report November 2008 report no. 81107/01.1. The report findings shall be submitted to and approved by the Local Planning Authority prior to further development and any mitigation recommended shall be implemented in full.

Reason: To safeguard the interests of protected species that may be present on the site, in accordance with Policy DP7 of the North West Regional Spatial Strategy (NWRSS) (December 2008).

- 8 No development shall commence on the site above foundation level in any phase until details of the measures to enable disabled access to the building have been submitted to and approved by the Local Planning Authority for that phase.

Reason: To ensure that easy, secure, and inclusive access is provided in accordance with Carlisle District Local Plan 2001 & 2016. POLICY CP15

- 9 No development shall take place on site above foundation level until details of design and materials of the cycle and waste bin storage areas have been submitted and approved by the local planning authority.

Reason: In the interests of visual amenity.

- 10 No development shall take place above foundation level in any phase prior to the submission to and approval in writing by the Local Planning Authority of the type, colour and finish of all external materials to be used for that phase .

Reason: In the interests of visual amenity.

- 11 No development shall take place above foundation level on phase 3 as described in dwg 4147 GA(90)13 p2 prior to the submission to and approval in writing by the Local Planning Authority of the details of elevational treatment of the phase in question.

Reason: In the interests of visual amenity and to reserve for subsequent approval by the Local Planning Authority, details relevant to the development hereby permitted which were not submitted with the planning application.

- 12 There shall be no vehicular access to or egress from the site other than via the approved accesses, except with the prior written agreement of the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8

- 13 Within 6 months of the development being occupied, the temporary construction access to the highway shall be permanently closed and the crossing, boundary fence and PROW (Zero Path) shall be reinstated in accordance with details which have been submitted to and approved by the Local Planning Authority.

Reason: To minimise highway danger and the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8

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

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

- 15 Prior to the use of the temporary construction access commencing, details shall be submitted to the Local Planning Authority for approval, detailing the traffic management measures controls proposed at this access to safeguard pedestrian and cycling movements on Zero Path.

Reason: To support Local Transport Plan Policies: LD7, LD8

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

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

- 17 On the 1st April each year following the implementation of the last phase a report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval for a period of at least 5 years.

Reason: To aid in the delivery of sustainable transport objectives.

Dated the 19th day of March 2009



.....
Signed: Shaun Gorman
The Head of 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:

North West Regional Spatial Strategy (NWRSS) (December 2008)

Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision

Plans, strategies, proposals and schemes (including those of education, training and health service providers) should ensure that there is provision for all members of the community (including older people, disabled people and the black & minority ethnic population) for:

- the full spectrum of education, training and skills provision, ranging from childcare and pre-school facilities, through schools, to further and higher education and to continuing education facilities and work-related training;
- health facilities ranging from hospitals down to locally based community health facilities; and
- sport, recreation and cultural facilities.

In doing so they must take account of the views of the local community (including service users) and carry out an assessment of demographic, sporting, recreational, cultural, educational, skills & training and health needs in local communities. Furthermore, they should ensure that accessibility by public transport, walking and cycling is a central consideration.

Particular attention should be given to improving access to and addressing spatial disparities in service and facilities provision, in areas which have the greatest needs. (in terms of poverty, deprivation, health and education inequalities, rural service provision), or where communities or the local economy are poorly served.

Proposals and schemes, for all major developments and regeneration schemes, and especially for housing, employment or mixed uses, should ensure appropriate health, cultural, recreational, sport, education and training provision from the outset including for example Children's Centres and SureStart Initiatives.

Carlisle District Local Plan 2001-2016 –adopted September 2008

POLICY CP5 DESIGN

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by 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;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of 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 infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

POLICY CP15 : ACCESS, MOBILITY AND INCLUSION

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

1. The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
 2. The location of any development proposal in relation to its potential users;
 3. Accessibility to all transport modes and provision of adequate parking for disabled people;
 4. Provision of on-site facilities such as public toilets and appropriate signage
3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development will assist in providing educational

and leisure opportunities in accordance with the development plan, and there are no material considerations that indicate the decision should be made otherwise. Any harm will reasonably be mitigated by the planning conditions and informatives included in the notice of planning consent. 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 19th day of March 2009

Shaun Gorman

.....
Signed: Shaun Gorman
The Head of Environment,
Directorate of Economy Culture & Environment,
on behalf of the Council.

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 23

Between 28/02/2009 and 09/04/2009

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

Details of Deferral:

Members will recall at Committee meeting held on 14th November 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the applicant entering into a Section 106 agreement to ensure that the property remains as affordable accommodation for local needs in perpetuity. The Section 106 agreement has been completed and approval was issued on 24th March 2009.

Decision: Granted Subject to Legal Agreement

Date: 24/03/2009

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).

SCHEDULE D: Reports on Previously Deferred Decisions

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 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

SCHEDULE D: Reports on Previously Deferred Decisions

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 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.

Item No: 24

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1052

Applicant:
Stobart Air Ltd

Parish:
Irthington

Date of Receipt:
14/10/2008

Agent:
Scott Wilson Ltd

Ward:
Stanwix Rural

Location:
Carlisle Lake District Airport, Carlisle, Cumbria, CA6
4NW

Grid Reference:
348000 561000

Proposal: Erection Of A Freight Storage And Distribution Facility Including Chilled Cross Dock Facility (Use Class B8) With Associated Offices (Use Class B1), Gatehouse/Office/ Canteen/Staff Welfare Facilities, Landscaping, New Vehicular Access, Car And Lorry Parking And Other Infrastructure Works.

SCHEDULE D: Reports on Previously Deferred Decisions

Amendment:

REPORT

Case Officer: Alan Taylor

Details of Deferral:

Members will recall at Committee meeting held on 19th December 2008 that authority was given to the Head of Planning and Housing Services to issue approval subject to the completion of a Section 106 Agreement which is intended to cover the following matters:

A specification and programme for the implementation of the upgrade to the main runway (07-25) to achieve a PCN value that will facilitate restoration of commercial passenger services and has a life of about 20 years;

- The programme for the provision of passenger terminal facilities commensurate with a small regional airport, allowing for all essential requirements for check-in, arrival/ departure, baggage handling, security, and general administration and the requirement that the Terminal will remain open for not less than 10 years provided it is commercially viable to do so;
- Provision for the replacement of the habitat lost to the development (11.85 hectares of grassland);
- Provision of measures to address potential noise disturbance caused by the projected increase in HGV movements to properties 100m on either side of the route from the site entrance to J44 at Kingstown;
- Provision of public transport services to the site during core business hours, coupled with a shuttle/transfer service that the applicants will also provide; and
- Provision of a Noise Management Plan.

The Section 106 Agreement has been completed and signed and the approval issued on 12th March 2009.

Decision: Granted Subject to Legal Agreement

Date: 12/03/2009

SCHEDULE D: Reports on Previously Deferred Decisions

1. Time Limits

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. Highways

No construction operations on the new access from the A689 shall begin until full details (including a safety audit) of the proposed roundabout junction and associated internal junction and access routes have been submitted to, and approved in writing by, the Local Planning Authority. The proposed access junction with the A689, and any associated internal junction and access routes, shall be completed in accordance with the approved details prior to the occupation of the proposed development.

Reason: To ensure that the highway network can accommodate the traffic associated with the development and to support Local Transport Plan Policies LD5, LD7 and LD8.

3. No construction of the carriageways, footways and footpaths to be provided within the site shall begin until full details of their specification, and a programme for their implementation, have been submitted to, and approved in writing by, the Local Planning Authority. The construction of the carriageways, footways, and footpaths within the site shall be completed in accordance with the approved details.

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

4. The development shall not be occupied until car and cycle parking facilities for use by staff and visitors of the development have been completed and are available for use in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority. All such parking facilities shall be kept available for such use at all times and shall not be used for any other purpose, unless otherwise approved in writing by the Local Planning Authority.

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

SCHEDULE D: Reports on Previously Deferred Decisions

5. Archaeology

No works to construct the proposed fencing which will run in a north-westerly to south-easterly direction along the north-eastern boundary of the proposed development shall commence until implementation of an archaeological watching brief has been secured in relation to the land on which the fencing will be constructed. The fencing shall subsequently be constructed in accordance with a written scheme of investigation which has been previously approved in writing by the Local Planning Authority.

Reason: To (1) afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and (2) avoid the risk of damage to unrecorded archaeological features or remains.

6. Landscaping

Unless otherwise approved in writing by the Local Planning Authority, notwithstanding the details shown on drawings numbered D121812/LA/001 and D121812/LA/002, the development shall not begin until a detailed landscaping and screening scheme for the immediate perimeter area adjacent to the proposed new freight and distribution facility and its associated car, coach and lorry parking and servicing areas, loading/unloading and fuelling yards has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall specify the proposed planting heights and densities of all species and for substantial screen planting and/or earth moulding to be undertaken adjacent to the north eastern gable of the proposed freight and distribution facility. That part of the approved landscaping scheme shall be carried out in accordance with the approved details, prior to the occupation of the freight and distribution facility.

Reason: To ensure that an appropriate and effective landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

7. The landscaping scheme, with the exception of the landscaping works associated with the immediate perimeter of the freight distribution facility and its associated offices, shall otherwise be carried out in accordance with the approved details during the first available planting season following the completion of each stage of construction operations and shall be maintained thereafter. 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 an appropriate and effective landscaping scheme is

SCHEDULE D: Reports on Previously Deferred Decisions

implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Construction

The development shall not begin until a plan, which shall reserve adequate land within the site for the parking of vehicles engaged in construction operations associated with the development and shall show the intended means of vehicular access to the development, has been submitted to and approved in writing by the Local Planning Authority. The land so identified shall be used, or kept available, for these purposes at all times until completion of the construction works associated with the development unless otherwise approved in writing by the Local Planning Authority. The proposed means of access shall be retained for the duration of the construction works unless it is replaced following the formation and the bringing into use of a main site access from the proposed new roundabout junction with the A689.

Reason: To protect the environment and prevent statutory nuisance.

9. The development shall not begin until a construction site management plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include:-
- (a) the proposed date and sequence of works/construction phases;
 - (b) details of proposed normal working hours and intended start up and close down times;
 - (c) an outline of any work which may require construction outside of normal working hours (per (b) above) together with any control that will be applied to mitigate against nuisance and complaints;
 - (d) details of measures to control noise emissions;
 - (e) the location of any proposed compounds and access points, routes for construction vehicles, equipment and plant during construction;
 - (f) details of equipment and plant to be used (including type, make and expected number);
 - (g) the identification of any sensitive receptors (such as trees, watercourses, local residents and commercial businesses) which are likely to be affected by the works;
 - (h) the proposed method of delivery/removal of materials and plant;
 - (i) procedures (for all persons engaged in construction of the development) for dealing with major incidents, unexpected occurrences or finds during

SCHEDULE D: Reports on Previously Deferred Decisions

- construction particularly related to air quality (such as dust), ground quality (contamination issues), noise and vibration, light nuisance and water resources;
- (j) procedures for handling external communication, liaison and complaints;
 - (k) measures to minimise siltation of the River Eden SAC during construction;
 - (l) measures to prevent chemical pollution of the River Eden SAC during construction;
 - (m) details of proposed wheel cleaning facilities for construction vehicles, and measures to remove any material that is deposited within the site by such vehicles;
 - (n) measures to be undertaken to prevent contamination of the River Eden SAC through surface water drainage during construction and operation;
 - (o) measures to be undertaken to prevent contamination of the River Eden SAC in the event of a pollution event/spillage during construction;
 - (p) measures to be undertaken to minimise risk of toxic pollutants arising from contaminated ground being transferred to the River Eden SAC via surface and/or ground water during construction and operational phases; and
 - (q) measures to minimise disturbance of the River Eden SAC and SSI by way of noise, vibration and lighting during construction and operation.

The development shall not be constructed other than in accordance with the approved construction site management plan unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent statutory nuisance.

10. Any vehicle travelling to and from the development, during its construction, which are carrying material which has the potential to give rise to dust shall be covered in such a manner so as to minimise the emission of dust during transit.

Reason: To protect the environment and prevent dust nuisance.

11. Any material which is stored on site, during construction of the development, and has the potential to give rise to dust shall be stored away from the site boundary, and any moulds of materials shall be profiled in order to minimise dust.

Reason: To protect the environment and prevent statutory nuisance.

SCHEDULE D: Reports on Previously Deferred Decisions

12. Detailed Design

No works of construction of any building hereby permitted shall begin until detailed plans, elevations and sections of that building (and any associated circulation area), together with a schedule and sample of finishes to be used on its external elevations, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include any proposals intended to be employed to secure articulation of the principal facades, the intended site and finished floor levels to identify its physical relationship with the existing ground levels, any measures to be incorporated to secure high levels of energy conservation, and the intended use of appropriate materials and colour to assimilate the form and scale of the building within its rural setting. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To accord with the advice contained within Planning Policy Statement 12, and comply with Policy CP5 of the Carlisle District Local Plan 2001-2016.

13. Prior to occupation of any building hereby permitted detailed plans and particulars of the proposed surface treatment, drainage, marking out and lighting of all access routes to, from and within the car and HGV parking areas serving that building shall have been submitted to, and approved in writing by, the Local Planning Authority. No building hereby permitted shall be occupied until the access routes serving that building have been constructed in accordance with the approved details.

Reason: To ensure an appropriate and acceptable quality of development.

14. Works to erect the proposed fencing to the site perimeter and between "airside" and "landside" shall not commence until details of the visual appearance of the fencing have been submitted to, and approved in writing by, the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to occupation of any building hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the appearance of the fencing is visually acceptable in this rural location.

15. Unless otherwise approved in writing by the Local Planning Authority, no works of construction of any building hereby permitted shall begin until detailed plans of all proposed external plant and machinery (including the proposed Chiller Units, electrical substations, LPG store and sprinkler tank) to service and/or associated with that building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted particulars shall include details of noise control measures. No building shall be constructed otherwise than in accordance with the approved details.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To ensure the details are acceptable and will, in operational use, result in no adverse impact in terms of noise or nuisance.

16. Noise

The development shall not be occupied until a service/haulage yard management plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall include measures to:

- a) minimise the use of audible reversing alarms on site between the hours of 2300 and 0700 on any day; and
- b) minimise the need to undertake loading and unloading of HGVs outside the service/haulage buildings;

All haulage activities, including the unloading and loading of vehicles, shall be undertaken in accordance with the approved service/haulage yard management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of residents and businesses living and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

17. Prior to commencing works to construct any building hereby permitted, a scheme which specifies the provisions to be made for the control of noise emanating from the site shall be submitted to, and approved by, the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of any building hereby permitted.

Reason: To protect the living conditions of residents and businesses living and/or operating in the immediate locality of the Airport and to prevent statutory nuisance.

18. Foul and Surface Water Drainage

The development shall not be occupied until a drainage scheme has been completed in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority. The scheme shall:-

- a) where relevant, be produced in accordance with the Environment Agency's greenfield run off criteria;
- b) include details for the collection/containment and means of disposal to the foul sewer for all foul waste including domestic sewage, and trade effluents including vehicle washings;

SCHEDULE D: Reports on Previously Deferred Decisions

- c) include details for dealing with all surface water from buildings, roads, car parks and service yards; and
- d) incorporate an emergency plan as to how it is proposed to deal with any specific pollution events during site operation to minimise the risk of potential pollutants reaching the River Eden SAC.

Reason: To prevent the increased risk of flooding and to protect receiving waters by ensuring the provision of a satisfactory means of foul and surface water disposal. in accord with the advice contained within PPS25, Policies DP9 and EM5 of the North West of England Plan (Regional Spatial Strategy), and Policies CP10, CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

19. Any proposed liquid storage tanks shall be located within bunded areas having a capacity of not less than 110% of the largest tank. If tanks are connected by pipework in such a way to allow equalisation of the level of contents, than the bund capacity should be 110% of the largest combined volume. The floor and walls of the bund shall be impervious to oil and water (and resistant to any stored chemicals). Any inlet/outlet/vent pipes and gauges must be within the bunded area. The bunds to be installed shall be in accordance with details previously submitted to, and approved in writing by, the Local Planning Authority. The approved details must also include information on the frequency of maintenance. If contamination is found within the bund the contents shall be suitably disposed of. A record shall be made detailing the contamination, action taken and results of any investigation undertaken to identify the cause of the contamination.

Reason: To protect the environment and prevent harm to human health.

20. All vehicle washing facilities and freight loading/off-loading areas shall either incorporate effluent containment facilities or shall allow drainage from them to be connected to the foul sewer.

Reason: To prevent pollution of the water environment.

21. No piling shall be commenced until a method for piling foundations has been submitted to, and approved in writing by, the Local Planning Authority. Piling work shall be undertaken in accordance with the approved details.

Reason: Should the site be contaminated, piling could lead to the contamination of groundwater in the underlying aquifer.

22. Nature Conservation

No vegetation suitable for nesting birds shall be cleared or removed during the

SCHEDULE D: Reports on Previously Deferred Decisions

period 1 March to 15 August in any calendar year unless a breeding bird survey of the area to be cleared or removed has been undertaken and the results have been previously submitted to, and approved in writing by, the Local Planning Authority. If works cannot be avoided during the breeding bird season, vegetation should be checked for the presence of nesting birds within four days of the works being undertaken. Any active nests found should be left undisturbed until the young birds have fully fledged.

Reason: To ensure no impact on nesting birds.

23. Contamination

Notwithstanding the proposed measures identified within the application submission, in the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which shall be 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.

Reason: To protect the environment and prevent harm to human health.

24. Heavy Goods Vehicles Transport Routes

Prior to the commencement of development, a plan identifying the preferred routes for heavy goods vehicles travelling to and from the development (once occupied) shall be submitted to, and approved in writing by, the Local Planning Authority. Drivers of heavy goods vehicles travelling to and from the development (once occupied) shall be provided with a copy of the approved plan and instructed to adhere to it.

Reason: In the interests of road safety and to avoid disturbance to persons living adjacent to minor roads in the vicinity of the site.

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No:
07/1377

Applicant:
Camerada Limited

Parish:
Carlisle

Date of Receipt:
27/12/2007

Agent:
Architects Plus (UK) Ltd

Ward:
Castle

Location:
47 Spencer Street, Carlisle, Cumbria, CA1 1BB

Grid Reference:
340475 555849

Proposal: Installation Of Suspended Ceiling At Ground Floor. Upgrading Of Separating Floor Between First And Second Floors. Sundry Upgrading Works To Existing Doors. Sundry Vents And Flues (LBC)

Amendment:

Decision: Grant Permission

Date: 04/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/0468

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
20/05/2008

Agent:
Development Planning
Partnership

Ward:
Castle

Location:
L/A bounded by Upper Viaduct Car Park-River
Caldew -, Harper & Hebson & Viaduct Estate Road,
Carlisle

Grid Reference:
339950 555600

Proposal: Discharge of Conditions 4 (Details of Operational Plant and Method of Screening), and 8 (details of Boundary Treatments) of Application 05/1333 and Condition 3 (Landscaping) of Application 04/1653

Amendment:

Decision: Partial Discharge of Conditions
26/03/2009

Date:

Between 28/02/2009 and 09/04/2009

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

08/0792

Miss Thompson

Hethersgill

Date of Receipt:

09/09/2008

Agent:

Planning Branch Ltd

Ward:

Lyne

Location:

Horsegills, Kirklington, CA6 6DN

Grid Reference:

346700 565430

Proposal: Conversion Of Redundant Agricultural Barn To Create One Live Work Unit And Change Of Use Of Part Field To Create Domestic Curtilage

Amendment:

Decision: Grant Permission

Date: 18/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:

08/1177

Applicant:

Specsavers

Parish:

Carlisle

Date of Receipt:

28/01/2009

Agent:

Barbara Webb

Ward:

Castle

Location:

Specsavers, 50-54 Castle Street, Carlisle, CA3 8JA

Grid Reference:

339997 555938

Proposal: Display Of 3no. Aluminium Fascia Panels With Illuminated Specsavers Logo & 1no. Conservation Style Projecting Sign Illuminated Via Over Head Trough Lights

Amendment:

Decision: Refuse Permission

Date: 25/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:

08/1197

Applicant:

Mr Alan Sewell

Parish:

Carlisle

Date of Receipt:

03/12/2008

Agent:

Johnston & Wright

Ward:

Stanwix Urban

Location:

Edenwood, 44 Longlands Road, Carlisle, Cumbria, CA3 9AE

Grid Reference:

340961 557385

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Removal Of Flat Roofed Dormer Windows To Rear Elevations To Be Replaced With 3no. Gables And Associated Pitch Roofs

Amendment:

Decision: Grant Permission

Date: 06/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1221

Applicant:
Carlisle Housing
Association

Parish:
Carlisle

Date of Receipt:
09/01/2009

Agent:
Day Cummins Architects

Ward:
Botcherby

Location:
Freshfield Court, Carlisle. CA1 2TT

Grid Reference:
341805 555415

Proposal: Refurbishment Of Sheltered Housing Unit, Comprising Main Entrance Extension, Communal Lounge Extension And Covered Link Connecting To Adjacent Flats; Refurbishment of 105-119 Botcherby Avenue, With Canopy And Security Gates At Main Entrance Building, Addition Of Entrance Porches To Flat Entrances, Bin Stores To Front And Rear; Secure Fencing To Boundaries, Lanscaped Area And Parking Provision

Amendment:

Decision: Grant Permission

Date: 05/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1223

Applicant:
Allan Estate Agents

Parish:
Carlisle

Date of Receipt:
29/01/2009

Agent:
Edenholme Building
Services

Ward:
Castle

Location:
26-32 Lonsdale Street, Carlisle, Cumbria, CA1 1DB

Grid Reference:
340360 555860

Proposal: Formation Of 2no Retail Units With-In Existing Premises & New Shop Front

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 24/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1228

Applicant:
Mr Mike Cole

Parish:
Bewcastle

Date of Receipt:
14/01/2009

Agent:
Andrew Nash Associates

Ward:
Lyne

Location:
Horse And Farrier (formerly), Oakshaw Ford,
Roadhead, Cumbria, CA6 6NT

Grid Reference:
351345 576152

Proposal: Renovation Of North And South Buildings, Restoration Of Stable And
Extension And Construction Of A Gig House

Amendment:

Decision: Grant Permission

Date: 11/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1245

Applicant:
Mr Peter Graham

Parish:
Hethersgill

Date of Receipt:
08/01/2009

Agent:
Hogg & Robinson Design
Services

Ward:
Lyne

Location:
Angus Well Farm, Kirkclinton, Carlisle, CA6 6DN

Grid Reference:
347088 565865

Proposal: Erection of 1no. Agricultural Workers Dwelling with Attached Garage
(Reserved Matters)

Amendment:

Decision: Grant Permission

Date: 05/03/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1252

Applicant:
Brunton Park Post Office

Parish:
Carlisle

Date of Receipt:
05/01/2009

Agent:
Mr Anthony Higgs

Ward:
St Aidans

Location:
Brunton Park Post Office, 264 Warwick Road,
Carlisle, CA1 2BX

Grid Reference:
341544 555880

Proposal: Installation Of ATM Into Existing Shop Front

Amendment:

Decision: Grant Permission

Date: 02/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1258

Applicant:
Mr George Perkins

Parish:
Carlisle

Date of Receipt:
26/01/2009

Agent:
Edenholme Building
Services

Ward:
Yewdale

Location:
83 Castlesteads Drive, Carlisle, CA2 7XD

Grid Reference:
336893 555699

Proposal: Single Storey Rear Extension To Provide Sun Room & Extended Kitchen
& New Pitched Roof Over Garage & Utility

Amendment:

Decision: Grant Permission

Date: 11/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1260

Applicant:
Mr Geoff Beattie

Parish:
Stanwix Rural

Date of Receipt:
06/01/2009

Agent:

Ward:
Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Rivendell, Linstock, Carlisle, CA6 4PY

Grid Reference:
342806 558295

Proposal: Erection Of Conservatory To Rear Elevation And First Floor Extension
To Provide 2no. Bedrooms

Amendment:

Decision: Grant Permission

Date: 03/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
08/1262

Applicant:
Carlisle Window Systems

Parish:
Carlisle

Date of Receipt:
23/01/2009

Agent:

Ward:
Harraby

Location:
Carlisle Window Systems, Brunel Way, Durrhill
Ind. Estate, Carlisle, CA1 3NQ

Grid Reference:
341721 554625

Proposal: First Floor Extension Above Existing Office Block To Provide Meeting
Room And WC's

Amendment:

Decision: Grant Permission

Date: 11/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0002

Applicant:
Messrs Whitfield Ltd

Parish:
Orton

Date of Receipt:
05/01/2009

Agent:
Edwin Thompson

Ward:
Burgh

Location:
Woodhouses Farm, Woodhouses, Carlisle CA5 6LN

Grid Reference:
332373 552319

Proposal: Agricultural Building to provide Milking Parlour, Collection Yard and Dairy
and a Bulk Feed Hopper

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 02/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0005

Applicant:
Messrs I & NF Milbourn

Parish:
Stanwix Rural

Date of Receipt:
08/01/2009 16:00:18

Agent:
Edwin Thompson LLP

Ward:
Stanwix Rural

Location:
Walby Farm Park, Walby, CA6 4QL

Grid Reference:
343852 560384

Proposal: Stone Chipping Surfacing To Car Parking Areas And Change Of Use Of
Agricultural Stack Yard To Staff Car Parking

Amendment:

Decision: Grant Permission

Date: 05/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0006

Applicant:
Mr Charles O'Neil

Parish:
Carlisle

Date of Receipt:
21/01/2009

Agent:

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: Grant Permission

Date: 18/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0009

Applicant:
Cumbria Partnership NHS
Foundation Trust

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
09/01/2009

Agent:
Johnston & Wright

Ward:
Castle

Location:
14 Portland Square, Carlisle, CA1 1PT

Grid Reference:
340624 555703

Proposal: Discharge Of Condition 3 Of Previously Approved Appn 08/0711

Amendment:

Decision: Grant Permission

Date: 03/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0016

Applicant:
Richard Bowman

Parish:
Cumrew

Date of Receipt:
29/01/2009

Agent:
Mrs Patricia Bell-Atkin

Ward:
Great Corby & Geltsdale

Location:
The Croft, Cumrew, Heads Nook, Brampton, CA8
9DD

Grid Reference:
354830 550787

Proposal: Development Including: 1. Extension To Dwelling To Provide Utility Room And W.C./Cloakroom; 2. Erection Of A Detached Workshop Building; 3. Erection Of A Hay Store; 4. Proposed New Vehicular Access; 5. Change Of Use Of Land For The Grazing Of Horses And Proposed Horse Exercise Arena;

Amendment:

Decision: Grant Permission

Date: 26/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0019

Applicant:
Stalkers Transport
Services

Parish:
Brampton

Date of Receipt:
20/01/2009

Agent:

Ward:
Brampton

Location:
Plot 8 Townfoot Industrial Estate, Brampton,

Grid Reference:
351895 561180

SCHEDULE E: Decisions Issued Under Delegated Powers

Cumbria

Proposal: Discharge Of Conditions 2 (Boundary Walls And Fences); 3 (Access); 5 (Surface Water Drainage) And 6 (Provision Of Parking And Turning) Of Application 08/0628

Amendment:

Decision: Grant Permission

Date: 03/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0023

Applicant:
Mystery Cycles

Parish:
Dalston

Date of Receipt:
22/01/2009

Agent:

Ward:
Dalston

Location:
Part Of Former Maurice Dalton, 18 The Square,
Dalston, Carlisle, CA5 7PY

Grid Reference:
336867 550097

Proposal: Change Of Use From Plumbers Workshop To Bicycle Repairs Workshop And Sales

Amendment:

Decision: Grant Permission

Date: 02/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0029

Applicant:
Mr Simon Ptolomy

Parish:
Beaumont

Date of Receipt:
19/01/2009

Agent:
Phoenix Architects

Ward:
Burgh

Location:
The Old Forge, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:
335420 558380

Proposal: Alterations And Extension To Existing Two Storey Rear Extension To Provide Storage Area And Enlarged Bathroom. Demolition Of Single Storey Outbuilding And Erection Of Two Storey Side Extension To Provide Hall, Cloakroom And Study On Ground Floor With 1no. Ensuite

SCHEDULE E: Decisions Issued Under Delegated Powers

Bedroom Above. Erection Of Single Storey Integral Garage.

Amendment:

Decision: Grant Permission

Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0030

Applicant:
Mr Barnes

Parish:
Carlisle

Date of Receipt:
22/01/2009

Agent:
Edenholme Building &
Architectural Surveyors

Ward:
Stanwix Urban

Location:
45 Beech Grove, Carlisle, CA3 9BG

Grid Reference:
340222 557505

Proposal: Erection Of First Floor Rear Extension To Provide Extended Bedroom,
Bathroom And En-Suite

Amendment:

Decision: Grant Permission

Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0031

Applicant:
Mr & Mrs Willoughby

Parish:
Carlisle

Date of Receipt:
20/01/2009

Agent:

Ward:
Stanwix Urban

Location:
Land adj 12 Rosebery Road, Carlisle, CA3 9HU

Grid Reference:
339876 557307

Proposal: Renewal Of Planning Permission 05/1264 For Proposed Dwelling House
With Detached Garage And Parking Area

Amendment:

Decision: Grant Permission

Date: 03/03/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0032

Applicant:
Mr Robert Archdale

Parish:
Wetheral

Date of Receipt:
20/01/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral

Location:
Warwick Bank, Warwick on Eden, Carlisle, CA4
8PA

Grid Reference:
346600 556559

Proposal: Division Of Existing Warwick Bank To Form 2 Dwellings And The
Reconfiguration Of Warwick Bank Cottages To Form 3 Dwellings

Amendment:

Decision: Grant Permission

Date: 16/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0033

Applicant:
Panasonic UK Ltd

Parish:
Carlisle

Date of Receipt:
03/02/2009

Agent:
Butterfield Signs Ltd

Ward:
Castle

Location:
Peter Tyson, 11 West Tower Street, Carlisle

Grid Reference:
339975 556149

Proposal: Erection of Halo Illuminated Box/Fascia Sign

Amendment:

1. Revised Drawings Indicating Halo Illumination In Place Of Internal Illumination.

Decision: Grant Permission

Date: 18/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0034

Applicant:
Newman Catholic School

Parish:
Carlisle

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

11/02/2009

St Aidans

Location:

Newman Catholic School, Lismore Place, Carlisle,
Cumbria, CA1 1NA

Grid Reference:

340806 556105

Proposal: New Vehicular Access On To Victoria Place

Amendment:

Decision: Grant Permission

Date: 01/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:

09/0037

Applicant:

Mr Ostridge

Parish:

Dalston

Date of Receipt:

22/01/2009

Agent:

Mr B Child

Ward:

Dalston

Location:

The Bank Barn, Low Flanders, Dalston, CA5 7AF

Grid Reference:

338101 550175

Proposal: A Barn Conversion To A Private Dwelling

Amendment:

Decision: Grant Permission

Date: 19/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:

09/0038

Applicant:

Mr Ostridge

Parish:

Dalston

Date of Receipt:

22/01/2009 08:02:16

Agent:

Mr Brian Child

Ward:

Dalston

Location:

Bank Barn, Low Flanders, Buckabank, Dalston,
Carlisle, CA5 7AF

Grid Reference:

338101 550175

Proposal: Change Of Use Of Barn To 1no. Dwelling (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0040

Applicant:
A G Grant Construction

Parish:
Carlisle

Date of Receipt:
22/01/2009

Agent:
BSP Architects

Ward:
Harraby

Location:
34 Central Avenue, Carlisle, Cumbria, CA1 3QB

Grid Reference:
342258 554492

Proposal: Installation Of External ATM Into Existing Shop Front
Amendment:

Decision: Grant Permission

Date: 19/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0042

Applicant:
Boots UK Ltd

Parish:
Arthuret

Date of Receipt:
28/01/2009

Agent:
Cardinal Project
Management

Ward:
Longtown & Rockcliffe

Location:
16 English Street, Longtown, Carlisle, CA6 5SD

Grid Reference:
337935 568607

Proposal: Installation Of External Condensing Unit
Amendment:

Decision: Grant Permission

Date: 24/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0044

Applicant:
Mr Paul Sisson

Parish:
Wetheral

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

26/01/2009

Philip Turner Associates

Great Corby & Geltsdale

Location:

Glenelg, 4 The Whins, Heads Nook, Carlisle, CA8
9AL

Grid Reference:

349297 555247

Proposal: Single Storey Side Extension To Provide 1no En-Suite Bedroom And Office. Rear Extension To Garage To Provide Utility.

Amendment:

Decision: Grant Permission

Date: 17/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0047

Applicant:
Mr Holes

Parish:
Bewcastle

Date of Receipt:
04/02/2009

Agent:
Mr David Galloway

Ward:
Lyne

Location:

Demesne Farm, Bewcastle, Cumbria, CA6 6PX

Grid Reference:
356494 574650

Proposal: Replace Existing Windows And Door From Casement To Sash And Case (LBC)

Amendment:

Decision: Grant Permission

Date: 24/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0048

Applicant:
System Group

Parish:
Irthington

Date of Receipt:
27/01/2009 16:00:49

Agent:
Hyde Harrington

Ward:
Stanwix Rural

Location:

System Group Ltd, Carlisle Airport, Carlisle, CA6
4NW

Grid Reference:
347572 560776

Proposal: Extension Of Existing Office Building To Provide New Refectory Area And 2no Level Access Training Rooms (Revised Application)

SCHEDULE E: Decisions Issued Under Delegated Powers

Incorporating 3no. Air Conditioner Chillers & 2no. Air Extract/Intake Louvres)

Amendment:

Decision: Grant Permission

Date: 05/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0049

Applicant:
Moneypenny Ltd

Parish:
Kingmoor

Date of Receipt:
29/01/2009

Agent:
Ashton Smith Associates

Ward:
Stanwix Rural

Location:
Solway Business Centre, Parkhouse Road,
Kingstown, Carlisle, CA6 4BY

Grid Reference:
338713 560190

Proposal: Alterations To Existing Business Centre, Including The Construction Of 2no. New Floors Within An Existing Workshop Area To Provide Additional Office Space And Minor Alterations To An External Bin Store And Car Parking

Amendment:

Decision: Grant Permission

Date: 26/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0050

Applicant:
Mr David Blunt

Parish:

Date of Receipt:
27/01/2009

Agent:

Ward:
Dalston

Location:
Low Mill Barn, Dalston, Carlisle, Cumbria, CA5 7JU

Grid Reference:
337796 551058

Proposal: Conversion Of Barn To Live Work Unit (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0051

Applicant:
Miss J Henderson

Parish:
Farlam

Date of Receipt:
27/01/2009

Agent:

Ward:
Irthing

Location:
Williamsgill Cottage, Kirkhouse, Brampton,
Cumbria, CA8 1JY

Grid Reference:
357083 559581

Proposal: Loft Conversion With Insertion Of 4no. Dormer Windows And Addition
Of Front Porch (Revised Application)

Amendment:

Decision: Grant Permission

Date: 17/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0052

Applicant:
A P & J Brown Ltd

Parish:
Wetheral

Date of Receipt:
02/02/2009

Agent:

Ward:
Wetheral

Location:
Windermere, 6 Killoran, The Green, Wetheral,
Carlisle, CA4 8ET

Grid Reference:
346709 554403

Proposal: Erection Of Wrought Iron Balcony

Amendment:

Decision: Grant Permission

Date: 26/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0054

Applicant:
Mr Charles Haughan

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
16/02/2009

Agent:

Ward:
Yewdale

Location:
206 Chesterholm, Sandsfield Park, Carlisle CA2
7XY

Grid Reference:
337179 555441

Proposal: Erection Of Double Garage To Side Of Property

Amendment:

Decision: Grant Permission

Date: 08/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0055

Applicant:
Mr M Wilson

Parish:
St Cuthberts Without

Date of Receipt:
28/01/2009

Agent:
Taylor & Hardy

Ward:
Dalston

Location:
Woodside Farm, Wreay, Carlisle, CA4 0RJ

Grid Reference:
341340 549940

Proposal: Siting Of A Mobile Home For Occupation By An Agricultural Worker

Amendment:

Decision: Grant Permission

Date: 25/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0056

Applicant:
Mrs S Hoare

Parish:
Carlisle

Date of Receipt:
28/01/2009

Agent:
Jock Gordon

Ward:
Castle

Location:
22 Tait Street, Carlisle, CA1 1RX

Grid Reference:
340530 555511

Proposal: Replacement Of All Windows And Doors, Formation Of A Bathroom On The First Floor. Increase Floor Area Of The First Floor Shower Room. Damp Proofing Of The Basement And Stairs. (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 24/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0057

Applicant:
Environment Agency

Parish:
Carlisle

Date of Receipt:
13/02/2009

Agent:
Axis P.E.D Ltd

Ward:
Castle

Location:
Site 23, Willowholme Industrial Estate, Willowholme
Road, Carlisle

Grid Reference:
339326 556188

Proposal: Temporary Change Of Use From Industrial To Residential For The
Temporary Relocation Of The Existing Showmans Guild Caravan Site.

Amendment:

Decision: Grant Permission

Date: 17/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0058

Applicant:
Environment Agency

Parish:
Carlisle

Date of Receipt:
28/01/2009

Agent:
Axis P.E.D Ltd

Ward:
Multiple Wards

Location:
Footbridge between Denton Street and Bousteads
Grassing, Denton Street, Carlisle

Grid Reference:
340399 556464

Proposal: Proposed Emergency Egress Steps From The Gas Holder Site
Proposed Relocation Of Flood Defences From Consented Scheme At
A-Z Motors
Proposed Extensions To Consented Flood Embankment Through The
Swifts Driving Range

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 16/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0059

Applicant:
MBNL

Parish:
Carlisle

Date of Receipt:
29/01/2009

Agent:
Mono Consultants Ltd

Ward:
Castle

Location:
Broadacre House, 16-20 Lowther Street, Carlisle
CA1 1BZ

Grid Reference:
340270 555818

Proposal: Replacement Of Existing H3g Antennas With 26/36 Antennas On Existing Pole; Removal Of Existing Cabinet And Installation Of Larger Equipment Cabinet And 2No. Associated Smaller Cabinets

Amendment:

Decision: Grant Permission

Date: 01/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0060

Applicant:
Mrs Jane Marston

Parish:
Hayton

Date of Receipt:
03/02/2009

Agent:

Ward:
Hayton

Location:
L/A The Barn, Faugh, Heads Nook, Brampton, CA8
9EG

Grid Reference:
350927 554787

Proposal: Erection Of Detached Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 26/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0061

Applicant:
Phil Pattinson

Parish:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
03/02/2009

Agent:
Hogg & Robinson
(Builders) Limited

Ward:
Wetheral

Location:
Oak Bank Farm, Styend Cottage, Scotby, Carlisle,
CA8 8BD

Grid Reference:
344088 555496

Proposal: Discharge Of Conditions 2, 3, 4, 5, 6, 7, 8 and 9 Of Previously Approved
Appn 08/0268

Amendment:

Decision: Grant Permission

Date: 05/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0065

Applicant:
WCF Ltd

Parish:
Brampton

Date of Receipt:
30/01/2009

Agent:
Mr David Cowen

Ward:
Brampton

Location:
Crawhall, Brampton, Cumbria, CA8 1TN

Grid Reference:
353307 561060

Proposal: Erection Of Lean-To Structure To House An Emergency Generator And
Fuel Tank

Amendment:

Decision: Grant Permission

Date: 17/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0066

Applicant:
Mr J Noble

Parish:
Wetheral

Date of Receipt:
30/01/2009

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
OS Field No 6044 Adjacent The Red Barn, Scotby,
Carlisle, CA4 8BX

Grid Reference:
343586 554455

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Temporary Siting Of A Mobile Home

Amendment:

Decision: Grant Permission

Date: 27/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0070

Applicant:
Mr Paul Holder

Parish:
Dalston

Date of Receipt:
02/02/2009

Agent:

Ward:
Dalston

Location:
Lynwood Lodge, Dalston Hall Caravan Park,
Dalston Hall, Carlisle CA5 7JX

Grid Reference:
337712 551738

Proposal: Discharge Of Conditions 4 & 5 Of Previously Approved Appn 08/1072

Amendment:

Decision: Grant Permission

Date: 30/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0071

Applicant:
Cubby Construction
Limited

Parish:
Carlisle

Date of Receipt:
04/02/2009

Agent:

Ward:
Morton

Location:
54 Westrigg Road, Morton, Carlisle, CA2 6LF

Grid Reference:
338135 554262

Proposal: Redevelopment/Renovation Of Former Care Home (C2 Use) Into 3No.
Residential Dwellings

Amendment:

1. Revised Drawings Illustrating The Existing Site Layout And The Retention
Of The Parking Area

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0072

Applicant:
Environment Agency

Parish:
Carlisle

Date of Receipt:
02/02/2009 16:00:41

Agent:
AXIS P.E.D. Ltd

Ward:
Denton Holme

Location:
End of Lamplugh Street and along the boundary
between the Carlisle Enterprise Centre Car Park
and the River Caldew, Carlisle

Grid Reference:
339838 554548

Proposal: Relocation Of The EA River Access To Within The Carlisle Enterprise
Centre Car Park And The Introduction Of A Drawdown Structure At The
End Of Lamplugh Street.

Amendment:

Decision: Grant Permission

Date: 16/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0075

Applicant:
Harrison & Hetherington

Parish:
Carlisle

Date of Receipt:
17/02/2009

Agent:
Johnston & Wright

Ward:
Botcherby

Location:
Borderway Mart, Montgomery Way, Carlisle, CA1
2RS

Grid Reference:
342877 555770

Proposal: Extension Of Existing Pen Roof To Cover Remaining Animal Pens

Amendment:

Decision: Grant Permission

Date: 08/04/2009

Between 28/02/2009 and 09/04/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/0076

Applicant:
Mr J D D
Thompson-Schwab

Parish:
Nicholforest

Date of Receipt:
16/02/2009

Agent:
Smiths Gore

Ward:
Lyne

Location:
Old Hall Cottage, Penton, Carlisle CA6 5RB

Grid Reference:
345115 579054

Proposal: Increase Width Of Internal Doorway Between Living Room And Kitchen
(LBC)

Amendment:

Decision: Grant Permission

Date: 07/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0077

Applicant:
Mr & Mrs Ho

Parish:
Carlisle

Date of Receipt:
04/02/2009

Agent:
Jock Gordon

Ward:
Castle

Location:
16 Crosby Street, Carlisle CA1 1DQ

Grid Reference:
340307 555788

Proposal: Display Of 1no. Externally Illuminated Fascia Sign And 1no. Internally
Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 26/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0078

Applicant:
Nicholson & Coulthard

Parish:

Date of Receipt:
13/02/2009

Agent:
Jock Gordon

Ward:
Castle

Location:
16 Crosby Street, Carlisle CA1 1DQ

Grid Reference:
340307 555788

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Alterations to Existing Shop Front

Amendment:

Decision: Grant Permission

Date: 08/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0081

Applicant:
Mr R Forlow

Parish:
St Cuthberts Without

Date of Receipt:
06/02/2009

Agent:
J Westgarth

Ward:
Dalston

Location:
4 High Burnthwaite Cottages, Durdar, Carlisle, CA5
7AR

Grid Reference:
340500 548340

Proposal: Erection Of Domestic Storage Building (revised application)

Amendment:

Decision: Grant Permission

Date: 25/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0083

Applicant:
Mr J Noble

Parish:
Wetheral

Date of Receipt:
06/02/2009

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
OS Field No 6044 Adjacent The Red Barn, Scotby,
Carlisle, CA4 8BX

Grid Reference:
343571 554520

Proposal: Discharge Of Conditions 4 & 5 Of Previously Approved Appn 08/1031

Amendment:

Decision: Grant Permission

Date: 02/04/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0084
Applicant: Falcon Veterinary Group
Parish: Carlisle

Date of Receipt: 16/02/2009
Agent:
Ward: Harraby

Location: 330 London Road, Carlisle CA1 3ER
Grid Reference: 341937 553921

Proposal: Change Of Use Of Residential To Veterinary Surgery; With New Access To The Rear From Petteril Bank Road

Amendment:

Decision: Grant Permission

Date: 06/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0085
Applicant: Mr Hunter
Parish: Arthuret

Date of Receipt: 12/02/2009
Agent: Tsada Building Design Services
Ward: Longtown & Rockcliffe

Location: Burnfoot, Longtown, CA6 5SL
Grid Reference: 336697 566236

Proposal: Phase 1 Beef Cattle Shed With Midden And Dirty Water Tank With Concrete Aprons

Amendment:

Decision: Grant Permission

Date: 03/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0086
Applicant: Mr Hunter
Parish: Arthuret

Date of Receipt: 12/02/2009
Agent: Tsada Building Design Services
Ward: Longtown & Rockcliffe

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Burnfoot, Longtown, CA6 5SL

Grid Reference:
336697 566236

Proposal: Phase 2 Beef Cattle Shed & Aprons

Amendment:

Decision: Grant Permission

Date: 03/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0091

Applicant:
Mr & Mrs Ratcliffe

Parish:
Carlisle

Date of Receipt:
13/02/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Belle Vue

Location:
20 Moorhouse Road, Carlisle, CA2 7LU

Grid Reference:
337610 556140

Proposal: Erection of 1no. New Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 27/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0093

Applicant:
Miss Tracey Walsh

Parish:
Carlisle

Date of Receipt:
10/02/2009

Agent:

Ward:
Castle

Location:
54 Lowther Street, 2nd Floor, Carlisle, Cumbria,
CA3 8DP

Grid Reference:
340239 555976

Proposal: Change Of Use From Office To Beauty Salon

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0095

Applicant:
Club 35

Parish:
Carlisle

Date of Receipt:
10/02/2009

Agent:
Jock Gordon

Ward:
Castle

Location:
35 Lowther Street, Carlisle, CA3 8EJ

Grid Reference:
340206 555801

Proposal: Formation Of Two Openings & Building Up Of One Doorway On Internal Walls, Formation Of External Doorway & Removal Of A Glazed Landing Screen, All At First Floor Level & Installation Of A Hoist Between Ground And First Floors (LBC)

Amendment:

Decision: Refuse Permission

Date: 07/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0097

Applicant:
Food Programme Delivery
Orchid Group

Parish:

Date of Receipt:
13/02/2009

Agent:
Futurama

Ward:
Brampton

Location:
1 Main Street, Brampton, CA8 1RS

Grid Reference:
353135 561168

Proposal: Display Of 2no Externally Illuminated Fascia Signs, 4no Non-Illuminated Fascia Signs, 1no Externally Illuminated Projecting Sign & 2no Non-Illuminated Directional Signs

Amendment:

Decision: Grant Permission

Date: 07/04/2009

Between 28/02/2009 and 09/04/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/0099

Applicant:
Lloyd Motor Group Ltd

Parish:
Carlisle

Date of Receipt:
20/02/2009

Agent:
Unwin Jones Partnership

Ward:
Belah

Location:
Lloyd Lawn & Leisure, Gearshill Road, Kingstown,
Carlisle, CA3 0EE

Grid Reference:
339454 559237

Proposal: Change of Use of Former Lawn & Leisure Building to Motor Trade Use

Amendment:

1. Revised Block Plan Illustrating External Display Areas.

Decision: Grant Permission

Date: 30/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0100

Applicant:
Mr D R Stobbart

Parish:
Hayton

Date of Receipt:
11/02/2009

Agent:

Ward:
Great Corby & Geltsdale

Location:
Hullerbank, Talkin, Brampton, CA8 1LB

Grid Reference:
355536 557949

Proposal: Formation of Live/Work Unit for Existing Agricultural Contractor and
Engineering Business (Revised Proposal)

Amendment:

Decision: Grant Permission

Date: 16/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0103

Applicant:
Mr Nicholls

Parish:
Burgh-by-Sands

Date of Receipt:
13/02/2009 08:00:29

Agent:

Ward:
Burgh

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

4 The Courtyards, Moorhouse, CA5 6EX

333001 556754

Proposal: Erection Of Single Storey Extension To Provide Office

Amendment:

Decision: Grant Permission

Date: 08/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0104

Applicant:
Mr Hetherington

Parish:
Dalston

Date of Receipt:
18/02/2009

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
Rose Castle Farm, Dalston, Carlisle, CA5 7BY

Grid Reference:
337046 546359

Proposal: Single Storey Rear Extension To Provide Enlarged Kitchen/Dining Room

Amendment:

Decision: Grant Permission

Date: 31/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0109

Applicant:
Messrs T W Martin

Parish:
Orton

Date of Receipt:
20/02/2009

Agent:

Ward:
Burgh

Location:
Tempest Tower, Little Orton, Carlisle, CA5 6EP

Grid Reference:
334843 555257

Proposal: Extension Of Steel Framed Parlour Building To Provide Cattle Handling Facilities

Amendment:

Decision: Grant Permission

Date: 27/03/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0113
Applicant: Nestle UK Ltd
Parish: Dalston

Date of Receipt: 16/02/2009
Agent: Story Construction Limited
Ward: Dalston

Location: Nestle UK Ltd, Dalston Factory, Dalston, Carlisle, Cumbria, CA5 7NH
Grid Reference: 337375 550840

Proposal: Kiosk To House Water Monitoring Equipment

Amendment:

Decision: Grant Permission

Date: 06/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0115
Applicant: Alberti LTD
Parish: Carlisle

Date of Receipt: 17/02/2009
Agent:
Ward: Botcherby

Location: Site 9, Allanbrook Road, Rosehill Ind. Est, Carlisle, CA1 2UT
Grid Reference: 342647 555588

Proposal: Renewal Of Temporary Permission For Use Of Portacabins As Offices

Amendment:

Decision: Grant Permission

Date: 27/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/0116
Applicant: Mr Barry Lamb
Parish:

Date of Receipt: 17/02/2009
Agent:
Ward: Brampton

Location:
Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Barn adjacent Breconside Farm, Milton, Brampton, 356182 560801
Cumbria, CA8 2QX

Proposal: Conversion Of Redundant Barn Into Holiday Let

Amendment:

Decision: Grant Permission

Date: 24/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0119

Applicant:
J S Wood & Son

Parish:
Wetheral

Date of Receipt:
17/02/2009 12:02:22

Agent:
Hopes Auction Co Ltd

Ward:
Wetheral

Location:
Wragmire Bank Farm, Cumwhinton, CA4 0BL

Grid Reference:
345641 550471

Proposal: Phase 1 Proposed Roof Over Existing Silage Pit

Amendment:

Decision: Grant Permission

Date: 08/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0120

Applicant:
J.S. Wood & Son

Parish:
Wetheral

Date of Receipt:
17/02/2009 12:03:11

Agent:
Hopes Auction Co Ltd

Ward:
Wetheral

Location:
Wragmire Bank Farm, Cumwhinton, CA4 0BL

Grid Reference:
345641 550471

Proposal: Phase 2 Proposed Roof Over Existing Silage Pit

Amendment:

Decision: Grant Permission

Date: 08/04/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0136

Applicant:
Mr & Mrs J Grieve

Parish:
Wetheral

Date of Receipt:
26/02/2009

Agent:
Johnston & Wright

Ward:
Wetheral

Location:
The Grange, Broomeden Kennels, Broomfallen
Road, Scotby, Carlisle, CA4 8DE

Grid Reference:
344100 554360

Proposal: Discharge Of Conditions 2 (Materials), 3 (Hard Surface Finishes), 4 (Boundary Treatment), 5 (Landscaping) and 6 (Archaeological Investigations) Of Previously Approved Appn 07/1246

Amendment:

Decision: Grant Permission

Date: 18/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0155

Applicant:
Mr G. Wilson

Parish:
St Cuthberts Without

Date of Receipt:
05/03/2009

Agent:
H & H Bowe Ltd

Ward:
Dalston

Location:
Bankdale Farm, Wreay, Carlisle, Cumbria, CA4
0RS

Grid Reference:
341494 548942

Proposal: Discharge Of Conditions 2 (Provision Of Parking And Turning); 3 (Access); 4 Samples Of Materials); And 6 (Surface Water Drainage) Of Application 08/0882

Amendment:

Decision: Grant Permission

Date: 17/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/0158

Applicant:
Cubby Construction Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
05/03/2009

Agent:

Ward:
Morton

Location:
56 Westrigg Road, Morton, Carlisle CA2 6LF

Grid Reference:
338174 554261

Proposal: Redevelopment/Renovation Of Former Care Home (C2 Use) Into 1No. Residential Dwelling

Amendment:

Decision: Grant Permission

Date: 01/04/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/9007

Applicant:
United Utilities

Parish:
Stanwix Rural

Date of Receipt:
16/02/2009

Agent:
Cumbria County Council

Ward:
Stanwix Rural

Location:
Edenwood, Linstock, Carlisle, CA6 4PY

Grid Reference:
342456 558010

Proposal: To Erect A Motor Control Kiosk

Amendment:

Decision: City Council Observation - Observations
Date: 06/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No:
09/9008

Applicant:
United Utilities

Parish:
Stanwix Rural

Date of Receipt:
16/02/2009

Agent:
Cumbria County Council

Ward:
Stanwix Rural

Location:
Eden Nursery, Linstock, Carlisle, CA6 4PY

Grid Reference:
342720 558275

Proposal: To Erect A Motor Control Kiosk

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: City Council Observation - Observations
Date: 06/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/9010	Applicant: United Utilities plc	Parish: Orton
Date of Receipt: 20/02/2009	Agent: Cumbria County Council	Ward: Burgh
Location: Low Bow Farm, Bow, Carlisle CA5 6EW		Grid Reference: 333734 556013

Proposal: Erection of a Motor Control Kiosk and Access Track
Amendment:

Decision: City Council Observation - Observations
Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/9011	Applicant: United Utilities plc	Parish: Burgh-by-Sands
Date of Receipt: 26/02/2009	Agent: Cumbria County Council	Ward: Burgh
Location: L/Adj The Gables, Monkhill Road, Moorhouse, Carlisle CA5 6ER		Grid Reference: 333279 556837

Proposal: Erection of Motor Control Kiosk
Amendment:

Decision: City Council Observation - Raise No Objection
Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 09/9012 **Applicant:** United Utilities plc **Parish:** Burgh-by-Sands

Date of Receipt: 26/02/2009 **Agent:** Cumbria County Council **Ward:** Burgh

Location: Layby of B5307, Moorhouse, Cumbria **Grid Reference:** 332924 556969

Proposal: Erection of Motor Control Kiosk

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 13/03/2009

Between 28/02/2009 and 09/04/2009

Appn Ref No: 09/9016 **Applicant:** Lakeland Minerals Ltd **Parish:** Farlam

Date of Receipt: 16/03/2009 **Agent:** Cumbria County Council **Ward:** Irthing

Location: Kirkhouse Quarry, Kirkhouse, Brampton, Cumbria **Grid Reference:** 356400 560100

Proposal: Section 73 Application To Modify Conditions 1,2,32 & 34 Of Planning Permission 00/9019 To Allow Alteration To Working Conditions And Revised Restoration Scheme And Extension To Existing Quarry

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 08/04/2009

