

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

2nd October 2009

Applications Entered on Development Control Committee Schedule

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03.	<u>08/1254</u> A	Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	65
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14.	<u>09/9032</u> C	Great Orton School, Great Orton, Carlisle, Cumbria, CA5 6NA	<u>SD</u>	303
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Applications Entered on Development Control Committee Schedule

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16.	<u>09/0461</u> C	Fauld Farm, Burgh by Sands, Carlisle, CA5 6AN	<u>RAM</u>	312
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18.	<u>08/0753</u> C	Border Garden Centre, Harker, CA6 4DS	<u>RJM</u>	314
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The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 18/09/2009 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 23/09/2009.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE B: Reports Requiring Further Information

09/0719

Item No: 01

Date of Committee 02/10/2009

Appn Ref No:
09/0719

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

Date of Receipt:
28/08/2009

Agent:
Holt Planning Consultancy

Ward:
Brampton

Location:
Tarn End House Hotel, Talkin, Brampton, CA8 1LS

Grid Reference:
354388 558354

Proposal: Conversion And Extension Of Hotel Premises To Create 15no. Dwellings
Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

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.

RSS Pol RDF 2 - Rural Areas

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol DP10 - Landscapes of County Importance

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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 EC13-Sustaining Rural Facilities&Services

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H5 - Affordable Housing

Local Plan Pol H6 - Rural Exception Sites

Local Plan Pol H8 - Conversion of Existing Premises

Local Plan Pol IM1 - Planning Obligations

Local Plan Pol LE3 - Other Nature Conservation Sites

2. Summary of Consultation Responses

Development Services Planning & Housing Services - Housing Strategy:
Comments awaiting.

Development Services Planning & Housing Services - Local Plans: This application is accompanied by a Planning Statement which sets out a weak argument of little substance to gain planning permission for open market housing in an unacceptable location in open countryside on the grounds that a new boathouse will be built on an unrelated site for an unrelated occupier. No link is demonstrated between these two uses. Circular 5/2005 Planning Obligations states the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. The applicant's case is not furthered by the protracted criticism in the Planning Statement of development permitted under 06/0693 for conversion of the hotel to 8 holiday cottages. This is of little relevance to the current application.

The policy framework within which this application must be decided is as follows:

PPS 3 Housing: aims to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. The location of housing should facilitate the creation of communities of sufficient size and mix to justify the development of, and sustain, community

facilities, infrastructure and services. The proposed development does not comply with this policy stance.

PPS 7 Sustainable Development in Rural Areas states that the focus for most additional housing in rural areas should be on existing towns and identified service centres, and to provide for housing to meet identified local need in other villages. Local planning authorities should strictly control new house building in the countryside away from established settlements. The proposal does not comply with this policy.

Policy RDF 2 of the Regional Spatial Strategy for the North West makes provision for rural areas. New development is only permitted in the open countryside in the exceptional circumstances listed in the policy:

- essential requirement for a rural location e.g. mineral extraction;
- needed to sustain existing businesses;
- provides for exceptional needs for affordable housing;
- is an extension of an existing building;
- involves the appropriate change of use of an existing building;

The proposal does not satisfy any of these criteria.

Policy DP1 of the adopted CDLP makes provision for development in sustainable locations. The urban area of Carlisle, Key Services Centres and Local Service Centres are listed. The proposal lies outside any of these locations and therefore must demonstrate a need to be in the location specified. No such need has been demonstrated.

Policy H1 sets out acceptable locations for new housing development, including Carlisle, Key and Local Service Centres, as is consistent with the sustainable strategy of the Plan. A further list of smaller settlements is included where housing to meet an identified local need is acceptable. The proposal does not comply with any element of this policy.

Policy H5 makes provision for affordable housing. In the rural area, sites over 0.3 ha or 10 dwellings are required to contribute 20% of the development costs to affordable housing. As the proposal does not make provision for any affordable housing, it does not comply with this policy.

Policy H8 sets out the circumstances where it is acceptable for conversions to residential in locations where planning permission for new build residential would not be approved. The first criterion is that the building needs to be of sufficient historic or architectural interest or makes a contribution to local character. The third criteria is the building can be converted without extensions or major alterations which would destroy its character. On the basis of the information submitted, the proposal does not satisfy either of these criteria.

Lastly the Planning Statement argues that this proposal is enabling development and quotes English Heritage guidance. This line of argument is misplaced. The property is neither listed or of architectural importance, and the English Heritage guidance is not transferable.

Development Services Planning & Housing Services - Local Plans (Trees): I

have the following comments/observations to make on the above proposals.

Tarn End Hotel is set in an idyllic rural setting on the southern edge of Talkin Tarn. The location is a wildlife site, and a landscape of County importance and to the north of the tarn are areas of Ancient Woodland. The landscape character of the location is classed as Type 7: Drumlins sub-type 7c: Sandy Knolls and Ridges. A key element of this landscape character is the woodlands which frame many of the views.

The building itself is a large detached property set in extensive gardens characterised by the remaining mature trees and shrubs that blend the existing building into the surrounding landscape. Tree Preservation Order 242 now protects the most important trees on the site.

The proposals are contrary to the Carlisle District Local Plan 2001 – 2016 Policy CP1 Landscape Character; Policy CP2 Biodiversity; CP3 Trees and Hedges on Development Sites; LE3 Other Nature conservation Sites; DP10 Landscapes of County Importance.

An indicative landscaping scheme is shown on drawing No.109/107/04. Previously a number of large mature trees including Beech and Oak have been removed from the site. The indicative scheme comes nowhere near replacing the loss of trees that has already occurred and in no way seeks to enhance or improve the amenity or wildlife/biodiversity of the site.

It would be preferable that a detailed landscaping scheme was submitted as part of the planning application, as opposed to dealing with this matter by way of a condition attached to any grant of consent so that the landscaping can be given full consideration as an integral part of the scheme.

By virtue of question 16 of the Planning Application form a tree survey in accordance with B.S. 5837: 2005 Trees in relation to construction Recommendations, is required to determine how the proposals could affect the existing trees and hedges. Whilst a bat survey of the trees has been submitted a tree survey in accordance with the British Standard has not. Notwithstanding the above as a result of this omission there is insufficient information to determine the application.

In conclusion I am opposed to the proposals for the reasons given above.

Cumbria County Council - (Highway Authority): Comments awaiting.

Cumbria Constabulary - Crime Prevention: Comments awaiting.

Community Services - Drainage Engineer: Comments awaiting.

United Utilities - (for water & wastewater comment): No objection to the proposal.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should

contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

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

[*Enter text.]

Natural England - affecting Designated Sites (SSSIs, SACs, SPAs, Ramsar Sites): Comments awaiting.

Natural England - relating to protected species, biodiversity & landscape: Comments awaiting.

Forestry Commission: Comments awaiting.

Environmental Services - Green Spaces (see IECO for Countryside Officer): Comments awaiting.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Talkin Head		Objection
Longtown Road		
PFD (Carlisle) Ltd		
Clint Mill		Support
Banksfoot Farm		Objection
The Howard,		Objection
7, Albert Terrace		Objection
The Heugh		Objection
Banks House		Objection
24 Washington Terrace		Objection
The Heugh		Objection
10 Howe Street		Objection
23 Willow Drive		Objection
Talkin Head		Objection
Westwinds		Objection
15 Riverbank Court		Objection
57 Scotby Road		Objection
783 Fredensborg Canyon Road		Objection
		Objection
Rose Cottage		Objection
Calle Hospit 4		Objection
30 Fusehill Street		Objection
6 Parham Drive		Objection
9 Freer St		Objection
The Sycamores		Objection

11 Fieldside	Objection
18 Leeburn View	Objection
Banksfoot Farm	Objection
108 Oswald Street	Objection
Beck Cottage	Objection
16 Mosswood Park	Objection
7 The Courtyards	Objection
36 Crathie	Objection
23 Oakleigh Way	Objection
1 Cuckfield Road	Objection
Keepers Barn	Objection
15 Coldsprings Park	Objection
36 Crathie	Objection
9 Centurions Walk	Objection
Freelands Farmhouse	Support
2 Goschen Road	Objection
Garden House	Support
4 High Oaks	Support
Turnberry House	Support
The Old Rectory	Objection
44 Newholme Avenue	Objection
9 Bowman st	Objection
8 Carricks Court	Objection
Hespeck Raise	Objection
7 Abbey Walk	Objection
6 Westville	Objection
3 Stable Mews	Objection
15 Knowe Road	Objection
Hare Craft	Objection
45 Valley Drive	Objection
34 Curley Hill Road	Objection
Thorn tree	Objection
23 Townsend Road	Objection
Belmont	Objection
3 Chapel Bank	Objection
12 Greenhill	Support
4 Paddock Lane	Objection
Oak Street	Objection
21 Meadow Croft	Objection
5 Dalton Lane	Objection
Hallgarth	Objection
9 Arthur Street	Objection
45 Esther Street	Support
5 Irthing Park	Objection
173 Hylton Road	Support
36 The Picture House	Objection
Park House	Objection
Office Cottage	Objection
30A Eglinton Crescent	Support
25 Carlisle Road	Objection
17 Streatley Road	Objection
Wallacefield	Objection
22 Cedar Grove	Objection
Capon Tree House	Objection

- 3.1 This application has been advertised by the display of a site notice. At the time of preparing this report 28 letters of objection and 1 letter of support have been received.

3.2 The letters of objection raise the following:

1. This is too dense a development which would adversely affect Talkin Tarn and the road to Talkin Village and would also ruin an attractive Victorian farmhouse
2. The proposal will totally alter the nature of this beauty spot much loved by families, locals and holiday makers
3. Talkin Tarn is a beautiful, peaceful place to relax and stroll day or night, The carpark is awful and this plan is worse.
4. The planning application seeks to take advantage of a shared natural resource for the benefit of the developers alone, but to the detriment of the nation as a whole
5. It will ruin the surrounding area and unspoilt landscape of the tarn
6. The proposal is out of keeping with the Talkin Tarn Country Park
7. The hotel should be renovated and used as an arts and crafts centre, conference centre or wedding venue.
8. Why is public assets have to sold off like this? We pay enough Council Tax to justify keeping unique places like Talkin Tarn as close to its original state as possible
9. A country park is an area of countryside in the United Kingdom that has been set aside for public recreational use through the agency of the Countryside Commission. It is not an area to be developed for commercial gain.
10. The proposal would deface the country landscape of Talkin Tarn
11. The Tarn, as it is now, is both a necessary and aesthetic aspect of the countryside
12. It is important to preserve for the people who, for years and years, have been enjoying its natural merits.
13. Development is not suitable for open countryside
14. Planning permission should be given on the merit of each application, therefore it is unacceptable that this application is relying on people who support the rowing club.
15. The thought of a view of new houses instead of the old hotel that I have visited many times in the past horrifies me

16. If the scheme goes ahead it will destroy the current ambiance of Talkin Tarn
17. Surely there are sufficient sites in the county where there is a need for new housing stock to aid communities without destroying such locations. This location is most definately not one of the those and is purely a developer eying the location as potential for making large profit and the tarn users do not figure in these plans.
18. Whilst Carlisle is bidding to be the City of Culture I find it amazing that you continue to destroy what culture we have.
19. The development is against rural area policy
20. The development idea should be nipped in the bud before the area is expanded further
21. The development would create a precedent
22. The development would be detrimental to visual amenity
23. There would be highway safety problems
24. 15 houses crammed into 1/2 an acre is way too many
25. 15 houses on the site will dominate the view and change the whole ambience of the place
26. The people of Brampton even after paying for the privilege with not get a walk in the country. Who gets the money for this? The tarn? the people of brampton? or the development vultures making profit off our children's heritage?
27. The proposal would completely and unacceptably alter the rural aspect at the southern end of the tarn
28. The development will spoil its unique atmosphere
29. Many people use the tarn as a means of escape from towns and cities where they can gather there thoughts and even be inspired. To change it would removed the peacefulness and beauty that the tarn has to offer.
30. The proposal would destory the landscape
31. The are other places to build - why do you have to let these money hungry people ruin nature.
32. The development is totally out of character with Talkin Tarn and the area
33. Destroying the natural beauty of the place

34. The original incentive of Charles Roberts and Lady Cecilia should be respected. They chose to offer the Tarn and the surrounding land to the Council because they felt it was something which should be enjoyed by the whole community.
 35. The proposals for this cottage development is a dreadful thing which would alter the whole atmosphere as well as impacting visually on a very special place.
 36. We all go to the Tarn because it is countryside, it's a beautiful place. We aren't wanting to walk by another town type development.
 37. The developers were aware of the planning situation and should not have progressed with the sale if they thought the plans were unviable.
- 3.2 The letters of support raises the following:
1. The current Boathouse is dilapidated and needs replacement
 2. The whole development will be an attractive one at Talkin Tarn
- 3.3 One letter has been received from Councillor Trevor Allison who has raised the following:
1. Citadel Estates are apparently offering to provide a Boathouse conditional on securing Planning Permission for the conversion of the Tarn End Hotel into apartments. The granting of planning permission should be consistent with Local Planning Policy and the Local Plan, and should not be influenced by the offer of a 'bung' by the developer
 2. The conversion is a good idea, as an alternative to allowing the hotel to fall into disrepair.

4. Planning History

- 4.1 In August 1983 under application 83/0414 an application was made for change of use from coach-house and stables into living accommodation.
- 4.2 In 2006, under application 06/0693, planning permission was given for the conversion of the hotel and outbuildings to 8 holiday units.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The Tarn End House Hotel is prominently located on the southern side of

the Brampton/Talkin road with a northern frontage facing Talkin Tarn. The Tarn is a designated Wildlife Site and has a public footpath around its perimeter inclusive of part of the Hotel's grounds. The Hotel and Tarn fall within part of a designated County Landscape. To the north of the Tarn there is an Ancient Woodland.

- 5.2 The Hotel, is primarily two storeys in height and constructed externally with sandstone walls and slate roofs. The existing property has an "E" shaped layout and comprised a kitchen, wc facilities, bar, dining room, lounge, garage, four store rooms and two bedrooms. Attached to which there is a barn which provides additional storage. The first floor had seven bedrooms and a staff room.

Background

- 5.3 The current application seeks full planning permission for the conversion and extension of the Hotel to create 15 dwellings. This application needing to be considered in association with application reference number 09/0714 concerning the erection of a new boathouse for Talkin Tarn Amateur Rowing Club. In relation to application 09/0719, the submitted plans indicate that the existing buildings will, as part of the proposal, be converted to provide a total of 8 dwellings (proposed units 4 to 11); a two storey extension on the western side parallel with the main facade fronting the Tarn to comprise 4 dwellings (units 12 to 15); and a two storey extension to the east to provide 3 dwellings. Proposed unit 9 is three bed whilst the remainder are two bed. The proposed layout plan shows the creation of three parking "courts" leading to a total of 30 spaces with each served by its own access/egress. Externally the proposed materials consist of matching stonework, painted wet dash render, slates laid in diminishing courses with sandstone ridge copings, and timber window frames - see attached copies of plans.
- 5.4 The application is accompanied by a Planning Statement (inclusive of Design and Access); supplementary information on the background of the proposal; and a bat survey and associated Method Statement.
- 5.5 The submitted Planning Statement explains, amongst other things, that:
- The application is submitted in parallel with that for the erection of a replacement boathouse for Talkin Tarn Amateur Rowing Club on the opposite side of the Tarn. The application for the 15 dwellings "enabling" directly not just the financing but also the construction of the proposed boathouse.
 - The provision of a boathouse being considered to have considerable community and local economic benefit. The fate of the Tarn End House Hotel and that of the Rowing Club are considered to be bound up with the wider Talkin Tarn Countryside Park; each being integrally important elements of this recreational attraction. It is believed that a material relationship exists between the Tarn End House site, and the Rowing Club, the combined betterment of which will reap wider benefits greater than the sum of the parts. The Tarn is of wide appeal and significance

with the constituent parts, such as the Rowing Club and Tarn End House, playing roles as effecting a single cherished local scene.

- It is accepted that in the absence of some special justification, the siting of new (market) housing within the open countryside will not be tolerated. These are not considered to be normal circumstances - what could be more integral than securing the future of the historic and pre-eminent Talkin Tarn Amateur Rowing Club and safeguarding a locally iconic building.
- The approved scheme for 8 holiday dwellings (application 06/0693) offered a crude and simplistic re-use of the building with little apparent thought given to actual viability or commercial sustainability. The total floorspace of the 8 units comes to 798 sq. metres i.e. an average of unit size of 99.75 sq. metres which is larger than the average holiday unit size of 60-70 sq. metres. Given that this remains a lawful hotel, the option to intensify the existing buildings would not be unreasonable. In the same vein, it is argued that one could with judicious alterations to the inside and outside of the existing building, create at least 13 residential units. Only by a wholesale intensification and diversification of the use of the site and surroundings could the idea of tourism accommodation offer a sustainable commercial option.
- It is proposed to demolish the western and courtyard outbuildings and build five new two-storey dwellings that have been designed to harmonise with the style, scale and detailing of the Victorian buildings. These wings have been linked to the central ranges by a two storey dwelling (unit 7) featuring a transparent glass/oak framed facade.
- The proposal would maintain the essentially "residential" nature of the use of the site as existing and proposed under 06/0693, and by the provision of appropriately designed extensions would provide for 15 permanent dwellings; roughly 10 within the existing floorspace capacity.
- The existing building could yield about 13 holiday dwellings, and the current scheme has created only about 10 units from the existing floorspace. The additional 5 units have been proposed in order to cover the outlay on the Boathouse; an outlay that will be immediate and "up-front". In contrast with a traditional heritage "enabling" case, that which is enabling, and that which is being enabled, are and will always be under separate ownership.
- On the "rear" the clutter is removed and from the highway, the site is made really interesting.
- It is believed that some of the trees on the site have become/are inappropriate in relation to the building in terms of species and proximity, and detract from the truly significant aspects of this place. Only two trees are to be removed, although firmly believe the whole site and wider landscape could benefit from a wholesale rationalizing and management of trees on the site subject to safeguarding habitats.

5.6 The bat survey and Method Statement highlights that bat roosts were confirmed under the ridges in two locations, in an attic void within a barn and a tree roost. A probably defunct roost was also identified under another section of ridge tiles. The proposed work will disturb all the roosts while it is in progress, and result in the permanent loss of the tree roost and barn roost. Mitigation will comprise timing the work so as to minimise critical

disturbance, having bat boxes in place as temporary roosts while the work is in progress, and as permanent compensation for the roosts that will be lost. Access will be reinstated under the ridges and into the attic. A licence is required in order to avoid committing offences while stripping out the ceilings and converting the barn.

Assessment

5.7 When assessing this application it is considered that there are seven principal issues.

1. Whether the proposal represents a sustainable form of development in terms of its location and, if not, the consequences in the context of PPS 1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS 3:Housing, and PPS 7:Delivering Sustainable Development in Rural Areas.
2. Whether the application accords with the provisions of PPS 1: Delivering Sustainable Development with particular regard to its design.
3. Whether the application accords with PPS 3:Housing, and Policies H5 and H8 of the Carlisle District Local Plan with particular regard to location and provision of affordable housing.
4. Whether the proposal accords with criteria 1 - 6 of Policy H8 and Policies CP3 and DP10 of the Carlisle District Local Plan.
5. Whether the application accords with part of criteria 1 and criteria 7 of Policy H8 of the Carlisle District Local Plan.
6. Whether the application has fully taken into consideration the requirements of PPS 9:Biodiversity and Geological Conservation and Policies CP2 and LE3 of the Carlisle District Local Plan.
7. Whether there are any material considerations which are sufficient to outweigh any conflict.

5.8 Items 1 to 6 are, in addition, tied up with an overall assessment of whether the proposed development accords with the Development Plan (in this instance the RSS for the North West, the Cumbria and Lake District Joint Structure Plan, and the Carlisle District Local Plan 2001-2016), having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

5.9 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 Policy RDF2 of the Regional Spatial Strategy, and Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016 that seek to encourage development (inclusive of residential schemes) within identified sustainable locations.

- 5.10 When looking at the issue of sustainability it is evident that the application involves brownfield land and would lead to the re-use of a relatively substantial structure. It is, however not in an identified sustainable location with no immediate facilities for schooling, shopping or employment.
- 5.11 The Supplement to PPS 1 on Planning and Climate Change highlights that tackling climate change is a key priority for the planning system and, as a consequence, applicants should consider how well their proposals contribute to the ambition of a low-carbon economy. The decision-making principles that need to be applied include: controls under the planning, building control and other regulatory regimes should complement each other; information sought from applicants should be proportionate to the scale of the proposed development; and, authorities should have regard to this PPS as a material consideration which may supersede the policies in the Development Plan. The aforementioned Supplement raising such matters as the use of decentralized and renewable or low carbon energy; the need for authorities to obtain from applicants the information necessary to show how their proposed development is consistent with this PPS; and, take account of layout etc to minimize energy consumption.
- 5.12 The current application is not accompanied by an Energy Statement although it is anticipated that it would seek to comply with the relevant Building Regulations. The means to achieving such goals, inclusive of surface water run-off and waste, can be the subject of relevant conditions.
- 5.13 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.”
- 5.14 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 where the need has been identified. An accompanying paragraph of Policy H6 explains that the use of vacant rural buildings, within settlements, for affordable housing may also be considered acceptable where they can meet the aforementioned criteria.
- 5.15 In the case of the current application, no provision is made for affordable

housing directly on the site or elsewhere in the form of the payment of a commuted sum. Nevertheless, the observations of the City Council's Housing Enabling Officer are awaited at the time of preparing this report.

- 5.16 Policy H8 of the Local Plan states that proposals for the conversion of non-residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless: the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention; the building can be converted without extensions or major alterations which would destroy its character; the details respect the building's character; adequate access and car parking can be achieved whilst respecting the character of the landscape; the design and appearance of the building and site boundaries should be in keeping with its surrounding landscape. Policy CP3 seeks the protection and integration of existing trees and hedges within new development. Policy DP10 sets out to ensure that development is not detrimental to distinctive landscape character and features of the area. In this context it is considered that Tarn End House Hotel is of sufficient local interest as to warrant its retention and that the applicant has sought to ensure that the details of the proposed conversion respect the building's character. However, the difficulty lies in the extent of new build that equates to 7 dwellings. Members will also be conscious that the City Council's Landscape Officer has confirmed his opposition to the proposal.
- 5.17 In the case of aforementioned issue 5, no categorical evidence has been submitted explaining how any other alternative uses for economic or community purposes are either not viable or inappropriate. It is appreciated that the County Council marketed the property but no direct evidence of any marketing of the building for economic development accompanies the application.
- 5.18 When considering whether the application has fully taken into consideration the requirements of PPS 9:Biodiversity and Geological Conservation, the views of Natural England are awaited.
- 5.19 Finally, with regard to any other material considerations the submitted Planning Statement highlights that material considerations revolve around the proposal having an enabling role in the provision of a replacement boathouse; the "fallback" position of the developer being entitled to re-use the premises as a hotel and/or implement the permission granted under 06/0693; and the the proposal safeguarding a local landmark.
- 5.20 When considering the proposed planning gain in the form of enabling the provision of a replacement boathouse for Talkin Tarn Amateur Rowing Club, Members will be aware that an important distinction needs to be made between planning gain which arises as the normal consequence of the implementation of an approved development, and a planning gain which is a benefit that the developer of land is prepared to concede to gain a favourable permission. Ministerial advice on the subject of extraneous gains is found in Circular 05/2005. Paragraphs B6 & B7 advise that the use of planning obligations must be governed by the fundamental principle that planning permission may not be

bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

- 5.21 Circular 05/2005 sets out five tests, all of which a planning obligation is expected to meet. These are that an obligation must be (i) relevant to planning, (ii) necessary to make the proposed development acceptable in planning terms, (iii) directly related to the proposed development; (iv) fairly and reasonably related in scale and kind to the proposed development; (v) reasonable in all other respects. In amplification of these rules, paragraphs B8, B9 and B10 state that planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development.
- 5.22 In the case of the current application it is considered self evident that the provision of a replacement boathouse fails the aforementioned tests and is therefore contrary to Government advice. This is reinforced by Policy IM1 of the Local Plan that explains the Council will consider the use of Planning Obligations/Section 106 Agreements only when relevant to the proposed development.
- 5.23 The developer's fallback position and the ability of the current proposal to lead to the retention of the existing existing building are acknowledged.

Conclusion

- 5.24 When assessing the proposal it is recognised that the benefits revolve around the re-use of a relatively substantial structure that is of local interest; the details of the proposed conversion are considered to respect the building's character; and the developer's fallback position is acknowledged. Conversely, the application site is not within an identified sustainable location, does not involve the direct or indirect provision of affordable housing, the extent of the new build equates to 7 dwellings; the City Council's Landscape Officer has confirmed his opposition to the proposal; no categorical evidence has been submitted concerning alternative economic or community uses; and the proposed planning gain appears contrary to the relevant policy of the Local Plan and Government advice.
- 5.25 An updated report will be presented to Members following receipt of the awaited comments from interested parties.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation

Reason For Including Report In Schedule B

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

SCHEDULE B: Reports Requiring Further Information

09/0714

Item No: 02

Date of Committee 02/10/2009

Appn Ref No:
09/0714

Applicant:
Citadel Estates Ltd.

Parish:
Brampton

Date of Receipt:
08/09/2009

Agent:
Holt Planning Consultancy

Ward:
Brampton

Location:
Talkin Tarn Countryside Park, Talkin Tarn, Talkin,
CA8 1HN

Grid Reference:
354459 559165

Proposal: Erection Of New Boathouse For Talkin Tarn Amateur Rowing Club
Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

The applicant has asked for this application to be considered in association with a Major application, reference number 09/0719.

1. Constraints and Planning Policies

Airport Safeguarding Area

Public Footpath

The proposal relates to development which affects a public footpath.

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Taking into account the existing use of the property, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. I can therefore confirm that the Highway Authority has no objection to the proposal.

Natural England : Comments awaiting.

Cumbria Wildlife Trust: Comments awaiting.

Development Services Planning & Housing Services - Access Officer:
Comments awaiting.

Cumbria Constabulary - Crime Prevention: Comments awaiting.

Development Services Planning & Housing Services - Local Plans (Trees):
Comments awaiting.

Community - Env.Services - Green Spaces - Countryside Officer: Comments awaiting.

Brampton Parish Council: Comments awaiting.

Carlisle Airport: Comments awaiting.

Farlam Parish Council: I am writing on behalf of Farlam Parish Council to support Talkin Tarn Amateur Rowing Club's 'Project 150' to build a replacement boathouse.

The rowing club is long established, and has survived against the odds, in dilapidated conditions, providing facilities for the community, and in particular, young people. Such resources are scarce in rural communities.

Such an initiative fits well with current health and social policies, not least 'Change for Children', and the National Service Frameworks relating to coronary heart disease and diabetes.

The rowing club's plans to forge links with schools, colleges and community groups and special facilities for people with disability can only be an advantage to both the local and wider community.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

Longtown Road
PFD (Carlisle) Ltd
Clint Mill
7 The Courtyards
10 Rectory Road
51 High Street
Garden House
10 Beechgrove Terrace
4 Dacre Road
Springcroft, Hornsby-Gate
Hare Croft
Garth Foot
Office Cottage,
25 Carlisle Road

Support
Support
Support
Support
Support
Support
Support
Support
Support
Support
Objection
Support
Objection
Objection

3.1 This application has been advertised by means of a site notice. At the time of preparing this report four letters of support have been received.

3.2 The letters of support raise the following:

1. The club offers wonderful opportunities, particularly for young people, and I was very pleased to hear that they now have the support of a local company which should enable them to achieve their aim of providing the much needed new facility.
2. The Talking Tarn Rowing Club has been in existence for 150 years over which time their members have worked tirelessly to encourage and develop young rowers in the county. These people deserve some help and encouragement, they have raised £20,000 towards the building of a new boathouse but cannot do it all on their own.
3. The development will provide a much needed facility which in turn helps the area
4. Very impressed with what the Talkin Tarn Amateur Rowing Club achieves with its young people
5. The current Boathouse is dilapidated and needs replacement
6. The whole development will be an attractive one at Talkin Tarn

3.3 One letter has been received from Councillor Trevor Allison who has raised the following:

1. Citadel Estates are apparently offering to provide a Boathouse conditional on securing Planning Permission for the conversion of the Tarn End Hotel into apartments. The granting of planning permission should be consistent with Local Planning Policy and the Local Plan, and should not be influenced by the offer of a 'bung' by the developer

2. The conversion is a good idea, as an alternative to allowing the hotel to fall into disrepair.

4. Planning History

- 4.1 In 1989, under application 89/0392, permission was granted for an extension to the boathouse to provide a workshop and further storage.
- 4.2 In 1994, application 94/9007, permission was granted for the change of use of the first floor of a former boathouse to form a restaurant and construction of a fire escape and disabled access.
- 4.3 In 1995, application 95/9016, permission was given for the change of use of the first floor to an additional kitchen/eating area, gift shop and toilets.
- 4.4 In 2006, application 05/1308, permission was given for the change of use of a boathouse to a bird outlook facility, provision of a classroom, toilet block, ground maintenance facility, and improvements to car parking surface and drainage system.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 Talkin Tarn is a designated Wildlife Site that falls within part of a designated County Landscape to the north of which there is an Ancient Woodland.
- 5.2 Talkin Tarn Rowing Club have an existing boathouse located to the immediate west of the warden's office and north of the tea shop. Externally the existing boathouse it is constructed with breeze block and timber walls with corrugated sheeting on the roof; and measures 6.6 metres by 23.7 metres. To the north and west the boathouse is bound by a dense copse of mature and semi-mature trees.

Background

- 5.3 The current application, which needs to be considered in the context of application 09/0719, seeks full permission for the erection of a replacement boathouse that is "L" shape in form with an overall length of 42.68 metres and a width that varies from 16.58 metres to 22 metres. The walls are to be constructed externally from roughcast render, stonework, and timber boarding with profiled steel sheeting on the roof. The intention is for the proposed boathouse to accommodate 54 boats, an indoor training area, kitchen, covered storage, a office/meeting room, and wheelchair accessible toilet. The submitted floor plan indicates that this would take place in three phases and affect 26 trees.

- 5.4 The application is accompanied by a Planning Statement, an over-arching document explaining the significance of Tarn inclusive of the Rowing Club, and general information about the Rowing Club. The Planning Statement explains that:
1. This application is submitted in parallel with that for the conversion and enlargement of the Tarn End House hotel premises to create 15 dwellings because it will not just provide the funding for the boathouse but also its immediate construction by the applicant.
 2. This proposal for the boathouse is a vital component of the wider vision that will enhance and sustain a vital and integral element of this local scene inclusive of community-functional values.
 3. The boathouse will be unobtrusive within this heavily wooded tarn side setting.
- 5.5 The over-arching document highlights that the Rowing Club has been very strong in Junior and Veteran Class with over 300 wins at Open Regattas, Medals at the World Masters Championships plus two Silver and one Bronze Medal at The British National Rowing Championships. The Talkin Tarn Annual Regatta has grown from a total entry of 20 in 1946 to in excess of 300 now. The Club members' ages range from 10 to 74. Further background information about the Rowing Club is attached to this report.

Assessment

- 5.6 When assessing this application it is considered that the main issue revolves around whether any harm is outweighed by the value of the proposed facility to the local community. The loss of trees will have a detrimental impact on the character of the area and thus run counter to the underlying objectives of Policies DP10 and CP3 of the Local Plan. However, the Rowing Club is a valued institution that plays a notable role in creating sporting opportunities for all sectors of society. As such it is considered that the likely harm, with regard to the loss of trees, is outweighed by the proposal's benefits in terms of helping the Rowing Club fulfil its goals.

Conclusion

- 5.7 At this stage it is considered that the benefits outweigh the harm in terms of the loss in trees. An updated report will, however, be presented to Members following receipt of the awaited comments from interested parties.

6. Human Rights Act 1998

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

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

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

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

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

7. Recommendation

Reason For Including Report In Schedule B

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

SCHEDULE A: Applications with Recommendation

08/1254

Item No: 03

Date of Committee: 02/10/2009

Appn Ref No:
08/1254

Applicant:
JJ Lattimer Ltd

Parish:
Dalston

Date of Receipt:
19/12/2008

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Ben Hodgson Bodyworks, Dalston Service Station,
The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:
336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience Store And Three Residential Units (Revised Proposals Submitted on 7th July 2009)

Amendment:

1. Submission of revised plans for (1) alterations to car park boundary details and pedestrian access from the car park to two of the residential units and (2) formation of a footpath link from the entrance to the convenience store to the B5299 opposite Kingsway.
-

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

At the Development Control Committee meeting held on 21st August, Members resolved to defer consideration of the proposal in order to await (a) a response from the Environment Agency and submission of alternative proposals in relation to the associated car park (09/0358) and (b) a further report on the application at a future meeting of the Committee.

Amended plans for the car park (09/0358), and for associated alterations to the boundary details and pedestrian access from the car park to two of the residential units, have been submitted and re-consultation, together with re-notification of neighbours, is currently underway. (Plans 1384/p/02 rev F, 1384/p/ 05 rev C and 1384/p/06 rev J)

1. Constraints and Planning Policies

Conservation Area

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

Area.

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE10 - Archaeological Field Evaluation

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 CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol T2 - Parking in Conservation Areas

RSS Pol DP 2 - Promote Sustainable Communities

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

RSS Pol RDF 2 - Rural Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

Responded with a number of comments relating to the application and to subsequent revisions. Comments made on the latest proposed revisions (July 2009) included the following:

1. *The applicant has once again provided parking space on site for both the residential and retail elements and there is therefore no justification to require*

a financial contribution for either the parking down the Kingsway nor the pedestrian refuge across the B5299. It is, however, still reasonable to require a contribution towards the installation of a pedestrian refuge on Townhead Road, the improvement of the Bus infrastructure and the advertisement of waiting restrictions. The indicative costs for these works/contributions are calculated at £13,585;

- 2 Due to the revised servicing arrangements there will be a need to condition the timing of the deliveries, as this will need to happen before the car park is in use, if the turning is to be available.;*

It is, therefore, recommended that the following conditions are included in any consent your Council might grant:

"1. The development shall not commence until agreement has been reached for the funding by the developer of –

- a) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green), Townhead Road and Kingsway.*
- b) The introduction of a pedestrian refuge on Townhead Road,*
- c) The creation of bus boarding/alighting platforms and associated clearways on the B5299.*

The details of these improvements shall be approved by the Planning Authority prior to construction commencing and executed prior to occupation of any part of this development.

2. The whole of the access area(s) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such 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.

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

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any weekday and Saturdays. All such movements shall leave and access the public highway in a forward direction."

For the avoidance of doubt, neither of the applications the foregoing recommendations relate to can be dealt with in isolation. Both permissions need to be implemented. It would be nonsensical to allow the store without any parking

provision (if the applicant does not provide for this parking elsewhere in Dalston), as mentioned in an earlier recommendation to the previous version of this application, or to create the parking without the store. It is strongly recommended that these applications are linked within any consents your Council might grant;

Dalston Parish Council: Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

The following response aggregates comments made in two letters the Parish Council submitted in relation to the amended plans submitted on 7th July 2009. These were discussed at a Parish Council meeting held on 14th July at which a request for a Site Visit by the DC Committee and a "Right to Speak" on this and the related application for the car park (09/0358) was reiterated:

"At its meeting held on 14th July 2009, attended by thirty local residents, Dalston Parish Council resolved by a narrow margin to object to the revised application 08/1254 on the grounds of scale of the development. It was felt that it would be acceptable as a convenience store, but with the inclusion of three residential units the proposals for that site were too large. It was also agreed that the proposed vehicular access was potentially dangerous.

It should be pointed out that the two amended plans shown on the planning portal, although one was an amended description, was confusing";

Dalston Parish Council at its meeting held on 9th September 2009 resolved to object to the revised plan (1384/p/08 revision F) or application Ref 09/358 (Car Park) but reiterated their concerns about the proposal for the convenience store/residential units as follows:

- *The scale of the building, including the residential units and car park combined, was considered unsympathetic and out of character with the village, because of the overall size of the development.*

Environment Agency (N Area (+ Waste Disp)): previously responded as follows:

The Agency is in receipt of an Environmental Risk Assessment for Ben Hodges Bodyworks by Elliott Environmental Surveyors Ltd dated 23 February 2009 (ref. EES09-04) which it is believed has been sent to yourselves.

The Agency has reviewed the Report, with respect to controlled waters only.

Through submission of the above report the Agency withdraws its objection to the application provided that any approval includes the following 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. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved".

Community Services - Drainage Engineer: reply awaited;

United Utilities: responded to the original proposal as follows:

There is no objection to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the 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 UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact UU's Service Enquires on 0845 7462200 regarding connection to the water mains/public sewers.

The above comments have essentially been reiterated in response to consultation on the revised proposal submitted on 7th July 2009;

Environmental Services (Contaminated land): A response is awaited to the revised proposal submitted on 7 July;

Environmental Services (Environmental Quality): Agree with the condition required by Environment Agency but request the ' human health risk' is added as a reason on the EA condition as well as the water protection reason.

Development Services Planning & Housing Services - Conservation Section: Awaiting reply to consultation on the (minor) revisions) dated 17/09/0

The response received in relation to the revised proposals submitted on 7th July was

as follows

"Following the receipt of an amended scheme which has taken on board most of the suggested improvements, the visual appearance of this scheme has improved greatly. Unfortunately one of the consequences of putting the servicing on the rear is that there is now a need for space to turn service vehicles.

Parking was not originally part of this proposal but the applicant has now submitted an application to provide such parking together with the space for service vehicles to turn. I have commented on this application, 09/0358, to the effect that the land required for this provision extends into a part of the Conservation Area that still retains its rural character and this will be damaged by the proposal. I would suggest that as servicing is required, the developments expansion into the Showfield should be restricted to the space needed for vehicles to turn.

On the issue of parking for this development I would make the following comments. Space that might have been available for turning or for disabled parking is being taken up by the applicant's desire to include residential development within the site. The current store has no parking provision and customers do not appear to be disadvantaged by having to carry their shopping bags to wherever they have managed to park, whether this is in the Square, the Victory Hall car park on Townhead Road or on the Kingsway. I agree with English Heritage that parking is an important issue that requires a co-ordinated approach rather than being dealt with by piecemeal applications";.

Development Services Planning & Housing Services - Local Plans (Trees)

Earlier comments are as follows:

The site is located within the Dalston Conservation Area, and the trees present on site will be protected by virtue of their location within the Conservation Area.

Proposals for the trees on site are contained within the Pre-Development Arboricultural Report, and the Interim Tree Report.

There are no objections to the removal of trees 3, 12, and 13

Groups listed as trees 1, 4 and 5 should be reduced in height to 2.5m and maintained as hedges.

Tree 2 should be coppiced and allowed to re-grow.

Trees 6 11 are to be retained and these trees will help screen and soften the new development. However, the successful retention of the trees will be dependent on careful treatment throughout the development process. The works to install the new hard-standing within the root protection area of these trees must be subject to a separate method statement based on the recommendations at 6.5 of the pre-development arboricultural report and drawing No 1384/ p/ 06, rev.0.

Tree protection barriers will be required for the duration of the development and these must be in accordance with the Pre-development Arboricultural Report

Appendix 6, and Fig. 3 Tree Protection Plan.

Subsequent to these comments and in response to the revised proposals received on 7th July, the Tree Officer/Landscape Officer advises that he is satisfied with the amended planting proposals following the intended removal of existing trees along the western boundary

Northern Gas Networks:

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

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; and*
4. *service pipes, valves, siphons, stub connections, etc are not shown but their presence should be anticipated"*

Cumbria County Council - (Archaeological Services): responded to the original proposal as follows:

" Records show that the site lies in an area of archaeological potential being located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on The Green that relate to the development of the village and the first edition map shows that Close Hall was located on the proposed development site during the mid nineteenth century. It is therefore considered likely that archaeological remains related to the development of the village survive below ground on the site and that they would be damaged or destroyed by the development.

It is, therefore, recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development and advise that this work should be undertaken at the expense of the developer. It is considered that this programme of work can be secured through the inclusion of two model conditions in any planning consent. The first condition would secure the implementation of an archaeological evaluation and recording programme prior to development commencing and the second would where appropriate, require an archaeological post-excavation assessment and analysis, preparation of a site archive for deposition at a store, completion of an archive report and publication of the results in suitable journal as approved beforehand by the LPA."

A response to the revised proposals submitted on 7th July 2009 states that the

foregoing comments remain pertinent and two conditions are recommended (securing an archaeological evaluation and, where necessary, a scheme of archaeological recording) if planning permission is granted;

Cumbria Constabulary - Crime Prevention: Awaiting reply to consultation on the (minor) revisions)dated 17/09/09.

The following observations were made on earlier proposals:

"Convenience Store and Residential Units – Demarcation of Space:

Parking provision for residential Unit 1 encroaches across one of the store primary display windows. It occurs to me that members of the public will be attracted by this window and may attempt to enter the site via the private access point. I believe it will be necessary to deter store customers from entering via this route and attempting to short-cut alongside the east elevation to enter the store at the main entrance. This may be achieved by creating a narrower access point, and placing appropriate signage that the space is private. A suitable physical barrier shall be required at the end of the car parking space, perpendicular to the store window.

The drawings supplied do not indicate the nature of the boundary around the entrance to Unit 2. Consequently it is difficult to ascertain the intended use or ownership of the adjacent space, i.e. next to the rear store emergency exit.

The boundary treatment adjacent to the bin store has been depicted as a ranch style fence (providing surveillance opportunities into the space) – yet this type of fencing shall merely serve as a climbing aid to enter this semi-private space. As this space contains two access points to the store, I would recommend a welded mesh fence, to at least 2.4 metres. The brick wall abutting the fence should be of similar height and topped with a triangular-profiled coping stone, in order to deter climbing or walking along the wall."

Physical Security Measures:

A previous response advises of recommendations regarding security standard exterior doors and windows for the dwellings and store;

The officer has also advised that the height of the section of boundary fence adjacent to the raised decking area at the bottom of the rear garden of No1 currently presents a security issue.

Conservation Area Advisory Committee:

Further to the revisions received in July, the Committee has considered the proposals again and has commented as follows:

"The Committee felt that the consultation process had been successful and the applicant had made considerable improvements to the scheme although the Committee was still concerned about the provision of residential accommodation which took up valuable space for servicing and the concomitant need to provide turning and parking outside of the site";

Access Officer:

The following response was received in relation to the revised proposal submitted on 7th July 2009:

"Pedestrian Access from the junction of The Green and Glave Hill has an appropriate width and is to be surfaced with coarse textured concrete paviors or setts. The entrance door is to be automatic and consideration is to be taken regarding lighting and ironmongery.

There are separate comments regarding the provision of disabled parking as per application 2009/0358.

Within the drawings supplied there is no external trolley park marked beside the retail unit. If this was to change, it would need to be notified to the planning department. Assuming there is a trolley area within the retail area on entering the store, it should be located appropriately so as not to cause any obstruction.

Please note: Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Guidance is available within BS8300/2009. Applicants should be aware of their duties within the DDA";

English Heritage:

In relation to the revised application of 7 July, English Heritage provided general observations that they represent a positive response to its previous comments regarding the previous application, particularly the revised siting of the building to achieve a more effective enclosure and also the positioning of the service area to the rear of the building. English Heritage therefore accepts the principles of the revised scheme but has no further comments to make and is content that the Local Planning Authority resolves any outstanding detailed design issues;

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	06/01/09	Objection
Dalston House	06/01/09	
Old Veterinary Surgery	06/01/09	
Glave Hill House	06/01/09	Objection
1 Craiktrees	09/07/09	Objection
The Cornmill	07/05/09	Objection
Whin View	13/01/09	Objection
Hollin Bush	09/07/09	Objection
10 The Square	15/01/09	
2 The Green	06/01/09	
Highbury	06/01/09	
7 Townhead Road		Support
15 Victoria Place		Support
1 The Square		Undelivered
- Dalston		Comment Only
29 Caldew Drive		Objection

Low Fauld	Objection
23 The Square	Objection
21 Burnsall Close	Support
Glave Hill House	Objection
28 Nook Lane Close	Comment Only
20 Station Road	Objection
Hawthorn Cottage	Objection
13 The Square	Objection
54 Glebe Close	Support
37 Carlisle Rd	Support
Yew Tree House	Objection
14 The Green	Support
High Meadow	Objection
22 The Green	Objection
9 The Green	Objection

3.1 Publicity has been given to the revised proposal by press and site notice and by direct notification of neighbours. Representations with regard to the original proposals and subsequent amendments were received from 26 persons. Of the representations, 17 were against the proposal and 6 in favour of it. (3 offered comments)

3.2 The key issues raised to the range of proposals by the objectors were as follows:

1. Traffic & Parking Issues

1.1 Parking was identified in the Dalston Village Plan (2005) as one of the biggest problems facing the community.

1.2 Preliminary plans showed 70 parking spaces on adjacent land.

1.3 There is insufficient parking (even for staff) for the proposal together with proposed parking restrictions in The Square, which, will exacerbate existing road safety hazards resulting from vehicles being parked on access roads/drives, close to junctions on pavements and grass verges (creating a quagmire). A particular parking and pedestrian safety problem was envisaged at the junction of Townhead Road with the B5299.

1.4 Cannot rely on using the Victory Hall car park which was provided for use by the locals (use of car park would result in lack of space for Victory Hall users, many of whom are elderly).

1.5 Conflict between delivery vehicles and customer parking.

1.6 Inadequate turning space and access for service vehicles.

1.7 Transport Survey is flawed and does not offer solutions to the parking problem.

1.8 Vehicle weight limit in village should be enforced.

1.9 Access road is an inappropriate scale.

1.10 Creation of road safety hazards particularly from vehicles exiting from the unsatisfactory site access, the proposed turning arrangements and traffic island. This could result in lorries reversing from/onto Townhead.

2. Impact On Residential Amenity, Character Of The Conservation Area & The Setting Of The Adjacent Listed Building

2.1 The site is a primarily residential area and, by reason of scale, un-neighbourly form, illumination, signage, siting of plant and refuse bins, the presence of delivery and customer vehicles and customers (particularly in early morning and late evening), the development would adversely affect the living conditions of nearby residents through noise and disturbance, litter, loss of privacy, anti-social behaviour and overbearing visual impact.

2.2 The scale and form of the proposal, together with additional light pollution detracts from the setting of the adjacent Grade II Listed Building and the character of Dalston Conservation Area.

2.3 Trolley management is needed to prevent trolleys being scattered around the village.

2.4 Footpaths constructed across the open space in front of the building will adversely affect the character of the Conservation Area.

3. Other Issues

3.1 Plans are of insufficient scale, and inappropriate type, to allow proper assessment of environmental impact.

3.2 No need for another food store, particularly as a supermarket is planned for the west side of Carlisle.

3.3 Proposal should be linked to plans for the old Co-op building to ensure that it is not left vacant.

3.4 Proposal is sited outwith the 'trading area'.

3.5 Site is best suited to residential development (previous owner sold the site for residential accommodation for retired persons and first time buyers).

3.6 Impact on viability of existing small businesses in the village.

3.7 Energy efficiency measures should be included in the buildings (especially the houses).

3.8 Calling Dalston a 'town' fails to recognise its 'village' identity and the need for development to reflect the rural nature of the village.

3.9 Loss of telephone box.

- 3.3 Those in favour of the proposal referred to (1) the inadequacy of the existing store in terms of restricted access to shelves, with no real chance of improvement, for people in wheelchairs and with pushchairs (2) the attractiveness of a larger store with some off-road parking which would reduce congestion in The Square and (3) the fact that the new store would encourage people to shop in the village instead of travelling to Carlisle and replace existing buildings with something more in character.
- 3.4 Some of the grounds of objection were accompanied by positive suggestions of ways of resolving the issues, including (1) double yellow lines at the approach to the junction on Townhead Road and (2) restricting the residential accommodation to a single flat, thereby releasing land for additional parking and/or relocation of waste receptacles etc.

4. **Planning History**

- 4.1 The planning history of the site relates to its existing use as a garage and petrol filling station and provision of a car showroom (BA2224) with the subsequent installation of extractor ducts and flues (04/1304) and a steel framed shed for use as a commercial garage (06/878). The most relevant proposal to this application is an associated application (reference 09/0358) which seeks approval to form a customer car park in part of the adjacent Show Field. A report on that application is also on the agenda.

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

Introduction

- 5.1 This is an application for Planning Permission and Conservation Area Consent to demolish existing buildings and erect a convenience store and three residential units at Blain's Garage, Glave Hill, Dalston. The application site, extending to 0.154ha, lies immediately south of The Square and is bounded by an area of open space to the north; the B5299, No 1 The Green and Dalston Show Field to the east and south; and by the Victory Hall car park to the west.
- 5.2 At the Committee's meeting held on 29th May Members resolved to defer consideration of the above proposal in order to await (a) a response to consultation with English Heritage; (b) amended plans from the applicant; and c) to await a further report on the application at a future meeting of the Committee coupled with a Report and recommendation in relation to the associated application (Ref 09/358) for a car park in the adjacent field.
- 5.3 At present the site, which slopes from west to east, contains three separate buildings. The main building is two storey and is of grey painted render, with artificial stone on the north elevation, and a corrugated roof. A single storey flat roofed brick built extension, with a large display window lies to the north.

The main building also has a flat roofed wooden extension to the east. To the west is a utilitarian building , also of grey painted render with a corrugated roof but with large flues projecting from the roof and a large window to wall ratio. Close to the southern boundary is a mono-pitch building of block and render containing two garages and an office.

- 5.4 The boundary with the car park is 1 metre high mesh fencing while the boundary with number 1 The Green is a wall topped by a screen fence. The curtilage of number 1 is at a lower level than the application site ranging from approximately 0.6m at the drive entrance to over 1.8m along the southern boundary. Access to the site is currently taken from Townhead Road and the B5299.
- 5.5 There are groups of trees (coniferous and deciduous) along the northwestern boundary and on the boundary with number 1 The Green. A telephone box is located to the west of the existing access road in the northwest corner of the site.
- 5.6 The application site lies within the Dalston Conservation Area and adjacent to Grade II Listed Buildings (numbers 1 & 3 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

- 5.7 The revised proposal comprises the demolition of the existing garage buildings and the erection of a convenience store (with approximately 290 square metres of retail space and 80 square metres of storage space) and three residential units. The residential units will comprise a two bedded unit on both the ground and first floor (accessed from the proposed car park in the Show Field) with a three bedded unit extending to the floor over the retail space and accessed from a ground floor lobby fronting onto the B5299. The other major amendment since Members last saw the application is the proposal to service the building from the rear with a lay-by being provided for service vehicles parallel to the access to the associated car park (the Report on which follows under App Ref 09/0358). The access road will be 4.8 metres wide with a 2 metre wide footpath linking the car park with the store entrance and Glave Hill. There is also a footpath link from the store entrance to the junction and a short path linking the entrance to the B5299 opposite the entrance to Kingsway. The bin storage area and air conditioning units will be sited to the rear of the building.
- 5.8 The orientation of the main street frontage now follows the dominant building line on the B5299 before returning on the corner opposite the entrance to Kingsway. The scheme is designed to look like three separate buildings with the highest section being in the centre. This section, containing the rear part off the retail floor space, part of the storage space and the three bedroom unit above, has an eaves height of 5 metres and a ridge height of 10 metres. The entrance elevation faces the southern entrance to The Square. The other components comprise (1) a single storey element containing the front of the retail unit which has an eaves height of 3.5 metres and a ridge height of 8 metres and (2) the residential units (with a ridge at right angles to the main

building) to the south abutting the commercial element and with measurements of 4 metres to the eaves and 8 metres to the ridge.

- 5.9 The detailed design of the building has been substantially modified to reflect the vernacular of other buildings within the centre of Dalston. Features such as gable projections, half dormers, chamfered corners and stone copings which, together with steeper roof pitches, have been incorporated in the revised design. There are three shop windows on the east elevation and one on the north elevation all with arched lintels. The entrance door has a similar arched feature and smaller domestic scale windows either side.
- 5.10 The proposed materials are predominantly coloured render to walls with feature quoins to some external corners with stonework (natural or reconstituted) being used on the projecting gable of the central section; stone copings and ridge tiles; roof coverings in natural slate; shop front windows and rainwater goods in polyester powder coated aluminium with other windows in UPVC. Roofs will be covered in natural slate and external areas will be surfaced with paviors/setts to footways and the entrance area with tarmac to car parks and entrance roads. The delivery area is linked by a ramp to the entrance.
- 5.11 The original proposal to retain the trees along the northwest boundary has been modified and it is now intended to remove all of the trees and plant a new tree screen. It is also proposed to retain and reinforce the existing screen planting and timber fence in the southwest corner of the site while a scheme of shrub planting is proposed on the northeast part of the site and along the boundary between the service lay-by and the residential element.
- 5.12 The original proposal was accompanied by a Transport Statement, an Arboricultural Report, a Flood Risk Assessment, an Environmental Risk Assessment and a Design and Access Statement. The Transport Statement concluded that;
1. as the convenience store will be operated by the Co-op and replace the existing Co-op convenience store within the Square, the proposals would not be expected to produce any significant change in local travel patterns or any increase in the frequency of accidents;
 2. the development would be reasonably located to promote trips by sustainable transport, including linked trips with other facilities in Dalston town centre;
 3. the original proposed parking arrangements, with 8 shopper's parking spaces and four residential parking spaces, were considered reasonable for the development which is adjacent to the town centre. A parking survey had also suggested that any overspill retail parking that did occur at peak times could be accommodated in existing parking areas in the vicinity of the site;
 4. overall, the original proposals are considered reasonable in transport terms.

- 5.13 The Arboricultural Report identified the position, type and condition of trees on the site, together with their crown spread and root protection area. The report concluded that the redevelopment of the site can be carried out in accordance with BS5837 (2005) and will not cause significant harm to the trees recommended to be retained, provided that recommendations are followed with regard to the erection of protective fencing, the method of removal and replacement of existing tarmac and pruning.
- 5.14 The Flood Risk Assessment, submitted within the original application, incorporates the Environment Agency's advice that a long term 100 year design flood level of 41.6 metres should be adopted. The Assessment concluded that (1) since the lowest point on site is 42.19 metres, the site should lie within Flood Risk Zone 1 and (2) the floor levels of the new building (43.3 metres) are set considerably higher than the recommended level. (The revised proposals show the floor level of the shop to be 42.5 metres and that of the housing to be 43.2 metres).
- 5.15 The Environmental Risk Assessment concluded that the risk to the environment from potential contaminants in soils, groundwater, vapours and gases is generally assessed as medium. The Report recommends specific measures to address the issues associated with the previous land use. These include removal of the tank farm and pipework and further risk assessments for gas and groundwater.
- 5.16 A revised Design and Access Statement has been submitted, following concerns expressed by the Conservation Officer and English Heritage, setting out the applicant's justification for the form of the development as follows:

Layout

A variety of options for possible layout configurations were investigated and the layout shown on the drawings submitted was selected for the following reasons:

1. the main street frontage of the building now follows the dominant building line on the B5299 and the design of the building reflects the local vernacular.
2. the floor level of the building is set 800mm below the previous proposal.
3. the 2no. bedroom unit is accessed from the B5299 with the provision of two parking spaces to the front. Introducing access to the accommodation to the front improves the domestic scale of the proposals, particularly with reference to the adjoining property.
4. the applicant has negotiated the purchase of part of the adjacent field to the south of the proposed development to provide parking for the convenience store and two of the residential units.

Scale

The location of the proposed building on the junction of Glave Hill and The Green (B5299) has been considered in the context of the proposed building and the scale of existing neighbouring buildings. The site forms an important fulcrum to the village, particularly when coupled with the grassed amenity space to the north east.

The proposed building responds to both its intended uses and context in presenting an inviting frontage further defined by the open porch entrance. The roof design also provides visual interest and breaks down the buildings mass. Adjacent to the south eastern boundary the roof has been lowered to a more domestic scale than the original proposals.

Landscaping

The layout now proposed takes a sensitive approach to the existing tree planting present on the site. It was originally envisaged that the majority of the trees would be retained although a fir tree requires removal as this is located adjacent to the existing garage building and falls within the footprint of the proposed building. The preferred option was initially to retain the screen planting alongside the new roadway. However this has proved to be impracticable, due to necessary reduction of ground levels, and so existing trees will be removed and a replacement band of tree planting will be provided. The existing screen planting to the south eastern/western boundaries will be retained and trees trimmed as suggested in the Tree Report. To further soften the impact of the building a scheme of shrub planting will be implemented in specific areas indicated on the application drawings.

Appearance

As the site is located on the edge of the Village Centre it is appropriate that the design and materials should complement the surroundings and to this end there has been a conscious approach to facilitate a domestic feel to the building.

Access

The location of the site is such that it is in easy walking distance of the Village Centre and is less than eighty metres from the existing Co-operative store. Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete paviers or setts leading to level access thresholds at doors.

There are designated parking spaces for the disabled, laid out in accordance with BS8300, within the proposed car parking area which is subject to the associated planning application (ref: 09/0358). Footways around the building will be illuminated by building mounted lighting. Pedestrian and vehicular routes will be distinguished by colour and texture. All access doors, corridors

and circulation areas will be in at least to the minimum widths stipulated in

BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings.

Assessment

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes, Planning Policy Statements and material representations) indicate otherwise. Currently, the Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, extended policies of the Cumbria and Lake District Joint Structure Plan (adopted 2006) and the Carlisle District Local Plan 2001-2016 (adopted in September 2008).
- 5.18 PPS1: Delivering Sustainable Development sets out the Government's aims for sustainable development. Its objectives include encouraging development that embraces social progress which recognises the needs of everyone; provides effective protection of the environment; and reduces the need to travel by car. Action to achieve the first includes the need to address accessibility (both in terms of location and physical access) and to improve choice for all members of the community in relation to jobs, health, housing, education, shops, leisure and community facilities. PPS 1 also stresses the importance of good design in achieving sustainable development.
- 5.19 In consideration of this application Policies DP1, DP2, RDF2, EM1(C), CNL1 and CNL2 of the North West of England Plan Regional Spatial Strategy to 2021 and Policies DP1, CP5, CP6, CP7, CP9, CP15, CP16, CP17, H1, LE10, LE12, LE17, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan are pertinent. These policies seek to ensure that:
1. there is fair access to services for rural communities with appropriate development proposals being focussed in Key and Local Service Centres;
 2. development respects the character of Conservation Areas and the character and setting of Listed Buildings;
 3. sites of archaeological significance or high archaeological potential are appropriately evaluated;
 4. the amenity of residential areas is protected from inappropriate development where the use is of an unacceptable scale, or leads to an unacceptable increase in traffic or noise or is visually intrusive;
 5. where appropriate, locally sourced materials are used to maintain the local character of buildings and their environment;
 6. proposals take account of the need for energy conservation and efficiency measures are encouraged;
 7. provision is made for easy, safe and inclusive access to, into and within

buildings and facilities;

8. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
9. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
10. a Flood Risk Assessment is carried out where development is proposed in a floodplain;
11. a Risk Assessment is submitted clearly identifying contaminant sources, pathways and human and environmental receptors together with measures to treat, contain and control contamination;
12. satisfactory access is available and appropriate levels of car parking provision are made;

5.20 With regard to the Development Plan objectives, the issues raised by consultees and the material planning considerations raised in representations:

1. the development of a replacement convenience store and residential accommodation in the centre of Dalston which is a Local Service Centre is considered to be appropriate in principle;
2. the required archaeological evaluation of the site, which lies on the edge of the medieval village of Dalston, can be the subject of a condition;
3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations (as there is a mixture of domestic and retail space there will also be acoustic separation in the construction to accord with the Building Regulations);
4. the issue concerning the trees adjacent to the northwest boundary has been resolved by proposed replacement planting of a new tree screen. Submission of details and implementation of a landscaping scheme can be required by a condition;
5. the Environmental Agency has no objection in relation to flooding;
6. levels of illumination have been specified and can be controlled by condition. Illuminated signage will have to be the subject of an application for Advertisement Consent;
7. with regard to the need for trolley management, a trolley park will be located in the proposed car park in the Show Field;
8. the submitted plans are considered adequate to allow the environmental

impact of the proposal to be assessed;

9. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop;
10. the applicant has amended the store opening hours to between 7am and 10.00pm and delivery times can be the subject of a condition;
11. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the possible need for attenuation;
12. although the air conditioning external condenser is now located to the rear of the building, it is within 25 metres of the nearest dwelling (from which it is separated by the building). Dwellings on Townhead lie within 50 metres and, given the possibility of noise nuisance, a condition could be attached requiring submission of details
13. the applicant has submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses. The Environment Agency has withdrawn its original objection subject to a condition being attached which requires (1) additional site investigation to provide information for detailed risk assessment for all receptors that may be affected; (2) the site investigation results; (3) the detailed risk assessment; (4) a remediation strategy and (5) a verification plan to demonstrate that the works are complete and any necessary monitoring is in place.
14. County Highways consider the upgraded access to be suitable and the level of parking for the development adequate. The wider issue of the need for additional town centre parking remains to be tackled. Highways are also satisfied that the increase in levels of traffic above that which could be generated by the garage would not result in congestion in the immediate vicinity, or cause danger to pedestrians and other road users provided that (1) waiting restrictions are introduced at the junction of Carlisle Road, Townhead and Kingsway and (2) a pedestrian refuge is installed on Townhead Road. A contribution of £13,585 is required towards the cost of installing the pedestrian refuge on Townhead Road, the improvement of the bus infrastructure and the advertisement of waiting restrictions
15. With regard to impact on residential amenity and the setting of a listed building, the proposed building is almost 40m from residential properties in Townhead. Their outlook is mainly onto the single storey parts of the building and will be partly screened by planting. However the outlook from the northern window of the living room of No 1 The Green is directly onto the gable of the highest part of the development which has a ridge height of 10m and obliquely onto the gable of the residential element which has

a ridge height of 8m. It has become the practice of the Council to seek a minimum distance of 12m between primary windows and a directly facing gable. The distance between the window of No1 The Green and the facing gable of the stair access to Unit 3 is approximately 14m. Although the distance from the same window to the side of the store (which is viewed at an angle) is less (approximately 7m) the outlook could be partly screened by appropriate boundary treatment. It should be borne in mind that the existing outlook is to garage buildings and a forecourt. The issue as to whether the proposed development has created a heightened security risk is currently under discussion.

16. With regard to the impact on the character of the Conservation Area, the design includes vernacular features and materials. However, the ridge of the central part of the proposed development is 2m higher than that of the building originally proposed. As the floor level has been reduced by 0.8m, the actual height of the central 'feature' element is therefore 1.8m higher than the existing garage. This part of the proposal amounts to only a third of the floor space with other elements (the residential element and the first floor of the retail element) having a slightly lower ridge height than the existing building. However, it is accepted that the footprint of the building is 60% greater than that of the existing building (occupying 30% of the site opposed to 19%) and it has a greater mass. The proposed development will result in the Co-op relocating to a new larger unit (290 square metres of retail space instead of 165 square metres) on an existing commercial site to the southwest of The Square with, unlike the existing store, dedicated servicing and parking space (09/0358).
17. The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere.
18. The applicant has advised that the telephone box which has to be removed to allow the access road to be widened will be replaced.

Conclusion

- 5.21 While there are outstanding replies from consultees, and the period for representations on the revised proposals for this development has not expired, given the minor changes it is not envisaged that they will result in (1) a substantial increase in the number of objections or (2) additional material grounds of objection. It is considered reasonable to conclude that the proposal will (1) increase shopping choice for all members of the community and (2) contribute to reducing travel to other food stores outwith Dalston, thereby contributing to sustainable development objectives.
- 5.22 The proposal also has the advantage of removing non-traditional buildings from a prominent site in juxtaposition to the village centre within Dalston and, by removing a major traffic generator from The Square, provide an opportunity to achieve environmental improvements in that location. The new structure and car park, and the additional activity generated by them, will clearly have a potential impact on (1) the living conditions of the occupiers of adjacent and nearby residential properties (2) the character of the Dalston

Conservation Area and (3) the setting of the listed building. I consider however that the impact has been partly mitigated by the changes made to the siting and design of the building and associated landscaping. I also consider that further mitigation can be achieved through the attachment of appropriate conditions.

5. 23 Subject to (1) no material additional grounds of objection being raised and (2) satisfactory resolution of the outstanding security issue, 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. The application is recommended for approval subject to (1) the applicant entering into a Section 106 Agreement to make a contribution of £13,585 towards the cost of installing the pedestrian refuge on Townhead Road, the improvement of the bus infrastructure and the advertisement of waiting restrictions and (2) 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.

7. Recommendation -

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 convenience store and residential units hereby approved shall not be occupied until the car park approved under reference 09/358 has been implemented in accordance with the approved plans. The car park shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure that appropriate parking provision in accordance with the objectives of Policies CP6 (Criteria 3), T1 and T2 of the Carlisle District Local Plan (2001 - 2016)

3. The whole of the access area(s) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

4. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such 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: In the interests of road safety and to support Local Transport Plan Policies: LD5, LD7, LD8

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

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

6. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any day. All such movements shall leave and access the public highway in a forward direction.

Reason: In the interests of road safety and to support Local Transport Plan

7. 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. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: To ensure that appropriate measures are taken treat, contain and control contaminated land in accordance with the objectives of Policies LE29 and CP11 of the Carlisle District Local Plan (2001 - 2016)

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with the objectives of Policy CP5 (Criteria 7) of the Carlisle District Local Plan.

10. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with the objectives of Policy CP5 (Criteria 6) of the Carlisle District Local Plan.

11. No development shall commence within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains and to ensure compliance with Policy LE10 of the Carlisle District Local Plan.

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

Reason: To ensure that a permanent and accessible by the record by the public is made of the archaeological remains that have been disturbed by the development in accordance with the objectives of Policy LE10 of the Carlisle District Local Plan.

13. Details of external lighting shall be submitted to and approved in writing by the Local Planning Authority before any work on the site is commenced.

Reason: To protect the amenities of the occupiers of the locality in accordance with the objectives of Policies CP5 (Criteria 5) and CP6 (Criteria 4) of the Carlisle District Local Plan.

14. 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 the objectives of Policy CP5 (Criteria 1) of the Carlisle District Local Plan.

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

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy CP5 (Criteria 1) of the Carlisle District Local Plan.

16. The premises hereby permitted shall not commence trading before 07-00 hours or remain open for business after 22-00 hours on any day.

Reason: To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criteria 5) and CP6 (Criteria 3) of the Carlisle District Local Plan.

17. No deliveries shall take place between the hours of 10-00pm on one day and 7-00am the following day.

Reason: To prevent disturbance to nearby occupants in accordance with the objectives of Policies CP5 (Criteria 5) and CP6 (Criteria 3) of the Carlisle District Local Plan.

SCHEDULE B: Reports Requiring Further Information

09/0358

Item No: 04

Date of Committee 02/10/2009

Appn Ref No:
09/0358

Applicant:
J. J. Lattimer Limited

Parish:
Dalston

Date of Receipt:
01/05/2009

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Land adjacent to Dalston Service Station, Dalston,
Carlisle, CA5 7QA

Grid Reference:
336831 549981

Proposal: Formation Of Car Parking Area To Serve The Proposed Convenience Store And Two Residential Units Subject Of Planning Application Ref: 08/1254

Amendment:

1. Submission of revised layout plan, condensing the site area, and reducing the number of parking spaces to 20 spaces (including 2 no. spaces for disabled persons and 3 no spaces for residents' use)
 2. Submission of a revised layout plan and cross sections of an alteration to the shape of the car park to accommodate a turning path for a 12 m long delivery truck and to relocate the southeast boundary to the top of the embankment.
-

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

On August 21st Committee Members resolved to defer consideration of the proposal to enable submission of revised plans for the car park and to await a further report on the application at a future meeting of the Committee.

Amended plans for the car park (1384/p/07 rev D, 1384/p/08 revG and 1384/p/09 rev B) and related changes to the proposed convenience store/dwellings (Ref 08/1254) have been submitted, and re consultation, together with renotification of neighbours, is currently underway.

1. Constraints and Planning Policies

Flood Risk Zone

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol T2 - Parking in Conservation Areas

Local Plan Pol CP5 - Design

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol LE26 - Undeveloped Land in Floodplains

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol LE8 - Archaeology on Other Sites

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Reply awaited on the revised proposal of 14/09/09. The following comments were included in observations on earlier proposals:

1. *" The applicant has once again provided parking space on site for both the residential and retail elements and there is therefore no justification to require a financial contribution for either the parking down the Kingsway nor the pedestrian refuge across the B5299. It is, however, still reasonable to require a contribution towards the installation of a pedestrian refuge on Townhead Road, the improvement of the Bus infrastructure and the advertisement of waiting restrictions. The indicative costs for these works/contributions are calculated at £13,585;*
2. *Due to the revised servicing arrangements there will be a need to condition the timing of the deliveries, as this will need to happen before the car park is in use, if the turning is to be available..*

It is, therefore, recommended that the following conditions are included in any consent your Council might grant:

"1. The development shall not commence until agreement has been reached for the funding by the developer of –

- a) *The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green), Townhead Road and Kingsway.*

- b) *The introduction of a pedestrian refuge on Townhead Road,*
- c) *The creation of bus boarding/alighting platforms and associated clearways on the B5299.*

The details of these improvements shall be approved by the Planning Authority prior to construction commencing and executed prior to occupation of any part of this development.

2. The whole of the access area(s) shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

3. The use shall not be commenced until the access road, footways, parking and servicing requirement details have been approved and constructed in accordance with these approved plans. All such 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.

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

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any weekday and Saturdays. All such movements shall leave and access the public highway in a forward direction."

For the avoidance of doubt, neither of the applications the foregoing recommendations relate to can be dealt with in isolation. Both permissions need to be implemented. It would be nonsensical to allow the store without any parking provision (if the applicant does not provide for this parking elsewhere in Dalston), as mentioned in an earlier recommendation to the previous version of this application, or to create the parking without the store. It is strongly recommended that these applications are linked within any consents your Council might grant";

Development Services Planning & Housing Services - Conservation Section:

Reply awaited on the revised proposal of 14/09/09.

Comments on the revised proposals received on 8th August were as follows-

Further to our recent discussion on the revised proposal for this car park, I have the following comments to make. I still have reservations about the need to provide parking adjacent to the proposed Co-op store. However I accept that the provision of turning for service vehicles is a necessity, particularly as it became a requirement when the servicing of the store was moved, at the request of myself and others, from the front of the site to the rear.

The reduction of the size of the car-park so that it does not intrude as much as the original scheme into the Showfield entrance, is an improvement and provided that

the area can be well screened with planting I am prepared to withdraw my objection to the proposed development.

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

amended comments regards the planning application are as follows:

"Whilst the tree survey and measures set out in the covering letter to safeguard the adjacent trees during construction address my concerns regarding this element of my original comments, main objections to the proposal remain".

The original comments were as follows:

"Whilst the applicant states that there are no trees on or adjacent the site their plans show trees immediately adjacent the northern boundary on the site subject to planning application 08/1254. The applicant must submit a tree survey in accordance with BS 5837: 2005 Trees in relation to construction. The holding tree survey submitted as part of the 08/1254 application is not suitable.

The location for the proposed car park is within the Dalston Conservation Area on a green field site that from aerial photographs appears to show a ridge and furrow field pattern and is likely therefore to be of archaeological, cultural and historic significance.

Dalston is designated in the Carlisle District Local plan as a Local Service Centre. As such it is considered that some journeys to such sustainable locations can be made without cars. The creation of car parks only encourages car use and cannot therefore be considered as sustainable.

The loss of this open green area to car parking would have a detrimental impact on the character of the Conservation Area and destroy the pattern of the historic landscape feature that is the ridge and furrow system.

In conclusion the proposal is opposed on the grounds that it is contrary to Policies DP1, T2, LE19 and CP3 of the Carlisle District Local Plan 2001 - 2016";

Cumbria County Council - (Archaeological Services): Have advised as follows:

Records indicate that the site lies in an area of architectural potential as it is located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on the Green that relate to the development of the village. It is therefore considered likely that remains related to the development of the village survive below ground on the site and that they would be disturbed by the construction of the car park. I therefore recommend that any ground works associated with the development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a Watching Brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a condition in any planning consent, using the following suggested form of words:

'An archaeological watching brief shall be undertaken by a qualified archaeologist

during the course of the ground works of the proposed development in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority. Following its completion, 3 copies of the report shall be furnished to the Local Planning Authority.'

Cumbria Constabulary - Crime Prevention: Reply awaited on the revised proposal of 14/09/09. .

Comments in relation to boundary treatment were received on 6th August:

"Clarification of the car park perimeter treatment duly noted. The proposed treatment provides clear demarcation of the space, but is unlikely to deter unauthorised entry to the site from this direction. However, once the landscaping elements become properly established, (as indicated on the drawing) the boundary will present a more substantial deterrent to unwelcome intrusion. Consequently, Cumbria Constabulary is satisfied that this is an appropriate measure for this site";

Development Services Planning & Housing Services - Access Officer: Reply awaited on the revised proposal of 14/09/09.

Comments on the details of the earlier proposal were as follows:

"The Design and Access Statement has been noted. Please note the following comments:

- *Despite the proximity of the disabled car parking bays to the proposed store there is no provision of a setting down point.*
- *The nearest parking provision has been allocated for residents car parking.*
- *If any employee of the proposed store was disabled there would be a requirement to allocate an additional disabled parking space to them.*
- *Given that there are 23 parking spaces for visitors to the proposed store there should be 6% of the total capacity allocated to disabled parking and 4% of total capacity allocated to enlarged standard spaces.*
- *There is no hashed area between the two disabled parking spaces.*
- *There are no paths provided around the proposed parking spaces – visitors must travel across the car parking area. Dropped kerbs are identified on the paths either side of the incoming road – these are not directly opposite each other. With reference to drawing number 1384/p/08rev.C, continuous dropped kerbs on the paths on both sides of the incoming road to the left of the blue vertical broken line would be the preferred option. This would enable wheelchair users to access the path without having to travel on the road in the line of traffic.*
- *There is only one Trolley Park within the car parking area. Assuming there are trolleys available within store there would still be the problem of a disabled person returning their trolley to this area. Disabled people would have to travel through the flow of incoming traffic to the car park to return a trolley and this obviously extends the amount of travelling they are required to do – depending on the disability this may over tire an individual. If the recommendation from highways re reducing the number of parking spaces is adopted, it would be possible to either relocate the proposed trolley park or provide a second facility (possibly adjacent to the disabled parking bays).*

This would resolve this issue.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Advice is available within BS8300/2009. Applicants should be aware of their duties within the DDA";

Dalston Parish Council: Reply awaited on the revised proposal of 14/09/09.

The following response was received in relation to the previous proposal:

Dalston Parish Council at its meeting held on 9th September 2009 resolved to object to the revised plan 09/1384/p/08 revision F. It was felt that:-

- The scale of the building, including the residential units and car park combined, was considered unsympathetic and out of character with the village, because of the overall size of the development.*
- The development was considered unsuitable for Dalston, a rural village with a traditional village centre containing listed buildings of architectural significance and within a conservation area.*
- The car park and HGV turning space was to be situated in an area with a known flooding problem. The type of surface and potential run-off was of concern.*
- The suitability and safety of lorries turning/reversing in the same space as a public car park.*
- Concern regarding security issues arising from the car park being at a distance and screened from a public highway.*

CAAC: Reply awaited on the revised proposal of 14/09/09.

The following comments were made on the revised proposals received on 7th July:

"The Committee was not particularly happy about the need to provide a car park. It had no great reservations with this proposal provided that careful and fairly heavy planting was provided. There did however seem to be a need to have a more co-ordinated approach to parking in Dalston, especially when it affects the Conservation Area. The Committee had been expecting just one proposal for parking and were under the impression this was going to be near the Kingsway. The Co-op parking proposal needs to be weighed against other proposals so that the best solution for Dalston is achieved";

English Heritage: Reply awaited on the revised proposal of 14/09/09.

EH commented on earlier proposals that "alternative approaches should be considered for the site and adjoining area, in association with wider car parking requirements, and the current applications should be refused unless a more co-ordinated approach can be developed that responds more positively to the context of the site"

In relation to the revised proposals of 7th July, English Heritage has commented that they represent a positive response to their comments regarding the previous application and, therefore, EH accept the principles of the revised scheme. English Heritage has no further comments to make and is content that the Local Planning

Authority resolves any outstanding detailed design issues;

United Utilities: responded to the original proposal as follows:

"There is no objection to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the 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 UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities."

The above comments were essentially reiterated in response to consultation on the revised proposal submitted on 7th July 2009;

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	07/05/09	Objection
Dalston House	07/05/09	Objection
Old Veterinary Surgery	07/05/09	
Glave Hill House	07/05/09	
Whin View	07/05/09	Objection
7 Townhead Road	07/05/09	
1 Craiktrees	07/05/09	
10 The Square	07/05/09	
The Cornmill	07/05/09	
15 Victoria Place	07/05/09	
1 The Square	07/05/09	
Dalston	07/05/09	Comment Only
Hollin Bush	07/05/09	Objection
29 Caldew Drive	07/05/09	
Low Fauld	07/05/09	
23 The Square	07/05/09	
21 Burnsall Close	07/05/09	
Glave Hill House	07/05/09	
28 Nook Lane Close	07/05/09	
20 Station Road	07/05/09	
Hawthorn Cottage	07/05/09	
13 The Square	07/05/09	
54 Glebe Close	07/05/09	
37 Carlisle Rd	07/05/09	
Yew Tree House	07/05/09	Objection
14 The Green	07/05/09	
2 The Green	07/05/09	
Highbury	07/05/09	Objection
5 Madam Banks Road		Objection

- 3.1 The revised application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. At the time of preparing this report no further representations have been received but the period for response has just commenced. Objections were received

from six persons to the original application stating the following grounds of objection:

1. lighting of the car park will be visible and intrusive into houses at all times of day and night. An avenue of trees alongside Townhead Road is needed to screen the car park;
2. the trolley park will cause lots of noise and other problems;
3. increased traffic will lead to congestion and road safety issues - particularly where there is a distinctive narrowing of the road opposite Glave Hill and there is no footpath on the north side of Townhead Road;
4. this car park will not ease the parking problems in the village and is likely to be used as a 'park and ride' facility;
5. strongly oppose the sale of part of the Show Field, which is likely to be further developed;
6. the plans for the store are too big and will not sit comfortably in the context of Dalston Conservation Area, particularly the view from Townhead to the Recreation Fields
7. opposition to the inclusion of housing units;
8. severe impact on the property at 1 The Green;
9. inappropriate form of development in a rural landscape of surface materials (grey paviers) and security measures.
10. the long term scenario for the development of the Show Field and advised that some people are unaware of the details of the development proposal;
11. urbanisation of a rural area;and
12. road safety and congestion made worse by large delivery lorries

4. Planning History

- 4.1 While there is no record of any planning applications relating to this specific site, there are numerous application relating to the adjacent site. The most relevant to this application is an associated application (reference 08/1254) which seeks approval for the removal of the existing garage buildings and erection of a convenience store and three residents units. The application which is the subject of this Report seeks to provide a car parking area to serve the proposed store and dwellings.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 At the Development Control Committee on 21st August 2009 Members resolved to defer consideration of the proposal to await revised proposals. Subsequently the applicant has submitted revised plans for the car park and for associated alterations to the boundary details and pedestrian access from the car park to two of the residential units in the adjacent proposed development (application 08/1254)
- 5.2 This Report relates to a revised application seeking full planning permission for the formation of a car parking area intended to serve the proposed convenience store and three dwellings subject of the Report under application reference 08/1254. The site, which extends to approximately 0.123ha, is roughly boot shaped, forms part of the Dalston Show Field and is currently in agricultural use. It is located to the south of Townhead and to the west of the B5299 in the Dalston Conservation Area. It is located in close proximity to the south-western gable of the proposed convenience store/dwellings being considered under application 08/1254. The site is bounded to the north-east by the existing garage and the Victory Hall car park and on its other three sides by the remainder of the Show Field. The northwest boundary has been moved approximately 2 metres towards Townhead Road, the southeast boundary now follows the top of the embankment and the southwest boundary follows a sinuous line parallel to the turning paths in order to minimise the amount of land removed from the Show Field.

The Proposal

- 5.3 The revised application seeks approval for a car parking area, providing 18 off-street car parking spaces (including two for disabled people and three for residents) and two motorcycle parking spaces. The layout of the car park has been amended to enable a 12m long rigid delivery vehicle to turn within the car park.
- 5.4 The car park will be surfaced in natural grey concrete block permeable paviors. In relation to screening, the Design and Access Statement advises that it is intended to provide landscaping to the northwestern and southwestern boundaries. The existing stone boundary wall and timber fencing will be retained at the north-east boundary. To the south-east it is intended to form a 1.5 to 1.8 metre high stone wall on top of the embankment with screen planting on the slope. Landscaping is proposed within the parking layout to further soften the impact of the car park. The Design and Access Statement indicates that lighting to service the car park and access routes will be fitted with guarding to avoid light pollution.
- 5.5 Access to the car park will be via a reconfigured access along the northern boundary of the proposed convenience store. Surface water will be disposed of via a sustainable drainage system which will allow stormwater to be retained and discharged in a controlled manner to surface water systems.

- 5.6 Although there are no trees within the site, there are trees on the southwest boundary of the Victory Hall Car Park . The applicant has submitted a report giving details of the trees which, as they are outside the boundary of proposed the car park, are not themselves under the control of the applicant. The root protection area (RPA) of three of the trees extend into the proposed car park which has been designed so as not to encroach into their RPAs although, the report notes, some of the lower branches may require pruning. The report recommends that during development, the RPAs should be protected by a fence.

Assessment

- 5.7 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, "saved" policies of the Cumbria and Lake District Joint Structure Plan (adopted 2006) and the Carlisle District Local Plan 2001-2016 (adopted September 2008).
- 5.8 In consideration of this application Policies DP1, CP3, CP4, CP5, CP10, CP17, LE8, LE12, LE19, LE26 and T2 of the Carlisle District Local Plan are relevant. The relevant aspects of these policies seek to ensure that:
1. appropriate development proposals are focussed in Key and Local Service Centres as identified in the Carlisle District Local Plan;
 2. development respects the character of Conservation Areas;
 3. sites of archaeological significance or high archaeological potential are appropriately evaluated;
 4. the amenity of residential areas is protected from inappropriate development where the use is of an unacceptable scale, leads to an unacceptable increase in traffic or noise or is visually intrusive;
 5. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
 6. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
 7. a Flood Risk Assessment is carried out where development is proposed in a floodplain;
 8. any increase in surface water run-off will not create or exacerbate flooding problems; and

9. satisfactory access is available and appropriate levels of car parking provision is made.
10. development does not affect the setting of a listed building

5.9 With regard to the development plan objectives and issues raised by consultees and objectors:

1. it is considered that this is an appropriate form of development for Dalston which is a Local Service Centre;
2. the justification for the car park in this location is that it is to serve the proposed convenience store and two of the three associated dwellings (ref 08/1254). If the latter development is approved, it is considered that the car park will not significantly affect the character of Dalston Conservation Area or the setting of the listed building at The Green for the following reasons:
 - (a) the site is largely visually enclosed, particularly from the northeast and southeast by existing and proposed development and existing trees
 - (b) appropriate peripheral and internal landscaping and boundary treatment will assist in both screening the view of vehicles and the trolley park from the public realm(which is mainly from Townhead Road) and breaking up the hard surface Submission and implementation of hard and soft landscaping details and levels of illumination could be subject to conditions.
 - (c) the car park has been designed to ensure that the trees adjacent to the northeast boundary will not be affected;
3. the potential archaeological importance of the site, which lies within the medieval village, has been recognised and a condition requiring a Watching Brief could be attached;
4. the living conditions of the occupants of dwellings in close proximity (particularly those in The Green but also in Townhead) could clearly be affected by the development. To help minimise disturbance from customer`s and delivery vehicles, the hours of opening and delivery times of the related convenience store (08/1254) could be controlled by conditions. However nuisance from vehicle lights would also have to be addressed by appropriate landscaping and/or fencing. Given the importance of landscaping to this site, particularly its interface with the housing to the southeast, the applicant has submitted revised proposals including sections for the south-east boundary of the car park. it is considered that the proposal for a 1.5 to 1.8 metre high stone wall along the top of the embankment and associated planting on the slope should reduce nuisance from vehicle lights and soften the appearance of the wall when viewed from The Green. As previously stated a condition could be attached requiring submission of lighting details. Issues with regard to noise and disturbance to adjacent residential properties will also be

considered in relation to the application for the convenience store and dwellings (08/1254);

5. with regard to the development contributing to creating a safe and secure environment, a response is awaited from the Architectural Liaison Officer with particular regard to site perimeter treatment;
6. the applicant has submitted a Tree Survey indicating that the root protection areas will not be affected by the development and that tree protection barriers will be erected (conditions required);
7. the site lies on the edge of Flood Zone 2 but is now at a higher level. There is no requirement to re-consult the Environment Agency;
8. the applicant proposes to use permeable pavements which will drain into a sustainable drainage system to allow stormwater to be retained and discharged in a controlled manner to surface water sewers (United Utilities has been consulted on this aspect of the proposal); and
9. a response from Highways is awaited on revised plans

Conclusion

- 5.10 The revised plans seek to address the issues in relation to the adverse impact on the amenity of the residential properties in The Green and the character of the Conservation Area, the potential to exacerbate flooding and the amount of land which will be lost from the Show Field. As there are outstanding replies from consultees and the period for representations has not expired, it is not considered possible to make a recommendation. An update will be presented to the Committee.

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 application is being considered with due regard to the provisions of the above Act.

7. Recommendation

Reason For Including Report In Schedule B

This application has been included on Schedule B as, at the time of preparing the Report, the statutory notification period has not expired and further consultation responses are awaited.

SCHEDULE A: Applications with Recommendation

09/0408

Item No: 05

Date of Committee: 02/10/2009

Appn Ref No:
09/0408

Applicant:
Riverside Carlisle

Parish:
Brampton

Date of Receipt:
09/06/2009

Agent:
Day Cummins Limited

Ward:
Brampton

Location:
1-21 West Hill House, St Martins Drive,
BRAMPTON, CA8 1TG

Grid Reference:
352655 560921

Proposal: Reconfiguration Of Existing Bedsits/Flats To Provide 12No. Flats And 2No. Houses; Including The Erection Of Entrance Porches, Two Storey Extensions To Both Side Elevations And Alterations To Positioning Of Window Openings

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the housing stock subject of the application was previously owned by Carlisle City Council prior to it being transferred to Carlisle Housing Association in December 2002.

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

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

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

Local Plan Pol H13 - Special Needs Housing

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 two highway related planning conditions;

Access Officer: the existing ramp is to be revised and there is to be a ramp and steps from the proposed car parking area. There is no allocated disabled parking bay. It would be good practice to provide at least one disabled parking bay, but given the limited number of bays available, a wider bay to accommodate disabled people or visitors with children would be welcomed.

Tactile warnings to the top and bottom of any external steps with suitable nosings should be provided.

If anyone were to be allocated housing in this facility who was a wheelchair user, ground floor accommodation should be allocated given there is no lift access. Reasonable provision must be made for people to gain access to and to use new or altered sanitary conveniences.

There are obviously constraints to be considered when planning new layouts of existing buildings; however, it would be preferable to see nibs removed where possible within this building, so as not to obstruct turning areas for wheelchair users. This is particularly relevant within the bathrooms. On a practical basis, it would be difficult and possibly unmanageable for a wheelchair user to use the toilet facility within some of the accommodation.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. The applicants should be aware of their duties within the Disability Discrimination Act;

Brampton Parish Council: awaiting comments;

Carlisle Airport: no objections;

Forestry Commission: awaiting comments;

Local Plans (Tree Preservation): no objections, subject to the imposition of a condition that requires details of the proposed tree protection measures to be provided;

Northern Gas Networks: no objections;

Housing Strategy: the loss of a sheltered housing scheme is a controversial and emotive issue; however, at the same time, many of the sheltered schemes in the Carlisle area do not meet modern standards (for instance, 16 of the flats in Westhill House are presently bedsits, where residents have shared bathing facilities).

The Housing Strategy Officer has contacted Riverside Carlisle regarding the concerns over what options would be made available for existing residents, and older people in the Brampton area in the future, if this redevelopment goes ahead. Riverside Carlisle has provided the following explanations:

- They have carried out an options appraisal and believe the scheme is no longer viable as there are currently only 8 residents in situ (with another shortly due to move out - which will leave only a third occupancy);
- Demand for the scheme has been in decline for some time due to a high level of refusals owing to a lack of demand for bedsit type accommodation;
- The warden service will be replaced by a "Housing Visitor" service for those requiring it;
- The warden service is unfortunately due to end in September anyway, as the warden's salary is paid by funding from "Supporting People", which is due to cease owing to the low level of occupancy;
- Existing tenants will have the option of a 1 or 2-bedroom self-contained flat in the refurbished Westhill House, or alternatively be given priority for a move to another of Riverside's sheltered units; and
- Tenants in the new scheme (which the Housing Strategy Officer is advised would accommodate "mature" residents - probably aged 50+) would have the option of Careline in their flats.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 St Martins Drive	23/06/09	
2 St Martins Drive	23/06/09	Undelivered
27 St Martins Drive	23/06/09	Objection
3 St Martins Drive	23/06/09	
4 St Martins Drive	23/06/09	Undelivered
28 St Martins Drive	23/06/09	Undelivered
29 St Martins Drive	23/06/09	
30 St Martins Drive	23/06/09	Undelivered

31 St Martins Drive	23/06/09	
32 St Martins Drive	23/06/09	Undelivered
33 St Martins Drive	23/06/09	
34 St Martins Drive	23/06/09	Undelivered
35 St Martins Drive	23/06/09	Comment Only
5 St Martins Drive	23/06/09	
36 St Martins Drive	23/06/09	Undelivered
37 St Martins Drive	23/06/09	
38 St Martins Drive	23/06/09	Undelivered
39 St Martins Drive	23/06/09	
1 St Martins Close	23/06/09	
1 Well Lonning Close	23/06/09	
17 Well Lonning Close	23/06/09	
6 St Martins Drive	23/06/09	Undelivered
7 St Martins Drive	23/06/09	
8 St Martins Drive	23/06/09	Undelivered
9 St Martins Drive	23/06/09	
10 St Martins Drive	23/06/09	Undelivered
11 St Martins Drive	23/06/09	
12 St Martins Drive	23/06/09	Undelivered
13 St Martins Drive	23/06/09	
14 St Martins Drive	23/06/09	Undelivered
15 St Martins Drive	23/06/09	
16 St Martins Drive	23/06/09	Undelivered
17 St Martins Drive	23/06/09	
18 St Martins Drive	23/06/09	Undelivered
19 St Martins Drive	23/06/09	
20 St Martins Drive	23/06/09	Undelivered
21 St Martins Drive	23/06/09	
22 St Martins Drive	23/06/09	Undelivered
23 St Martins Drive	23/06/09	
24 St Martins Drive	23/06/09	Undelivered
25 St Martins Drive	23/06/09	
26 St Martins Drive	23/06/09	Undelivered
6 Crosshill Drive		Objection
69 Longlands Road		Objection
12 Meade Road		Objection
The Carlisle and Rural Tenants Federation		Objection

3.1 This application has been advertised by means of a site notice and notification letters sent to forty two neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as:

1. The proposed development will result in a reduction in the provision of sheltered accommodation for the elderly who require supervision by a warden;
2. There is no evidence of need for the additional car parking spaces;
3. The Development Control Committee should receive reassurances from Cumbria County Council's Social Services Department that it is supportive of the scheme and that it is agreeable to any future Sheltered

Housing/Partial Dependency Units (PDU) needs being fully catered by Carlisle Housing Association;

4. The work is to be carried out whilst the elderly are resident in the building, albeit moved to area where work is not taking place. What investigations have been carried out into the possible presence of asbestos and if asbestos is found how will the residents be safeguarded whilst resident in the building;
 5. The Development Control Committee should be made aware of agreements between the Riverside Group and Carlisle City Council when the stock transfer took place.
 6. The Riverside Group is not delivering the promises it made to its tenants when the stock transfer took place. One of these promises involved upgrading the PDU's within 5 years; however, this has not taken place.
 7. The properties appear to be designed for independent living as opposed to the elderly who have different needs;
 8. Has the Riverside Group offered the Council any guarantees that the properties will remain in their ownership and that they will be available to the elderly; and
 9. The Riverside Group has carried out insufficient consultation with the existing tenants; and
 10. The Development Control Committee should be aware that the City Council will benefit financially through any properties sold by the Riverside Group.
- 3.2 The concerns of the objectors are noted; however, Members should be aware that only the issues highlighted by Points 1 and 2 are material considerations to be taken into account in the determination of this application.
- 3.3 In addition to the above objections one local resident contacted the Council querying the following points:
1. Is there any need for additional car parking;
 2. Will alternative provision be made for the House Martins
 3. Will sympathetic features be incorporated; and
 4. Who will manage the leasing of the tenancies, Riverside Group or S.M.A.R.T.

4. Planning History

- 4.1 There is no planning history relating to the site.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application was deferred at the previous Development Control Committee meeting to enable the applicant to reconsider the internal layout of the accommodation to ensure that it complies with the requirements of Policy CP15 (Access, Mobility and Inclusion) of the Carlisle District Local Plan. At the time of preparing this report revised floor plans have not been received; however, the applicant's agent has confirmed that it is their intention to make modest changes to the internal layout to demonstrate that it is accessible for disabled people.
- 5.2 Members will recall that this application seeks "Full" planning permission for the reconfiguration and external alteration to the existing residential accommodation at Nos. 1-21 Westhill House, Brampton. The site is situated on the southern side of St. Martin's Drive and covers approximately 0.19 hectares.
- 5.3 It is identified on the Proposals Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area and the surroundings to the site are wholly residential. Immediately to the south of the building is a strip of amenity space that is linked with the property.
- 5.4 The building, which is two storey in height, is finished in a combination of white painted facing brick and render, with a concrete tile roof. The existing accommodation currently comprises 16 bedsits, 4 sheltered flats and 1 two bedroom flat, together with limited communal facilities including a residents lounge and shared bathrooms.

Background

- 5.5 The property previously belonged to Carlisle City Council prior to it being transferred to Carlisle Housing Association in December 2002. Carlisle Housing has since become Riverside Carlisle.

The Proposal

- 5.6 It is proposed to reconfigure the existing layout to create 14 units, with each unit having its own bathroom and separate bedroom(s). The new accommodation comprises 10 two-bed flats, 2 one-bed flats and 2 two-bed houses. The only additional floor space provided relates to the stairwell extensions located on either gable of the building, which would serve the two proposed dwellings.

- 5.7 Externally, the size and position of the window openings are modified slightly. Timber clad entrance porches are proposed to the front and rear elevations of the building to provide access to the flats. Similarly designed extensions are proposed to either gable to provide an entrance and stairwell to serve the two dwellings. The building would be re-rendered with self coloured render in accordance with a colour scheme that has yet to be clarified in detail. All new windows and doors to be installed would be upvc framed.
- 5.8 At the rear of the building parking and turning provision for five vehicles is proposed. The applicant has agreed to provide a disabled access bay, although if Members are minded to approve the application the agent has asked if this issue could be dealt with through the imposition of a planning condition. The parking area would be landscaped and laid with block paving.

Assessment

- 5.9 The relevant planning policies against which the application is required to be assessed are Policies CP3, CP5, CP12, CP15, H1, H2, H4, H13 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.10 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.11 In policy terms, the land is “Brown Field” land within the settlement boundary of Brampton and it is presently used for residential purposes. As such, the principle of reconfiguring the layout of the accommodation is not an issue, subject to compliance with the criteria identified in Policy H2 and other relevant policies contained within the adopted Local Plan.
2. Whether The Loss Of The Existing Accommodation Is Significant.
- 5.12 The principal issue that this application raises relates to the loss of the sheltered accommodation for the elderly. The objectors to the scheme are not opposed to the accommodation being brought up to modern standards; however, there is a genuine concern that if the scheme is approved it will result in a short fall in sheltered accommodation in the Brampton area.
- 5.13 In order to assess these concerns the Council’s Housing Strategy Officer’s (HSO) views have been sought. The HSO has identified that the existing accommodation is below current standards and that, as a consequence, demand for the accommodation is low.
- 5.14 The HSO has liaised direct with Riverside Carlisle to establish its future intentions for the modernised accommodation. The applicant’s have informed the HSO that the accommodation would still be targeted at the older resident; however, irrespective of whether this application is approved, the existing warden service would be lost due to lack of funding.

5.15 Carlisle Riverside has advised the HSO that a "Housing Visitor" service would replace the warden service and that the future occupiers would have the option of Careline in the flats. The concerns of the objectors are understandable; however, in light of the above, there is insufficient justification to refuse this application on the basis that the warden accommodation would be lost.

3. Whether The Internal Layout And Type Of Accommodation Proposed is Acceptable.

5.16 Prior to the application being deferred at the previous meeting a number of Members voiced concern regarding the layout of the accommodation (in terms of it being accessible to disabled people) and whether the type of residential accommodation was appropriate to the anticipated end user. Principally Members were concerned as to whether the proposal complied with Policy CP15 of the Local Plan, which requires that new development provides accessibility and inclusion for all potential users regardless of disability, age or gender.

5.17 In terms of the end user the applicant has stated that the units are to be occupied by the over 55's. With regard to this specific point Members should be mindful that there are no planning restrictions that would limit occupation to any specific group. The occupation of the units is a matter for Carlisle Riverside to determine.

5.18 With this point in mind Members ought to consider whether the proposed accommodation meets the requirements of Policy CP15 irrespective of disability, age or gender. In considering this Members should be mindful that this application proposes the refurbishment of an existing building. It is not a "new build" scheme where the needs of every potential end user can be catered for from the outset.

5.19 The applicant's intention is to bring the existing substandard accommodation, with its shared facilities (including bathrooms), to a modern day standard. In that respect the proposal achieves its objective. In terms of whether the accommodation is appropriate for the anticipated end user it is the Officers view the applicant is in the best position to make that judgement. The proposed range of accommodation is a significant improvement on what is there at present and there is no reason to question whether it is inappropriate.

5.20 It would be preferable to provide disabled access to all of the first floor accommodation; however, as this is a refurbishment, not a new build, this may not be practical. Whilst revised plans are still awaited the architect has indicated that the internal layout will be modified slightly to improve access for disabled people; however, it is not applicant's intention to redesign the scheme.

5.21 The architect has confirmed that if disabled access became an issue for a future resident, the applicant, as a responsible landlord, would address the

issue at that stage. The architect has suggested that stair lifts could be fitted or that the bathrooms could be replaced with wet rooms. The architect has also confirmed that it is his client's intention to avoid the need to "re-house" occupants at a later date through accommodating the less able bodied residents on the ground floor or, at the outset, in more suitable accommodation elsewhere.

- 5.22 The issues highlighted by Members at the previous Committee are valid concerns; however, there is no question that the existing accommodation at Westhill House will be significantly improved as a result of this development, which ought to be supported. Where concerns exist about the suitability of the accommodation for less able bodied people, this could be addressed through future mitigation and/or appropriate management by the landlord. On balance, it is the Officers firm view that there is insufficient reason to refuse the application on the basis of Policy CP15.

4. Whether The External Alterations to the Building Are Acceptable.

- 5.23 Individually, the physical alterations to the building are relatively insignificant; however, cumulatively, they have the effect of transforming the external appearance of the building, which is in need of modernisation.
- 5.24 The most striking of the changes is as a consequence of altering the external finish of the building. The original building is to be re-rendered with three different shades of self-coloured render and timber boarding is to be used on the extensions. The finishes are a stark contrast to the white painted finish of the existing building; however, this will lift the appearance of the property and introduce an element of variety into the streetscene.
- 5.25 It is recommended that a condition is imposed that requires full details/samples of the external finishes to be agreed at a later stage. With regard to the colour scheme, Members are reminded that the colours indicated on the proposed elevations can only be treated as indicative as the shading would be restricted by the palate of colours available on the architect's software package. There are other examples in the immediate locality where vibrant colours have been incorporated in to the street scene. Those Members who are familiar with the area may be able to visualise No.6 Elmfield, which is located 60 metres to the south of the junction of St. Martins Drive with Elmfield (the former A69 Trunk Road). The external walling of the property is finished with green painted timber boarding and despite the contrast in the building style, the property sits sympathetically within the streetscene.

5. Impact Upon Neighbouring Residential Properties.

- 5.26 The proposed development involves the reconfiguration of the existing building and utilises existing window openings. As such, there will be no significantly greater impact upon the living conditions of neighbouring residents as a result of loss of privacy. Where new extensions are proposed to accommodate the porches and stairwells, they are sufficiently far away from

the neighbouring houses not to result in any loss of light or overdominance.

- 5.27 The proposed car parking provision will result create vehicular movements which wouldn't otherwise take place at the rear of the building; however, the level of activity and anticipated noise generated is unlikely to adversely affect the occupiers of the adjacent property, No.1 St Martin's Close.

6. Highway Issues.

- 5.28 At present there is no in curtilage parking provision to serve the twenty one residential units of West Hill House, although limited parking provision for residents and visitors is available in the roadside lay by's to the north of the building.
- 5.29 The application proposes the creation of fourteen units, which is a net reduction of seven units. As such, the net reduction in the number of units coupled with the provision of five car parking spaces is an improvement on the existing situation.
- 5.30 The Highway Authority has raised no objections to the application subject to the imposition of two highway related planning condition.
- 5.31 The Council's Access Officer has also suggested that the provision of a disabled parking bay would be beneficial, which can also be secured through a suitably worded planning condition.

7. Safeguarding The Habitats Of The House Martins.

- 5.32 Members will note that a local resident has voiced concern regarding the potential impact upon nesting House Martins. These concerns were shared by a Member of the Committee and at his request a condition is recommended that requires clarification as to how the House Martins habitat will be safeguarded/mitigated for prior to the development commencing.

8. Other Matters.

- 5.33 The objectors have voiced concern regarding the previous conduct of the applicant, Riverside Carlisle, and the potential impact of the building work upon those residents who have opted to stay in the property whilst the redevelopment takes place. Members are reminded that these concerns are not material planning considerations and that they should not prejudice the potential outcome of the application.

Conclusion

- 5.34 In overall terms, the principle of the development is acceptable. The proposal will bring the accommodation up to modern standards and, in doing so; will improve the quality of living for the future occupiers of these properties, as well as enhancing the external appearance of the building.

- 5.35 The proposed changes to the building can be accommodated without detriment to any neighbouring residential properties. Adequate amenity space and incurtilage parking provision would also be provided.
- 5.36 In all aspects the proposals are compliant with 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 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 a detailed landscaping scheme, including identification of those trees to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. 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. The landscaping plan should identify the crown spread of the trees to be retained and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, 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 CP5 of the Carlisle District Local Plan 2001-2016.

4. No development shall commence until detailed plans illustrating the provision of a disabled car parking bay have been submitted to and approved, in writing, by the Local Planning Authority. The parking area shall be constructed in accordance with the approved plan.

Reason: To ensure the provision of disabled parking facilities in accordance with Policy CP15 of the Carlisle District Local Plan 2001-2016.

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

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

6. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

7. No development shall commence until details illustrating how the habitats of the House Martins will be safeguarded (or mitigated for) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order not to disturb or deter the nesting or roosting of House Martins in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

09/0701

Item No: 06

Date of Committee: 02/10/2009

Appn Ref No:
09/0701

Applicant:
Mr G C Stothard

Parish:
Carlisle

Date of Receipt:
25/08/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Urban

Location:
Viewfield, Cavendish Terrace, Stanwix, Carlisle,
CA3 9ND

Grid Reference:
339840 556825

Proposal: Two Storey Rear Extension To Provide Living Room, Utility And Shower Room On Ground Floor With 1no. Bedroom And Bathroom Above

Amendment:

REPORT

Case Officer: Suzanne Edgar

Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the applicant is a City Councillor.

1. Constraints and Planning Policies

Ancient Monument

Conservation Area

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

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H11 - Extns to Existing Resid. Premises

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

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): No objection to the proposed development as it is considered that the existing parking facilities provides adequate incutillage parking.

Development Services Planning & Housing Services - Conservation Section:
No objections to this proposal, however, I would recommend that it should be conditioned to ensure that the new joinery details respect the existing traditional details and proportions, particularly where multi-paned, double glazed windows are proposed.

Development Services Planning & Housing Services - Local Plans (Trees):
Comments awaiting.

Hadrians Wall Heritage Limited: Comments awaiting.

English Heritage - North West Region: Comments awaiting.

Cumbria County Council - (Archaeological Services): The site lies in an area of archaeological potential in between Hadrian's Wall and the vallum but, given that much of the proposed extension has already been disturbed by an existing extension, I confirm I do not wish to make any recommendations or comments.

Conservation Advisory Committee: The Committee felt that this extension was quite appropriate.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
The Limes	01/09/09	
Scaur House	01/09/09	
9 St Georges Crescent	01/09/09	
11 St Georges Crescent	01/09/09	
The Coach House	03/09/09	

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to five neighbouring properties. At the time of writing the report no written representations have been received. The occupier of "The Limes" (who is also the owner of "The Coach House") has however verbally confirmed that she has no objection to the proposal.

4. Planning History

4.1 In 2004 full planning permission was granted, under application reference

04/0790, to replace the existing roof with a flat lead roof.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval for the demolition of a single storey external store and erection of a two storey rear extension to provide a living room, utility and shower room on the ground floor with 1no.bedroom and bathroom above at Viewfield. The property is a large two storey Georgian semi-detached dwelling constructed from rendered walls under a slate roof. The surroundings to the property are wholly residential.

Background

- 5.2 The application site is located on Cavendish Terrace overlooking Bitts Park. The site is neighboured by two storey dwellings to the east, west and north-west; "The Limes", "Scaur House" and "The Coach House" respectively, together by single storey residential properties to the north. The north and eastern boundaries of the application site are delineated by a 2.5 metre (approx) high brick wall. Viewfield's garage is located adjacent to the eastern boundary of the application site together with large trees which are situated within the curtilage of "Scaur House". The western boundary of the site is partially delineated by a 1 metre high brick and rail wall together with a two metre (approx) high hedge towards the rear. There is a large cherry tree located adjacent to the western boundary.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, H11, LE7 and LE19 of the Carlisle District Local Plan (2001-2016).
- 5.4 The proposal raises the following planning issues:
1. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.5 There will be windows situated on the north, east and west elevations of the proposed extension. These windows are situated an appropriate distance from the windows of neighbouring properties. The residential property located to the north-west of the application site "The Coach House" has two windows (one serving a sitting room and the other serving a bedroom) located on the rear of the property facing the application site. These windows are 'off set' from the proposed extension therefore the proposal would not adversely affect the tenants of this property through loss of light or over dominance sufficient to warrant refusal of the application on this basis. Given the location of the proposed extension in relation to the positioning of

neighbouring properties it is considered that the proposed development will not adversely affect occupiers of any neighbouring properties on the basis of loss of light, overlooking or over dominance.

2. Whether The Proposal Is Appropriate To The Dwelling

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

3. Impact Of The Proposal On Stanwix Conservation Area

- 5.7 The property falls within Stanwix Conservation Area. The Council's Conservation Officer has been consulted on the proposed extension and has raised no objections subject to a condition being imposed within the decision notice ensuring that the new joinery details respect the existing traditional details and proportions, particularly where multi-paned, double glazed windows are proposed. Furthermore the Conservation Advisory Committee have also raised no objections to the proposal. As the proposed extension is located to the rear of the application site it is considered that the proposal will not adversely affect the street scene. In relation to the comments raised by the Council's Conservation Officer and the Conservation Advisory Committee it is considered that the proposal will preserve the character of Stanwix Conservation Area.

4. Trees

- 5.8 As stated above there is an ornamental cherry tree located adjacent to the western boundary of the application site. This tree is to be retained as part of the proposal. At the time of writing the report comments from the Council's Landscape Architect/Tree Officer are still awaited.

Conclusion

- 5.9 In overall terms it is considered that the proposal will not adversely affect the living conditions of adjacent properties sufficient to merit refusal. The scale and design of the proposed extension is considered acceptable and it is considered that the proposal will preserve the character of Stanwix Conservation Area. On this basis the proposal will be recommended for approval subject to no objections being received from interested parties in the interim.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

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

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

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

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

4. Details of all new windows, including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the window elevations at a scale of 1:20, horizontal and vertical sections through the windows at a scale of 1:2 together with full size details of the junction between the glazing

bar and the double glazing units.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy CP5 and H11 of the Carlisle District Local Plan (2001-2016).

5. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. Following its completion, 3 copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan (2001-2016).

SCHEDULE A: Applications with Recommendation

09/0513

Item No: 07

Date of Committee: 02/10/2009

Appn Ref No:
09/0513

Applicant:
Mr & Mrs G Martin

Parish:
Wetheral

Date of Receipt:
01/07/2009

Agent:
Bingham Yates

Ward:
Wetheral

Location:
Windhover Barn, Low Cotehill, Cotehill, Cumbria,
CA4 0EL

Grid Reference:
347113 550570

Proposal: Demolition Of Existing Single Storey Building And Erection Of Replacement Two Storey Extension To Provide Entrance Hall, Living Room And Ensuite Sunroom/ Guest Room On Ground Floor With 1No. Study/Bedroom And 1No. En-Suite Bedroom Above (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee at the request of the Chair of the Development Control Committee.

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 observations.

Further comments received on 9th September 2009 raise no observations;

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

National Grid UK Transmission: the risk to the operational electricity and national gas transmission networks is negligible.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Chapel House	06/07/09	Objection
Wetheral	27/08/09	
Wetheral	27/08/09	

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

1. the proposed extension is a mammoth reconstruction of a previous building that will be a viewing gallery;
2. there is an excessive number of windows and rooflights proposed in the building which total 15;
3. the proposed extension of 9 windows/ rooflights on the north-east side will overlook the neighbouring property resulting in a loss of privacy and will be overbearing;
4. the extension will be out of proportion with Windhover Barn and Chapel House;
5. the increased ridge height will have an overpowering effect on the new extension;
6. planning laws have been breached due to the fact that building works were commenced prior to the revised application having been submitted; and
7. additional windows were not permitted in the neighbouring property in 2000 as it was stated that they would result in a loss of privacy.

3.2 Further comments were received on 31st July 2009 and in addition to the issues already raised, the addition objections are summarised as follows:

1. planning policy H1 allows for the extension to dwellings but it is not intended to allow small houses to be replaced by much larger properties. This is a contradiction as the original approval for the extension was granted on this very basis;
 2. the extension is more than two times the size of the original barn. The application has been revised three times, in 2006, 2008 and now 2009, each time getting bigger;
 3. the current scheme would have a floor area 280% larger than the existing buildings and an increased volume of 460%;
 4. the 21 metre rule may be acceptable in an urban setting but is not applicable in a rural setting;
 5. there is no justification for an extension of this scale;
 6. the extension completely destroys the character of its original building and will be detrimental to the landscape of the area;
 7. the revised scheme indicates a roof pitch of 25 degrees (the minimum recommended pitch for natural slate is 30 degrees) and the roof of the existing house is 33 degrees. The proposed roof will therefore look out of keeping;
 8. the introduction of internal staircase may lead to subdivision of the property in the future; and
 9. the boundary line on the submitted drawings is incorrect which invalidates and nullifies the application.
- 3.3 On 10th September 2009, an additional letter of objection was received in response to the revised drawings and new issues raised are summarised as follows:
1. the only revision appears to be a slight reduction in the size of the three first floor windows which overlook the neighbouring property;
 2. no attempt has been made to reduce the bulk of the extension;
 3. the proposals will continue to adversely affect the amenities of the neighbouring property in this rural location because of unreasonable overlooking and that the scale of the extension still dominates the original dwelling and destroys the character of the group of buildings;
 4. a hedge should be planted or a fence erected along the party line wall that divides the two properties, providing a reasonable screen and minimize the impact of overlooking; and

5. no attempt has been made to rectify the plans showing the incorrect boundary. There is a requirement for the planning office to have up to date plans and there is a responsibility to accept what is on the Title Deeds.

4. Planning History

- 4.1 In 1986, planning consent was granted for the conversion of a barn to a dwelling.
- 4.2 Planning permission was refused for the erection of an extension to the existing dwelling to form a granny annexe on the ground floor with 3 bedrooms above.
- 4.3 In 2006, planning permission was granted for alterations to part of the ground floor together with the erection of a first floor extension.
- 4.4 Planning permission was approved in 2007 for the erection of a detached garage.
- 4.5 In 2008, planning consent was granted for the demolition of an existing single storey building and erection of replacement two storey extension to provide an entrance hall, ensuite bedroom and ensuite sunroom/ guest room with 1no. bedroom and office/ study above.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning permission for the erection of an extension to Windhover Barn, Cotehill, Carlisle. The building is a two storey detached dwellinghouse constructed from natural stone under a slate roof. The property, together with the neighbouring property Chapel House, are located in open countryside, approximately 350 metres to the north-east of Cotehill.
- 5.2 The application seeks consent for the demolition of the existing single storey building that projects to the rear of the property and erection of a two storey extension. The resulting accommodation would provide an entrance hall, 1no. ensuite bedroom and 1no. ensuite sunroom/ guest bedroom on the ground floor with 1no. bedroom and an office/ study above. The extension would occupy a similar footprint to that of the existing building.
- 5.3 This application is a revision to the scheme approved in 2008 with the main changes involving the increase of the ridge height by 0.1 metres; the increase in length of the building by 0.6 metres; reconfiguration of the internal layout;

the insertion of two first floor windows on the north-east elevation; the insertion of three additional rooflights on the north-east elevation; the insertion of three additional rooflights on the south-west elevation; the insertion of one additional window on the south-west elevation; and construction of a retaining wall.

Background

- 5.4 As Members will note from the Planning History that there have been several applications preceding the current proposal for this dwelling. The applicant has provided supplementary information which states that when works began on site following the grant of the previous application, the scheme as drawn by their architect, would have obscured existing windows in the property and that the pitch of the roof was incorrect and the way that the roof had been designed, would have left insufficient headroom in the first floor accommodation.
- 5.5 The size of the windows have been scaled down as the applicant believes that the windows in the approved scheme were inappropriately larger than those in the existing dwelling. The builder continued working to the extent at which he thought consent had been granted and ceased work on site when the scheme involved alterations that are subject of this application. The internal staircase has been provided in place of the corridor that occupied too much floorspace and could not have been provided due to the limited headroom.

Assessment

- 5.6 The relevant planning policies 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.
1. Whether The Proposal Is Appropriate To The Dwelling
- 5.7 Planning policies require that extensions are of good design and are of an acceptable scale and protect the amenity of adjacent properties from proposals that are of inappropriate scale, design or result in unreasonable overlooking. In assessing the current proposal, Members should note that the extension would be sited on the north-west elevation of the building. The original approval sought to replace an existing single storey building. The revised application would extend the length of this building by 0.7 metres.
- 5.8 The eaves height of the extension varies along its length on the north-east elevation to break up the facade of this building which otherwise due to its length, may appear awkward and incongruous. The eaves height would be lower than the eaves height of the existing dwelling and the ridge height would be 1.15 metres lower the ridge of the house.
- 5.9 The revised application seeks to increase the ridge height by 0.1 metres. In order to provide adequate first floor accommodation the extension has been

dug into the ground which also means that the relationship between the floor levels of the existing house and the proposed extension are more acceptable. Consequently, only a minimal increase in the height of the ridge is required to facilitate this development.

- 5.10 The scale and footprint of the proposal would be large; however, Members must be aware of the footprint of the original building and the extension that was granted planning consent in 2008. Essentially, the principle of development is not in dispute; the proposed extension is marginally larger than the approved and attention must be given to the differences between the previous extant planning consent and the current submission.
 - 5.11 The design and fenestration of the current scheme is appropriate to the style and character of the existing property. The applicant has made revisions to the scale and position of the window openings that better reflect the character of the existing property.
 - 5.12 The site is located on a low-lying area of land and would be visible from the village of Cotehill located to the south-west and at a higher level; however, these views would be limited and on this elevation, the extension would be faced from natural stone. Accordingly, the scale and height of the building would not be detrimental to the character or appearance of the area or detract from the setting of the dwellinghouse or neighbouring property. The development would be well related to the existing dwelling and curtilage boundaries and the proposed increase in scale of the building is marginal from that of the approved scheme and in this respect, the proposal does not conflict with planning policy objectives.
2. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 5.13 The nearest residential property is known as 'Chapel House'. This dwelling is located at right angles and set back from the proposed extension. Within the curtilage of this property is a detached two storey building that is occupied as a holiday let. This building directly faces the proposed extension. The relationship between Chapel House and the proposed extension is less of an issue due to the orientation and the oblique view of the application site.
 - 5.14 As the proposal involves the introduction of windows that face the neighbouring property, it is appropriate to consider the development against the commonly used distance of 21 metres that is required between primary windows. The draft Supplementary Planning Document "Achieving Well Designed Housing" reinforces this requirement although limited weight can be afforded to this documentation as it has not been formally adopted. Some overlooking will be occur from the proposed extension and the parking area in front of Chapel House and the holiday unit. The distance between the holiday let and the proposed extension is approximately 32.5 metres from the proposed extension and even taking into account the fact that some of the windows are at first floor level, there is more than the prescribed distance between the two properties.

5.15 Given the orientation of the application site with the adjacent property, it is not considered that the occupiers would suffer from an unreasonable 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.

3. Other Matters

5.16 Reference is made in the letter of objection to the fact that there may be land shown on the application details as belonging to the applicants. This issue is disputed between the two parties; however, the applicant has signed a declaration that they own the land shown on the plans and the area concerned does not affect the land involved as part of the extension.

5.17 There is no right to a view. The proposed extension will be 100mm higher than the scheme that was approved and in this respect, would not be detrimentally overbearing or fundamentally affect the outlook towards the village.

5.18 There is already existing landscaping along the boundary between the two properties that partially screens the development. Additional landscaping to further screen the site would have to be planted across the vehicular access to the applicant's property which would be unreasonable.

5.19 Some minor changes to the building have been made from the approved scheme to those shown on the current proposal, for example, the scale and position of the ground floor windows. The applicant has stated that he took advice from his builder who told him that as the windows are smaller, a revised application would not be required. When it became apparent that a new application would be required, work ceased on the external works to the building. As Members are unaware, it is not unlawful to undertake works without planning consent but that any development is at the applicant's own risk.

5.20 Policy H1 of the Carlisle District Local Plan 2001-2016 establishes a hierarchical approach to housing within the District in line with sustainable objectives. In summary, the bulk of new housing in the district is expected to be focussed upon the urban area of Carlisle, followed by the two Key Service Centres of Brampton and Longtown with more limited development within the rural area being accommodated within villages which perform a service function. The site is located outwith Cotehill and in this location an application for a separate dwelling would be contrary to policy objectives. Due to the revisions to the internal layout it would be appropriate to impose a condition preventing any subdivision of the property.

Conclusion

5.21 In overall terms, the scale and design of the extension to the property is large

but is acceptable in the context of the site and marginally differs from the extant permission. The proposal does not adversely affect the living conditions of adjacent properties by poor design or unreasonable loss of daylight or sunlight. Whilst the current proposal involves the insertion of additional window openings, particularly at first floor level, it has been demonstrated in the report that there is sufficient distance between the two buildings that the occupiers of the neighbouring property would not suffer from overlooking or loss of privacy. 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 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. 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 or door openings shall be inserted on any elevation without the prior written consent of the Local Planning Authority.

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

3. All new external stonework shall be carried out in natural stone which shall, in type and in the manner in which it is laid, match that of the existing building.

Reason: To ensure the works harmonise as closely as possible with the existing building in accordance with Policy H11 of the Carlisle District Local Plan 2001-2016.

4. The roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy H11 of the Carlisle District Local Plan 2001-2016.

5. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any part be sub-divided and occupied independently of the remainder of the property.

Reason: The local planning authority are not prepared to permit the establishment of a separate unit of accommodation on this site in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

09/0245

Item No: 08

Date of Committee: 02/10/2009

Appn Ref No:
09/0245

Applicant:
The Diocesan Trustees

Parish:
Carlisle

Date of Receipt:
27/03/2009

Agent:
Derek Hicks & Thew

Ward:
Stanwix Urban

Location:
Social Club And Field, St Augustines Church,
Waverley Gardens, Carlisle, CA3 4JU

Grid Reference:
339733 557884

Proposal: Proposed Residential Development On Social Club And Side Field Site
(Revised Application)

Amendment:

REPORT

Case Officer: Stephen Daniel

Reason for Determination by Committee:

This application has been brought before the Development Control Committee due to the receipt of twelve letters of objection and a petition which has been signed by forty local residents and following deferral of consideration at the committee meeting held on 29 May 2009.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

Local Plan Pol H5 - Affordable Housing

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

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol CP5 - Design

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

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): recommends refusal of the application due to the inadequacy of pedestrian linkages to local bus services and local facilities/services, contrary to Cumbria County Council Transport Policies 9:01 and 7:01;

Environment Agency (N Area (+ Waste Disp)): no objection in principal and confirm that the layout as proposed is a feasible option, subject to a Land Drainage Consent;

Community Services - Drainage Engineer: no comments received;

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

Development Services Planning & Housing Services - Access Officer: comments awaited;

Cumbria Constabulary, Northern Community Safety Unit: the Design & Access Statement makes no reference of any intention to implement any crime prevention measures within this development. Consequently it is difficult to establish if this proposal complies with Policy CP17 of the Local Plan.

The provision of footpath links from the application site to Scotland Road and Waverley Road would undermine the security of the proposed development and the existing dwellings on Waverley Road and should be resisted;

Development Services Planning & Housing Services - Local Plans: the application site lies within a Primary Residential Area, where new residential development is acceptable under Policy H2 of the adopted Local Plan, subject to four criteria.

The first criteria relates to the safeguarding of open space and other amenity areas. Whilst the application site partly comprises an open grassed area, there is no access for the public, and it is not classed as a public open space. Therefore this criteria is satisfied.

Criteria 2 is intended to safeguard the amenity of adjacent residents. This is an assessment that will have to be made on site by the case officer.

Criteria 3 seeks to integrate the new development with that surrounding it. This can

be done by careful design and layout, and the comments of the Council's Urban Designer should be sought.

The fourth criteria relates to satisfactory access and appropriate car parking, and the advice of the Highway Authority will be relevant to this aspect, (although the parking levels appear appropriate in this location).

Policy H6 makes a requirement for affordable housing provision on development sites. In the urban area a contribution of 30% of units on site towards affordable housing will be expected. The five units proposed are marginally under this requirement, but this is acceptable as they are proposed to be available for socially rented accommodation. This is a good location for housing, (affordable and open market) as it is close to shops and a range of other services, close to large areas of public open space, and has good access by public transport. Carlisle's Housing Market Assessment indicates that there is a need for affordable family housing. I would advise that the units are integrated within the overall development to create a mixed community.

Subject to design, access and parking issues being satisfactory, there are no policy objections to the proposal;

Northern Gas Networks: no objections;

Environmental Services - Green Spaces: request a financial contribution of £38,902 towards the provision and maintenance of open space in the locality;

Planning & Housing Services - Housing Strategy, 7th Floor: the location, situated in an extremely popular area of the city, would be popular for housing - including affordable housing, as it is conveniently situated for shops, public transport, employment, and other services.

The property type (all 3 bedroom houses) would again be desirable, and in terms of the affordable housing element, meet with the need for more larger affordable family homes identified in the Housing Market Assessment (2006-11) for Carlisle City.

The Design and Access statement proposes 5 no. (30%) of the scheme should be affordable dwellings, either for discounted sale or rent. This percentage would be acceptable in terms of the revised 30% target in Carlisle's urban area, following the Local Plan Inspector's report in April 2008. In the case of discounted sale properties the discount is set at 70% of OMV, however RSLs would probably still struggle to pay as much as this without grant. We have therefore on occasion (usually on larger schemes than this) accepted slightly less units pro rata where rented units have been provided. However, as this is a relatively small scheme, we may also consider accepting the affordable units for discounted sale to maintain the no. of affordable properties.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
10 Waverley Road	31/03/09	
3 Waverley Gardens	31/03/09	Objection
5 Waverley Gardens	31/03/09	Objection
7 Waverley Gardens	31/03/09	
9 Waverley Gardens	31/03/09	Objection
11 Waverley Gardens	31/03/09	
13 Waverley Gardens	31/03/09	
15 Waverley Gardens	31/03/09	
17 Waverley Gardens	31/03/09	
19 Waverley Gardens	31/03/09	Objection
21 Waverley Gardens	31/03/09	
23 Waverley Gardens	31/03/09	
25 Waverley Gardens	31/03/09	
27 Waverley Gardens	31/03/09	Objection
29 Waverley Gardens	31/03/09	
31 Waverley Gardens	31/03/09	Objection
33 Waverley Gardens	31/03/09	
114 Briar Bank	31/03/09	
116 Briar Bank	31/03/09	
118 Briar Bank	31/03/09	
120 Briar Bank	31/03/09	
122 Briar Bank	31/03/09	
124 Briar Bank	31/03/09	
126 Briar Bank	31/03/09	
128 Briar Bank	31/03/09	
130 Briar Bank	31/03/09	
27 Waverley Road	31/03/09	Comment Only
2 Gosling Drive	31/03/09	
23 Lowry Hill Road	31/03/09	
31 Waverley Gardens	31/03/09	Comment Only
68 Scotland Road	31/03/09	
Upwoods Corner	31/03/09	Objection
12 Waverley Road	31/03/09	
14 Waverley Road	31/03/09	
16 Waverley Road	31/03/09	
18 Waverley Road	31/03/09	
20 Waverley Road	31/03/09	Objection
22 Waverley Road	31/03/09	
24 Waverley Road	31/03/09	Objection
1 Waverley Gardens	31/03/09	Objection
20 Liddle Close		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to forty neighbouring properties. Twelve letters of objection and a petition signed by forty local residents have been received and these make the following points:

- The home owners of Waverley Gardens should not be subjected to a new access onto a very narrow road, when the church already has two existing accesses, Waverley Road and Briar Bank, which should be used, rather than introducing extra traffic into Waverley Road and Waverley Gardens;

- Briar Bank should be used for the access as it is wider and can cater for two-traffic and has traffic lights at the junction with Scotland Road;
- The existing access onto Waverley Road is also more suitable than the proposed access;
- This development would lead to a further increase in traffic on Scotland Road/Kingstown Road, which is already very busy. Traffic joining the main road from Waverley Road often has to queue at peak times;
- The proposed development would result in over a 100% increase in traffic at the Waverley Gardens/ Waverley Road junction;
- Proposal will lead to increased traffic levels in Waverley Gardens which is a quiet street and is not adequate for more cars;
- Waverley Gardens is narrow and there would be safety issues if extra cars were using this road - the full width of the road is used to gain access to the existing dwellings;
- The church is developing the land so it should use its existing access;
- The new access would have limited visibility due to the incline and the hedge and this will increase the risk of accidents;
- The extra traffic would have an adverse impact on the amenity of the residents of Waverley Gardens;
- The site is lower than Waverley Gardens so traffic leaving the site would be travelling uphill, which would result in headlights shining straight into the living rooms of properties opposite the new access (nos. 1,3 & 5);
- Extra street lighting will affect the amenity of existing residents;
- Cars will end up parking on the main access road of the development and this will restrict access for emergency and municipal vehicles. This may also cause overspill parking onto Waverley Gardens;
- The traffic survey is 18 months out of date. It was taken at peak period but the majority of residents in Waverley Gardens would not be using their vehicles at this time so the results are not accurate. Traffic is busy during the daytime at weekends;
- Works traffic will create devastation for a small cul-de-sac;
- The former Belah School, behind Waverley Gardens, will be redeveloped and whatever happens on here will lead to more traffic and noise and a possible over-supply of family homes;
- Development would appear obtrusive;

- There is no venue north of the river providing the full range of facilities currently available in the Social Club, which are enjoyed by Members, the wider community and the church for its own events;
- The Social Club provides a social point for the community. Closure of the club would destroy the social activities and links within the community. The development of the church community use does not compensate for the loss of the Social Club;
- Not aware that consultation has taken place with the community or social club members;
- The social club employs a number of staff who will be affected by this proposal;
- There will be a significant loss of light (at-least 50%) and privacy to properties on Waverley Road, due to the closer proximity of the houses than the social club and because the land to the rear is higher;
- There would be a loss of light for residents on Waverley Road, increasing their carbon footprint and increasing the risk of Seasonal Affective Disorder due to a lack of natural light;
- Surface water drainage is currently inadequate to dissipate rainwater, which causes flooding to gardens adjacent to the site. There is no mention of improving surface water drainage. The additional houses, pavements, roads and driveways will aggravate this already serious problem. Measures need to be put in place to prevent water run off from the development;
- The proposal will put extra pressure on existing drainage systems, which are already struggling to cope;
- The use of soakaways could exacerbate already existing problems on Waverley Road;
- Belah School has closed down so where will any children go to school? There will be extra pressure on local schools;
- Planning permission was refused for dwellings on this land in 1987 following objections from residents;
- The site is lower than Waverley Gardens, so the upper floors of the new dwellings will look directly into several living rooms of the bungalows on Waverley Road;
- The site should be developed for bungalows or dormer bungalows - semi-detached bungalows would be in character with the street;

- Single-storey dwellings on the perimeter of the development would have less impact on the existing neighbourhood;
 - There is a concern that more than 2-storey buildings could be built - this would not be keeping with the existing area, which is all bungalows and would affect the amenity of residents;
 - Density is at the top end of the maximum limit and has no regard for the immediate residents;
 - There are already a lot of 3 bedroom properties in the north of the city which are not selling;
 - The development is totally out of character with the neighbourhood;
 - The destruction of the hedge along Waverley Gardens will affect wildlife in the area.
- 3.2 The same local residents were also consulted on the amended plans, which removed the footpath link from the application site to Scotland Road and Waverley Road. Five additional letters of objection have been received which request that the church use one of their two existing accesses, rather than create a new one onto Waverley Gardens.

4. Planning History

- 4.1 In November 2008, an outline application for residential development was withdrawn prior to determination (08/1035).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application is seeking outline planning permission for residential development on the site of the social club and side field at St Augustine's Church, Waverley Road, Carlisle.
- 5.2 Members will recall that this application was deferred at the last meeting of the Development Control Committee, so that an independent Highway Consultant could assess the capacity of the highway network in the vicinity of the application site and assess the pedestrian linkages to the site.
- 5.3 The Denis Wilson Business Group of Royal Haskoning was appointed by the City Council to assess the above issues. A copy of their report is reproduced at the back of this report (the appendices can be viewed on the planning file). The report makes the following points:

1. the application has been made in “outline” and the submitted layout plans are only indicative.
 2. the proposal is for a very small residential infill on a site surrounded on 3 sides by other residential properties and on the fourth side by a church with more residential development beyond.
 3. the site has been shown to be well located and is accessible by a range of sustainable transport modes. The site is within an acceptable walk of various bus stops and services.
 4. pedestrian accessibility to local facilities is good and provision of footways and pedestrian crossings in the local area is considered adequate.
 5. representations requesting alternative access routes to that proposed should not, and do not, form part of the considerations on the acceptability of the actual proposals.
 6. the impact of the additional traffic generated by this development will be entirely immaterial in terms of road safety, congestion and highway impact.
 7. the proposed development will cause no material harm in terms of highway impact.
 8. it is considered that the indicative access is adequate to serve the development and that other access locations onto Waverley Gardens would likewise be appropriate.
 9. it is considered that Cumbria County Council Transport Policies 7:01 and 9:01 do not provide any material basis for an objection to this particular application.
- 5.4 The report concludes that there are no highways, transportation or accessibility reasons upon which a valid reason for refusal could be justified.

The Site

- 5.5 The application site lies to the south west of St Augustine's Church, with part of the site being occupied by the former St Augustine's Social Club, which closed in January 2008. The building is now run by the church as its parish centre. The remainder of the site is currently undeveloped grassland. Two existing vehicular accesses, one from Briar Bank and one from Waverley Road, serve the church and parish centre.
- 5.6 Semi-detached properties, which front onto Waverley Road, adjoin the site to the south-east. Waverley Gardens, which consists of a series of semi-detached bungalows, is located to the south-west of the site and is separated from it by a hedge. The north-west boundary of the site is abutted by 33 Waverley Gardens and some two-storey dwellings that front onto Briar Bank.

- 5.7 The site slopes uphill away from Waverley Road and is located at a lower level than the properties on Waverley Gardens. A culverted section of Gosling Syke, which is designated 'main river', runs along the south-east boundary of the site, to the rear of the properties that front onto Waverley Road.

Background

- 5.8 In November 2008, an application for residential development on this site was withdrawn prior to determination (08/1035).
- 5.9 In September 2008, planning permission was granted to extend St Augustine's Church to provide ancillary accommodation related to the church and parish functions (08/0733).

The Proposal

- 5.10 The proposal is seeking outline planning permission for residential development, with all matters being reserved for subsequent approval. An indicative layout plan shows 16 two-storey semi-detached properties, located within a cul-de-sac. Eight of these properties would back onto the church and the remainder would back onto Waverley Gardens. Each property would have front and back gardens and in-curtilage parking for 2 vehicles.
- 5.11 A new access road would be created onto Waverley Gardens and this would be located opposite no. 5. This would require the removal of a section of hedge, but the remainder of the hedge is shown as being retained. A new footpath would be created on the north east side of Waverley Gardens, between this new access and Waverley Road.
- 5.12 An 8m wide 'no build' zone would be left over Gosling Syke, as required by the Environment Agency. The proposed new access road and an area of informal open space would be located over this 'no build' zone.
- 5.13 The Design & Access Statement which accompanies the application, states that 5 of the dwellings would be affordable, either for discounted sale or rent under a Registered Social Landlord.
- 5.14 The existing car parking spaces that are located adjacent to the former social club are to be retained and incorporated into the exiting church car park.
- 5.15 The original plans showed a new footpath being created between the proposed development and the A7 (Kingstown Road). This footpath is no longer included in the current application.

Assessment

- 5.16 The relevant planning policies against which the application is required to be

assessed are Policies DP1, H1, H2, H3, H5, LC4, T1, CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

1. The Principle Of The Development

- 5.17 The application site, which lies within the urban area of Carlisle, is designated as a 'Primary Residential Area' in the adopted Carlisle District Local Plan 2001-2016. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H2 and other relevant Local Plan policies.

2. Scale And Layout Of The Development

- 5.18 The indicative layout plan that accompanies the application, shows that all of the dwellings would have front and rear gardens and 2 car parking spaces. There would be a minimum of 24m between the front elevations of the new dwellings. The existing bungalows on Waverley Gardens (nos 7 to 19) would be a minimum of 29m away from the backs of the proposed dwellings, whilst those on Waverley Road would be at-least 24m from the side elevations of the proposed dwellings. The dwellings on Briar Bank would be a minimum of 16m away and would not directly face the proposed dwellings.
- 5.19 The culverted watercourse that traverses the site is safeguarded, as required by the Environment Agency, by the siting of the access road and an area of informal open space. The Environment Agency has no raised objections to the layout.
- 5.20 In light of the above, it is clear that 16 dwellings could adequately be accommodated on the site.

3. Impact Upon The Living Conditions Of The Occupiers Of Neighbouring Properties

- 5.21 The location of the dwellings, shown on the indicative layout plan, would ensure that there is no significant adverse impact on the living conditions on the occupiers of any neighbouring properties, through loss of light, loss of privacy or over-dominance. Whilst some objectors have stated that the dwellings should be bungalows or dormer bungalows, the distances, coupled with the change of levels between the application site and Waverley Gardens would ensure that two-storey dwellings would not have an unacceptable adverse impact on the residents of Waverley Gardens.

4. Access

- 5.22 A number of objectors are concerned about the creation of a new access into Waverley Gardens, particularly given that the church already has two existing accesses, one to Briar Bank and one to Waverley Road, which could be used.
- 5.23 Whilst County Highways would prefer the existing access to Briar Bank to be

used to access the proposed dwellings, the proposed access into Waverley Gardens is acceptable from a highway point of view. The construction details of the access would need to be addressed at the Reserved Matters stage. The report by Denis Wilson confirms that the proposed access into Waverley Gardens is adequate to serve the development. It also states that the impact of the additional traffic generated by this development will be entirely immaterial in terms of road safety, congestion and highway impact. The independent Highway Consultant's advice is, therefore, that there are no highways, transportation or accessibility reasons for refusing the application.

- 5.24 County Highways would prefer the internal access road to be a shared surface and point out that the parking for plots 1 and 16 is unacceptable in the current layout. Whilst these concerns have been highlighted, Members are reminded that these issues should only be addressed at the Reserved Matters Stage and ought not to prejudice the outcome of this outline application.

5. Other Matters

- 5.25 Housing Services has requested that 5 of the dwellings should be affordable and these would need to be secured through a Section 106 Agreement. If Members were minded to approve the application, it would be necessary to grant authority to issue approval once this agreement was completed.
- 5.26 A response has been received from the Green Spaces Team requesting that the applicant make a financial contribution of £38,902 towards the provision and maintenance of open space in the locality. This will also need to be incorporated into the Section 106 Agreement.
- 5.27 The Police Architectural Liaison Officer has requested additional details on a number of matters, including boundary treatment, landscaping, security lighting, specification for doors and windows etc. All of these matters can be addressed at the Reserved Matters stage.

Conclusion

- 5.28 The development is acceptable in principle. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, loss of privacy or over dominance. The proposed access is acceptable. In all aspects the proposals are considered to be compliant with the objectives of the adopted Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

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 Subject to S106 Agreement

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

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

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

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

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

any work is commenced.

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

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

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

5. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

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

6. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

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

8. The carriageway, footways, footpaths 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 in writing 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.

9. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 43 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.

10. Prior to the commencement of development the applicant shall provide full details of the proposed footpath link between the new access and Waverley Road (shown on Plan 5071 (PL).02 rev F1 received on 15 May 2009) and these details shall be agreed in writing by the Local Planning Authority. This footpath link shall be provided prior to the occupation of the first dwelling.

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

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

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

12. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can

park and turn clear of the highway.

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

SCHEDULE A: Applications with Recommendation

09/0670

Item No: 09

Date of Committee: 02/10/2009

Appn Ref No:
09/0670

Applicant:
Carlisle City Council

Parish:
Carlisle

Date of Receipt:
17/08/2009

Agent:
Johnston & Wright

Ward:
Multiple Wards

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

Grid Reference:
339475 555900

Proposal: Change of Use from Existing Car Park to Proposed Resource and Training Centre with Associated Offices and Workshop as well as Car Parking and Landscaping (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

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

1. Constraints and Planning Policies

Flood Risk Zone

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol CP10 - Sustainable Drainage Systems

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC2 - Mixed Commercial Areas

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

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): the layout details shown on the submitted plan are considered satisfactory from a highway perspective and there is 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 CAPITA Symonds;

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

Community Services - Drainage Engineer: comments awaited;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: no objections to the scheme provided that the proposals to limit the surface water discharge to sewer are implemented.

Currently, United Utilities policy is not to adopt SUDS (Sustainable Urban Drainage System) structures. This stance has been taken as SUDS structures, typically ponds, do not align with United Utilities asset base and would represent a substantial maintenance liability;

Cumbria County Council - (Archaeological Services): the site has been the subject of an archaeological evaluation. It showed that remains related to a nineteenth century clay pip tobacco factory site survive on the site. These would be damaged by the development.

It is therefore recommended that the ground works associated with the development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned and undertaken at the expense of the developer. This programme of archaeological work can be secured through the inclusion of a condition in any planning consent;

Development Services Planning & Housing Services - Access Officer: the

Design and Access Statement has been noted for the application. Please note the following comments:

- The pedestrian gate should have an appropriate handle/latch if applicable;
- The automatic sliding gate should not disadvantage disabled people – barrier controls if used should be at appropriate heights to allow disabled drivers access into the car park;
- It is noted that two disabled parking bays are provided to the front of the Garden Courtyard – it should be noted that a dropped kerb will be required for wheelchair users to access the footpath;
- There is disabled access to the building from the Entrance/Cafe – dropped kerbs should be used here to provide a drop off point;
- It is noted that there are two steps just within the entrance near the lift which restricts the access of wheelchair users (alternatively this may be a fire exit) – the route that wheelchair users must follow to gain access into this section of the building is circuitous – it would be preferable to achieve a level or ramped access at this point (adhering to guidelines) which would give access and egress from the building to wheelchair users. As this is a new build there is no need to have steps at this point;
- Signage to be clear and directional signage used appropriately i.e. reception;
- Disabled toilets are located on the ground and first floor – travelling distance from the second floor is acceptable;
- There are no disabled toilets within the workshop;
- A platform and passenger lift are to be installed – please ensure that legislation within Part M regarding audible and visual information is adhered to despite information from some manufacturers to the contrary;
- The refreshment and reception area should be designed with due attention to heights of surfaces – seating provision should allow for wheelchairs, chairs to be provided with and without arms;
- Inductions loops should be fitted within the reception area, training suite, community hall and meeting room – other rooms may be included but if not portable hearing loops should be available to anyone who requires them;
- “Brise Soleil” reduce the width of the pathway once through the entrance gate – it could be set higher on the wall which would resolve this issue and remove the obstruction.

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

Cumbria Constabulary - Crime Prevention: Cumbria Constabulary has contributed to the Resource Centre Steering Group, which was formed to consider the range of services and community facilities that could be provided by this building.

The accompanying Security Statement outlines a range of security measures that shall be incorporated into the design. The Resource Centre will be separate from the existing Men's Hostel and the internal layout reflects the desire to provide an open and welcoming environment but incorporating discreet and robust measures to reduce the opportunities for crime and to protect staff and visitors.

Measures are also being introduced to protect the entire site from burglary, malicious damage, vehicle crime and cycle theft, i.e. crime types that are typical across the City. Cumbria Constabulary are satisfied that this application complies with Policy CP17 of the Local Plan (Planning Out Crime); and

Urban Designer (Carlisle Renaissance) formerly in Dev Services - Plng & Hsg: the three individual windows facing Shaddongate are too mean and small for such a prominent elevation. It is recommended that the applicant is asked to explore increasing the proportions of these three windows to reflect the dimensions of the opening lights in the large vertical window slot immediately to their right. Ideally these would be on the same horizontal alignment too, giving greater consistency to the facade.

Subject to this minor revision, full support is given to the proposition and would suggest that this scheme should be recommended for approval.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
John Street Hostel	19/08/09	
U Student	19/08/09	
49 Rigg Street	19/08/09	
51 Rigg Street	19/08/09	
53 Rigg Street	19/08/09	
55 Rigg Street	19/08/09	
Pheasant House	19/08/09	
BK Screenprint	19/08/09	
The Golden Pheasant	19/08/09	
McKnight & Son Builders	19/08/09	
Oakvale House	19/08/09	
Castle	19/08/09	
Gill Place	19/08/09	
64 Newfield Drive	19/08/09	
1 Caldew maltings	19/08/09	
69 London Road	19/08/09	Undelivered
Unit 8 Caldew Business Park	19/08/09	
Units 14-16 Caldew Business Park	19/08/09	
The Maltings	19/08/09	
Church Street	19/08/09	
Shaddongate	19/08/09	
Church Street	19/08/09	
Church Street	19/08/09	
11 John Street	19/08/09	

13 John Street	19/08/09	
15 John Street	19/08/09	
25 John Street	19/08/09	
27 John Street	19/08/09	
29 John Street	19/08/09	
Curry Master	19/08/09	
Unit 2	19/08/09	
Jacksons	19/08/09	
Speediserve Building	19/08/09	Undelivered
Unit 4	19/08/09	
Subway	19/08/09	
Textile Warehouse	19/08/09	Undelivered
5 The Maltings	19/08/09	
Coleridge House	19/08/09	Objection
Viceroy Restaurant	19/08/09	
35 Rigg Street	19/08/09	
37 Rigg Street	19/08/09	
39 Rigg Street	19/08/09	
41 Rigg Street	19/08/09	
43 Rigg Street	19/08/09	
45 Rigg Street	19/08/09	
47 Rigg Street	19/08/09	
Cartmell Shepherd		Objection

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

1. the land was provided to the City Council specifically for car parking use. The car park should not be built upon and the City Council may be precluded from doing so;
2. the loss of the car park would be extremely detrimental to the area particular as pressure will increase on city centre parking facilities Shaddongate car park will increasingly be of city wide importance;
3. adequate parking provision will be essential to the future development of the Caldewgate/ Shaddongate area;
4. the proposed is contrary to the Caldewgate/ Shaddongate Development Brief which is currently under consultation and no decision on the planning application should be made under the Brief is formalised;
5. the design is out of character with the aspirations of the Caldewgate/ Shaddongate Development Brief;
6. the Council are both the applicants and deciders. The application should be refused by the Committee and if it goes to appeal, the Planning Inspector will make a decision at arms length and justice will be seen to be done;

7. the development will preclude a right of access to 19-23 John Street which abuts the application site.

4. Planning History

- 4.1 Planning permission was granted in 1994 for the erection of a height restriction barrier and provision of 2.4 metre high fencing at the west side of the car park.
- 4.2 An application for Full Planning permission for the change of use from existing car park to proposed homelessness centre of excellence providing short term accommodation for women and families in 8 flats and incorporating skills training and administrative facilities as well as associated car parking was submitted in 2008 but was withdrawn prior to determination.
- 4.3 An application for Full Planning permission is currently being considered for internal alterations and rear two storey extension to existing mens hostel to provide en-suite facilities to 21 bedrooms together with improved entrance facilities including disabled access ramp under application 09/0688.

5. Details of Proposal/Officer Appraisal

Introduction

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

Background

- 5.3 This is a revised application to the scheme that was submitted in 2008 that sought consent for training facilities as well as self-contained accommodation. This application was withdrawn prior to determination.

Proposal

- 5.4 The main aspect of the partial three storey building would front Shaddongate with vehicular access taken through an archway. The front elevation would be contemporary in appearance: the building is proposed to be finished in facing buff brickwork with Staffordshire blue feature coursing and a rendered feature to the north elevation. The building would incorporate a glazed feature from the first to third floors on the south-east corner and the south elevation would incorporate louvres over the windows. The windows in facing brick walls would be recessed by 100mm.
- 5.5 The roofs would consist of curved dark grey standing seam insulated metal panels. A "green roof" planted with a sedum that will also incorporate thermal solar panels and photovoltaic panels with artstone parapet walls would be formed on the main building. An access ramp will be constructed to the entrance on the front elevation.
- 5.6 To the rear and west of the building would be a car park, surfaced in permeable paving, that will provide 9no. car parking spaces including 2no. for disabled persons. Further again to the west would be a single storey building that will provide a workshop, office and storage accommodation.
- 5.7 The main entrance to the building would be on the south elevation and would be accessed from an archway leading from Shaddongate. The ground floor accommodation would provide a two storey community hall, a multi-purpose room, activity rooms, treatment rooms, toilet facilities storage and associated office facilities. The reception area would also incorporate a small cafe area and attached to the west elevation of the building would be a garden courtyard.
- 5.8 On the first floor would be meeting rooms, toilet facilities, consulting rooms, a multi-purpose room and an IT training suite.
- 5.9 The building would rise to three storeys on the south-east corner with the second floor providing office accommodation, an interview room, a small kitchen and toilet facilities.
- 5.10 The supporting Planning Statement discusses in more detail the benefits of providing a training and resource centre. The facility will provide support and opportunities for the local community and is stated will ensure fair and equal access to the most appropriate services and resources to meet the needs of individuals. One aim of the Centre is to provide training, resources, employment skills and opportunities to help homeless people achieve successful independent living and provide a comprehensive service to help

prevent and reduce homelessness.

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP5, CP6, CP9, CP10, CP11, CP15, CP16, CP17, EC2, LE7, LE27, LE29 and T1 of the Carlisle District Local Plan 2001-2016. It is considered that there are eight main planning issues raised by this proposal.

Assessment

1. The Principle Of Development

- 5.12 The site is within a Mixed Commercial Area and Policy EC2 of the Carlisle District Local Plan 2001-2016 is appropriate. This Policy recognises that no one land use predominates and allows for a variety of different planning uses as a consequence, including residential. The Policy also sets out four criteria against which development proposals should be assessed. These state that the relationship with the surrounding highway network is satisfactory; access to the site is satisfactory; there is appropriate parking provision; and the scale of development is appropriate in relation to the site. Furthermore, Policy DP1 of the Local Plan requires that development proposals should enhance the overall quality of life within Cumbria through the promotion of sustainable development that seeks to protect the environment, ensure prudent use of resources and maintain social progress and economic growth.
- 5.13 The site is brown field land and is also immediately adjacent to other existing commercial and residential development. The development of such a facility on this site that is identified as a Mixed Commercial Site is acceptable in policy terms. Members may have some reservations regarding the inter-relationship of the proposed facility with the existing hostel. The applicant has submitted a Security Statement in support of the application which identifies controlled access between the facilities and internally within the proposed development, will be restricted by means of swipe cards or remote proximity fobs. This system is already in use in the men's hostel although this may not necessarily preclude authorised access to the proposed building to use the facilities.
- 5.14 It is stated that there are two main aspects to the scheme that address the concerns regarding the siting of the development: first, the design of the building and, secondly, the management of the site. With regard to the design, the building has restricted access within and between the two buildings, CCTV coverage, lighting and controllable external spaces.
- 5.15 The site is well related to the existing highway network and is in a location that is accessible by other modes of transport, including public transport. Specific on-site parking provision will be created which is acceptable and the principle of development does not conflict with current policy guidance.

2. Scale And Design

- 5.16 Development should be appropriate in terms of quality to that of the surrounding area and incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This is reflected in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 5.17 As previously stated, there is a diverse range and varying scale, design and materials of buildings in the locality. The proposed building will two and three storeys in height. The appearance of the building would be distinctive in character and appearance involving a contemporary design with an appropriate use of materials; furthermore, the building incorporates modern materials that would assist in promoting the energy efficiency of the building. The building is striking in appearance and will provide definition to the frontage but would be reasonable in scale and well related to the surrounding buildings. The design would not be obtrusive or detrimental to the character of the area.
- 5.18 Reference is made in the letter of objection that has been received that the proposed development the design is out of character with the aspirations of the Caldewgate/ Shaddongate Development Brief which, it is stated, is currently under consultation. The author believes that no decision on the planning application should be made under the Brief is formalised. On page 23 of the Development Brief, guidance is given to the redevelopment of Shaddongate and it states:

"A high quality frontage on the Street level and an efficient public realm will add to the vitality of Shaddongate and offer safe and friendly pedestrian environment.

New development should be designed to provide cohesive and continuous street façade to Shaddongate. Development in the infill sites should be considerate to the existing buildings in its context.

2-3 storey high development will be considered appropriate along Shaddongate. Mixed use development with Retail uses on the Street level and residential uses above will be encouraged."

- 5.19 The consultation period for the Development Brief has expired but the document has not been formalised and therefore, only limit weight should be afforded to its content. Members will, however, be aware from the consultation responses that subject to some minor amendments to the fenestration of one elevation of the building, the Council's Urban Design Officer is fully supportive of the proposal.

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

- 5.20 Planning policies require that development proposals do not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness. The nearest residential properties are the student accommodation building that is approximately 7.5 metres to the west of the application site; however, the first floor of the proposed building would be approximately 13 metres from the same building. Whilst there are bedroom windows in the side elevation of the student building, these would face onto a blank wall that is punctuated by window openings that serve ancillary rooms i.e. plant rooms etc. The proposal is therefore compliant with the Council's practice of minimum distance of 12 metres between windows in habitable rooms and blank gables that is detailed in the draft Supplementary Planning Document "Achieving Well Designed Housing".
- 5.21 Other residential properties are found 70 metres to the south on Rigg Street. The proposed building is appropriate to the overall scale of buildings within the locality. In this respect it is not considered that the proposal that is being presented for consideration would be disproportionate or obtrusive and it is not considered that the occupiers of the adjacent buildings would suffer from an unreasonable loss of daylight or sunlight.

4. Traffic Issues

- 5.22 Policy T1 of the Local Plan requires that there is sufficient parking provision within the site for the relevant development. The level of parking provision within the site will be for nine car parking spaces together with secure parking for cycle storage. This represents an overall loss of thirty seven car parking spaces.
- 5.23 The existing use as a long-stay car park has the potential to generate more vehicle movements than the proposed use. Given the surrounding road network and bus routes near to the site, and the number of proposed vehicle movements, it is not considered likely that there will be any highway objection to the proposal. The Highway Authority has raised no objection subject to the imposition of conditions
- 5.24 Objections that have been received during the consultation process refer to the loss of the car parking facility in the area that would result should the development proceed. Shaddongate car park is generally underused but does see increased demand during certain periods. The Development Brief acknowledges that secure car parking is essential for the area but states that due the proximity to the City Centre commuter car parking could inhibit development. As previously stated, the Highway Authority has confirmed that there is no objection to the development.

5. Public Access

- 5.25 The design and layout of the building is required to be designed to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender in accordance with the objectives of

Policy CP15 of the Local Plan. Although the building would be three storeys in part, the development will also incorporate automatic entrance doors, level access and a lift allowing access to the upper floors. Additional comments have been received in respect of the Council's Access Officer, who has raised some queries with regard to the application. These relate to some of the layout of the rooms and the opening of the doors. At the time of writing this report, the applicant's agent is considering the comments with a view to addressing the issues.

6. Drainage Issues/ Green Design

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

7. Flood Risk

- 5.28 The site is within Flood Zones 2 and 3 and therefore, there is a relatively high potential for flooding to occur on the site in the future. Clearly, this will be mitigated to an extent by the flood alleviation scheme currently under construction but nonetheless, the issue of flooding has to be addressed in accordance with current policy.
- 5.29 The submitted Flood Risk Assessment (FRA) has identified through the Exception Test that:
- the development will provide wider sustainability benefits to the community that outweigh the flood risk;
 - there are no reasonable alternative sites on developable previously developed land; and
 - the FRA demonstrates that with the installation of flood defence measures and the adoption of a flood action plan, the development would be safe and is unlikely to increase flood risk elsewhere.
- 5.30 Specifically with regard to the application, there would be no habitable accommodation within the building. The floor levels of the building itself will be constructed on levels to take account of the Environment Agency's flood level model. The proposed finished ground floor level, for example would be 13.85m AOD in comparison to the Environment Agency's predicted 1 in 100 year return level of 15.3m AOD. Removable floodgates would be

installed on the ground floor doors and windows to provide protection level up to a level of 15.3m AOD. The building will incorporate ground floor materials of a non-porous nature and a Flood Action Plan will be agreed with the Environment Agency.

8. Crime Reduction

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

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

- 5.32 It is acknowledged that fear of crime can form the basis of a reason for refusal; however, the City Council has a statutory responsibility to provide emergency accommodation and in this regard Section 17 is relevant.
- 5.33 The applicant has highlighted both physical security features together with the management of the site. Cumbria Constabulary has raised no objection to this proposal and on this basis, it would be considered insufficient to warrant refusal of the application on this basis.

9. Other Matters

- 5.34 One letter raises an objection on the basis that a the site current provides a right of access to the rear of land on John Street that was formerly occupied by numbers 19-23 John Street. This applicant has been made aware of this issue and it is one that should be resolved between the two parties concerned outwith the planning system.

Conclusion

- 5.35 In overall terms, the resource and training centre represents an appropriate use of a brown field site within the boundaries of the urban area. The principle of development within the site is considered to be acceptable and the building would contemporary but well related to the existing buildings and would not result in any harm to the visual amenity of the area. The design and siting of the building will allow the provision of community training and education resources that would be provided in a purpose built, energy efficient and DDA compliant building. The fenestration and the use of materials are appropriate and it is not considered that the amenity of the occupiers of neighbouring properties would be adversely affected, in accordance with current planning policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

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

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

2. No development hereby approved by this permission shall be commenced until samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

3. No development hereby approved by this permission shall be commenced until particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

4. No development hereby approved by this permission shall be commenced until have been submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

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

5. An Archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the proposed development, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Following its completion, three copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains in accordance with Policy LE7 of the Carlisle District Local Plan 2001-2016.

6. No development hereby approved by this permission shall take place until details of a landscaping scheme have been submitted to and approved in writing 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 building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. No development hereby approved by this permission shall be commenced until details of the Sustainable Urban Drainage system has been submitted to and approved in writing by the Local Planning Authority. These details should include the type of SUDS; hydraulic design details/calculations; pollution prevention and water quality treatment measures together with details of pollutant removal capacity; operation, maintenance and adoption details; and any details related to the attenuated release of water from the site including any measure for the re-use of greywater. The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that surface water run-off is not unacceptably increased by the development in accordance with the objectives of Policy CP10 of the Carlisle District Local Plan 2001-2016.

9. No development hereby approved by this permission shall be commenced until details of the siting and design of the removable floodgates have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In order to ensure that adequate mitigation measures are provided during times of flooding in accordance with Policy LE27 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

08/0472

Item No: 10

Date of Committee: 02/10/2009

Appn Ref No:
08/0472

Applicant:
Mr Plumb

Parish:
Carlisle

Date of Receipt:
19/06/2008

Agent:
Space_Architecture

Ward:
Harraby

Location:
Former Cavaghan & Gray Limited, London Road,
Carlisle, CA1 3EU

Grid Reference:
341870 553940

Proposal: Proposed Aldi Supermarket And Single Storey Workshop Development
Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is a Major application of local interest that has previously been considered by Members.

1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol EC7 - Neighbourhood Facilities

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol LE31 - Hazardous Substances

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): originally responded by explaining that the previous decision notice issued to Woodford Properties (06/0667) included conditions 7 and 8 which stated that :

7. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with the conceptual design shown on drawing number CS017005/05/100Rev.1 in the Transport Assessment dated September 2006 produced by Capita Symonds.

Reason: In the interests of highway safety.

8. Prior to either the commencement of use/trading from the retail/food store or any employment unit hereby permitted, or, the completion (by the plastering out)/occupation of 70 residential units hereby approved, work shall be completed to improve the junction of London Road with Eastern Way and Carliol Drive in accordance with a full specification submitted to and approved in writing beforehand by the local planning authority. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.

Reason: In the interests of highway safety.

As this application makes use of the original Transport Assessment of the Outline Application, the relevant Engineer considers that he has to come to the same conclusion as his predecessor.

The total Outline development generated traffic at London Road/Eastern Way junction is given in the Assessment as 163 two-way trips in peak hours (54% of total peak hour development traffic) for the Housing and 138 two-way trips in peak hours (46% of total peak hour development traffic) for the Retail sites. We have costed the works to this junction proposed in the Transport Assessment (pg18), the total costs being c.£95000. Using the above percentage split, Barratts would be responsible for £51,300 and ALDI for £43,700

However we have secured a further developer contribution for this junction in the amount of £35,000 , these works are to commence shortly. Having allowed for this other contribution, it leaves £35,160 to Barratts (£32,400 +10% contingency) and £30,360 to Aldi (£27,600 + 10% contingency). These costs are representative of the total needed to improve this junction, however the problem remains that we would not have funds available from Barratt until 70 houses are plastered out/occupied. In order to allow discharge of the Condition so ALDI could commence trading, the Highways Authority would be prepared to complete the improvement works, subject to ALDI entering into a suitable Highways Act 1980 Section 278 Agreement.

On this basis it was originally recommended that the following conditions were included in any consent:

1) The retail/food store or any employment unit hereby permitted, shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with a plan agreed by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

2) The applicant to enter into a suitable legal agreement to provide a financial contribution of £31,970. This contribution will be used to improve the junction of London Road with Eastern Way and Carloli Drive prior to the commencement of trading.

Reason: In the interests of highway safety.

3) The highway works involving the construction of the access road(s) serving the retail site, shall be carried out according to the following phasing:

i) no building works shall take place until the access from Petteril Bank Road(s) has been constructed to base course level and brought into use;

ii) immediately following the completion of the building works (by the provision of an electricity supply to the building) all the highway works shall be completed to adoptable standards and commissioned prior to the store commencing trading

Reasons:

So construction activities do not compromise the safety and convenience of highway users;

To ensure that vehicles associated with the construction and use of the development are properly and safely accommodated clear of the Highway and aid in the delivery of sustainable transport objectives.

To support LTP Policies LD4, LD5, LD7, & LD8.

4) Before the development commences trading the parking, turning and loading areas and means of vehicular access thereto shall be fully completed in accordance with plans submitted to and shall not be thereafter used for any other purpose, nor be changed in any way without the prior approval of the Local Planning Authority.

Reason: To ensure that the development is provided with off-street parking in compliance with the underlying objectives of Policy T7 of the Carlisle District Local Plan.

5) Prior to the store commencing trading, the developer shall prepare and submit a Employee Travel Plan to the Local Planning authority for approval. This will identify the measures to be taken by the employer to achieve Modal Shift from private car transport to sustainable modes. The employer shall provide an Annual Monitoring Report that reviews the effectiveness of the Travel Plan (including any amendments) to the local Planning Authority for a period of 5 years after the commencement of trading.

As a result of these comments the applicant's agent has provided additional information based upon which the Highways Authority have responded by explaining that no evidence has been seen concerning the "absolution" of Aldi and that Barratt

Homes should be responsible for the entire costs of the London Road Eastern Way Junction improvements. If such was received it would enable reconsideration of the situation and lead to an approach to the appropriate party for the contribution. In discussions with Barratts no mention has been made of them/ Woodford properties being responsible for the entire cost of the improvements to London Road/Eastern Way.

The Applicant (Aldi) has not shown any difference between the 2 applications (original Outline and the current) and relies on the same TA. Therefore there does not appear to be any justification from a highway point of view to change the Conditions imposed on the original Consent.

Cumbria Highways are currently investigating how the London Rd/ Eastern Way junction improving works could be delivered without the Barratts contribution (which it is recognized may be some years away in view of the 70 completed houses threshold); and therefore allow Aldi to open their store. However the Highways Authority would still wish to retain the existing condition relating to the various highway Improvements , except in respect of London Rd / Eastern Way junction where it would accept a unilateral undertaking from Aldi to pay the aforementioned contribution sum of £31970 towards improvement at this junction within the Section 278 agreement prepared for the works abutting their site in Petterill Bank Road / London Road(i.e Aldi would only be required to complete the latter works and make the contribution prior to commencing trading – not improve the London Road / Eastern Way junction prior to commencing trading as well).

The Authority is, nevertheless, aware of the costs of the works in London Road / Petteril Bank Road (approximately £350000) that will already be provided by the applicant.

Environment Agency (N Area (+ Waste Disp)): the site is located within Flood Zone 1 as defined in Table D.1 of PPS 25. 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.

The Agency would recommend that any developer incorporates some form of Sustainable Drainage System to mitigate the impact that the creation of large permeable areas would have on the local surface water drainage system.

The Agency would also request the imposition of a condition re. surface water from the car parks passing through an oil interceptor;

Community Services - Drainage Engineer: comments awaited;

United Utilities (former Norweb & NWWA): no objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged into the public sewerage system it may be necessary for the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Any water mains connections to the site must be properly disconnected to prevent the risk of waste and contamination. Any necessary disconnection or diversion of the private mains must have the approval of the pipeline owner and be carried out to our standards at the applicants expense.

The development is shown to be adjacent to/include our electricity substation site and underground cables. The applicant should be aware of the potential difficulties caused by trees and should consider this when carrying out planting near to the substation/ underground cables. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in it's vicinity. The applicant should also be referred to a relevant document produced by the Health and Safety Executive, which is available from the Stationary Office Publications Centre and The Stationary Office Bookshops, and advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter our substation equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time day or night;

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

Environmental Services - Food, Health & Safety: comments awaited;

Cumbria Constabulary - Crime Prevention: the Design and Access Statement accompanying this application fails to make any reference to intended crime prevention measures within the development. However, aware of the condition previously imposed requiring the submission of details of the proposed security measures to ensure that the development complies with Policy CP16 of the Local Plan;

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

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

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
2 Baird Road	23/06/08	
4 Baird Road	23/06/08	
16 Broome Court	23/06/08	
18 Broome Court	23/06/08	

20 Broome Court	23/06/08
22 Broome Court	23/06/08
24 Broome Court	23/06/08
26 Broome Court	23/06/08
28 Broome Court	23/06/08
30 Broome Court	23/06/08
32 Broome Court	23/06/08
328 London Road	23/06/08
330 London Road	23/06/08
1 Petteril Bank Road	23/06/08
3 Petteril Bank Road	23/06/08
5 Petteril Bank Road	23/06/08
7 Petteril Bank Road	23/06/08
9 Petteril Bank Road	23/06/08
54 Baird Road	23/06/08
56 Baird Road	23/06/08
11 Petteril Bank Road	23/06/08
13 Petteril Bank Road	23/06/08
19 Petteril Bank Road	23/06/08
21 Petteril Bank Road	23/06/08
23 Petteril Bank Road	23/06/08
25 Petteril Bank Road	23/06/08
27 Petteril Bank Road	23/06/08
345 London Road	23/06/08
347 London Road	23/06/08
1 Carliol Close	23/06/08
2 Carliol Close	23/06/08
3 Carliol Close	23/06/08
16	23/06/08
18	23/06/08
20	23/06/08
22	23/06/08
24	23/06/08
26	23/06/08
28	23/06/08
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52	23/06/08
54	23/06/08
56	23/06/08
58	23/06/08
60	23/06/08
6 Baird Road	23/06/08
8 Baird Road	23/06/08
10 Baird Road	23/06/08
12 Baird Road	23/06/08
14 Baird Road	23/06/08
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46 Baird Road	23/06/08
48 Baird Road	23/06/08
50 Baird Road	23/06/08
52 Baird Road	23/06/08
15 Petteril Bank Road	23/06/08
17 Petteril Bank Road	23/06/08
58 Baird Road	23/06/08
60 Baird Road	23/06/08
62 Baird Road	23/06/08
64 Baird Road	23/06/08
66 Baird Road	23/06/08
68 Baird Road	23/06/08
70 Baird Road	23/06/08
72 Baird Road	23/06/08
74 Baird Road	23/06/08
76 Baird Road	23/06/08
286 London Road	23/06/08
288 London Road	23/06/08
290 London Road	23/06/08
292 London Road	23/06/08
294 London Road	23/06/08
296 London Road	23/06/08
298 London Road	23/06/08
300 London Road	23/06/08
302 London Road	23/06/08
10 Broome Court	23/06/08
12 Broome Court	23/06/08
14 Broome Court	23/06/08

3.1 This application has been advertised by means of a site notice, press notice and notification letters sent to 103 neighbouring properties. No verbal or written representations have been made during the notification period.

4. Planning History

- 4.1 In January and October 2000, under application nos. 00/0018 and 00/0868 permission was granted for the installation of plant to house blast freezers; and, the demolition of tray wash/store and erection of an extension to provide a bakery, boiler house, workshop, and relocation of silo.
- 4.2 In 2001 under application number 01/0604, permission was granted for the erection of a vacuum cooling unit and associated pump house.

- 4.3 In 2002 under application 02/0594 permission was granted for the demolition of a tray store and the erection of holding freezer.
- 4.4 In 2006 under application 06/0638 planning permission was granted for the reclamation/remediation of the former factory site to facilitate the subsequent residential/commercial development of the site. Again in 2006 under application number 06/0667 outline planning permission (all matters reserved) was granted for mixed use development of residential, foodstore and employment units.
- 4.5 In 2007, application 07/0304, Reserved Matters was granted for the erection of 106 dwellings including 18no. apartments.
- 4.6 In January 2008, application 07/1261, Reserved Matters approval was given for a Aldi supermarket, additional retail unit and workshops with office space above.
- 4.7 In February 2008, application 08/0116, Reserved Matters approval was given for an Aldi supermarket, additional retail unit and single storey workshop development (revised scheme).

5. Details of Proposal/Officer Appraisal

Preface

- 5.1 Members at their Meeting held on the 22nd August 2008 gave authority to issue an approval subject to the satisfactory completion of a Section 106 Agreement covering the payment of £31,970 as a contribution towards the necessary improvements to the London Road and Eastern Way junction.
- 5.2 Following this decision subsequent discussions have taken place with representatives of the applicant seeking to remove a previously suggested condition that sought to ensure that the retail/food store did not commence trading until the Class B1 9(c) employment units had been completed to a wind and watertight finish. This is on the basis that the economic circumstances have fundamentally changed, and despite marketing, causing a current lack of demand with the provision of such units ahead of any prospective tenants making the provision of the retail unit not economic. As a result, the site currently remains undeveloped.
- 5.3 In order to help remind Members about the scheme what follows is a description of the site, the nature of the proposal, and, a repeat discussion of what were considered to be the main issues.

Introduction

- 5.4 This application relates to part of the former Cavaghan and Gray food production factory located on the southern side of London Road to the east of the junction with Carliol Drive and Eastern Way. The site is bounded to the south by dwelling houses fronting Baird Road, and, to the east by Petteril Bank Road.
- 5.5 The site is 0.9 ha in area and approximately 39 metres Above Ordinance Datum (AOD). The property formerly comprised of a bakery; a food production factory; a pastry building; and several smaller ancillary buildings and stores.

Background

- 5.6 In July 2006, under application 06/0667, outline planning permission was given for a mixed-use scheme comprising the demolition of the existing structures and the re-development of the site for residential, a food store, and, Use Class B1(c) light industrial units. An illustrative layout plan indicated that approximately 70% of the site would be for residential purposes with the remainder consisting of a single storey food store of 1635 square metres gross, and, four B1(c) units each of 2,750 square metres. Vehicular access to the residential element of the site was shown to be from Carliol Drive whilst the food store and light industrial units was to be accessed from Petteril Bank Road.
- 5.7 In August 2007, application 07/0304, reserved matters were approved for the residential element comprising of 106 units of which 18 were apartments.
- 5.8 In January 2008, application 07/1261, reserved matters were approved for an Aldi food store and workshops/light industrial units. The approved details showed a food store, with a retail floor area of 1125 sq. metres, including a smaller retail unit of 74 sq. metres. The approved workshops included office accommodation on the first floor with a total floor area of 1,384 sq. metres. The submitted form indicated that the proposal would generate 780 vehicle movements of which 3 would be HGV's with the opening hours being 09.00 to 18.00 Monday to Saturday and 10.00 to 16.00 on Sundays.
- 5.9 A Design and Access Statement and Sustainability Statement which accompanied application 07/1261 highlighted that:
1. the site is accessible by public transport with a bus lay-by to be provided on Petteril Bank Road;
 2. the proposal includes customer cycle parking facilities adjacent to the store entrance;
 3. the food store development includes 96 car parking spaces including 4 disabled spaces and a disabled drop off area adjacent to the store entrance;

4. the workshop development includes 34 dedicated car parking spaces with 4 disabled spaces and cycle parking;
 5. the development has been designed to incorporate crime prevention measures including security lighting and down lighting to the car park areas;
 6. the design of the Aldi store is fully DDA compliant;
 7. Aldi operates a local area recruitment policy and an equal opportunities policy for staff;
 8. the design and operation of the Aldi store is based on minimising use of non renewable resources and pollution.
- 5.10 The food store approved under application had a split roof design with a maximum ridge height of 7.8 metres and was externally finished in red bricks with projecting blue brick piers and a grey profiled aluminium roof. A steel framed glazed canopy is indicated around the entrance and frontage facing London Road. The proposed workshop units are detailed as having brick and aluminium clad walls and aluminium sheeting on the roofs. The approved workshops had a split roof with a maximum ridge height of 10.7 metres.
- 5.11 In March 2008, under application 08/0116, reserved matters were given for a revised scheme involving the proposed Aldi supermarket, an additional retail unit and single storey workshops.
- 5.12 The current application was originally submitted on the basis of gaining full permission for the scheme approved under application 08/0116 but with the intention of having condition 8 imposed under 06/0667 which sought the implementation of improvements at the junction of London Road with Eastern Way and Carliol Drive either prior to the commencement of trading from the food store/any employment unit or occupation of 70 residential units. This was in the context not only of the applicant also having to carry out improvements to Petteril Bank Road and the junction with London Road which have been estimated to cost £350,000, but also, the down turn in the housing market leading to a reduced rate of construction on the adjoining residential site being developed by Barratt. In effect Aldi were concerned that they would end up funding the improvements to both London Road/Eastern Way and Petteril Bank/London Road.
- 5.13 Subsequent discussions have led to Aldi now agreeing to pay a commuted sum of £31970 as a proportionate contribution towards the total costs of undertaking the London Road/Eastern Wat improvements but for the scheme to be revised by the erection of two storey workshop units of a size already approved under 07/1261 but with the first floor used as storage as opposed to the previous office use.

Assessment

- 5.14 When assessing application 06/0667 the main planning issues were whether the advantages outweighed the disadvantages with regard to:
1. Whether the application was premature in advance of the Inquiry considering the Carlisle District Local Plan (Redeposit Draft)
 2. Whether the proposed residential development of the site was appropriate in the light of its allocation for employment use in the current Local Plan, and, with regard to retail policy;
 3. Whether the proposal met the objectives of the Development Plan with regard to the provision of affordable housing;
 4. Whether the proposal would be detrimental to the living conditions of neighbouring residents;
 5. Whether the proposal would be detrimental to the character of the area;
 6. Whether the proposal meets the objectives of the Development Plan with regard to the provision of a play area/public open space;
 7. Whether the proposal meets the objectives of the Development Plan with regard to security and provision of Public Art;
 8. Whether the proposal would be detrimental to highway safety.
- 5.15 In the context of the outline permission and reserved matters having been granted, the main issues in regard to this application were considered to relate to whether the proposed revisions led to any material harm associated with 4 and 8 of the above.
- 5.16 In the case of the living conditions of the neighbouring residents, the two main elements comprise the relationship of the proposed store and workshops to the existing and proposed residential units neighbouring the site as well as the nature of the proposed use in terms of noise and disturbance. In the context of Policy CP6 of the Local Plan 2001-2016, it is evident that the revised plans are in terms of their height, scale and disposition to the boundaries as already approved under application 07/1261 i.e. the distance of the proposed workshops to the obliquely angled end wall of the flats at 2/4 Baird Road is 8.3 metres; and, the distance between the principal walls of the houses at 10-28 Baird Road and the blank wall of the workshops ranges from 16 to 17 metres. The distance between the houses (plots 82-84) on the neighbouring land to the north approved under 07/0304 and the proposed end wall of the workshop is 15.2 metres; the distance between the wall of the store and houses on plots 68 - 77 is approximately 13 metres.
- 5.17 When considering any potential issues associated with noise and disturbance, it is appreciated that the use of the workshops are controlled by condition 20 and the hours of use of the proposed store are restricted under conditions 27

and 28 imposed under 06/0667. On the basis that the revised scheme does not fundamentally change the circumstances with regard to the nature of the use it is considered that the proposal should safeguard the living conditions of the existing and future occupiers of the neighbouring dwellings.

- 5.18 In relation to highway safety, it is considered that the proposed scheme as revised should not fundamentally change matters from that already approved under 07/1261.
- 519 When assessing the implications of removing the previously suggested condition concerning the provision of the employment units prior to the commencement of trading of the retail store, it is considered that the potential social, environmental and economic advantages of having the the majority of the site developed by the retail store outweigh the potential shoert-term harm of the units not being provided. This is also in the context where it is in the applicant's own interests to fully develop the site as soon as practical.

Conclusion

- 5.20 On this basis authority to issue approval is now sought subject to the applicant completing a Section 106 Agreement concerning the payment of the commuted sum and the revised list of conditions.

6. Human Rights Act 1998

- 6.1 Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:
- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The proposal has been considered against the above 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 carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

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

3. The highway works involving the construction of the respective access road(s) serving the retail/food store and any employment unit hereby permitted shall be carried out according to the following phasing:

- i) no development shall take place until the access from Petterill Bank Road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use, or, the developer can demonstrate suitable alternative means of access during the construction period; and
- ii) immediately following the completion (by the provision of an electricity supply) of any unit all the highway works shall be completed to adoptable standards.

Reason: In the interests of highway safety.

4. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the access junction improvements at Petteril Bank Road and the junction of Petteril Bank Road with London Road have been fully undertaken in accordance with a plan submitted to and approved beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

5. Before the occupation of any employment unit, or, the retail/food store hereby permitted the existing accesses shall be permanently closed and the highway crossings and boundaries shall be reinstated in accordance with

details which have been submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of highway safety and in accordance with Policy H16 of the Carlisle District Local Plan.

6. The retail/food store or any employment unit hereby permitted shall not be brought into use/commence trading until the parking, turning and loading areas and means of vehicular access thereto have been fully completed in accordance with plans submitted to and approved beforehand by the Local Planning Authority.

Reason: To ensure that the development is served by a parking area in accordance with the underlying objectives of Policy T1 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.

7. Before any respective development with regard to the employment units or the retail/food store commences, details 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 permitted, and that land (including vehicular access thereto) shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

8. Efficient means shall be installed for cleaning all vehicles leaving the site (with the exception of public cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway. Adequate drains shall be installed to ensure that water from any wheel wash does not flow onto the public highway.

Reason: To avoid danger and inconvenience to road users.

9. If contamination not previously identified is found to be present during development (i.e. building works), no further development shall be carried out (unless otherwise in writing by the local planning authority) until the developer has submitted and obtained written approval from the local planning authority, the report shall detail how this unsuspected contamination shall be dealt with and the development shall be executed in accordance with the agreed details.

In complying with this condition, the words 'contamination not previously identified' shall mean; substances present in soil or groundwater in concentrations in excess of the agreed site-specific remediation target as defined in the 'remediation plan'.

It should be also noted that where a cover system is used as a remediation strategy, 1 metre of clean cover of a geotextile will be required in gardens of residential properties.

Reason: To protect the environment and prevent harm to human health.

10. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the employment units and retail/food store hereby permitted shall be submitted to and approved in writing by the local planning authority before any respective site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy H16 of the Carlisle District Local Plan.

11. Before the commencement of development of either the retail/food store or any employment unit, and notwithstanding the submitted details, a landscaping scheme showing the planting of larger trees at the entrance/exit roundabout and along the London Road frontage shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies E9 of the Carlisle District Local Plan.

12. All works comprised in the approved details of landscaping for either the retail/food store or any employment unit hereby permitted shall be carried out contemporaneously with the completion of each unit.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy E9 of the Carlisle District Local Plan.

13. Trees, hedges and plants shown in the landscaping scheme(s) to be retained or planted which, during the development works or a period of five years thereafter, are removed without prior written consent from the local planning authority, or die, become diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective in accord with Policy E15 of the Carlisle District Local Plan.

14. This permission relates to the use of the ground floor of the employment units for purposes only falling within Class B1 (c) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision

equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and ensure that the proposal is not contrary to Policy H17 of the Carlisle District Local Plan.

15. The gross minimum total floorspace of the employment units hereby permitted shall be 1,100 square metres.

Reason: In order to ensure the provision of adequate employment units to serve the locality.

16. No goods or materials shall be stored or displayed for sale on the open areas of either the retail/food store or any employment unit hereby permitted without the written prior approval of the local planning authority.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

17. The retail store hereby permitted shall only be used for the sale of food and ancillary comparison goods, and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District Local Plan.

18. Not more than 20% of the net sales area of the retail/food store hereby approved shall be used for the sale of comparison goods.

Reason: In such a location the local planning authority wish to consider the implications of any alternative commercial use, particularly in respect of the potential trading effects upon the City Centre Shopping Area in accord with Policy S2 of the Carlisle District Local Plan.

19. The maximum gross floorspace of the retail/food store hereby permitted shall not exceed 1,635 square metres; and there shall be at no time any additional floorspace created, whether by extension, internal alterations including installation of mezzanine floors, or roofing over of outdoor areas, unless approved in writing by the local planning authority.

Reason: In order to control the precise nature and scale of the retail

20. No deliveries to or from the retail/food store hereby permitted shall take place before 07.00 hours or after 21.00 hours on Monday to Saturdays and 08.00 hours to 19.00 hours on Sundays.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

21. The retail/food store hereby permitted shall not commence trading before 08.00 hours and shall not trade after 20.00 hours on Monday to Saturday, and 10.00 hours to 18.00 hours on Sunday.

Reason: To safeguard the living conditions of neighbouring residents in accordance with Policy H17 of the Carlisle District Local Plan.

22. Samples or full details of all materials to be used on the exterior of all buildings shall be submitted to and approved in writing by the local planning authority before any work is commenced on the respective elements of the development hereby permitted.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy 25 of the Cumbria and Lake District Structure Plan.

23. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence on the respective elements of the development hereby permitted.

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

24. Particulars of height and materials of all screen walls and boundary fences, inclusive of the proposed railings, shall be submitted to and approved by the local planning authority prior to the commencement of the respective elements of the development hereby permitted.

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

25. Prior to the commencement of development (and notwithstanding any description in the application and conditions 2, 17 and 31 imposed under 06/0667) there shall be submitted to and approved in writing details of the

proposed security measures with particular regard to lighting, access to the trolley park, cycle parking, and, CCTV. The retail units and workshops hereby permitted shall not be brought into use/commence trading until the aforementioned works have been fully implemented in accordance with the approved details.

Reason: In order to ensure that the development complies with Policy CP16 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft).

26. No development approved by this permission shall be commenced until an overall scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory and co-ordinated means of surface water

SCHEDULE A: Applications with Recommendation

09/0634

Item No: 11

Date of Committee: 02/10/2009

Appn Ref No:
09/0634

Applicant:
Mr R H Percival

Parish:
Stanwix Rural

Date of Receipt:
07/08/2009

Agent:
Jock Gordon

Ward:
Stanwix Rural

Location:
L/A Orchard Gardens, Orchard Gardens, Houghton,
Carlisle CA3 0LH

Grid Reference:
340608 559214

Proposal: Erection Of Detached Bungalow And Detached Garage

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 application site relates to site previously refused planning permission for housing where a subsequent appeal was dismissed by the Planning Inspectorate. An objection has also been received from Stanwix Rural Parish Council.

1. Constraints and Planning Policies

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

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

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): given the location of this proposed development it is considered that the proposal will not have a material affect on existing highway conditions and there is no objection to the proposal.

For the avoidance of doubt the applicant must not commence works on the vehicular access until in receipt of the Section 184 permit from Capita;

Community Services - Drainage Engineer: comments awaited;

United Utilities : there is 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 soakaway/ watercourse/ surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems;

Development Services Planning & Housing Services - Local Plans: the application is for a bungalow to be developed on a plot of land at Orchard Gardens Houghton. Policy H1 of the Carlisle District Local Plan lists Houghton as a local service centre, however the application site falls outside Houghton's settlement boundary. Paragraph 5.4 Policy H1 does however make provision for new housing to be located on the edge of villages outside the defined settlement boundary providing the proposal is acceptable in landscape terms, is well related to the form scale and character of the rest of the village, does not affect the amenity of adjacent dwellings and meets the criteria set out in policy H1 and the supporting text.

The site in question would meet the criteria set out, it would utilise the last remaining plot on Orchard Gardens, without setting a precedent for extending the settlement further in this area. It is therefore considered that the principle of this development is acceptable;

Stanwix Rural Parish Council: the following objection has been received:

The proposed site lies in open countryside outside the boundary of the settlement of Houghton as defined in the Local Plan for Carlisle. The proposed development would intrude into open countryside. The proposed development would deny access to the field immediately south of the site, thus preventing proper care and maintenance of the land.

This application does not provide any evidence of proven agricultural or forestry need or for an exceptional circumstance which may perhaps support a special need for residential development in this location. Neither is it stated that the proposal is intended to meet a local need.

The proposal would establish a precedent which would subsequently make it difficult to refuse similar applications.

The proposal, if approved, would therefore be harmful to a spatial strategy that seeks to direct development to more sustainable locations; and that it contrary to the following guidance and policy:

PPS1 - Delivering Sustainable Development
 PPS3 - Housing
 PPS7 - Sustainable Development in Rural Areas

Local Plan for Carlisle:

CP1 - Sustainable Development Locations
 H1 - Location of New Housing Development
 H6 - Rural Exception Sites
 H7 - Agricultural, Forestry and Other Occupational Dwellings

Cumbria & the Lake District Adopted Joint Structure Plan 2001-2016:

Policy ST7 - Development to sustain rural communities.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 Orchard Gardens	12/08/09	
2 Orchard Gardens	12/08/09	
3 Orchard Gardens	12/08/09	
4 Orchard Gardens	12/08/09	
5 Orchard Gardens	12/08/09	Undelivered
6 Orchard Gardens	12/08/09	
Orchard Holme	12/08/09	
Smithy Cottage	12/08/09	
South View	12/08/09	
21 South Croft	12/08/09	
22 South Croft	12/08/09	
23 South Croft	12/08/09	
Oakbank House		Comment Only

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of twelve of the neighbouring properties. At the time of writing this report, one letter of objection has been received from the occupier of a nearby property. The main issues raised are summarised as follows:

1. the extent of new building in this cul de sac is creating significant extra traffic, for which this road (Orchard Lane) is inadequate in terms of safe parking and passing places;
2. the road surface itself is showing wear and tear as a result of increased

use by heavy and light goods traffic in the last few years;

3. the need for repair and maintenance of the road is a greater likelihood now; and
4. being a long stretch of road the speed of passing traffic has also increased noticeably, and speed control measures should be implemented.

4. Planning History

- 4.1 Outline planning permission for residential development was refused in 2006. A subsequent appeal to the planning Inspectorate was dismissed in 2007.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning permission for the erection of detached bungalow on land at Orchard Gardens, Houghton, Carlisle. The site is currently in agricultural use and occupies an area of approximately 400 square metres. The site is located on the western fringe of the village and is bounded to the north, east and west by residential properties. The agricultural land to the south of the proposed dwelling would remain in its current use.
- 5.2 The bungalow would be sited close to the western boundary of the site and would comprise of a living room, kitchen, hall, utility room, a bathroom and 2no. ensuite bedrooms. The building would be finished from facing brick with artstone cills under a slate roof. The vehicular access located in the north-east corner of the site that leads from Orchard Gardens. A detached single storey garage would be sited adjacent to the eastern boundary and would be finished from materials to match those of the proposed bungalow. The rear boundary would be comprise of the hedgerow that aligns the rear boundary of the adjacent property located to the east, no. 2 Orchard Gardens.

Background

- 5.3 Outline planning permission for residential development was refused in 2006 for the following reasons:

"The site of the proposed development is located outwith the settlement boundary of Houghton. Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need or only in

exceptional circumstances. This application does not provide any evidence to support a special need for residential development in this location and the proposed development is also not put forward as the basis of meeting a local need. It would therefore harm the spatial strategy of the Local Planning Authority that seeks to direct development to more sustainable settlements. The proposal is contrary to the objectives of the advice within PPG3 (Housing); Regional Planning Guidance 13; Policy H6 (Agricultural and Forestry Need) of the Carlisle District Local Plan; Policy H7 (Agricultural and Forestry Need) of the Carlisle District Local Plan Redeposit Draft; and Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan Redeposit Draft.

The proposal is located outwith the settlement boundary and is within an area of open countryside. In this location the proposed development would be conspicuous and thereby increasing its intrusion into the countryside to the detriment of the rural character of the area. The proposal would establish an undesirable precedent which would make it difficult to resist further such applications, that would be detrimental and erode the character and amenity of the open countryside contrary to the objectives of Policy E37 (Landscape Character) of the Cumbria and Lake District Joint Structure Plan Proposed Modifications, Policy E8 (Remainder of the Rural Area) of the Carlisle District Local Plan and Policy CP1 (Landscape Character/ Biodiversity) of the Carlisle District Local Plan Redeposit Draft."

- 5.4 A subsequent appeal was submitted to the Planning Inspectorate. The Inspector considered that the main issue in the determination of the appeal was the development of the greenfield site on the edge of the village. The Inspector accepted that housing on the appeal site could have an acceptable visual and/ or practical relationship with the existing housing in Orchard Gardens but that the sites character being of undeveloped land is part of the landscape setting of Houghton and for this reason the appeal was dismissed. A copy of the decision is reproduced following this report.

Assessment

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP12, H1 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 5.6 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise. As Members know, the Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, saved Structure Plan Policies and the Carlisle District Local Plan 2001-2016.

- 5.7 Planning policies seek to ensure that, in the context of the Spatial Strategy and Development Principles set out in the adopted Local Plan, new housing development outwith Carlisle should be in locations which will assist in reducing the need to travel. It, therefore, focuses development on the two Key Service Centres (Brampton and Longtown) plus limited small scale development in identified Local Service Centres.
- 5.8 The only other exceptions with regard to housing in the rural area (apart from dwellings needed for agriculture or forestry or "exception sites" such as for a Registered Social Landlord) is small scale infilling development (defined as development between an otherwise continuous frontage) within specified settlements where there is evidence of a local need to be in that location. The relevant Local Plan policy (Policy H1) seeks to ensure that development in such locations achieves the following objectives:
1. it is well related to the landscape of the area and does not intrude into open countryside;
 2. the scale of the proposed development is well related to the scale, form and character of the existing settlement;
 3. the layout of the site and the design of the building(s) is well related to existing property in the village;
 4. the siting and design of the building(s) is well related to and does not adversely affect the amenity of neighbouring property;
 5. appropriate access and parking can be achieved;
 6. the proposal will not lead to loss of amenity space within or at the edge of the settlement;
 7. the proposal will not lead to the loss of the best and most versatile agricultural land; and
 8. adequate arrangements are made for the disposal of foul and surface water drainage.
- 5.9 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.
- 5.10 Orchard Gardens is located immediately adjacent and to the east of the application site. A series of semi-detached bungalows characterise the property types in this street. To the west of the application is a substantial and well-established hedgerow further to the west of which is located a large detached property known as 'Orchard Holme' that was built in 2003. The relationship of the site with its surroundings and the settlement boundary is illustrated on a location plan reproduced following this report.
- 5.11 Whilst the appeal decision from the Planning Inspectorate is a material consideration, there are clear distinctions between the current proposal and the application that was subject of the appeal. The appeal site was much

larger in area and given that the proposal was submitted in outline form, could potentially have accommodated numerous dwellings which, as the Inspector noted, would have had a significant impact on the character of the area. The current proposal involves a significantly smaller parcel of land adjacent to the northern boundary of the field and the development of one dwelling would be well related to the existing built form of Orchard Gardens. To the west of the application site, the hedgerow provides a well-defined boundary to the site and this particular part of the village, beyond which is a further dwelling. Due to the siting and scale of the proposal, together with the well contained boundaries of the site, the development would have a significant impact on the character of the area.

- 5.12 The Parish Council has objected to the principle of development stating that the proposed development would intrude into open countryside and that the proposed development would deny access to the field immediately south of the site, thus preventing proper care and maintenance of the land. It is further argued that the application does not provide any evidence of proven agricultural or forestry need; or any exceptional circumstances which may support a special need for residential development in this location. Neither is it stated that the proposal is intended meet a local need. In response to the issue of access, an existing vehicular access exists in the southern boundary that would serve the remaining land and allow for the maintenance of the field.
- 5.13 Although planning permission was refused in 2006 and the subsequent appeal was dismissed, this related to a much larger parcel of land that would have, if granted, had a much greater impact on the character and appearance of the village.
- 5.14 Whilst the site is outwith the settlement boundary planning policies do allow for development of such sites where the land is well related to the settlement boundary and would not result in a precedent for further development. The proposal would result in a liner continuation of the properties in Orchard Gardens and development would be prohibited by the property to the west. Given the layout of the site, it would not allow for the provision of an access to the remaining land to the rear of the site. The principle of development is therefore accepted in policy terms, a view that is supported by the Council's Local Plans Officer.

2. Whether The Scale And Design Of The Dwelling Is Acceptable

- 5.15 The submitted drawings illustrate that the proposed dwelling would be of a similar scale and massing to those of its immediate neighbours and other properties within the immediate vicinity to the east of the application site. The Design and Access Statement, submitted as part of the application, indicates that the proposed materials would also complement the existing dwellings. Furthermore, the proposal would achieve adequate amenity space and off-street parking. The character and appearance of the dwelling would not be disproportionate or obtrusive within the streetscene.

3. The Impact Of The Proposal On The Amenities Of Neighbouring Residents

5.16 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusiveness.

5.17 The detached garage would be located adjacent to the nearest property, number 2 Orchard Gardens. As the development would be a linear continuation of the existing built form, it is not considered that the building would be detrimental to the occupiers of these properties. The bungalow would be sufficient distance from the properties to the north and west and in terms of the latter, would be screened by an existing hedgerow.

5.18 Given the orientation of the application site with adjacent properties, the occupiers of the adjacent properties would not suffer from an unreasonable loss of daylight or sunlight and due to the siting, scale and design of the property, the development would not be over-dominant.

4. Other Matters

5.19 The submitted drawings indicate a hawthorn/ blackthorn hedge would be planted along the rear boundary. Whilst this is acceptable in principle, specific details would be required and is it therefore appropriate to impose a condition requiring the submission further details.

5.20 A letter of objection has been received from the occupier of a property on Orchard Lane which leads onto Orchard Gardens. The issues raised relate to the increase in traffic along the road and the ability of the road to accommodate the increased vehicle movements as well as from heavy and light goods vehicles. The Highway Authority has raised no objection subject to the application obtaining a S184 permit under the Highways Act 1980 and an advisory note has been included for the applicant's attention.

Conclusion

5.21 In overall terms, it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The siting, scale and design of the proposal is considered acceptable and would be well related to the existing built form of the village. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. 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 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. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 Carlisle District Local Plan 2001-2016.
3. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
4. All works comprised in the approved details of landscaping shall be carried

out in the first planting and seeding season following the occupation of the dwelling.

Reason: To ensure that a satisfactory landscaping scheme is implemented 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 submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of the dwelling.

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

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

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

SCHEDULE A: Applications with Recommendation

09/0665

Item No: 12

Date of Committee: 02/10/2009

Appn Ref No:
09/0665

Applicant:
Ms H R Henderson & Son

Parish:
Dalston

Date of Receipt:
07/08/2009 16:00:23

Agent:
David Hetherington
Environmental And
Planning Services

Ward:
Dalston

Location:
Gill Farm, The Gill, Dalston, Carlisle, CA5 7JP

Grid Reference:
335752 548469

Proposal: Proposed Agricultural Workers Dwelling (Outline) (Revised Application)
Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application is brought before the committee for determination as the recommendation is contrary to a previous decision of the Committee in relation to an identical application (08/0381).

1. Constraints and Planning Policies

Flood Risk Zone

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP5 - Design

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

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE26 - Undeveloped Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): No objection.

Community Services - Drainage Engineer: Reply awaited.

United Utilities (former Norweb & NWWA): No objections but advise that:

(1) the water mains may need extending to serve any development on the site and the applicant may need to pay a capital contribution

(2) it is UU policy not to adopt Sustainable Urban Drainage Systems because of their substantial maintenance liability and

(3) prior to approval of any planning application incorporating SUDS features, a meeting must be arranged to formally discuss the proposal (such a meeting should include a representative from UU, the Local Authority Drainage Department and the applicant).

Dalston Parish Council: The application is supported in principle but concern was raised as to the location of the property in relation to the farmhouse, which is a listed building of significance. It is suggested that the property should be situated on the opposite side of the road to the farmhouse.

County Land Agent (Capita dbs): Advised as follows:

- 1 the farmhouse at The Gill is occupied by Mr & Mrs Henderson together with their son Richard and partner Leona and 2 other sons Michael and William. Mr Henderson's sister Sue lives in 1 Gill Cottage. Ex-farm worker Mr Graham and his 2 adult sons live in 2 Gill Cottage.
- 2 at the present time, Mr Henderson and sons Richard and Michael work full-time on the holding with sister Sue. Sue no longer works on the farm and has retired from the business. Mr Henderson's wife helps around the farm when required and a relief milker is employed 2 days a week and every other weekend. Contractors are used to help at silage time and with spreading slurry.
3. The applicants advised that eldest son Richard is now a partner in the farm business. Richard and his partner Leona wish to occupy their own property in the locality of the farm. The applicant advised that neither of the Gill Cottages was available for occupation and that prices in the area to either rent or buy a property were in excess of that which could be justified by the farm business at the present time.
4. Sue Henderson who has lived and worked on the farm all her life intends to remain in 2 Gill Cottage after her retirement.

5. Mr Graham, who is now in his eighties and has lived and worked on the farm with his two adult sons since 1965 would like to remain in 1 Gill Cottage. Following the determination of their previous application in which it was concluded that the Henderson's could legally regain possession of 1 Gill Cottage, the applicant reluctantly commenced proceedings to regain possession. At a hearing earlier this summer, the judge ruled in favour of the defendant, Mr Graham, and the application for possession was dismissed. Mr Graham will therefore continue to remain in occupation of 1 Gill Cottage with his two sons.
6. With regard to the criteria set out in PPS7, (a) there is a clearly established existing functional need in relation to this holding for 2 full-time workers, actively involved in the management of this unit to be resident on, or immediately adjacent to this holding (b) the labour requirement based on the existing stocking and cropping is calculated on this holding in the region of 4 full time workers including contractors is and (c) the business is long established and currently financially viable . At the present time the requirement to have one of the two full-time workers who needs to be resident on site is met by Gill Farmhouse. Sue Henderson at 1 Gill Cottage no longer has an interest in the farm business and the applicant advised that this residential property was hers and was unavailable for use by the business. 2 Gill Cottage is also unavailable for the reasons stated above. On current information therefore neither of the two remaining properties on the unit (1 & 2 Gill Cottages) are available for use by the second full time worker actively involved in the management of this unit that is required to be resident on or immediately adjacent to it.
7. At the present time the requirement to house one of the two full-time workers who needs to be resident on site is met by Gill Farmhouse. Sue Henderson at 1 Gill Cottage no longer has an interest in the farm business and the applicant advised that the residential property was hers and was unavailable for use by the business. 2 Gill Cottage is also unavailable for the reasons stated above. On current information therefore neither of the two remaining properties on the unit (1 & 2 Gill Cottages) are available for use by the second full-time worker actively involved in the management of this unit that is required to be resident on or immediately adjacent to it.

Environment Agency (N Area (+ Waste Disp)): Reply awaited. (The response to the previous identical application (08/0381) advised that:

1. a landfill site lies within 250 metres of the application site and that the Council may consider that appropriate and comprehensive construction designs should be incorporated into the development (This would alleviate the possibility of landfill gas ingress to the building)

2. while there is no objection to the proposed development, a condition should be attached requiring submission of details of disposal of foul drainage to the septic tank and;

3. an informative should be attached with regard to the requirements of DETR Circular 03/99, the possible need for EA discharge consent.

4. with regard to the Flood Risk Assessment submitted by the applicant advised no objections but wish to ensure that, if the application is to be approved, the applicant is aware that the house should be sited on the upper part of the site).

Environmental Services - Environmental Quality: Reply awaited. The response to the previous identical application (08/0381) advised as follows:

No objections in principle but advise that as the site is adjacent to a farmstead there is a possibility that contamination from oils or buried material is present. The builder must be made aware that if any contamination is found during development no further development shall be carried out (unless otherwise agreed in writing by the Local Planning Authority (LPA) until the developer has submitted a written method statement and obtained written approval from the LPA for how this contamination is to be dealt with.

Once the method statement has been implemented a validation report showing that all work has been fully completed must be submitted to the satisfaction of the LPA.

If the application is approved,a condition could be attached stating that if any contamination which has not previously been identified and discussed in writing is found during development, (ie building works) no further development shall be carried out until the developer has submitted a remediation plan and a proposed validation strategy. The plan and strategy must be given approval from the LPA before development re-commences and the plan must detail the type of contamination, how it will be dealt with and the likely extent of the contamination. Once the method statement has been implemented a validation report showing that all work has been fully completed must be submitted to the satisfaction of the LPA.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Gill Cottages	17/08/09	
Gill Cottages	17/08/09	
Gill Farm	17/08/09	

3.1 Publicity was given to this application by both press and site notice and by direct notification of neighbours. No representations have been received.

4. Planning History

4.1 Outline planning permission for a house for an agricultural worker (08/0045) was refused under delegated powers on the grounds that it was considered

that existing dwellings at Gill Farm satisfy any functional need associated with the operation of the holding and that permitting an additional unit of accommodation would be contrary to the guidance provided in PPS 7 'Sustainable Development in Rural Areas' and in conflict with the objectives of both the adopted and emerging Local Plans.

- 4.2 Planning permission for an identical proposal (08/0381) was also refused by the Development Control Sub Committee in April 2008.
- 4.3 There are a number of planning applications relating to the development of the farm, none of which are specifically relevant to this current application.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks outline planning permission with all matters reserved for subsequent approval for the erection of an agricultural worker's dwelling on land adjacent to The Gill Farm steading, Dalston. (An application for a similar proposal was refused by the Development Control Committee in May 2008 but there has been a change of circumstance).
- 5.2 The site is located approximately 2 kilometres south of Dalston in the Rural Area as defined in both the Carlisle District Local Plan and the Revised Redeposit Draft (2001-2016). Part of the site lies within Flood Zone 2. The site which is part of a field, is located adjacent to Gill Cottages. Gill Farm, which is a Grade II listed building, and its associated buildings, lies on the opposite side of the access road, approximately 40 metres to the northwest. To the southwest, north and east of the site is open countryside.

Proposal

- 5.3 It is proposed to construct a dwelling for occupation by an agricultural worker close to, but outwith, the steading of The Gill Farm. Although the application is in outline form, the supporting Design and Access Statement indicates that the four bedroom building would be L-shaped with the road frontage elevation being 14m, the depth of the building being 14m to the south east and 8m to the northwest with a ridge height of 7.75 metres. Foul drainage will be disposed of to Gill Beck via a private treatment plant and tertiary reed bed. Attenuation for the disposal of surface water from the development would be provided by the nearby pond in Gill Beck.
- 5.4 Access to the site would be from the north west corner and the house would be set back 5m from the farm access road. Although external materials are reserved matters, the Statement indicates that the house will probably be designed to complement the cottage at the entrance to the farm drive in that it will have a sandstone fascia to the northeast elevation, sandstone quoins at the corners with all other elevations rendered from the eaves down to the

level ground at the front of the house. The existing sandstone wall along from the farm road will be retained.

Background

5.5 The site, which initially slopes gently and then quite steeply from the road towards a wall boundary with a stream (Gill Beck) beyond, is accessed from the unclassified road connecting Bridge End with East Curthwaite by means of a single track road. The site as indicated on the block plan measures approximately 22 metres along the frontage of the farm road with an average depth of 42 metres.

5.6 An Agricultural Appraisal for The Gill submitted with the application advises that:

1. The Gill is a 109ha dairy farm owned by Mr Chris Henderson, his wife Mrs A J Henderson and his sister Miss S J Henderson. Mr Chris Henderson, his wife Mrs A J Henderson jointly have a 50% share in the business, Miss Henderson owning the other 50% share. Miss Henderson was also a partner in the business, but has been replaced by Mr Henderson's eldest son Richard who is now a partner taking his aunt's place. He has most involvement in the day to day running of the farm, his father is gradually handing more and more of the decision making over to him although things are still discussed by the partners. He is becoming the driving force behind the farm working closely with his father and has built up the milk herd from 185 to 220 cows in the last 12 months using home bred heifers as additions to the herd.
2. The farm is staffed by Mr Chris Henderson, and two of his sons Richard and Michael. Mr Henderson and his sons work full time on the farm. A casual milker is employed two days a week and every other weekend. Mr Henderson's other son William has done a course in engineering and is likely to find work elsewhere, as he does not have the same interest in farming.
3. The farm has a steading made up of traditional and modern buildings and is run as an efficient dairy unit. The traditional buildings are around the working farm yard and are used for agricultural purposes, with the exception of one sandstone building which stands away from the rest but it has been declared structurally unsound. All the land is down to grass with the exception of 8ha of Spring Wheat which is grown for arable silage.
4. With regard to the present housing situation on the farm, there are three houses. The main farm house has four bedrooms and is occupied by six people. These are Mr and Mrs C Henderson, their eldest son Richard aged 26 and his partner Leona and their two other sons Michael aged 24 and his brother William aged 20. The other dwellings comprise of a sandstone and rendered cottage occupied by Miss S J Henderson and a tied house built around the early 1960's. This is occupied by a retired

farm worker Mr T Graham who is in his late 80's and his two sons. Mr Graham worked on the farm for over 31 years before retiring 13 years ago. The Gill is situated 100m up a farm road; Miss Henderson's cottage is the first property on the left followed by the tied cottage. There is then an ideal building site which would fill the space between the tied cottage and the farm steading.

5. Mr Graham is living in a tied house where he had security of tenure until agricultural need was proved for another dwelling. Following a previous planning application, No. 08/0381 which was turned down as the council deemed it reasonable for Mr Henderson to serve an eviction notice on Mr Graham; despite arguments that it was against Mr Graham's human rights considering his age and the length of time he has lived on the farm. Mr Henderson accepted the committee's decision and served notice on Mr Graham; however Judge Park dismissed the application to evict Mr Graham considering it against Mr Graham's best interest when his age is taken into account. Mr Henderson has advised Mr Graham's sons to put their names on the housing list so that they will be in a better position when they need to find alternative accommodation, as neither of them has worked on the farm and has no claim to the house after their father's day, but he can not get possession of the house until Mr Graham dies or moves of his own accord.
6. Mr Richard Henderson and his partner Leona hope to get married and start a family soon and it is totally impractical for them to do so while living in their present situation in the farm house. Apart from the fact there is insufficient accommodation, it is unacceptable in today's society to expect them to live under the same roof as his parents, no matter how well they get on, and they urgently need a house of their own. This needs to be on the farm as Mr Chris Henderson is steadily handing more of the farm management and decision making to his eldest son who is most able to take on all the responsibility of modern day farming. His brother Michael, while interested in working on the farm, accepts that he does not have the same drive and ability his elder brother has and is content to let Richard take the lead.
7. When refusing Mr Henderson's application No. 09/0381 the City Council in Part 2:1 of their decision recognised the need for two full time workers to be resident on the holding. However they considered the dwellings at Gill Farm and No 2 Gill Cottage satisfied any functional need associated with the operation of the holding and that to permit an additional unit would be contrary to the guidance provided in PPS7 "Sustainable Development in Rural Areas" and in conflict with the objectives of adopted policy H6 and of policy H7 of the revised Deposition Draft Local Plan (2001-2016) as amended by the inspector in his report dated 7th April 2008.
8. In the light of the Judge Park's decision and the fact that the Mr Graham's dwelling will eventually be needed by Mr Henderson's second son Michael, therefore not becoming an unwanted agricultural dwelling after

Mr Graham's day, we feel there is essential reason to grant planning permission.

Assessment

5.7 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP4, CP11, CP12, H7, LE12, LE26 and LE29 of the Carlisle District Local Plan (2001-2016). The proposals raise the planning issues in relation to:

1. The Principle Of Residential Development.
2. The impact of the proposed development on the amenity of adjacent occupiers and the character of the area.
3. Flood Risk.
4. Contaminated Land.
5. Impact on Listed Building.

5.8 The Principle Of Residential Development

1. Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) published in July 2004 is relevant to this application, as it sets out the Government's planning policies for rural areas that should be taken into consideration when making planning decisions.
2. Paragraph 1 of PPS7, states that "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled". By doing so it is the Government's aim to safeguard the character and beauty of the countryside, the diversity of its landscapes, heritage and wildlife, and its natural resources.
3. Paragraph 10 of PPS7 makes clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work. It will often be as convenient and more sustainable for such workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside; however, there will be some cases where the nature and demands of the work concerned make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved.

4. In assessing permanent agricultural dwellings such as that proposed in the current application, there are 4 criteria to consider. New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing that:

(i) there is a clearly established existing functional need.
5. A functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night. If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant.
6. In relation to the current proposal, the County Land Agent considers that there is a clearly established existing functional need for 2 full-time workers, actively involved in the management of this unit to be resident on, or immediately adjacent to, this holding. This functional need relates to labour requirement for the all year round welfare of the livestock and general agricultural operations.

(ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement.
7. In relation to the second criteria, the total requirement for labour is in the region of 4 full time workers as calculated by the County Land Agent.
8. The worker who wishes to occupy the proposed house is already employed full-time on the farm.

(iii) the unit and the agricultural activity concerned has been established for at least three years, has been profitable for at least one of those, is currently financially sound, and has a clear prospect of remaining so.
9. The agricultural business at The Gill was established by the Henderson family many decades ago.
10. Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertiliser and property maintenance, at least equivalent to an Agricultural Worker's minimum wage, which is currently in the region of £12,600 per annum.
11. The County Land Agent has calculated the Net Farm Income that this farm is likely to achieve based on the current numbers of livestock and cropping practices and is able to advise that it is financially viable.

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

12. Today it is only necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times in case animals or agricultural processes require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss of crop or stock.
13. Based on the overall stock numbers and the level of care required in the interests and the wellbeing of the livestock for the efficient running of the holding and overall security, the professional advice is that it is essential that two full time workers actively involved in the management of this unit be present on, or immediately adjacent to it. Previously the requirement to have two of the workers employed on the holding was met by Gill Farmhouse (Mr C Henderson) and 1 Gill Cottage (Ms S Henderson). However Ms Henderson, who has a 50% share in the business, has now retired and there is therefore a need to have another full-time worker resident on or near the unit. Mr R Henderson, who is now a partner in the business and works at Gill Farm full-time, currently lives with his partner at the Gill Farmhouse but hopes to get married and start a family soon. It is accepted that it is inappropriate and unreasonable to expect them to live permanently with parents at The Gill Farmhouse.
14. Considering the two other dwellings on the holding:

(1) 1 Gill Cottage is occupied and apparently owned by Ms S Henderson, a part owner of the business, who is now retired. I have been advised that case law has established that it is unreasonable to require retired farmers to vacate a dwelling on their holding to permit occupation by an essential farm worker. Further enquiries are being undertaken on this issue.

(2) An application to evict the current tenant of 2 Gill Cottage (a retired agricultural worker) was dismissed in Court as it was considered against his interest when his age was taken into account.

Subject to the outcome of enquiries re (1) above it can be concluded that the identified functional need could not be met by existing dwellings on the holding and that an additional house for an agricultural worker could be justified.

5.9 The Impact On The Proposal On The Living Conditions Of Neighbouring Properties And The Character Of The Area

1. Based on the proposed site of the house, there is a distance of 17 metres between the adjacent dwelling and any proposed dwelling. Subject to detailed design, it is considered that the dwelling could be built without 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.

2. Given the nature of the site adjacent to existing housing, and subject to subsequent approval of siting, design and external appearance, it is not considered that the development will adversely affect the local landscape character or appearance of the area.

5.10 Is The Development Acceptable In A Flood Plain?

1. The Flood Risk Assessment submitted by the applicant recognises that while the lowest part of the site falls within the significant flood risk category, it is intended to build the house level with the farm road (which is over 2m above the stream level). The Environment Agency wish to ensure that the house is sited on the highest part of the site.
2. If this outline application was recommended for approval, a condition could be attached requiring the submission of details relating to, inter alia, siting and proposed floor levels.

5.11 Is There A Requirement To Take Remedial Action With Regard To The Possibility Of Landfill Gas Ingress And/Or Ground Contamination?

1. A landfill site has been identified within 250 metres of the application site and if this outline application is recommended for approval, conditions could be attached requiring (a) appropriate and comprehensive construction designs and (b) site investigation of ground contamination if contaminated material is found during development.

5.12 Impact On Gill Farmhouse - A Grade II Listed Building

1. As it is proposed to set the building line a minimum of 5m from the road, ie further back than the adjacent cottage, and the northeast elevation is of stone, it is not considered that the development will have a significant adverse impact on the setting of Gill Farmhouse.

Conclusion

- 5.13 In overall terms therefore, subject to (1) examination of previous decisions relating to applications for new agricultural dwellings where a farmer retires and wishes to continue to live on the farm and (2) no adverse comment from consultees, I consider that it is necessary to allow an additional agricultural dwelling at Gill Farm. It is also considered that, subject to submission of satisfactory details, the development would (1) not adversely affect the living conditions of neighbouring properties, the character of the area or the setting of the listed building and (2) address any possible issues relating to flood risk and contaminated land.

- 5.14 It is therefore considered that the proposed development accords with the provisions of the Development Plan, and 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 it 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.

7. Recommendation -

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

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

2. Before any work is commenced, details of the layout, scale, appearance,

access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

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

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

Reason: The unrestricted use of the dwelling would be contrary to the provisions of Policy H7 of the Carlisle District Local Plan (2001 - 2016) which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture.

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

Reason: To prevent pollution of the water environment in accordance with the objectives of Policies CP11 and CP12 of the Carlisle District Local Plan (2001 - 2016)

5. If any contamination which has not previously been identified and discussed in writing is found during development, (ie building works) no further development shall be carried out until the developer has submitted a remediation plan and a proposed validation strategy. The plan and strategy must be given approval from the LPA before development re-commences and the plan must detail the type of contamination, how it will be dealt with and the likely extent of the contamination. Once the method statement has been implemented a validation report showing that all work has been fully completed must be submitted to the satisfaction of the LPA.

Reason: To ensure that appropriate measures are taken treat, contain and control any contamination found in accordance with the objectives of Policies LE29 and CP11 of the Carlisle District Local Plan (2001 - 2016)

6. Details to be submitted in accordance with Condition 2 shall include the floor level and existing and proposed sections through the site.

Reason: To ensure that the house is located above the flood level of Gill

Beck in accordance with the objectives of Policy LE26 of the
Carlisle District Local Plan (2001 - 2016)

SCHEDULE A: Applications with Recommendation

09/0648

Item No: 13

Date of Committee: 02/10/2009

Appn Ref No:
09/0648

Applicant:
Mrs Christine Hetherington

Parish:
Carlisle

Date of Receipt:
04/08/2009

Agent:
Carlisle City Council

Ward:
Currock

Location:
46 Beaumont Road, Currock, Carlisle CA2 4RQ

Grid Reference:
340156 553753

Proposal: Demolition Of Existing Garage And Erection Of Single Storey Side Extension To Provide En-Suite Bedroom and Store For Disabled Person

Amendment:

REPORT

Case Officer: Shona Taylor

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the recommendation is contrary to that of a statutory consultee.

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 CP5 - Design

Local Plan Pol H11 - Extns to Existing Resid. Premises

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): Recommend refusal of the application, as the proposal would result in inadequate vehicle parking facilities and would therefore encourage parking on the highway, with consequent risk of

additional danger to all users of the road.

Northern Gas Networks: no objections.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
44 Beaumont Road	07/08/09	
48 Beaumont Road	07/08/09	

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

4. Planning History

- 4.1 The property has no relevant planning history.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application is seeking approval for an extension to 46 Beaumont Road, Carlisle. The property is a two storey, semi detached dwelling that is finished in painted facing render under a slate roof. The property is located within a primary residential area, as allocated in the Carlisle District Local Plan 2001-2016, with other residential properties located to the north, east and south, with open fields to the rear.
- 5.2 The site is bounded to the east by a brick wall that measures approximately 1.2 metres in height.
- 5.3 It is proposed to demolish the existing garage and replace this with a single storey extension which will form a en-suite bedroom and store for a disabled person. The footprint of the extension would match the existing footprint of the garage. It would be constructed from materials to match those of the existing property.
- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

Assessment

1. Whether The Proposal Is Appropriate To The Dwelling

- 5.5 The extension would be sited on the south elevation of the building. The scale and footprint of the proposal are similar to the existing garage, and therefore would be proportionate and appropriate to the existing property. As such the extension would not detract from the character or appearance of the area. Furthermore, the extension would be constructed from materials to match the existing building. While a flat roof would not normally be acceptable, in this case due to the number of flat roof garages within the streetscene, the roof would not appear out of character with the area. As a consequence, it is considered that as the extension is modest in size, that the flat roof alone is not sufficiently harmful to refuse permission.

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

- 5.6 Due to the siting, scale and design of the extension, on the site of an existing 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.

3. The Impact Of The Proposal On The Highway

- 5.7 Cumbria Highways have recommended refusal of the application, due to the loss of the garage and the subsequent increase in bedrooms, leaving one off street parking space at what will become a four bedroom property.
- 5.8 However, the Highways Authority are sympathetic to this individual case, and whilst they have recommended refusal of the application in line with 'Parking Guidelines in Cumbria', they have also stated that as a planning authority the City Council are able to ignore their recommendation if it is considered to be unreasonable.
- 5.9 Members are advised that the existing garage could be converted to a bedroom without planning permission being required, which would leave the property with only one off street parking space. In this instance, the garage is being demolished and rebuilt to allow suitable disabled facilities to be constructed.
- 5.10 It is therefore not considered appropriate that the addition of a disabled bedroom and en-suite would require the provision of a further off street parking space at the property and as such the application is recommended for approval.

Conclusion

- 5.11 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 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 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 external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

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

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SCHEDULE C: Applications Determined by Other Authorities

Item No: 14

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/9032

Applicant:

Great Orton Primary
School

Parish:

Orton

Date of Receipt:

09/07/2009

Agent:

Mrs Rachel Brophy

Ward:

Burgh

Location:

Great Orton School, Great Orton, Carlisle, Cumbria,
CA5 6NA

Grid Reference:

332814 553750

Proposal: Extension To Provide Store Room For External Play Equipment/PE

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 30/07/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 26/08/2009

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

SCHEDULE C: Applications Determined by Other Authorities

Item No: 15

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/9031

Applicant:

Bewcastle School
Governors

Parish:

Bewcastle

Date of Receipt:

14/07/2009

Agent:

Cumbria County Council

Ward:

Lyne

Location:

Bewcastle Primary School, Roadhead, Carlisle, CA6
6PF

Grid Reference:

352136 577338

Proposal: Extension to Existing Office to Form New Office

Amendment:

REPORT

Case Officer: Colin Godfrey

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection

Date: 27/07/2009

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 27/08/2009

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

SCHEDULE C: Applications Determined by Other Authorities

09/0461

Item No: 16

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0461

Applicant:

Mr Postlethwaite

Parish:

Burgh-by-Sands

Date of Receipt:

04/06/2009 16:00:42

Agent:

Phoenix Architecture &
Planning

Ward:

Burgh

Location:

Fauld Farm, Burgh by Sands, Carlisle, CA5 6AN

Grid Reference:

332381 559089

Proposal: Alterations To Re-Located Kitchen Internally And Convert And Access
First Floor Store To Form Bedroom With Ensuite (LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal:

Report: A Listed Building Consent application 09/0654 was submitted on 4th June, 2009 to undertake various alterations to improve the internal arrangement of the dwelling by forming two new internal openings in the existing clay walls of the dwelling and the adjoining former barn. This application followed on from a previously refused Listed Building Consent application, 08/1148, to form a new opening in the existing internal clay wall of the dwelling.

The application was determined and refused under Delegated Powers on 9th July 2009 and an appeal against the decision was subsequently made under the Town and Country Planning (Appeals) (Informal Hearing Procedure) Regulations 1990. The hearing was set for 19th August, 2009 to include both this appeal and the appeal against the previously refused application 08/1148.

Having held the hearing and visited the site, the Planning Inspectorate has subsequently dismissed both of the appeals.

Appeal Decision: Appeal Dismissed

Date: 03/09/2009

SCHEDULE C: Applications Determined by Other Authorities

08/1148

Item No: 17

Between 08/08/2009 and 18/09/2009

Appn Ref No:

08/1148

Applicant:

Mr Postlethwaite

Parish:

Burgh-by-Sands

Date of Receipt:

05/12/2008

Agent:

Phoenix Architects

Ward:

Burgh

Location:

Fauld Farm, Burgh-by-Sands, CA5 6AN

Grid Reference:

332381 559089

Proposal: Forming Of Internal Opening To Allow Internal Rearrangement Of Dwelling (LBC)

Amendment:

REPORT

Case Officer: Richard Majewicz

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Informal Hearing

Report: A Listed Building Consent application 08/1148 was submitted on 15th November, 2008 and validated on 5th December, 2008, to form an internal opening in a clay wall between the dwelling and adjoining former barn in an effort to improve the internal arrangement of the dwelling.

At the request of the applicant, the application was determined and refused by the City Council's Development Control Committee on 30th January 2009 and an appeal against the decision was subsequently made under the Town and Country Planning (Appeals) (Informal Hearing Procedure) Regulations 1990. The hearing was set for 19th August, 2009.

In the interim period a further Listed Building Application (09/0654) was received extending the scope of works originally proposed. This was refused under Delegated Powers, and an appeal was again made against the decision. The Planning Inspectorate agreed to hear both appeals at the same time.

Having held the hearing and visited the site, the Planning Inspectorate has subsequently dismissed both of the appeals.

Appeal Decision: Appeal Dismissed

Date: 03/09/2009

SCHEDULE C: Applications Determined by Other Authorities

08/0753

Item No: 18

Between 08/08/2009 and 18/09/2009

Appn Ref No:

08/0753

Applicant:

Provident Personal Credit
Ltd

Parish:

Rockcliffe

Date of Receipt:

23/07/2008 11:30:09

Agent:

Planning Branch

Ward:

Longtown & Rockcliffe

Location:

Border Garden Centre, Harker, CA6 4DS

Grid Reference:

339524 560920

Proposal: Change Of Use From Garden Centre And Coffee Shop To Eight
Commercial Units. (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Against imposition of conditions

Type of Appeal: Written Representations

Report: This appeal related to an application for Full Planning permission for the change of use from garden centre and coffee shop to eight commercial units at Border Garden Centre, Harker, Carlisle. The application was approved subject to 8 conditions of which condition 5 reads as follows:

"No business or trade shall be carried out from the development hereby approved except between 08:00 hours and 18:00 hours.

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

The main issue in the consideration of the appeal was the effect of removing or varying condition 5 on the living conditions of nearby residential occupiers in relation to noise and disturbance.

SCHEDULE C: Applications Determined by Other Authorities

08/0753

The Inspector acknowledged that unrestricted hours of working on the appeal site could well lead to conditions that would be significantly detrimental to living conditions of the occupiers of these dwellings. The Inspector reasoned that the appeal site is contained within a small but well established industrial and business area. He noted that the A7 is already a source of considerable traffic noise and that the nearest residential property is in practice isolated from activities within the garden centre and other dwellings are some distance away.

In these circumstances, the Inspector considered that in varying the condition the opening hours for the proposed units would not materially affect the living conditions of nearby occupiers in relation to noise and disturbance and would not conflict with Policy CP6 of the Carlisle District Local Plan 2001-2016. Consequently, the appeal was allowed and the condition was varied to read:

“No business or trade shall be carried out from the development hereby approved except between 07.30 and 21.00 hours.”

The Inspector commented that the use of the premises outside these times would not necessarily be precluded but would require further consideration and consent from the Council.

The Inspector rejected the appellant's suggestion that any restriction on hours should not apply to the café. He reasoned that an all night café would be as likely, if not more likely, to harm living conditions as a Class B use.

Appeal Decision: Appeal Allowed

Date: 19/08/2009

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SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 19

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0441

Applicant:

Mrs Jane Turnbull

Parish:

St Cuthberts Without

Date of Receipt:

29/05/2009

Agent:

Architects Plus (UK) Ltd

Ward:

Dalston

Location:

L/Adj to Wreay Syke Cottage, Wreay, Carlisle, CA4
ORL

Grid Reference:

343597 549118

Proposal: Erection of Detached Dwelling with Detached Garage

Amendment:

REPORT

Case Officer: Dave Cartmell

Details of Deferral:

Members will recall at Committee meeting held on 21st August 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to the prior attainment of a Deed of Variation, to the existing S106 Agreement relating to the site, ensuring that the occupation of the dwelling is restricted to at least one person who meets the "Qualifying Person" definition within the existing S106 Agreement but that the Deed of Variation otherwise removes the "affordable" categorisation. The S106 Agreement has now been completed and approval was issued on 11th September 2009.

Decision: Granted Subject to Legal Agreement

Date: 11/09/2009

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. A sample panel of the sandstone to be used in the construction of the garage and the facing gable of the study shall be submitted to and approved in writing by the Local Planning Authority before any construction work on site is commenced.

Reason: To ensure compliance with criterion 3 of Policy H1 and criterion 1

SCHEDULE D: Reports on Previously Deferred Decisions

of Policy CP5 of the Carlisle District Local Plan.

3. No development shall take place until details of a landscaping scheme, to include additional understorey planting on the northwestern boundary, have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with the objectives of Policy CP5 of the Carlisle District Local Plan.

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

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

5. No development shall take place until details of the tree protection barriers have been submitted to and approved by the local planning authority which barriers shall be retained in place for the duration of the development works in the positions shown on Plan 08105/06.

Reason: To protect the integrity of existing trees in accordance with the objectives of Policy CP3 of the Carlisle District Local Plan.

6. 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.

7. The access and parking/turning requirements shall be substantially met before any buildingwork commences on site so that construction traffic can park and turn clear of the highway.

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

SCHEDULE D: Reports on Previously Deferred Decisions

Transport Policies: LD8;

Item No: 20

Between 08/08/2009 and 18/09/2009

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 2 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

Details of Deferral:

Members will recall at Committee meeting held on 24th April 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to (1) the applicant entering into a Section 106 agreement to make a financial contribution of £89,150 towards the provision and maintenance of amenity open space and formal sports and children`s play facilities (2) the conditions set out in the report and (3) additional conditions with regard to (a) removal of permitted development rights for extensions to properties which are adjacent to the existing houses in Leven`s Drive and Newlaithes Avenue and (b) submission of details of proposals to incorporate obstructions on the footpath link from the development to Leven`s Drive to deter the use of motor cycles. The Section 106 Agreement has been signed and approval was issued on 10th September 2009.

Decision: Granted Subject to Legal Agreement

Date: 10/09/2009

SCHEDULE D: Reports on Previously Deferred Decisions

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.

Reason: To ensure a satisfactory means of surface water disposal in

SCHEDULE D: Reports on Previously Deferred Decisions

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).

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting

SCHEDULE D: Reports on Previously Deferred Decisions

that Order), no extensions to dwelling numbers 1 to 15, 18, and 23 to 34 shall be carried out without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the development and the living conditions of the occupiers of adjacent residential properties in accordance with the objectives of Policies H2 and CP4 of the Carlisle District Local Plan (2001 - 2016).

11. Prior to the commencement of development the applicant shall (1) submit, for the approval in writing of the local planning authority, details of measures to deter the use of the footpath link to Leven's Drive by motor cycle, and (2) implement the approved measures.

Reason: To accord with the objectives of Policy CP 17 of the Carlisle District Local Plan (2001 - 2016).

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 08/08/2009 and 18/09/2009

Appn Ref No:
08/0811

Applicant:
Prontaprint Limited

Parish:
Carlisle

Date of Receipt:
20/08/2008

Agent:
Butterfield Signs Ltd

Ward:
Castle

Location:
27 Warwick Road, Carlisle, CA1 1DH

Grid Reference:
340337 555757

Proposal: Erection of 1no. Externally Illuminated Fascia Sign and 1no. Externally Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 20/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
08/0812

Applicant:
Prontaprint Limited

Parish:
Carlisle

Date of Receipt:
20/08/2008

Agent:
Butterfield Signs Ltd

Ward:
Castle

Location:
27 Warwick Road, Carlisle, CA1 1DH

Grid Reference:
340337 555757

Proposal: Erection of 1no. Externally Illuminated Fascia Sign and 1no. Externally Illuminated Projecting Sign (LBC)

Amendment:

Decision: Grant Permission

Date: 20/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0010

Applicant:
Potts Plant Hire

Parish:
Midgeholme

Date of Receipt:
03/07/2009

Agent:

Ward:
Irthing

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Hartleyburn Cottage, Midgeholme, Brampton, CA8
7LT

363872 559008

Proposal: Erection Of Single Storey Garden Room And Decked Area To Front
Elevation

Amendment:

Decision: Grant Permission

Date: 18/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0098

Applicant:
Ms Elaine Ward

Parish:
Carlisle

Date of Receipt:
06/04/2009

Agent:

Ward:
Castle

Location:
Unit 3 St Nicholas Street, Carlisle, CA1 2EJ

Grid Reference:
340620 555259

Proposal: Change Of Use From A1 (shop) To A2 (Financial & Professional
Services) (Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 12/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0213

Applicant:
Messrs K Pattinson

Parish:
Stanwix Rural

Date of Receipt:
26/03/2009

Agent:

Ward:
Stanwix Rural

Location:
Walby Farm, Crosby on Eden, Carlisle CA6 4QL

Grid Reference:
343268 560505

Proposal: Construction of Earth Banked Slurry Store

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0256

Applicant:
Mr Mark Blaylock

Parish:
Carlisle

Date of Receipt:
03/04/2009

Agent:
D'ream Windows

Ward:
Multiple Wards

Location:
91 Castlesteads Drive, Carlisle, Cumbria, CA2 7XD

Grid Reference:
336952 555695

Proposal: Erection Of Conservatory To Rear Elevation
Amendment:

Decision: Grant Permission

Date: 12/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0279

Applicant:
Mr Eric Taylor

Parish:
Carlisle

Date of Receipt:
24/07/2009

Agent:

Ward:
Stanwix Urban

Location:
Little Bank, 16 Brampton Road, Carlisle, Cumbria,
CA3 9AN

Grid Reference:
340335 557064

Proposal: Erection Of Sky Dish (LBC)
Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0295

Applicant:
The Animals Refuge

Parish:
Wetheral

Date of Receipt:
14/04/2009

Agent:
HTGL Architects Ltd

Ward:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

The Animals Refuge, Oak Tree Farm, Wetheral
Shields, Carlisle, Cumbria, CA4 8JA

Grid Reference:

346179 552490

Proposal: Extensions To Provide Education/Training Room

Together With New Toilets And Staff Changing

Facilities All Combined With Stable Block Refurbishment

Amendment:

Decision: Grant Permission

Date: 14/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0342

Applicant:

Irving Builders

Parish:

Carlisle

Date of Receipt:

02/07/2009

Agent:**Ward:**

St Aidans

Location:

L/A 41 Melbourne Road, Carlisle, Cumbria, CA1
2DW

Grid Reference:

341270 555404

Proposal: Erection Of 2No. Two Storey And 1No. Single Storey Dwellings (Revised
Application)

Amendment:

Decision: Grant Permission

Date: 18/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0444

Applicant:

Mr Thomson

Parish:

Arthuret

Date of Receipt:

05/06/2009

Agent:

Northern Developments
(Cumbria) Limited

Ward:

Longtown & Rockcliffe

Location:

Unit 2, Longtown Industrial Estate, Longtown, CA6
5TJ

Grid Reference:

338142 568393

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: New Workshop Extension To Maintain & Service Large Forestry Machines; Demolition Of Existing Extension To Front Of Building; Formation Of Smaller Extension For Reception; Internal Alterations In Former Workshop Bay To Form Office, Canteen & Storage Areas; Provision Of Car Parking Spaces To Front Of Building For Employees & Visitors.

Amendment:

Decision: Grant Permission

Date: 10/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0462

Applicant:
Virgin Media

Parish:
Carlisle

Date of Receipt:
23/06/2009

Agent:
Virgin Media

Ward:
Currock

Location:
Virgin Media Telecoms Cabin, Currock Road,
Carlisle, CA2 5AE

Grid Reference:
340368 555174

Proposal: Installation Of A Back Up Electricity Generator To Provide Power To Virgin Media's Telecommunications Facility In The Event Of Mains Power Failure

Amendment:

Decision: Grant Permission

Date: 13/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0475

Applicant:
Impact Housing
Association

Parish:
Carlisle

Date of Receipt:
18/06/2009

Agent:
Day Cummins Ltd

Ward:
Belle Vue

Location:
Lister Court, Shady Grove Road, Carlisle, Cumbria,
CA2 7LH

Grid Reference:
338113 555948

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of 12no. Residential Units For Supported Housing Scheme For Impact Housing Association And Cerebral Palsy; Erection of Guest Accommodation and Staff Facilities (Revised Application)

Amendment:

Decision: Grant Permission

Date: 09/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0486

Applicant:
Mr Nicholson

Parish:
Wetheral

Date of Receipt:
07/07/2009

Agent:
Lakeland Building Design

Ward:
Wetheral

Location:
Warwick Bank House, Warwick Bank,
Warwick-on-Eden, CA4 8PA

Grid Reference:
346600 556559

Proposal: Erection Of 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0489

Applicant:
Mr & Mrs Whightman

Parish:
Castle Carrock

Date of Receipt:
16/06/2009 16:00:44

Agent:
Co-ordinate (Cumbria)
Limited

Ward:
Great Corby & Geltsdale

Location:
Tottergill Farm, Castle Carrock, CA8 9DP

Grid Reference:
354885 554446

Proposal: Change Of Use Of Redundant Barn To Form Two Holiday And One Residential Unit. Upgrading Of Existing Store Area To Form Laundry Area And Formation Of New Access Road To Rear Of Unit 3

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0490

Applicant:
Mr & Mrs Whightman

Parish:
Castle Carrock

Date of Receipt:
16/06/2009 16:00:44

Agent:
Co-ordinate (Cumbria)
Limited

Ward:
Great Corby & Geltsdale

Location:
Tottergill Farm, Castle Carrock, CA8 9DP

Grid Reference:
354885 554446

Proposal: Change Of Use Of Redundant Barn To Form Two Holiday And One Residential Unit. Upgrading Of Existing Store Area To Form Laundry Area And Formation Of New Access Road To Rear Of Unit 3

Amendment:

Decision: Grant Permission

Date: 11/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0492

Applicant:
Mrs Linda Beattie

Parish:
Beaumont

Date of Receipt:
18/06/2009

Agent:

Ward:
Burgh

Location:
Church Farm House, Grinsdale, Carlisle, Cumbria,
CA5 6DS

Grid Reference:
336943 558009

Proposal: Erection Of A Balcony To First Floor Bedroom With Window To Be Replaced With Patio Door

Amendment:

Decision: Grant Permission

Date: 13/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

09/0494 Mr Riddell Wetheral

Date of Receipt: **Agent:** **Ward:**
30/06/2009 Wetheral

Location: **Grid Reference:**
1 Broomy Hill, Aglionby, Carlisle, CA4 8AF 344761 556631

Proposal: Two Storey Rear Extension To Provide Family Room On Ground Floor
With En-Suite Bedroom Above With Juliet Balcony

Amendment:

Decision: Grant Permission **Date:** 25/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: **Applicant:** **Parish:**
09/0496 Story Homes Carlisle

Date of Receipt: **Agent:** **Ward:**
07/07/2009 Belle Vue

Location: **Grid Reference:**
Siskin Court, Turnstone Park, Carlisle, CA2 7PX 338131 556198

Proposal: Substitution Of House Types For Plots 29, 30 & 31 To Replace 1 No.
Detached And 1 No Pair Of Link Semi Detached Properties With 1 No.
Pair Of Semi Detached And 1 No Three Unit Terraced Block.

Amendment:

Decision: Grant Permission **Date:** 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: **Applicant:** **Parish:**
09/0504 Mr Fisher Irthington

Date of Receipt: **Agent:** **Ward:**
09/07/2009 Edwin Thompson Stanwix Rural

Location: **Grid Reference:**
Land between road and The Glebe Farm,
Hethersgill 348699 565093

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Two Storey Detached Farmworkers Dwelling With Attached Garage

Amendment:

Decision: Grant Permission

Date: 03/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0506

Applicant:
Mr James Bell

Parish:
Scaleby

Date of Receipt:
25/06/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
West Brighten Flatt, Scaleby, Carlisle, CA6 4LA

Grid Reference:
345736 564061

Proposal: Discharge Of Conditions 2 (Materials); 4 (Hard Surface Finishes); 5 (Screen Walls/Boundary Fences); 6 (Foul Drainage); And 12 (Barn Owl Nest Box) Of Application 04/1142

Amendment:

Decision: Partial Discharge of Conditions
14/08/2009

Date:

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0520

Applicant:
Mr Miller

Parish:
Burgh-by-Sands

Date of Receipt:
07/07/2009

Agent:
Martin Cuthell Ltd

Ward:
Burgh

Location:
Burgh House, Burgh by Sands, Carlisle, CA5 6AN

Grid Reference:
332486 559121

Proposal: Internal Alterations Including Additional En-Suite Bathrooms and Partial Demolition Of Garden Wall (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0523

Applicant:
Mr & Mrs Farish

Parish:
Brampton

Date of Receipt:
07/07/2009

Agent:
Tsada Building Design
Services

Ward:
Brampton

Location:
Land To Rear Of Hirta Tree Road, Brampton,
Cumbria, CA8 1TX

Grid Reference:
353493 560781

Proposal: Erection Of 1no. Detached Dwelling Together With Shared Access And
Footpath (Revised Application)

Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0524

Applicant:
Mr Thomas Hedley

Parish:
Wetheral

Date of Receipt:
03/08/2009

Agent:

Ward:
Wetheral

Location:
Hedley Cross, Scotby Road, Scotby, Carlisle,
Cumbria, CA4 8BJ

Grid Reference:
343890 556158

Proposal: Removal Of Existing Plastic Covering To Part Conservatory Roof And
Replacement With Matching Slate Rooflights

Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

09/0525 Mr Butler Westlinton

Date of Receipt: **Agent:** **Ward:**
10/07/2009 Rol Design Longtown & Rockcliffe

Location: **Grid Reference:**
Mickledore, The Chestnuts, Westlinton, Carlisle, CA6 6AA 339268 564557

Proposal: Erection Of Detached Garage

Amendment:

Decision: Grant Permission **Date:** 18/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: **Applicant:** **Parish:**
09/0533 Co-operative Travelcare Carlisle

Date of Receipt: **Agent:** **Ward:**
01/07/2009 16:02:14 Futurama Castle

Location: **Grid Reference:**
14 English Street, CARLISLE, CA3 8HX 340050 555912

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 1no.
Non-Illuminated Projecting Sign

Amendment:

Decision: Grant Permission **Date:** 26/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: **Applicant:** **Parish:**
09/0534 Montgomery Homes Ltd Brampton

Date of Receipt: **Agent:** **Ward:**
01/07/2009 16:06:01 Holt Planning Consultancy Brampton

Location: **Grid Reference:**
Tarn End House Hotel, Talkin, Carlisle, CA8 1LS 354388 558354

Proposal: Discharge Of Condition 7 & 10 Of Previously Approved Application

SCHEDULE E: Decisions Issued Under Delegated Powers

06/0693

Amendment:

Decision: Grant Permission

Date: 20/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0536

Applicant:
Mrs Hoare

Parish:
Carlisle

Date of Receipt:
02/07/2009

Agent:
Jock Gordon

Ward:
Castle

Location:
9 Tait Street, Carlisle, Cumbria, CA1 1RU

Grid Reference:
340491 555507

Proposal: Replacement Of Existing Flat Roof & Two Rear Windows & Internal Alterations (LBC)

Amendment:

Decision: Grant Permission

Date: 27/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0542

Applicant:
Tesco Stores Limited

Parish:
Carlisle

Date of Receipt:
09/07/2009 08:02:43

Agent:
dpp

Ward:
Castle

Location:
L/A Bounded by Upper Viaduct, Car Park- River Caldew, Harper and Hebson and Viaduct Estate Road.

Grid Reference:
339950 555600

Proposal: Removal Of Conditions 5 (Riverside Boundary Treatment); 12 (Flood Wall) and 14 (Flood Wall Construction Details) Of Outline Approval 04/1653 And Condition 3 (Flood Wall Construction Details) Of Reserved Matters Approval 07/0857

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0543

Applicant:
Nestle UK Ltd

Parish:
Dalston

Date of Receipt:
13/07/2009

Agent:
Asher Associated Limited

Ward:
Dalston

Location:
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

Grid Reference:
337507 550885

Proposal: Provision Of A Lagoon To Contain Accidental Spills At The Effluent Treatment Plant; Relocation Of Boundary Pallsade Fence.

Amendment:

Decision: Grant Permission

Date: 25/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0546

Applicant:
Mr Jenkinson

Parish:
Scaleby

Date of Receipt:
13/07/2009

Agent:
TSF Developments Ltd

Ward:
Stanwix Rural

Location:
Fordsyke Farm, Scaleby, Carlisle, Cumbria, CA6 4LW

Grid Reference:
345738 563207

Proposal: Construction of Cattle Shed

Amendment:

Decision: Grant Permission

Date: 07/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0547

Applicant:
Jon Thompson & Co Ltd

Parish:
Wetheral

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

08/07/2009

Great Corby & Geltsdale

Location:

Wood End, Heads Nook, Carlisle, CA8 9AE

Grid Reference:

349398 555089

Proposal: Erection of 1no. Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 02/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0548

Applicant:

Mr & Mrs White

Parish:

Carlisle

Date of Receipt:

08/07/2009

Agent:

S Buttler

Ward:

Harraby

Location:

42 Mallyclose Drive, Carlisle, CA1 3HH

Grid Reference:

342505 553383

Proposal: Single Storey Extension To Front Elevation To Provide Porch And Enlarged Lounge

Amendment:

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0549

Applicant:

Lidl UK GMBH

Parish:

Carlisle

Date of Receipt:

13/07/2009

Agent:

Ward:

Denton Holme

Location:

Lidl Stores, Unit C, Madford Retail Park, Charlotte Street, Carlisle, CA2 5BT

Grid Reference:

339923 555489

Proposal: Display Of 1no Illuminated Fascia Sign And 1no. Illuminated 12m Triangular Sign (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0555

Applicant:

Russell Armer Ltd

Parish:

Dalston

Date of Receipt:

09/07/2009 08:01:28

Agent:

Ward:

Dalston

Location:

Hawksdale Pastures, Welton Road, Dalston,
Carlisle, CA5 7EJ

Grid Reference:

336037 547118

Proposal: Discharge Of Conditions 2, 3, 4, 7, 8 And 11 Of Previously Approved
Application 08/0128

Amendment:

Decision: Grant Permission

Date: 17/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0558

Applicant:

Mr & Mrs Tyson

Parish:

Wetheral

Date of Receipt:

24/07/2009

Agent:

Unwin Jones Partnership

Ward:

Wetheral

Location:

Land adjacent Edenbank, Wetheral, Carlisle

Grid Reference:

346630 554750

Proposal: Renewal Of Approval 06/0835 For The Erection of 1No. 2 Storey
Dwelling

Amendment:

1. Driveway re-located to the east to ensure the protection of existing roots/canopies of adjacent trees.

Decision: Grant Permission

Date: 27/08/2009

Between 08/08/2009 and 18/09/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 09/0563 **Applicant:** Norbrook Laboratories Ltd **Parish:** Wetheral

Date of Receipt: 13/07/2009 **Agent:** Architects Plus (UK) Ltd **Ward:** Great Corby & Geltsdale

Location: Garden Cottage, Corby Castle, Great Corby, Carlisle, CA4 8LR **Grid Reference:** 347155 554286

Proposal: Alterations and Extension to Existing Dwelling (Revised Application) (LBC)

Amendment:

Decision: Grant Permission

Date: 18/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: 09/0564 **Applicant:** Mr John Barron **Parish:** Wetheral

Date of Receipt: 15/07/2009 **Agent:** Concept Support **Ward:** Wetheral

Location: 11 Near Park, Scotby, Carlisle, CA4 8AU **Grid Reference:** 343777 555545

Proposal: Erection Of Single Storey Extension To Front Elevation To Provide Porch And WC Together With Replacement Of Flat Roof To Pitched Roof Over Existing Garage And Proposed Extension

Amendment:

Decision: Grant Permission

Date: 25/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No: 09/0565 **Applicant:** Messrs Roddam **Parish:** Irthington

Date of Receipt: 15/07/2009 **Agent:** **Ward:** Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Fordlands Farm, Fordlands, Hethersgill, Carlisle,
CA6 6ET

Grid Reference:

347951 565680

Proposal: Erection Of Steel Framed Agricultural Shed To Provide Livestock
Housing

Amendment:

Decision: Grant Permission

Date: 20/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0566

Applicant:

Mr & Mrs C Norman

Parish:

Orton

Date of Receipt:

13/07/2009

Agent:**Ward:**

Burgh

Location:

Land at Little Orton Farm, Little Orton, Carlisle

Grid Reference:

335031 555122

Proposal: Discharge Of Condition 3 (External Materials), Condition 4 (Screen Walls
And Boundary Fences), Condition 6 (Landscaping Scheme) And
Condition 7 (Tree Protection) Of Previously Approved Application
07/0501

Amendment:

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0568

Applicant:

Mr Watson

Parish:

Stanwix Rural

Date of Receipt:

21/07/2009

Agent:

Edenholme Building &
Architectural Surveyors

Ward:

Stanwix Rural

Location:

Langdale, 14 Houghton Road, Houghton, Carlisle,
CA3 0LA

Grid Reference:

341267 558242

Proposal: Two Storey Extension To Rear Elevation To Provide Extended Dining

SCHEDULE E: Decisions Issued Under Delegated Powers

Room And Hall On Ground Floor With Extended 2no. Bedrooms And
Addition Of 1no. Bathroom Above

Amendment:

1. Revised Elevations That Amend The Finished To Material To Render Together With Alterations To The Fenestration Of The Proposed Extension.
2. Revised Proposed Floor Plans Illustrating The Correct Position Of The Ground Floor Windows

Decision: Grant Permission

Date: 14/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0570

Applicant:

AW & A Williamson

Parish:

Rockcliffe

Date of Receipt:

14/07/2009 16:01:06

Agent:

Hopes Auction Company
Limited

Ward:

Longtown & Rockcliffe

Location:

South View, South View Road, Blackford, Carlisle,
CA6 4HB

Grid Reference:

336940 563207

Proposal: Erection Of Crop Store

Amendment:

Decision: Grant Permission

Date: 11/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0571

Applicant:

Mr Chalmers

Parish:

Stanwix Rural

Date of Receipt:

14/07/2009 16:01:54

Agent:

John Lyon Associates Ltd

Ward:

Stanwix Rural

Location:

25 Antonine Way, Houghton, Carlisle, CA3 0LG

Grid Reference:

341149 558955

Proposal: First Floor Extension To Provide Bedroom Above Existing Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0572

Applicant:
Mr Byers

Parish:
Hayton

Date of Receipt:
16/07/2009

Agent:

Ward:
Hayton

Location:
Greenholme Farm, Corby Hill, Carlisle, CA4 8QB

Grid Reference:
348864 557894

Proposal: Two Storey Rear Extension To Provide Kitchen With Bathroom And Store Above

Amendment:

Decision: Grant Permission

Date: 26/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0573

Applicant:
Miss Jackson

Parish:
Carlisle

Date of Receipt:
05/08/2009 13:00:49

Agent:
Shanks Design & Build Ltd

Ward:
Harraby

Location:
38 Hillcrest Avenue, Carlisle, CA1 2QJ

Grid Reference:
341707 554503

Proposal: Single Storey Garage And Sunroom Extension

Amendment:

Decision: Grant Permission

Date: 04/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0580

Applicant:
Mr Simon Ptolomy

Parish:
Beaumont

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
16/07/2009

Agent:
Phoenix Architects

Ward:
Burgh

Location:
The Old Forge, Kirkandrews on Eden, Carlisle, CA5
6DJ

Grid Reference:
335420 558380

Proposal: Discharge Of Condition 2 (Method Statement), Condition 3 (Root Protection Barriers), Condition 4 (Archaeological Watching Brief) And Condition 5 (English Heritage Level 3 Survey) Of Previously Approved Application 09/0029

Amendment:

Decision: Refuse Permission

Date: 10/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0583

Applicant:
Mr Tobias Berr

Parish:
Carlisle

Date of Receipt:
20/07/2009

Agent:
S & H Construction

Ward:
Castle

Location:
36 Victoria Place, Carlisle, Cumbria, CA1 1EX

Grid Reference:
340404 556047

Proposal: Construction Of Disabled Ramp Together With Formation Of New Doorway By Enlarging Window

Amendment:

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0584

Applicant:
Mr Tobias Berr

Parish:
Carlisle

Date of Receipt:
20/07/2009

Agent:
S & H Construction

Ward:
Castle

Location:
36 Victoria Place, Carlisle, Cumbria, CA1 1EX

Grid Reference:
340404 556047

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Construction Of Disabled Ramp Together With Formation Of New Doorway By Enlarging Window (LBC)

Amendment:

Decision: Grant Permission

Date: 28/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0585

Applicant:
Mrs Ruth Little

Parish:
Brampton

Date of Receipt:
21/07/2009

Agent:

Ward:
Brampton

Location:
47 Berrymoor Road, Brampton, CA8 1DN

Grid Reference:
352979 561550

Proposal: Two Storey Side Extension To Provide Kitchen, Dining Room & Lounge On Ground Floor With 2no. Bedrooms (1no. En-Suite) Above Together With 1no. Bedroom & Shower Room In Existing Roof Space (Revised Proposal)

Amendment:

Decision: Grant Permission

Date: 27/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0586

Applicant:
Berr and Berr

Parish:
Carlisle

Date of Receipt:
23/07/2009

Agent:

Ward:
Castle

Location:
36 Victoria Place, Carlisle, CA1 1EX

Grid Reference:
340404 556047

Proposal: Erection Of Stud Partition Wall And Break Through Existing Brick Up Wall To Form A New Door (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 26/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0587

Applicant:
Mr Platton

Parish:
Wetheral

Date of Receipt:
17/07/2009 13:01:45

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:
4 Near Park, Scotby, Carlisle, CA4 8AU

Grid Reference:
343853 555615

Proposal: Two Storey Rear Extension To Provide Dining Room, Bathroom & Bedroom On Ground Floor With 1no. En-Suite Bedroom Above Together With Decking At First Floor Level (Revised Application)

Amendment:

Decision: Grant Permission

Date: 26/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0590

Applicant:
Mr Brendan McArdle

Parish:
Dalston

Date of Receipt:
20/07/2009

Agent:
Mr Peter Orr

Ward:
Dalston

Location:
12 Caldew Drive, Dalston, Carlisle, CA5 7NS

Grid Reference:
336985 550532

Proposal: Erection Of Conservatory To Rear Elevation

Amendment:

Decision: Grant Permission

Date: 19/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0592

Applicant:
Bimson Homes Ltd

Parish:
Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
21/07/2009 08:01:36

Agent:
Planning Branch Ltd

Ward:
Hayton

Location:
Greenholme Farm, Corby Hill, CA4 8QB

Grid Reference:
348587 557624

Proposal: Discharge Of Conditions 2 (Samples Of Materials); 3 (Hard Surface Finishes); 4 (Screen Walls And Boundary Fences); 9 (Details Of Windows And Doors); and 11 (Damp Proofing Survey) Of Previously Approved Application 06/0994

Amendment:

Decision: Grant Permission

Date: 25/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0593

Applicant:
Mr Nettleton

Parish:
Carlisle

Date of Receipt:
24/07/2009

Agent:
Mr Davidson

Ward:
Currock

Location:
9 Quebec Avenue, Carlisle, CA2 4EA

Grid Reference:
340391 554202

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen/Dining Room

Amendment:

Decision: Grant Permission

Date: 02/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0594

Applicant:
Nestle UK Ltd

Parish:
Dalston

Date of Receipt:
21/07/2009 13:02:14

Agent:
Harrogate Design Group

Ward:
Dalston

Location:
Nestle UK Limited, Dalston, Carlisle, CA5 7NH

Grid Reference:
337375 550840

Proposal: Extension To The Existing Production And Process Building To Form

SCHEDULE E: Decisions Issued Under Delegated Powers

Booster 3, Nitrogen Ballon Enclosure And Hygienic Link Corridor

Amendment:

Decision: Grant Permission

Date: 26/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0596

Applicant:
Cumberland &
Dumfriesshire Farmers
Mart PLC

Parish:
Multiple Parishes

Date of Receipt:
28/07/2009

Agent:
C & D Property Services

Ward:
Longtown & Rockcliffe

Location:
Cumberland and Dumfriesshire Farmers Mart,
Townfoot, Longtown, Carlisle, CA6 5LY

Grid Reference:
337606 568877

Proposal: Erection Of Building To Provide A Covered Working Area For Operating
The Sheep Shedding System

Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0599

Applicant:
Mr Ian Stewart

Parish:
St Cuthberts Without

Date of Receipt:
22/07/2009

Agent:
H & H Bowe Ltd

Ward:
Dalston

Location:
Orchard House, Burthwaite, Wreay, Carlisle, CA4
0RT

Grid Reference:
341585 549674

Proposal: Erection Of General Purpose Agricultural Building

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0601

Applicant:
Mr & Mrs Pathanoglou

Parish:
Carlisle

Date of Receipt:
22/07/2009

Agent:
Ashwood Design
Associates

Ward:
Castle

Location:
66 Warwick Road, Carlisle, CA1 1DR

Grid Reference:
340457 555772

Proposal: Installation Of New Shop Front

Amendment:

Decision: Grant Permission

Date: 24/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0604

Applicant:
Mr Kynaston

Parish:
Walton

Date of Receipt:
23/07/2009 08:00:34

Agent:
John Lyon Associates Ltd

Ward:
Irthing

Location:
Knorren Fell Cottage, Walton, Brampton, CA8 2EA

Grid Reference:
352960 567705

Proposal: Single Storey Rear And Side Extension To Provide Porch, Bathroom,
Utility And Kitchen; Erection Of Replacement Detached Garage

Amendment:

Decision: Grant Permission

Date: 24/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0605

Applicant:
Mr & Mrs Ian Murray

Parish:
Dalston

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

23/07/2009

Edenholme Building
Services

Dalston

Location:

37 New Road, Dalston, Carlisle, CA5 7LA

Grid Reference:

337585 552081

Proposal: Erection of Two Storey Extension to Provide Lobby On Ground Floor,
With Office And En-Suite To Bedroom Above

Amendment:

1. Revised Elevations Illustrating The Position Of The Existing Ground Floor
Window In The Gable Of The Garage Extension

Decision: Grant Permission

Date: 02/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0606

Applicant:

Mrs Gillian Fraser

Parish:

Wetheral

Date of Receipt:

28/07/2009

Agent:

Ward:

Great Corby & Geltsdale

Location:

Warwick Bridge Primary School, Warwick Bridge,
Carlisle, CA4 8RE

Grid Reference:

347348 556791

Proposal: Extension Linking The Nursery And Reception Classrooms And Erection
Of A Polytunnel For Educational Purposes

Amendment:

Decision: Grant Permission

Date: 01/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0607

Applicant:

Harrison Homes (Cumbria) Carlisle
Ltd

Parish:

Carlisle

Date of Receipt:

23/07/2009

Agent:

Unwin Jones Partnership

Ward:

Harraby

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Former Highgrove Dairy, Harraby Green, Carlisle

341330 554457

Proposal: Variation Of Condition 2 On Planning Application 06/1265

Amendment:

Decision: Grant Permission

Date: 16/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0609

Applicant:
Wm Armstrong
(Longtown)Ltd

Parish:
Kirkandrews

Date of Receipt:
24/07/2009 08:00:40

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Wm Armstrong Longtown Ltd, Townfoot, Longtown,
Carlisle, CA6 5LY

Grid Reference:
337736 569073

Proposal: Change Of Use Of Former Drivers Rest Area And Storage Building To Form Truck Sales; Part Storage And Servicing (Including Internal Alterations). Extension To Existing HGV Workshops To Front & Side , Drivers Dispatch Office And Internal Alteration To Form New Drivers Rest Area, And Toilet Facilities.

Amendment:

Decision: Grant Permission

Date: 18/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0610

Applicant:
Mr John Burden

Parish:
Carlisle

Date of Receipt:
28/07/2009

Agent:

Ward:
Upperby

Location:
14 Brisco Meadows, Upperby, Carlisle, CA2 4NY

Grid Reference:
341277 553342

Proposal: Conversion Of Garage To Kitchen; Erection Of Conservatory To Rear; Erection of Two Storey Side Extension To Provide Garage With Storage

SCHEDULE E: Decisions Issued Under Delegated Powers

Above

Amendment:

Decision: Grant Permission

Date: 18/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0615

Applicant:
Santander

Parish:
Carlisle

Date of Receipt:
06/08/2009

Agent:
Insignia Projects Limited

Ward:
Castle

Location:
Bradford And Bingley Building Society, 13-15 Bank
Street, Carlisle, CA3 8HG

Grid Reference:
340162 555862

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 1no. Externally
Illuminated Hanging Sign Together With Non-Illuminated Internal Sign
On Window

Amendment:

Decision: Grant Permission

Date: 14/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0616

Applicant:
Santander

Parish:
Carlisle

Date of Receipt:
06/08/2009

Agent:
Insignia Projects Ltd

Ward:
Castle

Location:
Bradford And Bingley Building Society, 13-15 Bank
Street, Carlisle, CA3 8HG

Grid Reference:
340162 555862

Proposal: Display Of 1no. Internally Illuminated Fascia Sign And 1no. Externally
Illuminated Hanging Sign Together With Non-Illuminated Internal Sign
On Window (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0621

Applicant:
Mr J Johnston

Parish:

Date of Receipt:
27/07/2009

Agent:
Jock Gordon

Ward:
Morton

Location:
120 Newlaithes Avenue, Carlisle, Cumbria, CA2
6QD

Grid Reference:
338419 554465

Proposal: Erection Of Porch To Front Elevation To Park Mobility Scooter For
Disabled Person

Amendment:

Decision: Grant Permission

Date: 24/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0623

Applicant:
Ms Brown

Parish:

Date of Receipt:
27/07/2009 13:00:21

Agent:
Jeremiah

Ward:
Wetheral

Location:
68 Scotby Road, Scotby, Carlisle, CA4 8BD

Grid Reference:
344110 555697

Proposal: Single Storey Side And Rear Extension To Provide Breakfast Room,
Utility Room And Games Room (Revised Application)

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 11/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0625

Applicant:
Mr Paul Wilmot

Parish:
Farlam

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

04/08/2009

Agent:

Abacus Building Design

Ward:

Multiple Wards

Location:

Blackhill Cottage, Hallbankgate, Cumbria

Grid Reference:

358237 559602

Proposal: First Floor Extension Above Existing Cottage To Provide 2no. Bedrooms
With 2No. Dormer Windows

Amendment:

Decision: Grant Permission

Date: 14/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0627

Applicant:

Mr Turner

Parish:

Carlisle

Date of Receipt:

11/08/2009

Agent:

Black Box Architects
Limited

Ward:

Botcherby

Location:

St Cuthberts School, Victoria Road, Botcherby,
Carlisle, CA1 2UE

Grid Reference:

342086 555636

Proposal: Erection Of Semi Permanent Container Storage Unit In The Playing
Field Of The School For Sports Equipment

Amendment:

Decision: Grant Permission

Date: 15/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0628

Applicant:

Mr David Bell

Parish:

Brampton

Date of Receipt:

31/07/2009

Agent:

Hogg & Robinson Design
Services

Ward:

Brampton

Location:

Binney Bank, Milton, Brampton, Cumbria, CA8 1HS

Grid Reference:

355033 560500

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two Storey Side Extension To Provide En-Suite Bedroom To Ground Floor With Living Room And Balcony (To Rear) Above Together With Single Storey Side And Rear Extension To Provide Kitchen, Utility And Car Port

Amendment:

Decision: Grant Permission

Date: 03/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0635

Applicant:
Mr Robert Pigg

Parish:
Dalston

Date of Receipt:
10/08/2009

Agent:

Ward:
Dalston

Location:
Gaitsgill Hall Farm, Gaitsgill, Dalston, Carlisle, CA5 7AH

Grid Reference:
338789 546859

Proposal: Erection Of Lean To Shed

Amendment:

Decision: Grant Permission

Date: 15/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0640

Applicant:
Bimson Homes Ltd

Parish:

Date of Receipt:
04/08/2009 08:00:56

Agent:
Planning Branch Ltd

Ward:

Location:
Greenholme Farm, Corby Hill, CA4 8QB

Grid Reference:
348587 557624

Proposal: Discharge Of Condition 6 (Timber Details) Of Previously Approved Application 06/0994.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0651

Applicant:
Mr Hetherington

Parish:
Carlisle

Date of Receipt:
05/08/2009

Agent:

Ward:
Stanwix Urban

Location:
10 Dykes Terrace, Carlisle, CA3 9AS

Grid Reference:
340601 557392

Proposal: Demolition of Existing Outbuildings and Construction of Single Storey Kitchen Extension to Rear of the Property (Revised Application)

Amendment:

Decision: Grant Permission

Date: 07/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0652

Applicant:
Mr Steven White

Parish:
Carlisle

Date of Receipt:
07/08/2009

Agent:

Ward:
Upperby

Location:
7 Embleton Road, Upperby, Carlisle, Cumbria

Grid Reference:
340826 553735

Proposal: First Floor Side Extension Providing 2 Bedrooms And Shower Room

Amendment:

Decision: Grant Permission

Date: 18/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0654

Applicant:
Mr Barnaby Bowman

Parish:
Carlisle

Date of Receipt:
06/08/2009

Agent:
S & H Construction

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

The White House, Warwick Road, Carlisle, CA1
1DN

Grid Reference:

340302 555708

Proposal: Installation Of Disabled Toilets And Up-Grading Of Existing Toilets
Together With Internal Alterations (LBC)

Amendment:

Decision: Grant Permission

Date: 14/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0655

Applicant:

Ms Melissa McCormick

Parish:**Date of Receipt:**

10/08/2009

Agent:

Carlisle City Council

Ward:

Belle Vue

Location:

70 Marks Avenue, Carlisle CA2 7HR

Grid Reference:

337920 555524

Proposal: Demolition of Existing First Floor Bathroom And Erection Of Ground
Floor Rear Extension To Provide Bathroom For A Disabled Person

Amendment:

Decision: Grant Permission

Date: 18/09/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:

09/0685

Applicant:

Impact Housing
Association

Parish:

Carlisle

Date of Receipt:

17/08/2009

Agent:

Day Cummins Limited

Ward:

Belle Vue

Location:

Lister Court, Shady Grove Road, Carlisle CA2 7LH

Grid Reference:

338090 555941

Proposal: Discharge of Conditions 2 (Samples & Materials); 4 (Specification For
Crown Lifting) And 5 (Bin Store) Of Previously Approved Application
08/1188

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission

Date: 27/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0704

Applicant:
J Kerr & Son

Parish:
Cummersdale

Date of Receipt:
24/08/2009

Agent:

Ward:
Dalston

Location:
The Barn, Newby West Farm, Carlisle, Cumbria,
CA2 6QY

Grid Reference:
336812 553860

Proposal: Discharge Of Condition 3 (Roofing Materials) Of Previously Approved
Application 07/0966

Amendment:

Decision: Grant Permission

Date: 27/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/0729

Applicant:
Mr James Bell

Parish:
Scaleby

Date of Receipt:
28/08/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Stanwix Rural

Location:
West Brightenflatt, Scaleby, Carlisle

Grid Reference:
345754 564052

Proposal: Discharge of Conditions Relating to Planning Application 04/1142

Amendment:

Decision: Grant Permission

Date: 17/09/2009

Between 08/08/2009 and 18/09/2009

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
09/9034

Applicant:
United Utilities plc

Parish:
Stanwix Rural

Date of Receipt:
24/07/2009

Agent:
Cumbria County Council

Ward:
Stanwix Rural

Location:
South of Hazel Grove, Linstock, Carlisle CA6 4QD

Grid Reference:
342684 558904

Proposal: Erection of Motor Control Kiosk and Access Track

Amendment:

Decision: City Council Observation - Observations

Date: 12/08/2009

Between 08/08/2009 and 18/09/2009

Appn Ref No:
09/9036

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
18/08/2009

Agent:
Cumbria County Council

Ward:
Belah

Location:
Nightowl Truckstop, Parkhouse Road, Kingstown
Trading Estate, Carlisle

Grid Reference:
338984 559559

Proposal: Construction Of A Concrete Access Track

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 02/09/2009
