

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

11th November 2011

Applications Entered on Development Control Committee Schedule

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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 28/10/2011 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 02/11/2011.

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

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

11/0596

Item No: 01

Date of Committee: 11/11/2011

Appn Ref No:
11/0596

Applicant:
Bolsterstone Innovative
Energy (Newlands) Ltd

Parish:
St Cuthberts Without

Date of Receipt:
18/07/2011

Agent:
Arcus Renewable Energy
Consulting

Ward:
Dalston

Location:

Newlands Farm, Carleton, Carlisle, CA4 0AE

Proposal: Erection Of 1no. Wind Turbine And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application be granted planning permission.

2. Main Issues

- 2.1 Benefits of proposal
2.2 Residential visual amenity (Cringles Farm and Beech Cottage)
2.3 The policy aspirations regarding affordable housing

3. Application Details

The Site

- 3.1 Newlands Farm is in an elevated location approximately 30 metres to the immediate east of the M6, 300 metres to the north of junction 42. The Farm is bound to the west by the M6, to the south by the B6263 road which runs from Junction 42 to Cumwhinton, and, the Garlands Road leading from Cumwhinton to Carlisle. At its closest, the application site is 660 metres to the east of the Carleton Clinic (Carlisle) and approximately 400 metres to the south-west of Cringles Farm.

- 3.2 The farmstead comprises the original farmhouse based around which there are a series of agricultural buildings varying in age, design and materials. There is a detached “new” farmhouse located approximately 200 metres to the east of the main steading.
- 3.3 The application site is relatively elevated at an AOD of approximately 70m set in an undulating landscape with agricultural fields bounded by hedgerows, isolated trees and mature copses. To the immediate east of the site there is an overhead power line running north to the Harker sub-station carried by pylons that are approximately 40/45 metres in height. The Caldbeck Transmitter Station, which has a mast 337m in height and is 17km to the south, can be clearly seen from the site.
- 3.4 Access to a public footpath (no. 138040), which runs to Cocklakes, lies to the south of the application site off the B6263. Cumwhinton is served by a number of public footpaths, such as nos. 138035, 138053 and 138059. There are additional public footpaths further afield inclusive of no. 129011 at Brisco.

Background

- 3.5 In 2008, under applications reference numbers 08/0707 and 08/0779, planning permission was refused for the erection of three wind turbines (115 metres in height to the tip) and associated infrastructure, and the erection of a 60 metre high meteorological monitoring mast.
- 3.6 When assessing the subsequent appeals, the Inspector considered the main issue with regard to the proposed turbines to be whether any harm caused to the character and appearance of the landscape (including cumulative effects); the living conditions of nearby occupiers through visual impact, noise and disturbance, and shadow flicker; and any other matters raised, is outweighed by any benefits. The inspector dismissed the appeal on the basis that the proposal would have a significant detrimental effect on the living conditions of the occupiers of Cringles Farm and, to a lesser extent, Beech Cottage, through an oppressive and dominant visual impact.
- 3.7 In regard to the proposed meteorological mast, the inspector allowed the appeal because the limited harm it would cause to the landscape is far outweighed by the benefit it would give in assessing the suitability of the site for a wind turbine cluster.

The Proposal

- 3.8 This application is for a single 3 blade turbine with a minimum height of 95 metres and maximum height of 100 metres high with ancillary infrastructure. A separate application for two turbines (reference number 11/0597) has been submitted in tandem. The single turbine is anticipated to have a capacity of 2.5 mw. The proposed turbine consists of a tapered cylinder with a hub

height of 65 metres and a blade diameter of up to 80 metres.

- 3.9 The application has been submitted on the basis of addressing the concerns of the Planning Inspector by reducing the visual impact on the properties at Cringles Farm and Beech Cottage. When compared to the scheme refused permission under 08/0707 it is evident that the height of the turbine has been reduced from 115 metres to 100 metres; the southern and central turbines have been removed; a smaller temporary construction compound; the compound and control building/substation have been relocated; and the overall site area reduced. The proposed construction compound, which measures 50 m by 50 m, is to accommodate portable buildings for site offices and welfare facilities, portable toilets, containers for tool and equipment storage, parking for 8 vehicles, and the storage of components. The proposed substation measures 14 m by 12 m.
- 3.10 The proposed turbine will take approximately six – eight months to construct. The community fund for the development will reflect the RenewableUK recommendation of approximately £1,000 per installed megawatt per year. The turbine would have an operational life of 25 years after which it would be decommissioned and removed with the site restored.
- 3.11 The submitted application is accompanied by an Environmental Statement, Revised Environmental Appraisal (REA), Design and Access Statement, three letters from the agent dated the 20th September and 19th October 2011, and a copy of an appeal decision (reference APP/T3535/A/08/2064982) regarding Kessingland, Lowestoft.
- 3.12 The City Council has separately commissioned an independent Landscape and Visual Impact Assessment prepared by Eden Environment Ltd.

4. Summary of Representations

- 4.1 This application has been advertised in the form of a press notice, the display of site notices around the perimeter of the application site, and written notification to the occupiers of 112 neighbouring properties.
- 4.2 At the time of preparing the report 1114 letters or e-mails have been received of which 1109 raise objections, 2 make comments, and 3 are in support.
- 4.3 The objections and comments cover a number of matters and these are summarised as follows.

LANDSCAPE AND VISUAL

1. Impact on Cumwhinton, Carlisle and the surrounding landscape
2. The proposal will be out of scale
3. Proposal contrary to PPS 7 which is to protect countryside
4. Set a precedent
5. Alleged that the submitted photomontages give a misleading impression

ECONOMIC

1. Potential environmental and social damage outweighs any benefits of the proposal
2. Query the amount and cost of power the wind farm will produce - unreliability of the wind supply
3. More suitable alternative green sources of energy
4. Affect the value of people's homes
5. The appearance will detract from the tourists' gateway to the City and Cumbria's tourism industry

LIVING CONDITIONS/HEALTH

1. Noise - will be intrusive and have an adverse impact on the living conditions of neighbouring residents
2. Increases in noise, disruption, dust and traffic during construction
3. Flicker effect from sunlight behind the rotating blades will make life intolerable
4. The proposal will cause health complaints such as stress, depression, headaches and anxiety.
5. The proposal even with a 15 m reduction in height will be oppressive
6. Need to have regard to previous Inspector's decision
7. Hazard from a blade, ice or other debris falling on to the M6
8. Effect on TV reception

ECOLOGY/CONSERVATION & ENVIRONMENT

1. Effects on nature conservation generally as well as protected species such as bats and birds.

AVIATION SAFETY

1. Potential danger related to the regular low flying military aircraft over the area

- 4.4 The correspondence in support cover a number of matters and these are summarised as follows:

1. We all like our warm houses etc so you have to give a little back
2. It is an elevated hillside by a very environmentally unfriendly motorway
3. Argument against is rather selfish – their own view considered more important than those of many others and future generations who cannot yet speak up for cleaner energy solutions
4. supportive of the principles of the erection of wind turbines on this site.

5. Summary of Consultation Responses

Cumbria County Council - Highway Authority: - no comments received.

Highways Agency:- no objections to the application.

Local Environment - Environmental Protection: - no objections.

Carlisle Airport: - initial assessment of the proposed development reveals a potential conflict with Carlisle Airport safeguarding criteria. Consequently a more in-depth assessment of the proposed development is required. Should the applicant not wish to commission an initial assessment the Airport reserves the right to issue a letter of objection unless documentary evidence confirms that an aviation impact assessment has been carried out by a reputable and suitably qualified body. The Airport reserves the right to charge for the time and effort needed to evaluate any third party assessment reports presented.

BBC: - no comments received.

Council for Protection of Rural England/Friends of the Lake District: - no comments received.

National Air Traffic Services: - no safeguarding objection.

Cumbria Wildlife Trust: - no comments received.

Natural England: - the protected species survey has identified that bats, a European protected species may be affected by this application. Badgers have also been identified on the site - the evidence in the REA was undertaken in 2008 and is now somewhat dated.

Ministry of Defence/Defence Estates: - no objection to the proposal.

Cumbria County Council - Archaeological Services: - recommend that the site should be subject to a programme of further archaeological evaluation and where important archaeological remains survive, recording. No objection subject to the imposition of two conditions.

United Utilities: - no objection.

Friends Of The Earth (South Lakeland Branch): - no comments received.

British Gliding Association: - no comments received.

North West Ambulance Service: - no comments received.

Joint Radio Co: - objects to the proposal on behalf of United Utilities (Water), Electricity North West and itself.

Orange: - no Orange m/w links affected by this application.

Cable & Wireless: - no objection to the proposal.

National Grid UK Transmission: - no comments received.

Environment Agency: - object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to ground and surface water quality can be safely managed.

Cumbria Tourism: - no comments received.

Ramblers Association: - no comments received.

British Horse Society: - no comments received.

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

English Heritage - (Archaeology) NW Region: - does not consider that the proposed development will have a significant impact on the setting or on the Outstanding Universal Value of the Hadrian's Wall World Heritage Site, nor that it will significantly affect the setting of other highly designated heritage assets.

St Cuthbert Without PC: - is totally opposed to the proposed development - see attached copy of comments.

Wetheral PC: - object to this application because the site occupies an elevated and prominent position close to the urban edge of Carlisle in close proximity to the village of Cumwhinton. The scale and position is considered to be seriously detrimental to the landscape and visual character of the area, especially those properties that are situated within 1 km of the turbine site. The proposal is contrary to criteria 1 of Policy R44 and E37 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and criteria 1 and 3 of Policy CP8 of the Carlisle District Local Plan 2001-2016.

6. Officer's Report

Assessment

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan unless and until the Localism Bill is enacted. Given the stage of the Localism Bill (and the lack of certainty as to what its ultimate content will be) it is inappropriate to

give weight to the Government's intention to revoke the RSS; and this is in accord with the Court of Appeal's judgment in June 2011. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).

- 6.3 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 10% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2010 (rising to at least 15% by 2015 and at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.4 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.
- 6.5 In terms of the LP policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 6.6 A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 The site lies within landscape character sub type 5b Lowland - Low Farmland (Cumbria Landscape Character Guidance and Toolkit 2011). According to Map 8 (Landscape Capacity Assessment) of the Cumbria Wind Energy Supplementary Planning Document (July 2007) such a landscape has the capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines.

- 6.8 Other material considerations include PPS1 "Delivering Sustainable Development" and PPS1 Supplement "Planning and Climate Change"; PPS7 "Sustainable Development in Rural Areas"; PPS9 "Biodiversity and Geological Conservation"; and PPS22 "Renewable Energy" inclusive of "Planning for Renewable Energy – A Companion Guide to PPS22; Circular 8/93 "Costs in Planning and Other Proceedings"; Circular 11/95 "The Use of Conditions in Planning Permissions"; and Circular 1/2003 "Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas".
- 6.9 The Climate Change Supplement to PPS1 refers to the urgent need for action on climate change and encourages local authorities to tackle the causes and impacts of climate change through policies to promote, rather than restrict, the development of renewable energy sources such as wind power.
- 6.10 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England although the potential impact of renewable energy projects close to nationally designated areas (such as National Parks and Areas of Outstanding Natural Beauty) is a material consideration. ETSU-R-97 is to be used when assessing the impact of noise on nearby residents. PPS7 states that countryside policies should provide for the sensitive exploitation of renewable energy. PPS9 sets out the key principles relating to development and nature conservation. Planning decisions should aim to maintain, enhance, restore or add to biodiversity.
- 6.11 Paragraph 9 of Annex 3 of Circular 8/93 "Costs in Planning and Other Proceedings" highlights that planning authorities are expected to thoroughly consider relevant advice from a statutory consultee. Nevertheless, it is always the authority's sole responsibility to ensure that, if they adopt such advice, their decision is based on a complete understanding of the consultee's advice. In addition, paragraph 11 of Annex 3 of Circular 8/93 advises that planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of permission which would allow development to proceed.
- 6.12 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.
- 6.13 Members of Parliament have recently approved the Government's final set of National Policy Statements on energy. The NPs reiterate the key role of

renewable electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.

- 6.14 When assessing this application it is considered that there are three main issues, namely:
1. Benefits of the proposal
 2. Residential visual amenity (Cringles Farm and Beech Cottage)
 3. The policy aspirations regarding affordable housing.
2. Benefits
- 6.15 PPS22 “Renewable Energy” identifies a number of key principles which local planning authorities and developers should adhere to in their approach to planning for renewable energy. Paragraph 1(i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Paragraph 1(iv) records that the wider environmental and economic benefits of considerations that should be given significant weight in determining whether proposals should be given planning permission. Paragraph 1(viii) requires that development proposals should demonstrate how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. There is no specific requirement in PPS22 to provide precise calculations on the energy levels to be derived from a particular proposal and/or examine alternative sites.
- 6.16 Paragraphs 2 to 5 of PPS22 highlight that the Regional Spatial Strategy should include the target for renewable energy capacity in the region. The targets should be reviewed on a regular basis and revised upwards if they are met. However, the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects, nor should the potential for offshore generation be used as a justification to set lower onshore targets.
- 6.17 Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 10% of the region’s electricity production from renewable sources by 2010 and rising to 15% in 2015 and 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5 MW by 2015.
- 6.18 The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met.
- 6.19 The REA explains that the current development has the potential to displace between 2,395 and 5,410 tonnes of CO2 annually.

2. Residential visual amenity (Cringles Farm and Beech Cottage)

- 6.20 Cringles Farm is located approximately 420 m east of the proposed turbine. The REA concludes that the visibility of the proposed turbine from the southern and western elevations of Cringles Farm would not have a dominant or oppressive effect overall on the living conditions because: the reduced height of the proposed turbine to 100m; the oblique direction of the proposed turbine in views from the principal south-facing facade; the limited proportion of the fields of view that would be affected by a single turbine; the reduced visibility that would occur in ground level views due to enclosing hedgerows and partial screening in first floor views by a deciduous tree; and the availability of other views in other directions from within the building.
- 6.21 When assessing the impact of the proposal on the occupiers of Cringles Farm (inclusive of the holiday accommodation), the independent Assessment prepared by Eden Environment Ltd concludes that from Cringles Farm views of the single turbine would be restricted to a single focal point at the periphery of peoples' views instead of a spread of turbines across a wide view-span. This single turbine would be partially filtered by existing vegetation. It would be almost the same size as those of the original scheme but its dominance would be lessened because it is a single point in the peripheral view, broken up by intervening vegetation.
- 6.22 Beech Cottage is located approximately 620 m east of the proposed turbine. The REA concludes that the visibility of the proposed turbine from the western elevation of Beech Cottage would not have a dominant or oppressive effect overall on living conditions because: the reduced height of the turbine; partial screening of the lower tower by rising land in the foreground; the limited proportion of the field of view that would be affected; and the availability of other views in other directions.
- 6.23 The Appraisal provided by Eden Environment Ltd concurs with this view. The Assessment explains that the view would change from a spread of turbines across a large part of the west facing view to a single, albeit large, focal point of a single turbine. Instead of half the view being occupied by wind turbines, there would be a single turbine visible, at one point in the whole view. From the conservatory the single turbine is likely to be a very peripheral part of the whole view, and views of it may be blocked by the cottage itself.
- 6.24 In summary, and based on the distances apart, it is considered that the change in size of turbine would not significantly change the way in which it would be perceived. However, the Eden Environment Ltd Assessment concludes that the proposed single turbine is unlikely to cause the kind of '*oppressive and dominant visual impact*' which concerned the Inspector and caused him to dismiss the original three-turbine appeal. This is not to say that the single-turbine scheme would not have an adverse visual impact but rather, not to the extent that merited the Inspector to dismiss the previous appeal.

3. The policy aspirations regarding affordable housing

- 6.25 The Council are also currently processing an outline application (reference number 11/0730) for the erection of 14 affordable/housing for the elderly units on land immediately adjoining the western boundary of Beech Cottage. In this context Eden Environment Ltd were asked to assess the impact of the current proposal on this scheme and, as a consequence, the effects on the policy aspirations of the Council with regard to the provision of affordable housing.
- 6.26 From the outset Members should appreciate that it is likely (based on the proposed layout accompanying 11/0730) that the proposed affordable housing and its associated planting would completely, or almost completely, screen views of the proposed turbines for people at Beech Cottage.
- 6.27 Should both the wind turbines and the affordable housing proposals be consented, of the fourteen houses Eden Environment Ltd consider that:
- Nine would have little or no view of the proposed wind turbines;
 - Two would have views from some side windows and;
 - Three would have direct views from main living room windows.
- 6.28 From some properties there would be a marked difference in the view between the one-turbine and the two-turbine schemes. For properties 12, 13 and 14 two turbines would occupy a large part of the whole view (although filtered by vegetation) whereas one turbine would be a single focal point with an expansive view. The same applies to properties 1 and 11 with these views being from side windows.
- 6.29 On this basis it is considered that the visual impact of the proposed single turbine on any potential occupiers of the dwellings the subject of application 11/0730 is not sufficient to merit the refusal of permission.

Other Matters

- 6.30 During the Public Inquiry concerning applications 08/0707 and 08/0779 the Inspector also considered the effect on local roads (driver distraction); general health and safety; minimum separation distances; tourism; ecology; aviation; wind resource; noise; and shadow flicker but deemed them to be either “non-issues” or compliant with guidance and planning policy. In the case of the latter two the Inspector accepted that any effect associated either with noise or shadow flicker would be maintained within legal requirements or could be appropriately mitigated. It is considered the circumstances regarding these issues have not fundamentally altered in the intervening period. Concerns previously raised by the Joint Radio Company concerning application 08/0707 were resolved ahead of the Inquiry. The loss of any hedgerow can be mitigated by the submission of a landscaping scheme.
- 6.31 The proposal has been considered against the provisions of the Human Rights Act 1998. Article 8 and Article 1 Protocol 1 are relevant but, based on the foregoing, it is considered that the separate rights of the individuals

under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.32 It is considered that the proposed single turbine is unlikely to cause the kind of '*oppressive and dominant visual impact*' which concerned the Inspector and caused him to dismiss the appeal regarding the previous scheme for three-turbines. Furthermore, it is considered that the visual impact of the proposed single turbine on any potential occupiers of the dwellings the subject of application 11/0730 is not sufficient to merit the refusal of permission. On this basis the proposal is recommended for approval subject to the further observations of the JRC and Natural England.
- 6.33 The proposed creation of a community fund, and the establishment of a locally controlled community trust, would also need to be secured through a Section 106 Agreement.

7. Planning History

- 7.1 In August 2008, under application reference numbers 08/0707 and 08/0779, planning permission was refused not only for the erection of three wind turbines but also the erection of a 60m meteorological monitoring mast for three years. The subsequent appeal for the three turbines was dismissed but the appeal for the monitoring mast was allowed.

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority will be notified in writing of the date on the commissioning of the hereby permitted turbine. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site. Six months before the decommissioning of the turbine a scheme for the restoration of the site shall be submitted to and approved in writing by the local planning authority.

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

3. The approved documents for this Planning Permission comprise:
1. the submitted planning application form, ownership certificate, Design and Access Statement, the Environmental Appraisal, and the Revised Environmental Appraisal;
 2. drawing numbers 001 (Site Location), 002 (Site Layout), 003 (Typical Wind Turbine), 004 (Typical Turbine Foundations), 005 (Typical Crane Hardstanding), 006 (Site Access Details), 007 (Access Track Details), 008 (Typical Culvert Design), 009 (Indicative Track Drainage Details), 010 (Typical Cable Trench), 011 (Control Building and Substation Compound), 012 (Typical Meteorological Mast), and 013 (Indicative Construction Compound);
 3. the Notice of Decision; and
 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components as described in condition 3 above shall be removed from the site.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. The wind turbine hereby permitted shall be located in the position shown on the approved plans or within a tolerance of 25 metres from the base of the approved former position. Details of any such variation from the approved positions shall be submitted and approved in writing by the LPA prior to the erection of the turbines.

Reason: To safeguard the landscape and visual impact in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to commencement of the development, full details of the proposed construction compound and its means of access and enclosure shall be submitted to and approved in writing by the local planning authority. The compound and means of access shall be constructed in accordance with the approved details before any other part of the development commences, and upon completion of the construction works the area shall be cleared of all plant, debris and any other items and the land shall be returned to its former condition within 6 months thereafter in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard the character of the area, highway safety, and the living conditions of local residents in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence unless details of the colour and finish of the nacelle, blades and supporting tower of the wind turbines and the colour and finish of the meteorological mast have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the details so approved.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall take place until a scheme of archaeological investigation and any subsequent programme of work has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved programme of work.

Reason: In order to ensure the preservation, examination and recording of any archaeological remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

9. No logos, advertisements, lettering (other than that required for health and safety purposes or required for legal reasons) lights or other information shall be displayed on the turbine, nor shall it be illuminated without the prior written approval of the local planning authority.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. Prior to the commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the sub-station and control building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. All electrical cabling between the turbine and the on-site connection building shall be located underground unless otherwise agreed in writing with the Local Planning Authority prior to installation. Thereafter, the excavated ground shall be reinstated to its former condition within three months of the commissioning of the wind turbine.

Reason: To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Unless otherwise agreed in writing by the Local Planning Authority, the

construction of the development shall not commence until a traffic regulation order has been made and implemented to reduce the speed limit on B6263 to 50mph.

Reason: In the interests of highway safety.

13. The development shall not be commenced until the access roads have been constructed and drained in accordance with details submitted to and approved in writing beforehand by the local planning authority. Such provisions shall be retained, capable of use at all times thereafter and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: In the interests of highway safety.

14. Prior to the commencement of any works, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details relating to:

- a) access and parking arrangements for site personnel, contractors and visitors and arrangements for the delivery and removal of materials
- b) arrangements for the loading, unloading and storage of plant and materials
- c) hours of working during the construction period
- d) provision of wheel washing facilities for construction traffic.
- e) arrangements for artificial lighting so to prevent nuisance to surrounding properties.
- f) detailed method statements for each construction activity, including the identification of potentially noisy operations and details of noise control measures to be adopted.
- g) a scheme for the routing and control of traffic associated with the construction including arrangements for exceptional loads and temporary signage, commissioning and maintenance of the turbine, wind monitoring mast and ancillary buildings.

Development shall be carried out in compliance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

15. In relation to the development hereby permitted; no machinery shall be operated, no process shall be carried out and no construction traffic including

heavy goods vehicle deliveries shall enter or leave the site between the hours of 1800 hours and 800 hours Monday to Friday, nor outside the hours of 0800 and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays unless approved in writing in advance with the Local Planning Authority.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

16. No development shall take place until a scheme to secure the investigation of and alleviation of any interference to television reception which may be caused by the operation of the turbine has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To avoid any interference to television reception.

17. No development shall take place until a written scheme has been submitted to and approved by the Local Planning Authority setting out the protocol for the assessment of shadow flicker in the event of any complaint, including remedial measures. Operation of the turbine shall take place in accordance with the agreed protocol unless the Local Planning Authority gives its prior written consent to any variations.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

18. The rating level of noise emissions from the effects of the wind turbine (including the application of any tonal penalty) when calculated in accordance with the 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97', shall not exceed the values set out in the attached Tables 1(a) and 1(b). Noise limits for properties which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be determined according to one of the two following methods, as appropriate:

- a) a fixed limit of 35dB LA90,10min up to wind speeds of 10m/s at 10m height will apply to properties located outside the 35dB LA90,10min contour, as shown in Figure 5.1 of the Newlands Windfarm Environmental Appraisal;
- b) for properties lying within the 35dB LA90,10min contour, as shown in Figure 5.1 of the Newlands Windfarm Environmental Appraisal, the applicable noise limits shall be taken to be those of the nearest location listed in the Tables 1(a) and 1(b) unless otherwise requested by the Local Planning Authority. The coordinate locations to be used in determining the location of each of the properties listed in Tables 1(a) and 1(b) shall be those listed

in Table 2.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

19. Within 28 days from the receipt of a written request from the Local Planning Authority, following a complaint to it the wind farm operator shall, at the wind farm operators expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97'.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

20. Upon notification in writing of an established breach of the noise limits in Condition 18 the wind farm operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the breach and to prevent its future occurrence. This scheme shall specify the timescales for implementation.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

21. Wind speed, wind direction and power generation data for the hereby permitted wind turbine shall be continuously logged and provided to the local planning authority at its request and in accordance with 'The Assessment and Rating of Noise from Wind Farms, ETSU-R-97' within 28 days of such request. Such data shall be retained for a period of not less than 12 months.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

22. No development shall commence until the technical specification, including size, sound power level and design of the hereby permitted turbine as generally indicated in the planning application, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of local residents in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

23. No development shall commence until there has been submitted to the Local Planning Authority details of a nominated representative for the development

to act as a point of contact for local residents (in connection with conditions 18 - 22) together with the arrangements for notifying and approving any subsequent change in the nominated representative. The nominated representative shall have responsibility for liaison with the Local Planning Authority in dealing with any noise complaints made during the construction, operation and decommissioning of the wind farm.

Reason: To help ensure that the living conditions of local residents are safeguarded in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

24. 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 Policy CP3 of the Carlisle District Local Plan 2001-2016.

25. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season from the date when electricity is first supplied to the grid.

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

TABLES OF NOISE LIMITS RELATING TO CONDITION 18

Table 1(a): Between 23:00 and 07:00 hours (Rating Noise Level $L_{A90,10min}$ dB):

Property	Wind speed at 10m height, ms^{-1}											
	1	2	3	4	5	6	7	8	9	10	11	12
Chapel Cottage	43.0	43.0	43.0	43.2	43.5	43.5	43.5	43.5	43.5	43.5	43.5	43.5
Clinic	47.1	48.5	49.7	50.5	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1
Cringles	47.1	48.5	49.7	50.5	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1
Tanglewood	43.0	43.0	43.0	43.2	43.5	43.5	43.5	43.5	43.5	43.5	43.5	43.5
Beech Cottage	43.0	43.0	43.0	43.2	43.5	43.5	43.5	43.5	43.5	43.5	43.5	43.5
Greenways	43.0	43.0	43.0	43.2	43.5	43.5	43.5	43.5	43.5	43.5	43.5	43.5
Gillhead	47.1	48.5	49.7	50.5	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1
Golden Fleece	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Border Gate Hotel	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Newlands Cottage	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Woodend	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Newlands Farm Cottage	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Newlands Farmhouse	51.4	52.6	53.4	54.0	54.4	54.4	54.4	54.4	54.4	54.4	54.4	54.4
Ypslanti	47.1	48.5	49.7	50.5	51.1	51.1	51.1	51.1	51.1	51.1	51.1	51.1

Table 1(b): At all other times (Rating Noise Level $L_{A90,10min}$ dB):

Property	Wind speed at 10m height, ms^{-1}											
	1	2	3	4	5	6	7	8	9	10	11	12
Chapel Cottage	42.1	44.3	45.5	46.1	46.2	46.1	46.1	46.5	46.5	46.5	46.5	46.5
Clinic	48.9	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2
Cringles	48.9	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2
Tanglewood	42.1	44.3	45.5	46.1	46.2	46.1	46.1	46.5	46.5	46.5	46.5	46.5
Beech Cottage	42.1	44.3	45.5	46.1	46.2	46.1	46.1	46.5	46.5	46.5	46.5	46.5
Greenways	42.1	44.3	45.5	46.1	46.2	46.1	46.1	46.5	46.5	46.5	46.5	46.5
Gillhead	48.9	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2
Golden Fleece	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Border Gate Hotel	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Newlands Cottage	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Woodend	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Newlands Farm Cottage	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Newlands Farmhouse	52.6	55.0	56.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8	57.8
Ypslanti	48.9	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2	51.2

TABLES OF COORDINATE LOCATIONS OF PROPERTIES

Table 2: Coordinate locations of the properties listed in Tables 1(a) and 1(b).

Property	Easting	Northing
Chapel Cottage	344858	552545
Clinic	343702	553351
Cringles	344489	552805
Tanglewood	344656	552767
Beech Cottage	344702	552707
Greenways	344807	552500
Gillhead	344307	553261
Golden Fleece	343864	551642
Border Gate Hotel	343643	551929
Newlands Cottage	343748	552291
Woodend	343681	552026
Newlands Farm Cottage	344153	552189
Newlands Farmhouse	343903	552180
Ypslanti	344085	551431

26.

Key

-  Proposed Turbine Location
-  Planning Application Boundary
-  Meteorological Mast
-  Track to be Upgraded
-  New Access Track
-  Construction Compound
-  Crane Handstanding
-  Substation

1:5,000 Scale @ A3

 0 100 200 m

Produced: SC
 Reviewed: PM
 Approved: SD
 Ref: 403/PA/013
 Date: 15/06/2011

Site Layout
 Drawing 002

Newlands Single Turbine
 Planning Application



Bolsterstone.



Key

Proposed Turbine Location



1:75,000 Scale @ A3



Produced: SC
Reviewed: PM
Approved: SD
Ref: 403/PA/012
Revision: A
Date: 15/06/2011

Site Location
Drawing 001

**Newlands Single Turbine
Planning Application**



Bolsterstone.

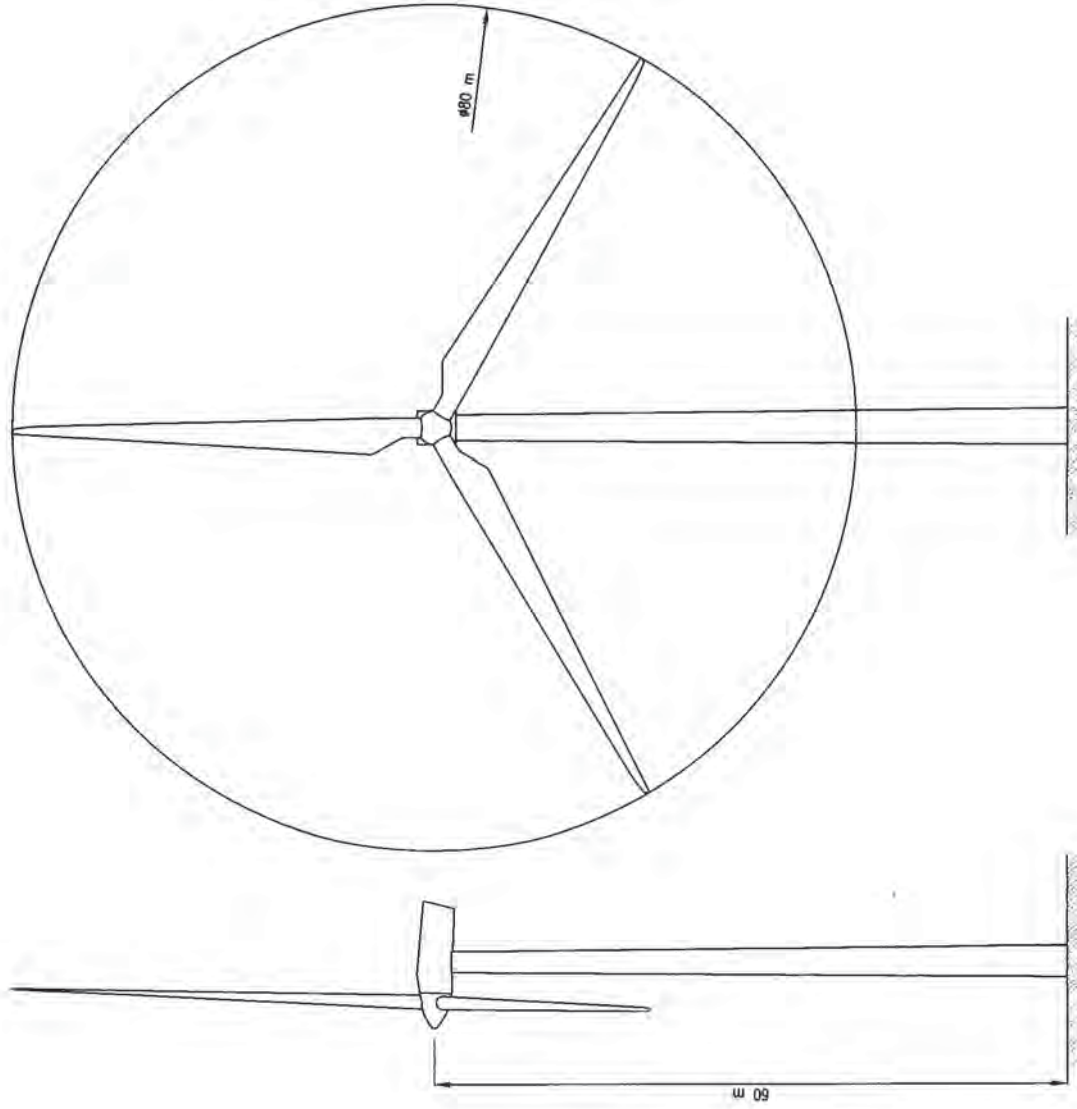


NOT FOR CONSTRUCTION

Produced By: SC
Reviewed By: PM
Approved By: SD
Ref: 403/PA/014
Date: 15/06/2011

FRONT ELEVATION
SCALE = 1:500

SIDE ELEVATION
SCALE = 1:500



Typical Turbine
Drawing 003

Newlands Single Turbine
Planning Application

Carlisle City Council
Economic Development - Planning Services
Development Control
6th Floor - Civic Centre
CARLISLE
CA3 8QG

PLANNING SERVICES	
REF	11/0596
30 AUG 2011	
PASW 141	
RECORDED	ON
SCANNED	
PASSED TO	ARCH
ACTION	

FAO Case Officer: Angus Hutchinson

PARISH COUNCIL REPLY TO CONSULTATION ON PLANNING APPLICATION

Proposal: Erection Of 1no. Wind Turbine And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

Location: Newlands Farm, Carleton, Carlisle, CA4 0AE

Appn Ref: 11/0596

*1 My Council does not wish to make any representation on the proposal detailed above.

*2 The observations of my Council on the proposal detailed above are given below/on the attached document.

**Delete as appropriate*

Clerk to St Cuthberts Without PC

Parish Observations

The response is for both 11/0196 + 11/0197.

[Signature]
**ST CUTHBERT WITHOUT
PARISH COUNCIL**

190611

St Cuthbert Without Parish Council

Clerk

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PLANNING SERVICES	
REF:	11/0596
30 AUG 2011	
RECORDED	CN
SCANNED	
PASSED TO	ARB
ACTION	

19 August 2011

Carlisle City Council
Economic Development
Planning Services
Civic Centre
CARLISLE
CA3 8QG

Proposal: Erection of 1no wind turbine and associated infrastructure including hardstandings, on site tracks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263

Location: Newlands Farm, Carleton, Carlisle CA4 0AE

Appn ref: 11/0596

Proposal: Erection of 2no wind turbine2 and associated infrastructure including hardstandings, on site tracks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263

Location: Newlands Farm, Carleton, Carlisle CA4 0AE

Appn ref: 11/0597

This parish Council has considered the applications, detailed above, and makes the following observations/comments/raises objections both jointly and severally in respect of these applications:

It is noted that an application for a similar development, albeit slightly smaller wind turbines, was submitted in 2008, reference 08/0707, and declined and that this was then subject to a Public Inquiry (reference APP/EO915/A/09/2102659) which also declined the project.

The following comments are made on the findings of that inquiry:

- The principal reasons were the proximity to both Cringles Farm and Beech Cottage such that the spread of the turbines would make them dominant and overpowering and have a significant and detrimental effect on the properties. In addition the turbines would fill a substantial proportion of the field of view and this would have significant detrimental effect on the properties. These proposals do not change the basis of those findings – the position of the turbines is unchanged

- The proposals have, at their core, a reduced size of wind turbine (100m to tip against 115m to tip) and applicants have produced photomontages to reflect the slightly lower overall height. The reality of these proposals is that such a small reduction in height would have no meaningful or significant effect on the consequences outlined by the Inspector in his conclusion as to the height and proximity of the turbines
- The Inspector accepted that there were some inherent dangers to general health and safety. Further specialist research/evidence/comment is required
- Effect on aviation – no evidence was provided to the Inspector which did not mean that the concern was not relevant and, again, specialist opinion should be sought
- The applicant seeks to make light of the other concerns that were raised – these are real concerns of local people and will, inevitably, be subjective but that does not mean that they are not relevant and worthy of careful consideration and balance

Visual impact

- The site has clearly been chosen because of the elevated location and the narrow development corridor available recognising local exclusion areas including the Pennines and Lake District National Park. Consequently the visual impact will be a radius of up to 30 miles, far greater than the developers appear to concede, and their intrusion will extend to Blencathra, Southern Scotland and Caldbeck – effectively the whole of North Cumbria
- The approach to Carlisle, from the south and west, is a most pleasant vista of countryside and this would be lost. Much effort and funding, from a variety of sources, has been expended in promoting Carlisle and the immediate area as a tourist destination and much of this impetus could easily be lost if initial impressions of the area are damaged
- The beauty of LDNP remains protected whilst other similar areas are, largely, ignored
- The growth of wind turbine power in the Solway coupled with other similar developments in SW Scotland will lead to an increase in power transmission through Cumbria – will this lead to an increase in the number of electricity pylons above those already in evidence? This would further add to visual intrusion

Changes to character of area

- The proposed development is on the doorstep of an operational farming village and residential area. Those residents would suffer residential blight – this has already been proved in Lincolnshire with financial penalties accruing to the local authority
- Such a development would, effectively, mean the creation of a significant industrial enterprise in an unspoilt rural area. Not only is this wholly inappropriate and totally outwith the Carlisle District Local Plan 2011-2016 (wholly adopted in September 2008) it would also create a very dangerous precedent for any other industrial use of the rural area
- An immediate loss of natural beauty would follow any development of this type
- Any further residential development of Cumwhinton would be halted and this could result in negative growth of local facilities including the village store and post Office together with the village pub/restaurant
- A reduction in housing development could have a negative impact on the viability of Cumwhinton School through falling rolls

St Cuthbert Without Parish Council

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Noise and other pollution

- Whilst the application includes data on noise it is noted that the likely noise pollution would be consistent and continuous
- The distance from the nearest residential development is 420metres (Cringles, Cumwhinton and 590 metres (Beech Cottage, Cumwhinton) whereas the minimum recommended distance is understood to be 1500 metres in mainland Europe and Scotland. It is noted that a radius of 1.5 km includes most of Cumwhinton and Carleton together with Carleton Grange, Pennine View and Parkland Village and also parts of Harraby and Scotby
- The residents of Carleton Grange, Pennine View and Parkland Village already suffer motorway blight and these proposed developments would aggravate unwelcome industrial noise
- During construction there is likely to be major disruption to traffic flow with the size of vehicles bringing components to site as well as serious traffic congestion caused by construction traffic in an area where the infrastructure is already suffering dramatically from the effects of the developments at Carleton Grange, Pennine View and Parkland Village where insufficient planning thought was given to the increase in vehicle movements.
- Light flicker is a real concern – it not only affects animals it is known to cause distress and more serious consequences to both adults and children. The adverse effect on persons with special needs could be even more distressing

Local economy

- Two farming enterprises in Cumwhinton have diversified, at the recommendation of government and others, into livery stables and these businesses would be put at risk because of the reaction of the animals to the turbines – noise and light flicker. Therefore as one farmer sees a benefit potentially two others suffer hardship
- Adverse effect on visual amenity could result in a housing market decline leading to property owners reducing their investment in maintenance, care and development. This can precipitate a population drift with a consequent impact on local amenities – school, shop and public house/restaurant
- Whilst LDNP is protected from such proposals, and therefore its economy is largely similarly protected, this protection would not be afforded to local businesses

Tourism

- Tourism is one of the major industries in Cumbria and must be protected together with the Cumbrian Heritage
- Many hotels, guest houses and holiday cottage businesses are wholly reliant on the tourist market. This market is, at best, fragile and visual intrusion in an area of beauty would impact adversely

- Likely adverse impact on tourism and negative perception by visitors leading to reduced inward investment within the City of Carlisle and north Cumbria
- Much is rightly made of Carlisle's Heritage and Hadrian's Wall. Tourists approaching from the south along M6 will have a turbine site as their first view of this historic city and this is completely out of context with the image that the various tourist boards are seeking to promote
- Much effort and funding, from a variety of sources, has been expended in promoting Carlisle and the immediate area as a tourist destination and much of this impetus could easily be lost if initial impressions of the area are damaged

Nature Conservation

- The submission papers include details of animal habitats and the actions proposed to minimise disruption. However the greater natural area would suffer disturbance – not only from noise and flight flicker, but over a larger area from vibration and noise disturbance and the effect of addition traffic volumes in the local and wider area

Risk factors

- Critical wind speeds are quoted in the data summary. However a major concern is the consequence of a failure of the braking system, within the turbine, in the event that the wind speed became higher than operationally safe. Defragmentation of the blades or the collapse of the mast may be a real and potentially dangerous consequence
- Comparison has been made with the height of Dixon's Chimney in Carlisle. The maximum height to the top of a blade at tdc is 100 metres but the base level of the proposed development site is some 30 metres above that of the chimney making the structure some 130metres above sea level. What is the lowest flight ceiling imposed on the RAF who frequently, and legally, fly at low level over this area during training exercises? Whilst an air exclusion zone may be created any slight error in navigation could result in a major air accident. Similarly there are many micro-lites and other small aircraft flying out of Carlisle Airport and, to a much lesser extent, that at Great Orton. The proposed redevelopment and expansion of Carlisle Airport exacerbates the risk profile – the planning application for that proposed development is still to be determined.
- What consideration has been given to any interruption to the radio waves from the transmission masts at J42 M6, Cumwhinton Road, Carlisle and the transmission station at Brisco?

The following comments are relevant to the overall consideration by this Parish Council whilst not, strictly in isolation, matters of planning law:

- Central Government is imposing turbines on the country as a form of renewable energy but it should be recognised that with Sellafield located in West Cumbria the county can clearly be seen to have embraced this requirement for very many years
- Other countries in Western Europe only see wind turbines as making a minimal contribution to power requirements rather than a major contribution
- Potential for an explosion in the development of similar and potentially larger turbine farms throughout the immediate and wider area
- Balderstone plc, the would be developer, appears to be a modestly capitalised company that has previously been involved with residential and small industrial

St Cuthbert Without Parish Council

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E-mail

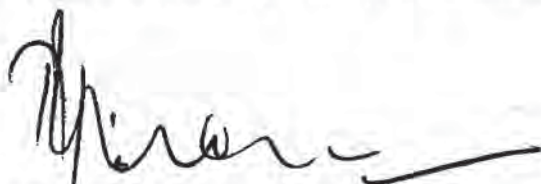
development with no evident experience in building windfarms or similar structures requiring significant and complex civil engineering works. Simultaneously there is likely to be major disruption to traffic flow with the size of vehicles bringing components to site as well as serious traffic congestion caused by construction traffic in an area where the infrastructure is already suffering dramatically from the effects of the developments at Carleton Grange, Pennine View and Parkland Village where insufficient planning thought was given to the increase in vehicle movements

- There is a possibility that Balderstone plc could sell off the rights to the site should planning permission be granted – how would a subsequent owner/operator seek to develop the proposed site (albeit this would be subject to separate planning application)
- The proposals are only viable because of significant subsidy
- Whatever contribution this proposed turbine site might make to the national requirement it should be noted that in times of overproduction any surplus cannot be stored
- The strong possibility of a reduction in property values, as a consequence of this development, throughout a large local area. This likelihood has already been voiced in both national and local press with indicated falls in valuations of up to 20%.
- Many local residents do not appear to understand the sheer size of the development and other consequences on their lives and environment

Conclusions, recommendations and requirements:

- This Parish Council is totally opposed to this development

Please do not hesitate to contact me if you require any amplification of any of the comments contained within this submission



David Johnson
Clerk
St Cuthbert Without Parish Council

SCHEDULE A: Applications with Recommendation

11/0597

Item No: 02

Date of Committee: 11/11/2011

Appn Ref No:
11/0597

Applicant:
Bolsterstone Innovative
Energy (Newlands) Ltd

Parish:
St Cuthberts Without

Date of Receipt:
18/07/2011

Agent:
Arcus Renewable Energy
Consulting Ltd

Ward:
Dalston

Location:

Newlands Farm, Carleton, Carlisle, CA4 0AE

Proposal: Erection Of 2no. Wind Turbines And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application be refused.

2. Main Issues

- 2.1 Benefits of proposal
2.2 Residential visual amenity (Cringles Farm and Beech Cottage)
2.3 The policy aspirations regarding affordable housing

3. Application Details

The Site

- 3.1 Newlands Farm is in an elevated location approximately 30 metres to the immediate east of the M6, 300 metres to the north of junction 42. The Farm is bound to the west by the M6, to the south by the B6263 road which runs from Junction 42 to Cumwhinton, and, the Garlands Road leading from Cumwhinton to Carlisle. At its closest, the application site is 660 metres to the east of the Carleton Clinic (Carlisle) and approximately 400 metres to the south-west of Cringles Farm.

- 3.2 The farmstead comprises the original farmhouse based around which there are a series of agricultural buildings varying in age, design and materials. There is a detached “new” farmhouse located approximately 200 metres to the east of the main steading.
- 3.3 The application site is relatively elevated at an AOD of approximately 70m set in an undulating landscape with agricultural fields bounded by hedgerows, isolated trees and mature copses. To the immediate east of the site there is an overhead power line running north to the Harker sub-station carried by pylons that are approximately 40/45 metres in height. The Caldbeck Transmitter Station, which has a mast 337m in height and is 17km to the south, can be clearly seen from the site.
- 3.4 Access to a public footpath (no. 138040), which runs to Cocklakes, lies to the south of the application site off the B6263. Cumwhinton is served by a number of public footpaths, such as nos. 138035, 138053 and 138059. There are additional public footpaths further afield inclusive of no. 129011 at Brisco.

Background

- 3.5 In 2008, under applications reference numbers 08/0707 and 08/0779, planning permission was refused for the erection of three wind turbines (115 metres in height to the tip) and associated infrastructure, and the erection of a 60 metre high meteorological monitoring mast.
- 3.6 When assessing the subsequent appeals, the inspector considered the main issue with regard to the proposed turbines to be whether any harm caused to the character and appearance of the landscape (including cumulative effects); the living conditions of nearby occupiers through visual impact, noise and disturbance, and shadow flicker; and any other matters raised, is outweighed by any benefits. The Inspector dismissed the appeal on the basis that the proposal would have a significant detrimental effect on the living conditions of the occupiers of Cringles Farm and, to a lesser extent, Beech Cottage, through an oppressive and dominant visual impact.
- 3.7 In regard to the proposed meteorological mast, the inspector allowed the appeal because the limited harm it would cause to the landscape is far outweighed by the benefit it would give in assessing the suitability of the site for a wind turbine cluster.

The Proposal

- 3.8 This application is for two turbines each with 3 blades and a minimum height of 95 metres and maximum height of 100 metres with ancillary infrastructure. A separate application for a single turbine (reference number 11/0596) has been submitted in tandem. The two turbines are anticipated to have a capacity of 5 mw. The proposed turbines consist of tapered cylinders with a hub height of 65 metres and a blade diameter of up to 80 metres. The blades would be manufactured from fibre reinforced epoxy and the tower from steel. The developer aims to establish an agreement with the planning

authority for the micro-siting of the turbines and associated infrastructure within 25 m of the “approved” centre point.

- 3.9 The application has been submitted on the basis of addressing the concerns of the Planning Inspector by reducing the visual impact on the properties at Cringles Farm and Beech Cottage. When compared to the scheme refused permission under 08/0707 it is evident that the height of the turbines have been reduced from 115 metres to 100 metres; the southern turbine has been removed; a smaller temporary construction compound; the compound and control building/substation have been relocated; and the overall site area reduced. The proposed construction compound, which measures 50 m by 50 m, is to accommodate portable buildings for site offices and welfare facilities, portable toilets, containers for tool and equipment storage, parking for 8 vehicles, and the storage of components. The proposed substation measures 14 m by 12 m.
- 3.10 The proposed turbines will take approximately six – eight months to construct. The community fund for the development will reflect the Renewable UK recommendation of approximately £1,000 per installed megawatt per year. The turbines would have an operational life of 25 years after which they would be decommissioned, removed and the site restored.
- 3.11 The submitted application is accompanied by an Environmental Statement, Revised Environmental Appraisal (REA), Design and Access Statement, three letters from the agent dated the 20th September and 19th October 2011, and a copy of an appeal decision (reference APP/T3535/A/08/2064982) regarding Kessingland, Lowestoft.
- 3.12 The City Council has commissioned an independent Landscape and Visual Impact Assessment prepared by Eden Environment Ltd.

4. Summary of Representations

- 4.1 This application has been advertised in the form of a press notice, the display of site notices around the perimeter of the application site, and written notification to the occupiers of 112 neighbouring properties.
- 4.2 At the time of preparing the report 1098 letters or e-mails have been received of which 1093 raise objections, 2 make comments, and 3 are in support.
- 4.3 The objections and comments cover a number of matters and these are summarised as follows.

LANDSCAPE AND VISUAL

- 1. Impact on Cumwhinton, Carlisle and the surrounding landscape
- 2. The proposal will be out of scale
- 3. Proposal contrary to PPS 7 which is to protect countryside
- 4. Set a precedent
- 5. Alleged that the submitted photomontages give a misleading impression

ECONOMIC

1. Potential environmental and social damage outweighs any benefits of the proposal
2. Query the amount and cost of power the wind farm will produce - unreliability of the wind supply
3. More suitable alternative green sources of energy
4. Affect the value of people's homes
5. The appearance will detract from the tourists' gateway to the City and Cumbria's tourism industry

LIVING CONDITIONS/HEALTH

1. Noise - will be intrusive and have an adverse impact on the living conditions of neighbouring residents
2. Increases in noise, disruption, dust and traffic during construction
3. Flicker effect from sunlight behind the rotating blades will make life intolerable
4. The proposal will cause health complaints such as stress, depression, headaches and anxiety.
5. The proposal even with a 15 m reduction in height will be oppressive
6. Need to have regard to previous Inspector's decision
7. Hazard from a blade, ice or other debris falling on to the M6
8. Effect on TV reception

ECOLOGY/CONSERVATION & ENVIRONMENT

1. Effects on nature conservation generally as well as protected species such as bats and birds.

AVIATION SAFETY

1. Potential danger related to the regular low flying military aircraft over the area

- 4.4 The correspondence in support cover a number of matters and these are summarised as follows:

1. We all like our warm houses etc so you have to give a little back
2. It is an elevated hillside by a very environmentally unfriendly motorway
3. Argument against is rather selfish – their own view considered more important than those of many others and future generations who cannot yet speak up for cleaner energy solutions
4. supportive of the principles of the erection of wind turbines on this site.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no comments received.

Highways Agency:- no objections to the application.

Local Environment - Environmental Protection: - no objections.

Carlisle Airport: - initial assessment of the proposed development reveals a potential conflict with Carlisle Airport safeguarding criteria. Consequently a more in-depth assessment of the proposed development is required. Should the applicant not wish to commission an initial assessment the Airport reserves the right to issue a letter of objection unless documentary evidence confirms that an aviation impact assessment has been carried out by a reputable and suitably qualified body. The Airport reserves the right to charge for the time and effort needed to evaluate any third party assessment reports presented.

BBC: - no comments received.

Council for Protection of Rural England/Friends of the Lake District: - no comments received.

National Air Traffic Services: - no safeguarding objection.

Cumbria Wildlife Trust: - no comments received.

Natural England: - the protected species survey has identified that bats, a European protected species may be affected by this application. Badgers have also been identified on the site - the evidence in the REA was undertaken in 2008 and is now somewhat dated.

Ministry of Defence/Defence Estates: - no objection to the proposal.

Cumbria County Council - (Archaeological Services): - recommend that the site should be subject to a programme of further archaeological evaluation and where important archaeological remains survive, recording. No objection subject to the imposition of two conditions.

United Utilities: - no objection.

Friends Of The Earth (South Lakeland Branch): - no comments received.

British Gliding Association: - no comments received.

North West Ambulance Service: - no comments received.

Joint Radio Co: - objects to the proposal on behalf of United Utilities (Water), Electricity North West and itself.

Orange: - no Orange m/w links affected by this application.

Cable & Wireless: - no objection to the proposal.

National Grid UK Transmission: - no comments received.

Environment Agency: - object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to ground and surface water quality can be safely managed.

Cumbria Tourism: - no comments received.

Ramblers Association: - no comments received.

British Horse Society: - no comments received.

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

English Heritage - (Archaeology) NW Region: - does not consider that the proposed development will have a significant impact on the setting or on the Outstanding Universal Value of the Hadrian's Wall World Heritage Site, nor that it will significantly affect the setting of other highly designated heritage assets.

St Cuthbert Without PC: - is totally opposed to the proposed development - see attached copy of comments.

Wetheral PC: - object to this application because the site occupies an elevated and prominent position close to the urban edge of Carlisle in close proximity to the village of Cumwhinton. The scale and position is considered to be seriously detrimental to the landscape and visual character of the area, especially those properties that are situated within 1 km of the turbine site. The proposal is contrary to criteria 1 of Policy R44 and E37 of the Cumbria and Lake District Joint Structure Plan 2001-2016 and criteria 1 and 3 of Policy CP8 of the Carlisle District Local Plan 2001-2016.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan unless and until the Localism Bill is enacted. Given the stage of the Localism Bill (and the lack of certainty as to what its ultimate content will be) it is inappropriate to give weight to the Government's intention to revoke the RSS; and this is in accord with the Court of Appeal's judgment in June 2011. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnership's Sub

Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).

- 6.3 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 10% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2010 (rising to at least 15% by 2015 and at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.4 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.
- 6.5 In terms of the LP policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 6.6 A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 The site lies within landscape character sub type 5b Lowland - Low Farmland (Cumbria Landscape Character Guidance and Toolkit 2011). According to Map 8 (Landscape Capacity Assessment) of the Cumbria Wind Energy Supplementary Planning Document (July 2007) such a landscape has the capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines.
- 6.8 Other material considerations include PPS1 "Delivering Sustainable Development" and PPS1 Supplement "Planning and Climate Change"; PPS7 "Sustainable Development in Rural Areas"; PPS9 "Biodiversity and Geological Conservation"; and PPS22 "Renewable Energy" inclusive of "Planning for Renewable Energy – A Companion Guide to PPS22; Circular 8/93 "Costs in Planning and Other Proceedings"; Circular 11/95 "The Use of Conditions in Planning Permissions"; and Circular 1/2003 "Safeguarding Aerodromes,

Technical Sites and Military Explosives Storage Areas".

- 6.9 The Climate Change Supplement to PPS1 refers to the urgent need for action on climate change and encourages local authorities to tackle the causes and impacts of climate change through policies to promote, rather than restrict, the development of renewable energy sources such as wind power.
- 6.10 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England although the potential impact of renewable energy projects close to nationally designated areas (such as National Parks and Areas of Outstanding Natural Beauty) is a material consideration. ETSU-R-97 is to be used when assessing the impact of noise on nearby residents. PPS7 states that countryside policies should provide for the sensitive exploitation of renewable energy. PPS9 sets out the key principles relating to development and nature conservation. Planning decisions should aim to maintain, enhance, restore or add to biodiversity.
- 6.11 Paragraph 9 of Annex 3 of Circular 8/93 "Costs in Planning and Other Proceedings" highlights that planning authorities are expected to thoroughly consider relevant advice from a statutory consultee. Nevertheless, it is always the authority's sole responsibility to ensure that, if they adopt such advice, their decision is based on a complete understanding of the consultee's advice. In addition, paragraph 11 of Annex 3 of Circular 8/93 advises that planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of permission which would allow development to proceed.
- 6.12 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.
- 6.13 Members of Parliament have recently approved the Government's final set of National Policy Statements on energy. The NPs reiterate the key role of renewable electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.
- 6.14 When assessing this application it is considered that there are three main issues, namely:
1. Benefits of the proposal

2. Residential visual amenity (Cringles Farm and Beech Cottage)
3. The policy aspirations regarding affordable housing.

1. Benefits

- 6.15 PPS22 “Renewable Energy” identifies a number of key principles which local planning authorities and developers should adhere to in their approach to planning for renewable energy. Paragraph 1(i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Paragraph 1(iv) records that the wider environmental and economic benefits of considerations that should be given significant weight in determining whether proposals should be given planning permission. Paragraph 1(viii) requires that development proposals should demonstrate how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. There is no specific requirement in PPS22 to provide precise calculations on the energy levels to be derived from a particular proposal and/or examine alternative sites.
- 6.16 Paragraphs 2 to 5 of PPS22 highlight that the Regional Spatial Strategy should include the target for renewable energy capacity in the region. The targets should be reviewed on a regular basis and revised upwards if they are met. However, the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects, nor should the potential for offshore generation be used as a justification to set lower onshore targets.
- 6.17 Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 10% of the region's electricity production from renewable sources by 2010 and rising to 15% in 2015 and 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5 MW by 2015.
- 6.18 The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met.
- 6.19 The REA explains that the current development has the potential to displace between 2,395 and 5,410 tonnes of CO₂ annually.

2. Residential visual amenity (Cringles Farm and Beech Cottage)

- 6.20 Cringles Farm is located approximately 420 m east of the nearest proposed turbine. The REA concludes that the visibility of the proposed two turbines from the southern and western elevations of Cringles Farm would not have a dominant or oppressive effect overall on the living conditions because: the reduced height of the proposed turbines to 100m; the limited proportion of the fields of view that would be affected; the reduced visibility that would occur in ground level views due to enclosing hedgerows and partial screening in first

floor views by a deciduous tree; and the availability of other views in other directions from within the building.

- 6.21 When assessing the impact of the proposal on the occupiers of Cringles Farm (inclusive of the holiday accommodation), the independent Assessment prepared by Eden Environment Ltd (EEL) identifies that in the case of the previous application views of the proposed three turbines would have occupied approximately half of the whole south facing view-span, and the turbines would have been mostly viewed against the sky. They would have been taller in the view than the existing pylons with the turbine hubs being above the height of the pylons. From ground level windows, the bases of the turbine masts would have been hidden by the hedgerow to the south of Cumwhinton Road. Views of the middle and northern-most turbines would have been partially filtered by an existing tree in Cringles Farm's front garden, less so during the winter.
- 6.22 In comparison, EEL consider that views of the currently proposed turbines would occupy approximately one quarter of the whole south facing view-span, mostly viewed against the sky. The turbine hubs would be at approximately the same height as the existing pylon tops with the blades higher in the view. From ground level windows the bases of the turbine masts would be hidden by the hedgerow to the south of Cumwhinton Road. From Cringles Farm there would be a reduction in the proportion of the view-span occupied by turbines, and views of turbines would be restricted to the right hand side of the view, making them more peripheral. Nevertheless, because there are two turbines, and because of their proximity, they still 'spread' across the view rather than being a single focal point. In addition, they would not appear significantly smaller than those of the original three turbine scheme.
- 6.23 Beech Cottage is located approximately 580 m east of the closest turbine. The REA concludes that the visibility of the proposed turbines from the western elevation of Beech Cottage would not have a dominant or oppressive effect overall on living conditions because: the reduced height of the turbines; the limited proportion of the field of view that would be affected; and the availability of other views in other directions.
- 6.24 The Appraisal provided by EEL highlights that for the previous scheme the three turbines would have occupied approximately half of the view-span from west facing windows, including the kitchen window, and approximately one third of the view-span from the conservatory. The base of the northern-most turbine would have been hidden by intervening rising land but there would have been no intervening vegetation to screen or filter views. The turbines would have been taller in the view than the existing pylons with the hubs well above the tops of the pylons. The turbines would have been viewed against the sky, not landform.
- 6.25 In the case of the current proposal, EEL consider that the turbines would occupy less than half of the view-span from west facing windows including the kitchen window, and less than one quarter of the view-span from the conservatory. The base of the northern-most turbine would be hidden by intervening rising land but there would be no intervening vegetation to screen or filter views. The turbines would be taller in the view than the existing

pylons with the hubs at about the same height as the tops of the pylons. They would be viewed against the sky, not landform. The west facing windows of Beech Cottage would look straight towards the proposed two turbines so the loss of the southern-most turbine would not significantly reduce the view-span occupied by turbines. For both the original three-turbine and the new two-turbine schemes, the turbines would be prominent, standing high above the gentle hillside, with no intervening vegetation. There would be small differences in size and height but the proposed turbines are likely to appear as dominant in the view as those of the original three-turbine scheme. The 'spread' of turbines across the view at a distance of approximately 580m means that views from Beech Cottage would not be substantially different from those of the three-turbine scheme. However, from Beech Cottage's conservatory there would be a marked reduction in the dominance of turbines in the view, with the remaining two turbines being more peripheral towards the right hand side (to the north-west) of the view.

- 6.26 At a general level EEL has also highlighted that the proposed turbines have rotors which are less than three percent smaller than those of the original scheme, and their overall height is 13% smaller. These are not considered significant reductions in size and height, and unlikely to alter the way they are perceived in the view for people at Cringles Farm and Beech Cottage. At both properties, the whole of the rotor disc is likely to remain visible above intervening ground, albeit slightly lower in the scene, and the size of the rotor disc is not significantly reduced.
- 6.27 The Inspector's key concern was that the three-turbine scheme would cause an '*an oppressive and dominant visual impact*' for people living at Cringles Farm and Beech Cottage, and this concern led him to dismiss the developer's appeal. The EEL appraisal concludes that the new two-turbine scheme would cause similar effects for people in those properties.

3. The policy aspirations regarding affordable housing

- 6.28 The Council are also currently processing an outline application (reference number 11/0730) for the erection of 14 affordable/housing for the elderly units on land immediately adjoining the western boundary of Beech Cottage. In this context EEL were asked to assess the impact of the current proposal on this scheme and, as a consequence, the effects on the policy aspirations of the Council with regard to the provision of affordable housing.
- 6.29 From the outset Members should appreciate that for people at Cringles Farm the visual impact of the proposed turbines would not be altered by the proposed affordable housing. For people at Beech Cottage, the proposed affordable housing is likely to almost entirely block views of the proposed wind turbines. In doing so, the proposed housing would cause its own changes in view for people living at Beech Cottage.
- 6.30 Nevertheless, should both the wind turbines and the affordable housing proposals be consented, of the fourteen houses EEL consider that:
- Nine would have little or no view of the proposed wind turbines;

- Two would have views from some side windows and;
 - Three would have direct views from main living room windows.
- 6.31 Although currently an undetermined outline application (but based on the indicative layout) for properties 1, 11, 12, 13 and 14 the proposed two turbines would potentially occupy a large part of the whole view (although filtered by vegetation). In the case of 1 and 11 these views would be from side windows.
- 6.32 In effect the proposed two turbine scheme, by forming an oppressive and dominant presence, could also hinder the Council's policy aspirations with regard to the effective provision of affordable housing at a time when the draft of the new Housing Need and Demand Study estimates a need for 101 units in the "rural east" based on the results of a 2011 survey.

Other Matters

- 6.33 During the Public Inquiry concerning applications 08/0707 and 08/0779 the Inspector also considered the effect on local roads (driver distraction); general health and safety; minimum separation distances; tourism; ecology; aviation; wind resource; noise; and shadow flicker but deemed them to be either "non-issues" or compliant with guidance and planning policy. In the case of the latter two the Inspector accepted that any effect associated either with noise or shadow flicker would be maintained within legal requirements or could be appropriately mitigated. It is considered the circumstances regarding these issues have not fundamentally altered in the intervening period. Concerns previously raised by the Joint Radio Company concerning application 08/0707 were resolved ahead of the Inquiry. The loss of any hedgerow can be mitigated by the submission of a landscaping scheme.

Conclusion

- 6.34 The proposal is in accordance with the overall objectives of Government energy policy. This is in the context where Cumbria has a target of providing 210 MW by 2010 with actual provision standing at 88MW. In addition the County has relatively extensive areas designated as either a National Park or Areas of Outstanding Natural Beauty with other parts also sensitive, for example because of existing bird populations. The potential provision of on shore wind farms around Carlisle and its environs is also constrained by such features and designations as the Hadrian's Wall World Heritage Site, the Solway Coast AONB, North Pennines AONB, and RAF Spadeadam.
- 6.35 The application site falls within Landscape Character Sub Type 5b i.e. Lowland - Low Farmland. Under the Cumbria Wind Energy Supplementary Planning Document this landscape is acknowledged as having a capacity to accommodate schemes of 3-5 turbines, or exceptionally 6-9 turbines.
- 6.36 It is considered that no material harm is likely to arise incapable of effective control through conditions with regard to impact on living conditions of local residents by noise/disturbance or shadow flicker, and highway safety.

- 6.37 However, the proposal will cause an oppressive and dominant visual impact for people living at Cringles Farm and, to a lesser extent, Beech Cottage. The severity of the impact outweighing the benefits of the proposal. In the context of a current outline application on neighbouring land for affordable housing it is recognised that there may be a change in view for people living at Beech Cottage. However, the proposed two turbine scheme, by potentially forming an oppressive and dominant presence with regard to some of the proposed affordable units could consequently hinder the Council's policy aspirations with regard to the effective provision of such at a time when the draft of the new Housing Need and Demand Study estimates a need for 101 units in the "rural east" based on the results of a 2011 survey.

7. Planning History

- 7.1 In August 2008, under application reference numbers 08/0707 and 08/0779, planning permission was refused not only for the erection of three wind turbines but also the erection of a 60m meteorological monitoring mast for three years. The subsequent appeal for the three turbines was dismissed but the appeal for the monitoring mast was allowed.

8. Recommendation: Refuse Permission

1. **Reason:** The application site occupies an elevated and prominent position close to the urban edge of Carlisle and in very close proximity to the village of Cumwhinton with particular regard to the properties known as Cringles Farm and Beech Cottage. The proposed turbines due to their size, number and position will form an oppressive and dominant presence to the detriment of the living conditions of the occupiers of Cringles Farm and Beech Cottage. The proposal is therefore considered to be contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016, and Policies CP6 and CP8 of the Carlisle District Local Plan 2001-2016.
-

Key

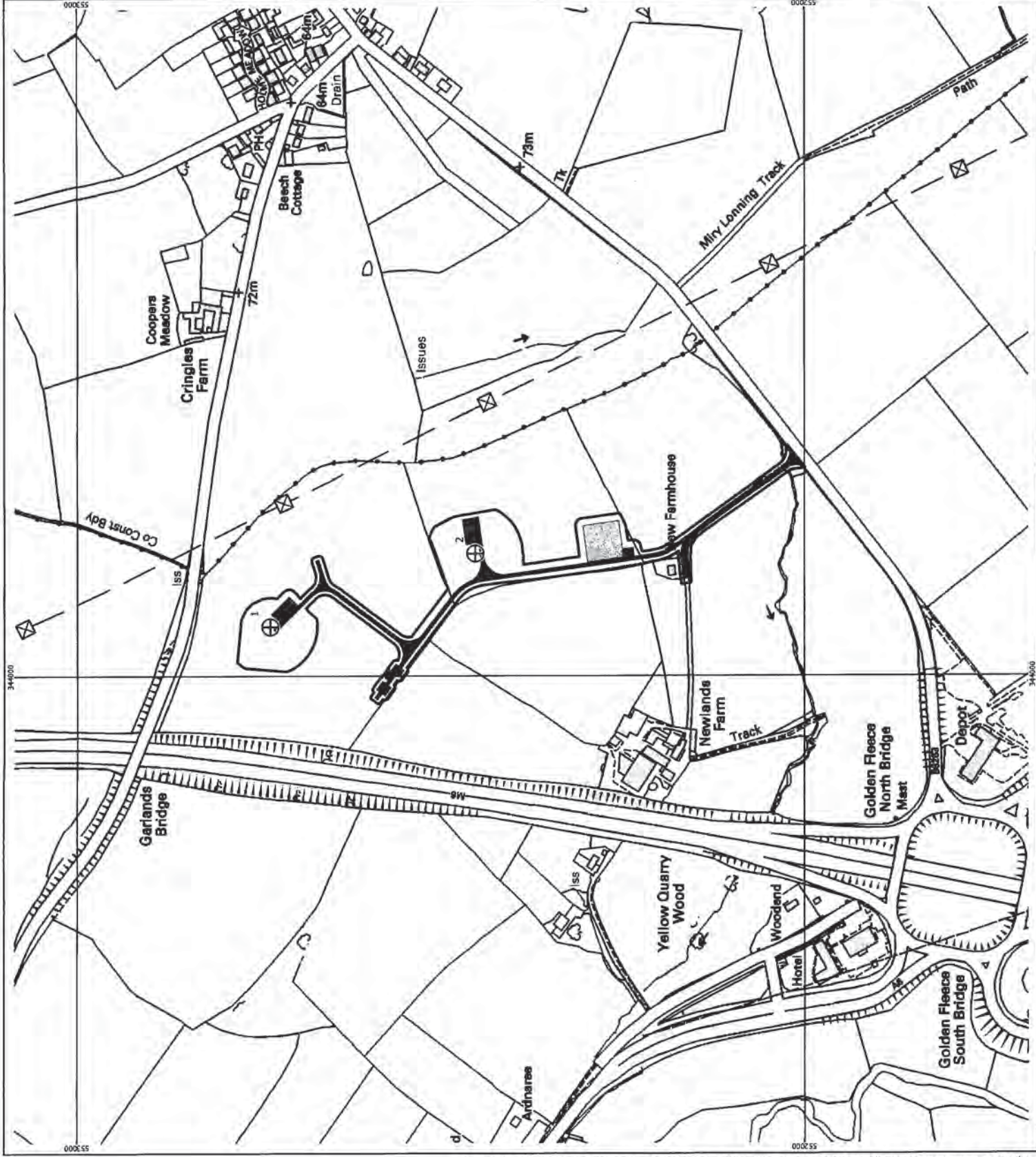
-  Proposed Turbine Location
-  Planning Application Boundary
-  Meteorological Mast
-  Track to be Upgraded
-  New Access Track
-  Construction Compound
-  Handstandings
-  Substation

1:5 000 Scale @ A3
0 100 200 m

Produced: SC
Reviewed: PM
Approved: SD
Ref: 403/PA/012
Date: 15/06/2011

Site Layout
Drawing 002

Newlands Two Turbine
Planning Application



Bolsterstone.



Key



Proposed Turbine Location

1:75,000 Scale @ A3



Produced: SC
Reviewed: PM
Approved: SD
Ref: 402/PA/001
Date: 15/06/2011

Revision: A

Site Location
Drawing 001

**Newlands Two Turbine
Planning Application**



Bolsterstone.



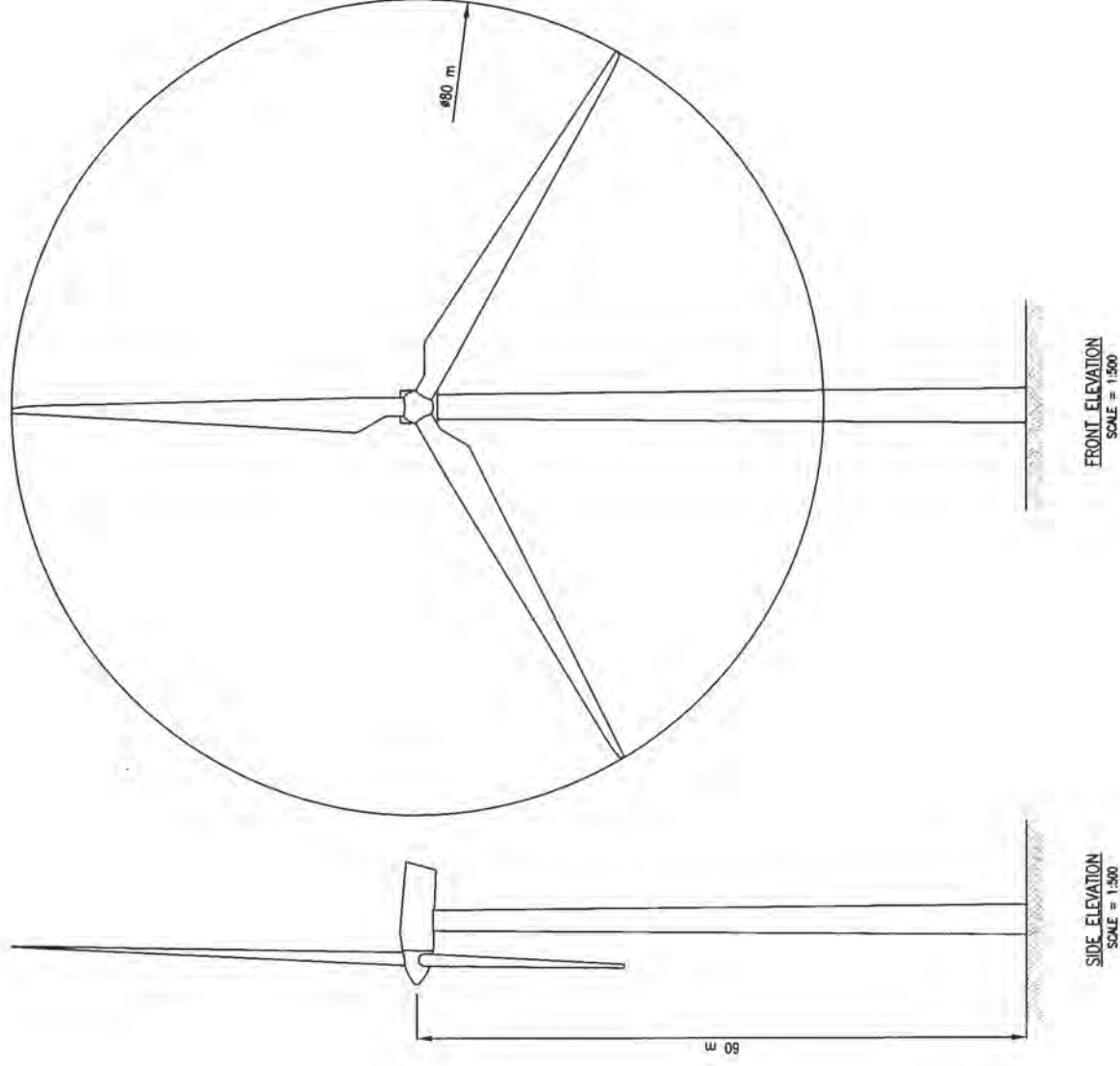
NOT FOR CONSTRUCTION

Produced By: SC
Reviewed By: PH
Approved By: SD
Ref: 403/PA/003
Date: 15/06/2011

Revision: A

Typical Wind Turbine
Drawing 003

Newlands Two Turbine
Planning Application



Carlisle City Council
Economic Development - Planning Services
Development Control
6th Floor - Civic Centre
CARLISLE
CA3 8QG

PLANNING	
REF:	11/0597
30 AUG 2011	
PASW 114	
RECORDED	ON
SCANNED	ARH

FAO Case Officer: Angus Hutchinson

PARISH COUNCIL REPLY TO CONSULTATION ON PLANNING APPLICATION

Proposal: Erection Of 2no. Wind Turbines And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

Location: Newlands Farm, Carleton, Carlisle, CA4 0AE

Appn Ref: 11/0597

~~1 My Council does not wish to make any representation on the proposal detailed above.~~

*2 The observations of my Council on the proposal detailed above are ~~given~~ below/on the attached document.

**Delete as appropriate*

Clerk to St Cuthberts Without PC

Parish Observations

The response is for both 11/0597 + 11/0596



**ST CUTHBERT WITHOUT
PARISH COUNCIL**

1908/1

St Cuthbert Without Parish Council

Clerk

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PLANNING SERVICES	
REF:	11/0597
30 AUG 2011	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

19 August 2011

Carlisle City Council
Economic Development
Planning Services
Civic Centre
CARLISLE
CA3 8QG

Proposal: Erection of 1no wind turbine and associated infrastructure including hardstandings, on site tracks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263

Location: Newlands Farm, Carleton, Carlisle CA4 0AE

Appn ref: 11/0596

Proposal: Erection of 2no wind turbine2 and associated infrastructure including hardstandings, on site tracks, construction compound, permanent meteorological mast, underground cabling, culverting, control building and upgraded site access from B6263

Location: Newlands Farm, Carleton, Carlisle CA4 0AE

Appn ref: 11/0597

This parish Council has considered the applications, detailed above, and makes the following observations/comments/raises objections both jointly and severally in respect of these applications:

It is noted that an application for a similar development, albeit slightly smaller wind turbines, was submitted in 2008, reference 08/0707, and declined and that this was then subject to a Public Inquiry (reference APP/EO915/A/09/2102659) which also declined the project.

The following comments are made on the findings of that inquiry:

- The principal reasons were the proximity to both Cringles Farm and Beech Cottage such that the spread of the turbines would make them dominant and overpowering and have a significant and detrimental effect on the properties. In addition the turbines would fill a substantial proportion of the field of view and this would have significant detrimental effect on the properties. These proposals do not change the basis of those findings – the position of the turbines is unchanged

- The proposals have, at their core, a reduced size of wind turbine (100m to tip against 115m to tip) and applicants have produced photomontages to reflect the slightly lower overall height. The reality of these proposals is that such a small reduction in height would have no meaningful or significant effect on the consequences outlined by the Inspector in his conclusion as to the height and proximity of the turbines
- The Inspector accepted that there were some inherent dangers to general health and safety. Further specialist research/evidence/comment is required
- Effect on aviation – no evidence was provided to the Inspector which did not mean that the concern was not relevant and, again, specialist opinion should be sought
- The applicant seeks to make light of the other concerns that were raised - these are real concerns of local people and will, inevitably, be subjective but that does not mean that they are not relevant and worthy of careful consideration and balance

Visual impact

- The site has clearly been chosen because of the elevated location and the narrow development corridor available recognising local exclusion areas including the Pennines and Lake District National Park. Consequently the visual impact will be a radius of up to 30 miles, far greater than the developers appear to concede, and their intrusion will extend to Blencathra, Southern Scotland and Caldbeck – effectively the whole of North Cumbria
- The approach to Carlisle, from the south and west, is a most pleasant vista of countryside and this would be lost. Much effort and funding, from a variety of sources, has been expended in promoting Carlisle and the immediate area as a tourist destination and much of this impetus could easily be lost if initial impressions of the area are damaged
- The beauty of LDNP remains protected whilst other similar areas are, largely, ignored
- The growth of wind turbine power in the Solway coupled with other similar developments in SW Scotland will lead to an increase in power transmission through Cumbria – will this lead to an increase in the number of electricity pylons above those already in evidence? This would further add to visual intrusion

Changes to character of area

- The proposed development is on the doorstep of an operational farming village and residential area. Those residents would suffer residential blight – this has already been proved in Lincolnshire with financial penalties accruing to the local authority
- Such a development would, effectively, mean the creation of a significant industrial enterprise in an unspoilt rural area. Not only is this wholly inappropriate and totally outwith the Carlisle District Local Plan 2011-2016 (wholly adopted in September 2008) it would also create a very dangerous precedent for any other industrial use of the rural area
- An immediate loss of natural beauty would follow any development of this type
- Any further residential development of Cumwhinton would be halted and this could result in negative growth of local facilities including the village store and post Office together with the village pub/restaurant
- A reduction in housing development could have a negative impact on the viability of Cumwhinton School through falling rolls

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Noise and other pollution

- Whilst the application includes data on noise it is noted that the likely noise pollution would be consistent and continuous
- The distance from the nearest residential development is 420metres (Cringles, Cumwhinton and 590 metres (Beech Cottage, Cumwhinton) whereas the minimum recommended distance is understood to be 1500 metres in mainland Europe and Scotland. It is noted that a radius of 1.5 km includes most of Cumwhinton and Carleton together with Carleton Grange, Pennine View and Parkland Village and also parts of Harraby and Scotby
- The residents of Carleton Grange, Pennine View and Parkland Village already suffer motorway blight and these proposed developments would aggravate unwelcome industrial noise
- During construction there is likely to be major disruption to traffic flow with the size of vehicles bringing components to site as well as serious traffic congestion caused by construction traffic in an area where the infrastructure is already suffering dramatically from the effects of the developments at Carleton Grange, Pennine View and Parkland Village where insufficient planning thought was given to the increase in vehicle movements.
- Light flicker is a real concern – it not only affects animals it is known to cause distress and more serious consequences to both adults and children. The adverse effect on persons with special needs could be even more distressing

Local economy

- Two farming enterprises in Cumwhinton have diversified, at the recommendation of government and others, into livery stables and these businesses would be put at risk because of the reaction of the animals to the turbines – noise and light flicker. Therefore as one farmer sees a benefit potentially two others suffer hardship
- Adverse effect on visual amenity could result in a housing market decline leading to property owners reducing their investment in maintenance, care and development. This can precipitate a population drift with a consequent impact on local amenities – school, shop and public house/restaurant
- Whilst LDNP is protected from such proposals, and therefore its economy is largely similarly protected, this protection would not be afforded to local businesses

Tourism

- Tourism is one of the major industries in Cumbria and must be protected together with the Cumbrian Heritage
- Many hotels, guest houses and holiday cottage businesses are wholly reliant on the tourist market. This market is, at best, fragile and visual intrusion in an area of beauty would impact adversely

- Likely adverse impact on tourism and negative perception by visitors leading to reduced inward investment within the City of Carlisle and north Cumbria
- Much is rightly made of Carlisle's Heritage and Hadrian's Wall. Tourists approaching from the south along M6 will have a turbine site as their first view of this historic city and this is completely out of context with the image that the various tourist boards are seeking to promote
- Much effort and funding, from a variety of sources, has been expended in promoting Carlisle and the immediate area as a tourist destination and much of this impetus could easily be lost if initial impressions of the area are damaged

Nature Conservation

- The submission papers include details of animal habitats and the actions proposed to minimise disruption. However the greater natural area would suffer disturbance – not only from noise and flight flicker, but over a larger area from vibration and noise disturbance and the effect of addition traffic volumes in the local and wider area

Risk factors

- Critical wind speeds are quoted in the data summary. However a major concern is the consequence of a failure of the braking system, within the turbine, in the event that the wind speed became higher than operationally safe. Defragmentation of the blades or the collapse of the mast may be a real and potentially dangerous consequence
- Comparison has been made with the height of Dixon's Chimney in Carlisle. The maximum height to the top of a blade at tdc is 100 metres but the base level of the proposed development site is some 30 metres above that of the chimney making the structure some 130metres above sea level. What is the lowest flight ceiling imposed on the RAF who frequently, and legally, fly at low level over this area during training exercises? Whilst an air exclusion zone may be created any slight error in navigation could result in a major air accident. Similarly there are many micro-lites and other small aircraft flying out of Carlisle Airport and, to a much lesser extent, that at Great Orton. The proposed redevelopment and expansion of Carlisle Airport exacerbates the risk profile – the planning application for that proposed development is still to be determined.
- What consideration has been given to any interruption to the radio waves from the transmission masts at J42 M6, Cumwhinton Road, Carlisle and the transmission station at Brisco?

The following comments are relevant to the overall consideration by this Parish Council whilst not, strictly in isolation, matters of planning law:

- Central Government is imposing turbines on the country as a form of renewable energy but it should be recognised that with Sellafield located in West Cumbria the county can clearly be seen to have embraced this requirement for very many years
- Other countries in Western Europe only see wind turbines as making a minimal contribution to power requirements rather than a major contribution
- Potential for an explosion in the development of similar and potentially larger turbine farms throughout the immediate and wider area
- Balderstone plc, the would be developer, appears to be a modestly capitalised company that has previously been involved with residential and small industrial

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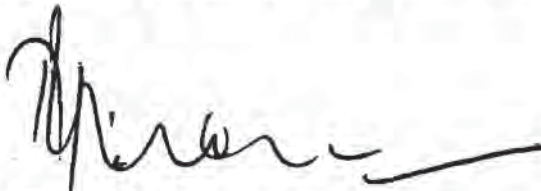
development with no evident experience in building windfarms or similar structures requiring significant and complex civil engineering works. Simultaneously there is likely to be major disruption to traffic flow with the size of vehicles bringing components to site as well as serious traffic congestion caused by construction traffic in an area where the infrastructure is already suffering dramatically from the effects of the developments at Carleton Grange, Pennine View and Parkland Village where insufficient planning thought was given to the increase in vehicle movements

- There is a possibility that Balderstone plc could sell off the rights to the site should planning permission be granted – how would a subsequent owner/operator seek to develop the proposed site (albeit this would be subject to separate planning application)
- The proposals are only viable because of significant subsidy
- Whatever contribution this proposed turbine site might make to the national requirement it should be noted that in times of overproduction any surplus cannot be stored
- The strong possibility of a reduction in property values, as a consequence of this development, throughout a large local area. This likelihood has already been voiced in both national and local press with indicated falls in valuations of up to 20%.
- Many local residents do not appear to understand the sheer size of the development and other consequences on their lives and environment

Conclusions, recommendations and requirements:

- This Parish Council is totally opposed to this development

Please do not hesitate to contact me if you require any amplification of any of the comments contained within this submission



David Johnson

Clerk

St Cuthbert Without Parish Council

SCHEDULE A: Applications with Recommendation

10/0656

Item No: 03

Date of Committee: 11/11/2011

Appn Ref No:
10/0656

Applicant:
DB Schenker Rail UK Ltd

Parish:
Carlisle

Date of Receipt:
22/07/2010

Agent:

Ward:
Currock

Location:

Former WRD Currock Yard, Off South Western
Terrace, Carlisle CA2 4AY

Proposal: Proposed Residential Development Including Alterations To The Public
Highway On South Western Terrace To Form Vehicle Access (Outline
Application)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a legal agreement and the imposition of planning conditions.

2. Main Issues

- 2.1 Location and Relationship to Policy
- 2.2 The Need for the Development
- 2.3 Access and Transport Impacts
- 2.4 Parking Arrangements for Existing Occupiers
- 2.5 Privacy
- 2.6 Affordable Housing
- 2.7 Effect on Nature Conservation/Biodiversity
- 2.8 Open Space

3. Application Details

The Site

- 3.1 Members will recall that this application was deferred at the last committee so that Highway issues could be given further consideration. The proposal is intending to use South Western Terrace as the only vehicular access to the site and Members were keen to explore alternative access arrangements.

Additional information on the proposed vehicular access to the site is contained later within Paragraphs 6.12 to 6.15.

- 3.2 It will be recalled that this application has been submitted in "outline" form. It relates to a crescent shaped parcel of land, extending to 3.1 hectares in area, situated just off Currock Road. It lies to the west of where South Western Terrace, Redbank Terrace, Redbank Square and Adelphi Terrace all terminate and also extends from the rear [west] boundaries of dwellings on the odd-numbered side of Lund Crescent, up to the application site's western boundary with the Cumbria Coast Line. While at its greatest it is 130 metres wide, broadly from Adelphi Terrace across to the western site boundary, that width progressively diminishes towards both its northern and southern fringes with the land tapering to a narrow neck where it abuts, respectively, the rear of dwellings at Currock Bank Court and retained operational railway land and the footbridge over the railway line from rear of Lund Crescent to Denton Holme.
- 3.3 Although now derelict and unkempt, the use of Currock Yard by the railway industry dates from sometime between 1870-1900 when its development followed the construction of the Carlisle to Maryport railway line. It changed little from those early years, with only minor building additions being undertaken in the 20th Century. Following nationalisation of the railway industry it was used by British Rail, then by the current applicants following their acquisition of the site in 1996, as a depot for the maintenance of traction and rolling stock. That use has progressively declined from broadly 1970 onwards, with both the levels of stock and staff employed at the Depot reducing markedly over the years. Final cessation of the use occurred in 2007 when all activities were re-located to Kingmoor Yard, the main rail freight facility serving Carlisle. The land has been unused since that time with the remaining buildings now demonstrating various stages of disrepair and much of the land has become overgrown.

Background

- 3.4 The land currently takes vehicular and pedestrian access from South-Western Terrace, close to its northern boundary. The application proposes the retention [with modifications] of that access for the proposed development of the site for housing purposes. While the other standard "Reserved Matters" [Appearance, Landscaping, Layout and Scale] are intended to be brought forward for consideration in the future [if "outline" planning permission is secured] "Access" is NOT reserved for later consideration but is to be assessed and determined with the current application.
- 3.5 The application is accompanied by an extensive range of supporting documents and details including a Design & Access Statement, Transport Statement, Framework Travel Plan, Ecological Appraisal, Environmental Desk Top Study, Flood Risk Assessment, Air Quality Assessment, Archaeological and Cultural Heritage Desk Based Assessment and community Consultation Statement. An indicative Site Layout Plan demonstrating the potential disposition of dwellings, the related access

road/footpath system within the development and open space has also been submitted.

The Proposal

- 3.6 The application is supported by a "Sketch Proposal" site layout plan that illustrates how the site could be developed to accommodate circa 99 residential units, these being indicated as consisting of a mix of 2 and 3 bed dwelling types in two-storey form and 3 and 4 bed house types in 3-storey form with integral garages [i.e. "town houses"]. The layout implies the development would feature predominantly linked properties, with terraces of up to 8 dwellings although, more typically, short terraces of 3-5 properties would dominate. Since it was first submitted, the "sketch" layout has been modified so it now proposes the retention of a former Pump House [to be converted to 2 no apartments] with minor variations to the road, footpath and cycle access.
- 3.7 The proposed dwellings are illustrated as being in mainly terraced groups with some pairs of semi-detached houses. The 2 storey units would generally be located close to the existing dwellings bordering the site with the larger town houses predominantly sited to the western side of the site and to the south. The indicative layout shows one vehicular access serving the development, using South-Western Terrace, with the spine access road from that access snaking broadly southwards, fed by a series of shorts culs-de-sac around which the dwellings would be arranged in groups. The spine access road terminates near to the southern limit of building but will require to provide an access point for maintenance and repair works needed to the railway land to the south of the development area and to land that is to be retained for its habitat value. The road layout has been reconfigured in the revised plan so that the access adjoins the boundary with homes at Lund Crescent and will allow possible cycle and footway connection to the footbridge leading to Denton Holme from Lund Crescent. The indicative layout suggests that, further to the north, a pedestrian/cycle access route could also be formed from Adelphi Terrace [there are existing, albeit overgrown and unused, steps down from that street which suggests historical pedestrian access].
- 3.8 Currently there are only 23 homes fronting South Western Terrace. These are arranged in a short terrace of 7 dwellings on the north side of the road with a longer terrace of 16 dwellings on the southern side of the carriageway. At the moment, the residents have no off-street parking facilities but rely upon kerbside parking on both sides with resultant narrowing of the effective carriageway to about 3m.
- 3.9 The applicants thus propose to provide, close to the northern site boundary and to the west of the smaller terrace on the north side of South Western Terrace, an off-street parking area. Illustrated on the Sketch Proposals layout plan, and shown in more detail within the Transport Assessment, it is intended to provide a secure "resident parking" area for 15 vehicles, the intention being that these would be for the occupiers of homes on the street. In addition, as part of the access works illustrated within the Transport

Assessment, it is envisaged that the kerb lines to both sides of South Western Terrace would be partly set back to create at the eastern end of the street two indented lay-byes for limited resident parking parallel to the road.

- 3.10 This would be achieved by reducing the current 6.7m carriageway plus existing 2x 2.7m footways to provide a future footway width of 2m, plus 2m wide parking bays to each side and a through carriageway of 4.2m. This is sufficient width to enable vehicles to pass each other but would reinforce the current 20mph speed limit that applies by acting as a "traffic calming" feature. A further area of kerbside parking would be provided adjacent to the western end of the southern terrace i.e. from broadly nos 13-27 South Western Terrace.
- 3.11 The site sits generally at a lower level than the residential properties to the east and displays a gentle rise of about 400-500mm from north to south over its length. There are some groups of trees [mainly willow and hawthorn] and shrubs, located predominantly near to the eastern site boundary. A Tree Report has been provided with the application and it highlights that although there will be tree losses, they are generally of poor overall quality in general. The indicative Site Layout Plan illustrates the potential for comprehensive future tree replacement using native species which would contribute to the site's visual and habitat value
- 3.12 An extensive "green" wedge of retained land creates a buffer between the existing development at South Western Terrace, Red Bank Terrace, Red Bank Square and, principally, Adelphi Terrace and the proposed dwellings. That area also reflects the need to maintain easements over the routes of two existing sewers, one that runs northwards [from Lund Crescent] close to the eastern site boundary and one that traverses the site from east-to-west from Adelphi Terrace, before both pass under the railway line.
- 3.13 In addition, existing wetland areas, naturally colonised through the site's semi-dereliction, located near to the eastern boundary with the "stopped" end of Adelphi Terrace will also be retained and enhanced. Planting along the site's eastern and western boundaries is, likewise, intended to create wildlife corridors and add to biodiversity.

4. Summary of Representations

- 4.1 The proposals have been publicised through a combination of 3 no. Site Notices, a Press Notice and direct neighbour notification by letters sent to the occupiers of 161 properties on Lund Crescent, Adelphi Terrace, Red Bank Terrace, Red Bank Square, South Western Terrace, Coney Street and Currock Bank Court.
- 4.2 In response, there have been 24 letters or e-mails mostly from persons living on South Western Terrace, although occupiers of two properties on Beaconsfield Street, one on Robinson Avenue, four on Currock Road, one on Adelphi Terrace, one on Red Bank Square, two on Red Bank Terrace and one on Lund Crescent have also commented.

- 4.3 One writer supports the site's redevelopment but suggests consideration be given to the possibility of access from Denton Holme or from Lund Crescent. Another writer also supports the idea of development of the land but specifically opposes the current proposals for a single vehicle access and for the number of properties to be developed. The author indicates preference for the use of other access roads such as from Red Bank Terrace and Adelphi Terrace. He would also like to see a "park-like" element incorporated so there is somewhere for children in the area to play as there are no local play facilities in this part of Currock.
- 4.4 The residents of two properties on Beaconsfield Street express concern that the development will lead to an increase in traffic volumes on an already busy street which is used as a "rat-run" and suffers from inconsiderate parking. The occupiers of properties on Currock Road express similar concerns about increased traffic movements in the locality.
- 4.5 Unsurprisingly, the majority of comments are from residents living on South Western Terrace who, almost universally, are opposed to the use of that road to serve the proposed development, regarding the road as too narrow, too steep and having a poor junction with Currock Road leading to difficulties for emerging vehicles onto the main road. Several residents also consider the development would lead to a reduction in their privacy [through passing vehicles and pedestrian traffic] and would result in increased noise during construction and when completed. Others refer to potential reduction in air quality through increased traffic.
- 4.6 Some objections have also been made on the grounds of impact upon wildlife including bats, newts, birds and butterflies. One writer refers to risks arising from development since the site may be subject to contamination from its historical use and disturbance could result in leachate entering, and hence polluting, local watercourses.
- 4.7 The residents of two properties, at Lund Crescent and Adelphi Terrace, object to the loss of an area of land that they had regarded as "no-man's land" and had planted as an extension to their gardens and also oppose removal of trees.
- 4.8 An e-mail has been received from the occupier of a property on Lund Crescent who objects on the grounds that he believes the footway link to the overbridge [that would run to the rear of Lund Crescent] would cause a security problem; that there are already problems of vandalism and dog fouling; trees currently protect homes from wind damage and give shelter to wildlife and makes reference to problems of rain water in storm conditions causing damage to the bank to the rear.

5. Summary of Consultation Responses

Local Environment - Environmental Protection: it is confirmed that the conclusions of the desk study are acceptable, namely that intrusive investigations are carried out to ascertain the level of contamination and its potential effects on

human health and ground water;

Cumbria County Council - (Highway Authority): comments are included within the response of the County Council as "strategic" planning authority;

Environment Agency: no objections, subject to conditions and an informative;

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

Natural England: the proposal would be unlikely to have a significant effect on the interest features of the SAC and SSSI provided that all best practice methodology is adopted to ensure that no foul sewerage or materials/waste from the construction process enters the site.

NE is satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

NE objects to the proposed development on the basis that there is reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason NE recommends that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies. NE's concerns relate specifically to the likely impact upon Great Crested Newts, Bats, and Reptiles.

Following receipt of the additional ecological surveys, NE has no objections to the proposal subject to the imposition of suitable conditions.

Cumbria Wildlife Trust: Cumbria Wildlife Trust objects to the application on the basis that ecological surveys necessary for determination of this application have not been carried out.

Without management in place, the wildlife habitat is likely to be degraded, and there is the possibility that the house occupiers will annex parts of the habitat strip for their back gardens. We would agree that the wildlife habitat should be incorporated more fully into the design of the development to make it part of the site rather than just around the edges as background. It may also be that reptile presence on the site will mean that there will need to be better connectivity of habitat through the site designed in to enable reptiles to move about and avoid being isolated from other populations. As commented above, these sorts of decisions cannot be determined without adequate survey data.

A habitat management plan should be drawn up by the developer to outline how the existing habitat to be retained will be managed to ensure that it keeps and enhances its wildlife interest. Without management, it is likely to either be annexed by householders (as described above) or will deteriorate and lose biodiversity interest;

Green Spaces - Countryside Officer: not convinced that the wildlife corridors

would perform the function ascribed to them if they were to be divided by the garden enclosures of the individual properties. Like to see some evidence of the existing wildlife value of these areas – it should not be assumed that a ribbon of scrub is automatically used by wildlife as a corridor and more work is needed to establish the validity of this claimed beneficial effect.

The Currock ward is densely urban in nature and any new development on this site should recognise the need for significant green space as a key component of the land use. The proposed development would house about 300 residents, requiring approximately 1.0ha of POS at the current standard of 3.6ha per '000 population. It may not be possible to accommodate all of this POS on-site. The public open space should be in a single unit and should be looked over by the front elevations of residential buildings and not hidden away at the rear. Space for formal and informal play should be included, including ball games. The design of the surrounding houses should recognise these activities as a legitimate use of the space and incorporate features to mitigate the effect on residents. An allotment site would be a welcome addition to the public open space – 6 plots of 300 sq. m. as an indicative estimate. It would be up to the developer to demonstrate that the public open space allocation was in line with the City Council's standards and complied with the relevant sections of the Local Plan. If the public open space was to be transferred to the City Council for maintenance, a suitable commuted sum would be required from the developer to cover 10 years of maintenance costs. A contribution to off-site provision of play and sports facilities may be requested if the site is unable to accommodate sufficient public open space.

Existing significant trees should be retained on site and protected during and post construction.

Subsequent comments received on 31st August: the preferred option would be to see a significant area of this site given over to public open space. Further, the POS allocation should not be fragmented into a number of small spaces but should be provided in a single large area, designed such that the nearest housing units front on to the space. Off-site opportunities are few and of limited value, being difficult to access for anybody resident on this proposed development.

Provision for informal play and recreation should be included in the POS requirement. That the kind of formal, equipped play areas found in other locations are not necessarily the best use of resources. Examples of deliberately designed 'natural' play areas are now commonplace and the industry would be able to advise the developer on the most appropriate provision for the site.

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): Cumbria Constabulary is satisfied that this application complies with Policy CP17 of the Local Plan 'Designing Out Crime';

Network Rail: no objections to the proposal, but a number of requirements must be met in order to protect the adjacent railway. These would need to be included in suitable conditions and in a Method Statement which would need to be agreed with Network Rail;

Housing Strategy: the Housing Strategy team would require 30 affordable units

from this development, in line with Policy H5 of the Local District Plan. This will meet a housing need, with the Strategic Housing Market Assessment (SHMA) for Carlisle Urban indicating an additional 72 units are required per annum.

In terms of bedroom size, we are encouraged by the developers proposals, with no apartments or 1 bed properties planned for this development. There is a shortage of affordable larger (3+ bed) general needs properties, and this should be kept in mind when specific affordable units onsite are being negotiated.

Regarding the mix of tenure type, a possible split along the lines of a third for social rent; a third for intermediate sale (HomeBuy) and a third for discounted sale (via the Council's low-cost housing scheme) could be considered. This would obviously reduce the required affordable units on site, after re-calculating the unit costs. As with other developments, social rented units should be managed by a Registered Social Landlords. Some thought should be given to the provision of two bed bungalows within this development, as there is a shortage of that type of property available for social rent in the district.

Regarding, local amenities in the area; primary schools, convenience store, post office, dentists and GPs are all within a mile of the proposed development. In addition to the local amenities regular bus routes (65, 66, 67 and 68) into the town centre are available;

Ramblers Association: no comments received;

Cumbria County Council - Transport & Spatial Planning: this application has been considered under the County Council's Scheme of Delegation whereby authority for responding to the consultation is assigned from its Development Control & Regulation Committee to the Assistant Director of Planning & Sustainability.

- the site is located within the Key Service Centre where the Sub-Regional Spatial Strategy expects major development to take place;
- although last used for employment purposes, the Employment Land Study undertaken by Cumbria County Council has deemed the site unsuitable for employment and economic consideration owing to access difficulties;
- the Highway Authority assessment of the proposals concludes that subject to developer contributions, that are required to address these issues, there are no highway objections ;
- while not an allocated site it is a sequentially preferable site, as it proposes the re-use of previously developed land;
- the size and scale of the proposed development is considered appropriate when compared to the surrounding residential areas;
- the proposed development is situated in one of the few areas of Carlisle where there are likely to be sufficient primary places to accommodate any children that may move into the area while it is also within the catchment of the Richard Rose Central Academy and that school should also be able to accommodate any secondary school age pupils moving into the area in the next few years;
- no developer contribution for additional school places is, therefore, needed;
- the site is highly accessible [1km from the urban centre] and is convenient for public transport, walking and cycling thereby reducing the need to rely on transport by the private vehicle;

- it is not subject to flood risk and environmental management within the development can avoid contributing to flood risk elsewhere;
- it is not subject to landscape protection and there are no important conservation features or assets, such as buildings or archaeological sites, historic parks and gardens, that would be prejudiced by development;
- the site is only 30m from a small stream that is a tributary to the River Eden SAC, located about 130m to the west, and a Habitats Regulations Assessment will be required to examine whether there are likely to be any significant adverse effects on the interest features of the SAC;
- in order to undertake that work the Council will need to be satisfied that there is sufficient detail provided with the application to ensure it is possible to determine that there will be no adverse effect on the integrity of the SAC. In addition to the management of foul sewage and impacts from the construction process this also includes any potential impacts from surface water run-off once the development is up and running and potential impacts if contaminants are released during ground excavation;
- further survey work, including a reptile survey and to assess potential for Great Crested Newt [a European Protected Species], needs to be addressed before the planning decision is made;
- the proposals are in line with Sub-Regional Spatial Strategy's priority to deliver balanced housing markets as they provide for 30 of the proposed 99 units to be "affordable" homes, in accord with Structure Plan Policy H19, and envisage a proposed housing mix comprising a range of house types and sizes including larger 3+ bed family housing recognised as needed within the Carlisle Urban Strategic Housing Market Assessment [SHMA];
- in terms of the "need" for the development, having regard to the Council's "5 Year Supply" position, the most recent Monitoring Report indicates that there is, within the District, 7.39 years supply [8.05 years in urban Carlisle] to meet the targets originally set by the [now revoked] RSS of 450 dwellings per annum, net of replacement of homes lost through demolitions [mainly Raffles];
- similarly, the Monitoring Report highlights that when assessed against the more ambitious targets of "Growth Point" aspirations [600 dwellings per annum] there is 5.29 years supply in the district and 5.39 years supply in urban Carlisle;
- the City Council is currently undertaking preparation of its Strategic Housing Land Availability Assessment [SHLAA] as part of the Local Development Framework [LDF] process;
- in the absence of a housing need from a 5-year supply point of view, in theory, this proposed level of development may prove prejudicial to the implementation of Carlisle City Council's development strategy and contrary to advice within PPS3;
- having regard to these unknown factors consideration of the appropriate level of new housing required for Carlisle and the merits of this proposal should therefore be best taken forward as further detailed work on the LDF process;
- given the merits of the proposal in terms of the sequential test, affordable housing contributions and the sustainable development principles, should Carlisle City Council be minded to grant planning permission for this scheme, it is recommended that a phasing condition is attached in order to prevent an over-supply of housing in any five year period, which might otherwise affect investment elsewhere in Carlisle's urban area;
- the response concludes that there is no objection provided that the Council a)

refrains from determining the application until required ecological surveys and assessments are carried out and the applicant provides satisfactory mitigation and compensation measures; and b) is satisfied that the development would not undermine the development strategy of the City Council, which would otherwise be brought through the LDF process.

6. Officer's Report

Assessment

6.1 The planning issues raised by the proposals are as follows:

1. Location and Relationship to Policy

- 6.2 Saved Policy ST5 of the Cumbria and Lake District Joint Structure Plan places priority on new development being focussed on the County's key service centres, with Carlisle being particularly identified, in order to foster its regional role, as the location where major development should take place. That emphasis upon Carlisle as the location where major development should be concentrated is mirrored and re-affirmed in the District Local Plan's Policies DP1 and (specifically with regard to housing) Policy H1.
- 6.3 The general location of the application site clearly accords with the objective of concentrating most new development within the urban area. Moreover, as previously developed land, now derelict and capable of regeneration for other uses, its "Brownfield" status is accorded a high priority for re-development through the general encouragement the planning system gives through PPS3: Housing to proposals that re-cycle land used for former purposes to deliver future, alternative, suitable and beneficial use[s]. In Development Plan terms, Policy DP1 of the adopted Local Plan emphasises that when considering proposals for residential development, priority will be given to the re-use of previously developed land, with particular emphasis on vacant and derelict sites or buildings, in sustainable locations.
- 6.4 The application proposals are firmly in accord with the objectives of Policy DP1: it is, clearly, a highly sustainable location, being quite closely located in relation to the urban centre which lies approximately 1.0 km to the north, and it abuts extensive, well- established housing areas, notably to the east and south, and brings into use vacant and derelict land.
- 6.5 It is close to public transport [the number 66 route from Durdar to the City Centre is the closest service], it is accessible by car, and by pedestrians and cycle users and is a relatively short walking distance from amenities in the area e.g. at Currock Road and Boundary Road. It is also reasonably convenient to existing pedestrian links over a footbridge to Denton Holme. It involves no loss of sensitive landscape, or agricultural land, has very little architectural or heritage interest [and what is there can, at worst, be recorded for posterity], has some limited ecological value, and any level of remediation that is needed to enable its development can be satisfactorily and economically undertaken to deliver a site that is "fit for purpose" for housing.

- 6.6 Whilst not an allocated site within the adopted District Local Plan, the site falls into the category of "windfall". Its' location within the urban core and status as "previously developed" land are positive attributes and its immediate proximity to extensive housing areas suggest that this is the most suitable alternative use for it [re-use for other forms of employment use would be likely to result in inappropriate and unacceptable environmental impacts]. In addition, the proposed redevelopment for housing would extend the range and choice of housing available in the Currock area which is presently dominated by small terraced and semi-detached houses. It could, therefore, create "step-up" housing for families that are settled in the area but would prefer larger and/or more spacious accommodation. This, in turn, would release smaller homes onto the housing market.

2. The Need for the Development

- 6.7 Committee members know that all Local Planning Authorities are required to have an up-to-date, 5-year supply of deliverable housing land. The City Council's Housing Land Supply Position (March 2011) assesses housing completions against the annual target of 450 dwellings per annum. The total amount of land with planning permission or under construction or that is allocated for housing development provides 5 years supply across the whole District. This increases to 5.08 years when only the urban area is considered. However, by projecting realistic potential delivery and taking account of the undelivered housing against target over the plan period then there is a 3.9 year supply. Bringing this site forward for housing would not, therefore, lead to an over supply of housing.
- 6.8 When the Strategic Planning Authority was consulted on this application there was an over supply of housing, which is no longer the case. However, in spite of this the County Council raised no objections to the principle of the development but recommended that if the Local Planning Authority was minded to grant planning permission in the absence of a 5-year housing need, a phasing condition be attached to avoid the over-provision of housing development in Carlisle's urban area.
- 6.9 In light of the current housing supply position, it is no longer considered necessary to phase the housing development.

3. Access and Transport Impacts

- 6.10 The publicity accorded to the proposals [coupled with Community Engagement through the local Neighbourhood Forum carried out by the applicants prior to the application being lodged] has generated some opposition to these proposals, mainly from residents of South-Western Terrace. That is, perhaps, because that road is the only proposed means of vehicular access to serve the development.
- 6.11 The objectors regard that street as inadequate in width and, due to its gradient and surfacing [setts], as unsuitable in winter conditions. They also consider it has poor junction design where it meets Currock Road. They regard these as factors that contribute to making its use for more

development inappropriate.

6.12 The provision of an additional access from Adelphi Terrace or Red Bank Terrace has been explored, but this has been ruled out by County Highways for the following reasons:

- the public highway on Adelphi Terrace and Red Bank Terrace does not extend to abut the site and, therefore, those streets do not provide a direct adopted access to the site;
- there is a significant difference in levels between the end of these roads and the site;
- at the west end (site end) of both roads is a 'private street', so to form an access with, or carry out works to, either would require the agreement of the residents that front these sections of the road;
- visibility splays out of Adelphi Terrace and Red Bank Terrace onto Currock Road do not meet current Cumbria County Council standards.

6.13 The creation of a new access into the site has also been explored. One option would be to create a new access from Lund Crescent but this would require the acquisition and demolition of two to three existing dwellings and is, therefore, unlikely to be a realistic option. A further option, would be to replace the existing Maryport Cottages Footbridge with a road bridge, which would be accessed via Bousteads Grassing. This was ruled out due to the SSSI designation of the field to the west of the railway line and in any event, would be likely to be cost prohibitive.

6.14 County Highways considers that one vehicle access is sufficient for the proposed development, and South Western Terrace is the only access which is acceptable in highway terms. This road was built by the Glasgow & South Western Railway Company and was used as the only access for the site when it operated as a rail goods yard. The physical dimensions of the road, i.e. from front wall to front wall, are actually quite generous and the gradient of the street is not so severe as to conflict with good road design. The applicants propose to re-engineer the road to remove the existing, continuous kerbside parking that occurs on both sides of the carriageway and replace it with a combination of indented, parallel parking, reduced footway widths and a new area of secure, off-street parking for use by residents. The modified "through" carriageway would be designed to safeguard the existing 20 mph speed limit but would enable access for the largest vehicles that normally use residential streets, such as furniture removal and delivery wagons, refuse collection vehicles and appliances used by the emergency services.

6.15 Similarly, although several objectors have a perception that every property that might be built would be occupied by households with more than a single car and they would all leave and arrive back at the same time in the morning and evening "peaks" [and so cause traffic chaos], that is highly improbable. In fact, applying trip generation figures from the current version of the TRICS [Trip Rate Information Computer System] database i.e. the nationally adopted, "industry standard" for deriving projected vehicle trip rates, the 85th per centile suggests that the development would generate 24 vehicle "arrivals" during the am peak [0800-0900 hours] and 51 "departures" over the

same period. At the evening peak [1700-1800 hours], there would be 52 arrivals and 26 departures. In terms of assignment of traffic to the network, it is anticipated that 73% would turn left onto Currock Road while the remainder [27%] would turn right, then left into Beaconsfield Street. These flows are well within the design capacity of the local road network and junctions within it. Were the depot to re-open, the volume and size of the vehicles generated could be much worse than with the proposed development.

6.16 County Highways has raised no objections to the proposals, subject to the imposition of a number of conditions and subject to the following:

- i. a developer contribution is secured via a Section 278 Agreement for the improvements proposed to South Western Terrace, including the narrowing of existing footways of South Western Terrace, the inclusion of parking spaces (on road) and the realignment of the carriageway;
- ii. a developer contribution is secured via a Section 106 Agreement to the value of £51,250 for the upgrading of the existing footbridge on the Caldew Link to the Caldew cycleway;
- iii. a developer contribution is secured to the value of £3,950 in order for the developer to fund the advertisement and implementation of any possible Traffic Regulation Orders necessitated by this development.

4. Parking Arrangements for Existing Occupiers

6.17 The applicants' proposals for parking for the existing residents of South Western Terrace embrace a combination of limited, roadside parking within indented parallel bays, together with the proposed dedicated, secure off-street parking area just to the west of the access lane leading to the rear of Currock Bank Court. These proposals would create about 29 parking spaces in total which compares favourably with the number of existing dwellings [23]. Precise arrangements for the formation of the off-street parking area, the assignment of its spaces, the mechanism for managing access to it, and arrangements for its future maintenance would need to be agreed. These are matters that can be addressed through a S106 Agreement.

6.18 Members may note that one writer who has written about the application identifies that she is registered disabled and needs to be able to park close to her home since she could not cope with walking uphill from the proposed parking area. That is precisely the sort of detail that would need to be carefully addressed but, as there would be 4 no "parallel" parking spaces for the 6 properties in the terrace where the writer lives, it should be possible to ensure one is specifically allocated for her use.

5. Privacy

6.19 Some objections maintain the proposals would lead to a loss of privacy. However, although the Sketch Layout is simply "indicative" at this stage and cannot be taken too literally, it is apparent from it that the dwellings that would be erected are capable of being sited, designed and orientated to ensure that

they achieve the normal "21 metres" window-to-window distances between habitable rooms of existing homes and the nearest habitable rooms of any proposed dwellings [12 metres if window to blank wall]. While it is also contended that there will be a loss of privacy from passing traffic, this is no more than happens with any new development, since every new home owner in every new estate, regardless where it is built, has to drive, cycle or walk past somebody's existing house to get there.

6. Affordable Housing

- 6.20 Policy H5 of the adopted District Local Plan requires that proposals for the development of allocated sites and windfall sites of 10 or more dwellings in the urban area should provide for 30% of the dwelling units to be "affordable housing" [although in some exceptions a financial contribution in lieu of on-site provision can be accepted].
- 6.21 The applicants are cognisant with that requirement and their Design & Access Statement acknowledges that the detailed proposals will need to bring forward 30 affordable dwellings. It proposes that the particulars of numbers, type, tenure and location, coupled with the timing and phasing of their delivery, arrangements for transfer, occupancy restrictions, and the mechanism to ensure they are retained as affordable housing for successive occupiers be determined in detail at Reserved Matters stage at which time relevant current housing needs can be addressed.
- 6.22 The Council's Housing Strategy Team has been consulted and generally welcomes the proposals. They suggest that the 30 units could be broken down to 1/3rd being 30% discounted sale, 1/3rd being social rented through an RSL and a third being for intermediate sale [HomeBuy].
- 6.23 The provision of affordable housing at the site would need to be secured through a Section 106 Agreement.

7. Effect on Nature Conservation/Biodiversity

- 6.24 Through, effectively, abandonment for several years, parts of the site have the potential to have become wildlife habitat used by a variety of species including bats, amphibians and reptiles, and perhaps by some that are protected species.
- 6.25 Although some investigative work was carried out by the applicant's consultants prior to submission of the application, Cumbria Wildlife Trust and Natural England initially objected to the application on the basis that the detailed ecological surveys necessary to enable an informed determination of the application had not been undertaken. Cumbria County Council has also reiterated, in its consultation response, that the submission provided insufficient survey information.
- 6.26 Subsequent to these concerns being reported, the applicant commissioned further survey work in September/October 2010 in relation to Reptiles and Bats and in April/ May for Great Crested Newts and Otters. Natural England

has been provided with copies of those Surveys and it has raised no objections to the proposals, providing that the proposal is carried out in accordance with the terms and conditions of the application and submitted plans and providing that some biodiversity enhancement is incorporated into the scheme.

- 6.27 The Council has also commissioned an Assessment of Likely Significant Effects [ALSE] under the Habitats Regulations in order to ensure there is no harm to the special interest features of the River Eden [and its Tributaries] SAC which lies to the west of the site and into which a watercourse that traverses the site flows. This concluded that the proposed development at Currock Yard is unlikely to have a significant effect alone or in combination with other plans or projects on the interest features of the River Eden Special Area of Conservation, provided that all of the mitigation measures included in the planning documents and/or referred to in this document are implemented. These mitigation measures will be ensured by way of condition.

8. Open Space

- 6.28 There will be a requirement to provide open space contributions as part of this application. As this is an Outline application, the exact number of dwellings and the proposed housing mix has not yet been provided and, therefore, it is not possible to identify an exact level of financial contribution which is governed by these details. As Members will be aware the provision of financial contributions need to be secured through the completion of a S106 agreement. In the absence of clarity regarding the number of dwellings/ housing mix a formula will be used to calculate the level of financial contribution when the Reserved Matters application is submitted, which could be inserted into the prospective S106 agreement.

9. Archaeology

- 6.29 The County Archaeologist has noted that the archaeological desk-based assessment indicates that the site contains structures of some historic interest, in particular the existing large depot in the centre of the site and the former pump house on the eastern perimeter. He has, therefore, requested that an archaeological building recording programme be undertaken in advance of the demolition/ redevelopment of these structures. This has been secured by way of a condition.
- 6.30 The Council's Heritage Officer considers that the former pump house is worthy of retention and conversion to residential use. A condition has, therefore, been added to the ensure that this building is retained.

Conclusion

- 6.31 The application site is located in a very sustainable location, near to the city centre and in an established residential area of the city, can add to the stock of affordable housing in urban Carlisle and will bring about the re-use of previously developed land, a key objective of PPS3 and in accord with the Development Principles set out in Policy DP1 of the adopted District Local

Plan.

- 6.32 There are no physical constraints, or service deficiencies, and suitable standards of open space and landscaping can be secured at detailed layout stage. Measures to safeguard nature conservation interests and to enhance biodiversity can be incorporated and detailed design criteria will safeguard future residents from adverse noise from railway activities. An appropriate access that is acceptable to the Highway Authority can be provided through improvements to South Western Terrace and at junctions on the wider network and enhanced access to footway and cycle access can also be achieved. Arrangements for future resident parking at South Western Terrace can also be secured.
- 6.33 Assuming Committee concur with this analysis and Members support the principle of this site's development to add to the city's future housing stock, a S106 Agreement will be needed to cover the matters identified by County Highways in relation to highway and footway works (identified in para 6.14 above); for the provision of the off-street resident parking area; for the provision of affordable housing; and for the provision of open space contributions. Any works which need to be undertaken within the highway, would be formulated as part of a S278 Agreement with the County Council.
- 6.34 It is, consequently, recommended that Outline Planning Permission be granted and that Officers be authorised to release the Notice of Decision subject to the completion of a satisfactory Agreement under S106 of the Town & Country Planning Act 1990 covering the matters set out in para 6.31 above.

7. Planning History

- 7.1 The site has been used for railway purposes since the late 1800's-early 1900's when rail sidings covering approximately 75% of the site area were laid alongside the existing Carlisle to Maryport railway line. By the 1901 edition of the Ordnance Survey, the centre of the site was occupied by a large engine shed with an engine turntable immediately to the south of it.
- 7.2 There is no pertinent planning history of applications.

8. 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 3 years 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 5 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 and landscaping of the site, inclusive of the wildlife corridor and open space (hereinafter called "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority.

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

3. The approved documents for this outline planning permission comprise:

1. Planning Application Form received 14th July 2010;
2. Tree Report received 14th July 2010;
3. Tree Constraints Plan Drawing Number 01 received 14th July 2010;
4. Tree Condition and Value Report received 14th July 2010;
5. Transport Assessment received 14th July 2010;
6. Preliminary Ecological Appraisal Report received 14th July 2010;
7. Design and Access Statement received 14th July 2010;
8. Noise and Vibration Assessment received 14th July 2010;
9. Environmental Report Figure 1 - Site Location Plan received 14th July 2010;
10. Environmental Report Figure 2 - Site Plan received 14th July 2010;
11. Geo-Environmental Desk Top Study received 14th July 2010;
12. Framework Travel Plan received 14th July 2010;
13. Flood Risk Assessment received 14th July 2010;
14. Consultation Statement received 14th July 2010;
15. Archaeology and Cultural Heritage Desk Based Assessment received 14th July 2010;
16. Air Quality Assessment received 14th July 2010;
17. Sketch Proposal Drawing Number 01 Revision D received 29th June 2011;
18. Site Location Plan Drawing Number C002 received 14th July 2010;
19. Bat Survey received 19th October 2010;
20. Reptile Survey Report received 19th October 2010;
21. Additional Ecological Input For Planning received 29th June 2011
22. the Notice of Decision; and
23. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

4. Prior to the commencement of development there shall be submitted to, and approved in writing by the Local Planning Authority ("the LPA"), a plan and/or programme showing the proposed phasing of the development, including the

provision of affordable housing, the wildlife corridors and public open space. The development shall thereafter proceed only in accordance with the approved phasing and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the LPA.

Reason: To secure in the public interest a satisfactorily correlated order of development in accordance with Policy LC4 and H5 of the Carlisle District Local Plan 2001-2016.

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

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

6. No development 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.

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

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

Reason: To ensure that appropriate boundary treatment is erected in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall take place until full details of the proposed 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 an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. The development hereby approved shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall be

implemented as approved.

Reason: To prevent pollution of the underlying major aquifer and surface waters and to ensure that adequate means of foul and surface water disposal, in accordance with Policies CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

10. No development shall commence until details of the wildlife enhancement measures to be incorporated into the development have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. Prior to the commencement of development hereby approved a Habitat Management Plan shall be submitted for approval in writing by the Local Planning Authority. This should outline how the existing habitat to be retained and the proposed habitat to be created shall be managed to ensure that it keeps and enhances its wildlife interest.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. Works are to commence outside the nesting bird season (generally mid-March to August). If this is not possible, the area subject to disturbance is to be thoroughly checked by a suitably experienced ecologist prior to works commencing and if an active nest is found, the nest and surrounding habitat is to be left undisturbed until the young birds have fully fledged.

Reason: It is illegal to take, damage or destroy the eggs of any wild bird, or its nest while the nest is in use or being built (Wildlife & Countryside Act 1981). Any land clearance/infilling must be done outside the bird nesting season.

13. To mitigate any disturbance to protected species on the site, the impact of lights both during the building operations and thereafter shall be minimised. Before the commencement of the development hereby approved, details of lighting arrangements shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To minimise the impact of the development upon the protected species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. The Reserved Matters application shall incorporate the retention of the former Pump House for residential purposes, unless it can be demonstrated that the building is not structurally capable of conversion.

Reason: To ensure the retention of buildings of historic interest in accordance with Policy LE16 of the Carlisle District Local Plan 2001-2016.

15. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

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

1) A site investigation scheme, based on (the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

In the event that any adverse effects do occur when carrying out the approved development and where remediation is necessary a remediation scheme must be prepared, which is subject to approval in writing by the Local Planning Authority.

Reason: To protect the quality of groundwater in the underlying principle aquifer and surface waters in accordance with Policy CP11 of the Carlisle District Local Plan 2001-2016 and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority (to an adoptable standard forming part of a section 38 agreement) 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 (or as indicated on the subsequent phasing plan) 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.

18. Details of the proposed highway improvements and links shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and shall not be occupied until the improvements have been constructed (or contribution thereto received in full).

Reason: To ensure a suitable standard of accessibility for pedestrians, cyclists and vehicles and to support Local Transport Plan Policies LD5, LD7 and LD8.

19. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 and LD8.

20. 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 as well as the timings of these construction activities 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.

21. Within 6 months of the development (or any part thereof) becoming occupied, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1, LD4 and Structure Plan Policy T31.

22. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS3, LD4 and Structure Plan Policy T31.

23. Works to South Western Terrace, including works to the junction with South Western Terrace and Currock Road, shall be agreed in writing with the Local Planning Authority, prior to any works commencing on site. These agreed works need to be in place before construction commences.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users & In the interests of road safety and to support Local Transport Policies LD5, LD7 and LD8.

24. Prior to the carrying out of any construction works as part of the permitted development the existing large depot shed and former pump house shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006. Within 2 months of the commencement of construction works 3 copies of the resultant Level 3 survey report shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration and demolition as part of the proposed development.

25. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least ten residential units overlooking the railway line, to verify that the internal noise levels do not exceed 35 dB LAeq 16 hr 07.00 to 23.00 (daytime) and, that they do not exceed 30 dB LAeq 8 hr 23.00 to 07.00

(night time).

Additionally, for the night time period, measurements must include LA_{max} levels to ensure that instantaneous internal noise levels, due to external events, do not exceed 45 dB LA_{max} fast. In order to determine how regular the occurrence of LA_{max} events in excess of 45 dB may be, they should be determined over at least 1 minute intervals during the eight hour night time period.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must overlook the railway line.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority ("the LPA") and the work must not be undertaken before the schedule is agreed in writing.

The measured noise levels are to be reported to and approved in writing by the LPA.

Reason: To protect the living conditions of the future occupiers of the proposed residential units and to accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. Prior to the commencement of development, the applicant shall submit a Method Statement for approval in writing by the Local Planning Authority. This Method Statement shall include full details of excavations, earthworks and any demolitions to be carried out within 10m of the railway undertaker's boundary. The works shall be carried out in strict accordance with this Method Statement.

Reason: To protect the safety, operational needs and integrity of the adjacent Network Rail property.

27. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

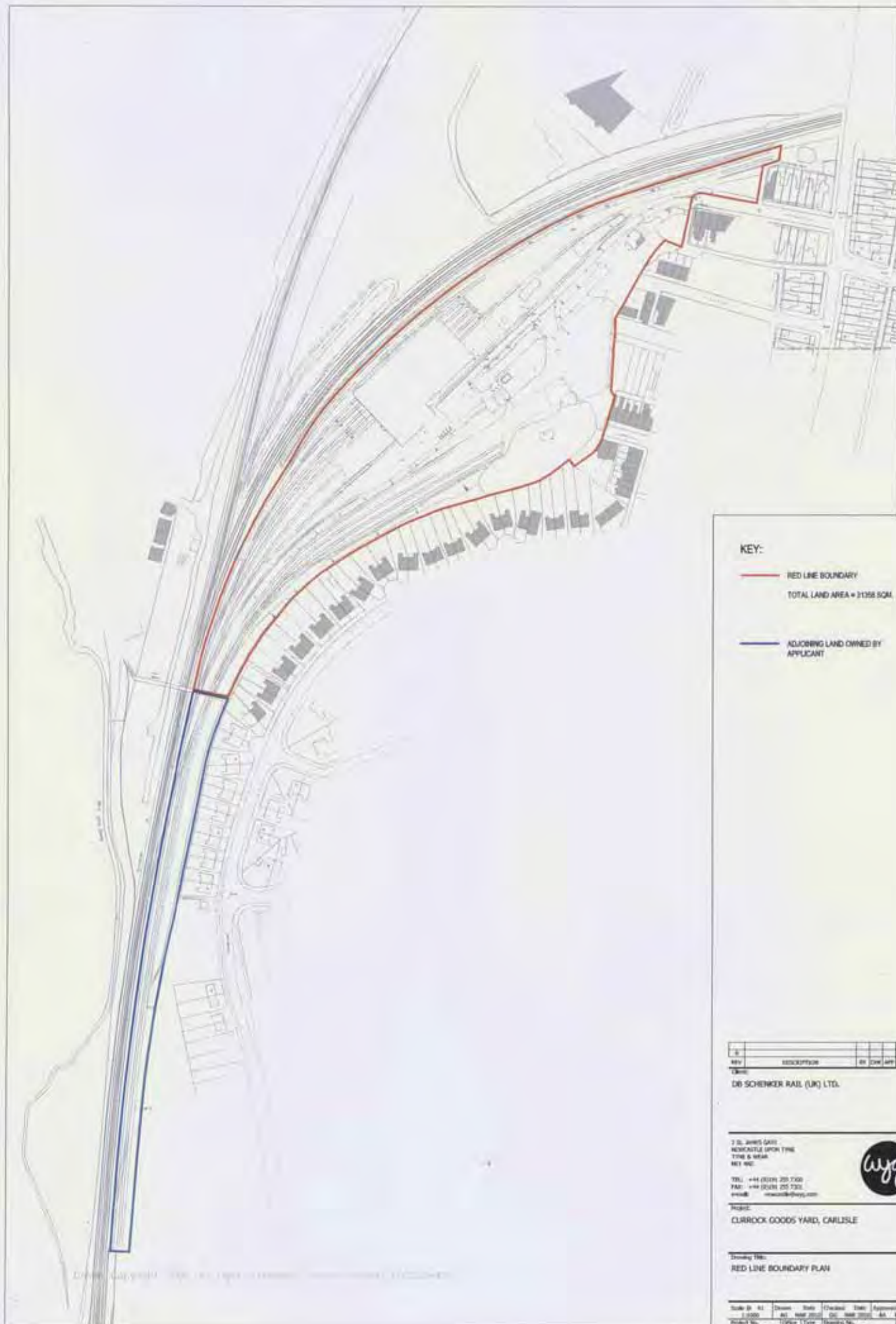
The agreed scheme shall be implemented upon commencement of

development and shall not be varied without prior written agreement of the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

28. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



KEY:

- RED LINE BOUNDARY
- TOTAL LAND AREA = 31358 SQM
- ADJOINING LAND OWNED BY APPLICANT

REV	DESCRIPTION	BY	CHK	APP	DATE
1					

DB SCHENKER RAIL (UK) LTD.

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Project:
CLIRROCK GOODS YARD, CARLISLE

Drawing Title:
RED LINE BOUNDARY PLAN

Scale	Dr	Rev	Drawn	State	Checked	State	Approved	State
1:1000			AW	NAIP 2000		NAIP 2000	AW	NAIP 2000
Project No.	Office	Type	Drawing No.	Revision				
A057777	37	T&T	C002	0				



REV	DESCRIPTION	BY	CHK	DATE
1	Issue			

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Project: CURROCK YARD, CARLISLE

Drawing Title:
 PARKING PROVISION
 AT SOUTH WESTERN TERRACE
 (ILLUSTRATIVE)

Scale	By	Drawn	Date	Checked	Date	Approved	Date
1:100	WYG	WYG	05/11/09	WYG	05/11/09	WYG	05/11/09
Project No	WYG	WYG	WYG	WYG	WYG	WYG	WYG
A057777	37	1/8T	C001				0

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SCHEDULE A: Applications with Recommendation

00/0439

Item No: 04

Date of Committee: 11/11/2011

Appn Ref No:
00/0439

Applicant:
Crowther Homes Ltd

Parish:
Cummersdale

Date of Receipt:
25/05/2000

Agent:
Persimmon Homes
Lancashire

Ward:
Dalston

Location:

L/A Peter Lane bounded by Dalston Road,
Cummersdale, Carlisle, Cumbria

Proposal: Residential Development (Outline)

REPORT

Case Officer: Sam Greig

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a legal agreement and the imposition of planning conditions.

2. Main Issues

- 2.1 The principle of development;
- 2.2 Highway issues;
- 2.3 Provision of public open space;
- 2.4 Educational infrastructure/affordable housing provision;
- 2.5 Foul and surface water drainage;
- 2.6 Retention of existing landscape features/Ecological issues;
- 2.7 The impact on the living conditions of neighbouring residents;
- 2.8 Contamination;
- 2.9 Other matters.

3. Application Details

The Site

- 3.1 This application seeks "Outline" planning permission for a residential development on 4.73 hectares of open fields that are situated to the north west of the junction of Dalston Road with Peter Lane, at the western periphery of Carlisle.

- 3.2 The site, which is broadly square in shape, extends 240 metres along its frontage with Dalston Road and 210 metres along Peter Lane. The land forms part of a larger site that is allocated for residential development in the Carlisle District Local Plan (CDLP). It is situated approximately 3 kilometres to the west of the city centre on the fringe of the urban area.
- 3.3 The site is undeveloped 'greenfield' land and comprises two fields that are in agricultural use. Its defining features are the mature hedgerows that align the road frontages and a stream that runs through the north eastern portion of the site. There are two residential properties that are situated immediately adjacent to the site at its eastern and western corners. The surroundings to the site are predominantly rural in character.

Background

- 3.4 The site was originally allocated for development under the CDLP that was adopted in 1997. In December 2000 the Morton Masterplan and Development Framework was adopted by the City Council as Supplementary Planning Guidance in order to provide a cohesive strategy for the redevelopment of that area.
- 3.5 Following the review of the Local Plan the land has, again, been allocated for development under the CDLP 2001-2016 (adopted September 2008). The neighbouring land to the north west and including some on the opposite side of Wigton Road, has also been allocated for residential development together with the provision of a District Centre, including a retail food store, and "Park & Ride" facilities.
- 3.6 This current application, along with two other applications to develop the neighbouring land (reference numbers 98/0234, and 00/0748) were "called in" by the Government Office for the North West (GONW) in July 2001. When the applications were "called in" for determination Officers sought the Development Control Committee's view on whether the applications should be supported by the Council.
- 3.7 In respect of this application the Development Control Committee resolved that the Council indicate to the Secretary of State that it was minded to support the application, subject to the completion of a s106 agreement and the imposition of several planning conditions. The s106 agreement was intended to include the maintenance and provision of a games pitch, public open space and a playground; the provision of a water supply; affordable dwellings and a contribution towards pedestrian and highway improvements.
- 3.8 In June 2009 GONW confirmed that because of the change in circumstances, principally the re-allocation of the site for residential use within the 2008 Adopted Local Plan, the July 2001 "call in" letters were cancelled and advised that the determination of those applications should revert back to the City Council.
- 3.9 This application has already been before the Development Control

Committee who resolved to support the proposal; however, a significant amount of time has lapsed since it was considered by Members and there are new material considerations to take into account. The most notable of these are the adoption of a new Local Plan, which would justify a higher level of affordable housing; changes to the level of commuted payments, such as those relating to education infrastructure and public open space provision, and the fact that the Highway Authority has changed its stance on the provision of a roundabout at the junction of Peter Lane and Dalston Road.

The Proposal

- 3.10 This is an "Outline" application with all five of the "standard" details, i.e. siting, design, access, external appearance and landscaping, "reserved" for subsequent approval. Consequently, the applicant is just seeking to establish the principle of the development. The detail, such as the layout of the development and access arrangements, would be considered through the submission of a "Reserved Matters" application.
- 3.11 Given that this application was submitted in 2000 it is not accompanied by the supporting documents that now typically accompany an application of this scale. The applicant has provided an up to date Transport Assessment, Travel Plan Framework and a Flood Risk Assessment.
- 3.12 The Transport Assessment indicates that that the development will comprise approximately 160 units, which is not unreasonable given the size of the site.
- 3.13 Whilst this site is an Outline application with all matters reserved the applicant has indicated that the principal vehicular access would be via Dalston Road. The applicant has agreed, in principle, that pedestrian and vehicular connectivity would be provided with the neighbouring land, which has Outline permission for the erection of 825 dwellings (Application 09/0413) in accordance with the Morton Masterplan and Development Framework.
- 3.14 The applicant has also indicated that the existing landscaped features such as the hedgerows and watercourse would be retained. It is intended to provide this site with its own area of public open space (POS), although the future inhabitants of these dwellings would benefit from the larger areas of POS that are being provided through application 09/0413.
- 3.15 It is proposed that foul water will connect to the public sewer, whereas surface water will discharge into an unnamed tributary of Fairy Beck. The flow of surface water will be controlled to ensure that post-development run-off rates replicate pre-development flows.

4. Summary of Representations

- 4.1 When this application was originally submitted in 2000 it was advertised by means of site and press notices as well as notification letters sent to twenty two neighbouring properties. No verbal or written representations were made during the initial consultation period.

4.2 Following GONW's confirmation that the "call in" letters were cancelled the application was re-advertised. In response two letters of objection have been received from residents of Grace Lane. The grounds of objection are summarised as;

1. Grace Lane is a bridle way that is situated opposite Peter Lane and forms a crossroads with Dalston Road. The supporting Transport Assessment does not take into account the fact that it also serves as a vehicular access for the three residential properties located in this lane;
2. In the 40 years that one of the objectors has been resident in Grace Lane there have been many accidents at the junction of Dalston Road, Peter Lane and Grace Lane;
3. The development will increase the use of the Dalston Road/Peter Lane junction and, therefore, a roundabout or signalised junction would be beneficial in reducing traffic speeds. An extension of the existing 40 mph speed limit along Dalston Road will not have the desired effect;
4. Visibility from Grace Lane is poor and the proposed junction arrangements at Dalston Road do not take into account traffic into Grace Lane when approaching from Dalston. The provision of a roundabout would overcome these problems;
5. The scheme should also include a Pelican crossing to allow pedestrians from the new development to access the bridle way which leads to Cummersdale and the River Caldeu.

4.3 Two further letters of objection have been received from consultants acting on behalf of the Church Commissioners for England who own a substantial portion of the land that forms part of the Morton Residential Allocation. In summary the issues that they have raised relate to:

1. The applicant should have submitted a fresh application together with all of the background information required to determine an application of this nature;
2. There does not appear to have been any screening of whether this application should have been accompanied by an Environmental Impact Assessment;
3. A number of detailed specialist studies, including a protected species survey, have not been submitted with this application;
4. The application shows a main access onto Dalston Road, which is insufficient to serve this development. An access into the Church Commissioners land is also required as part of the Morton Masterplan and Development Framework;
5. Pedestrian and vehicular connectivity is required to the remainder of the

Morton Masterplan site to gain access to the retail, educational and public open space facilities that it will provide. Without such connectivity the objective of encouraging the use of more sustainable forms of transport will not be achieved;

6. The Travel Plan that has been submitted with the planning application is deficient and is not tailored to suit the needs of the proposed community;
 7. The application submitted by the Church Commissioners for England included a strategic area of public open space (POS) provision to serve the south west extension to Morton, which includes the land subject to this application. Although this strategic area of POS is being provided by the Church Commissioners the current applicants should be liable for the proportionate costs of this provision.
- 4.4 In response to the more recent public consultation Cllr Allison has also commented on the proposal. In doing so he has highlighted that the cumulative number of houses proposed in the Morton area, both by this application and that approved on neighbouring land, exceeds the predicted housing target outlined in the CDLP. In granting successive incremental permissions, the Council do not appear, in Cllr Allison's view, to have secured commensurate incremental improvements to the road network under s106 agreements.
- 4.5 It is Cllr Allison's view that each planning application, including this one, is being considered separately without an overall strategy. Cllr Allison has also suggested that a signalised junction could be provided at the Junction of Peter Lane with Dalston Road.

5. Summary of Consultation Responses

Housing Strategy: the proposed level of affordable housing is acceptable;

Cumbria County Council - Transport & Spatial Planning: the proposal is not a Category 1 Application and the County Council will not be responding from a strategic planning perspective;

Cumbria County Council (Education Department): based on the increased pressure this development will place on the existing primary school infrastructure a contribution of approximately £378,200 has been requested. As this is an Outline application this figure may vary once details of the housing mix have been provided;

Cumbria County Council – Highway Authority: no objections subject to the imposition of several highway related planning conditions, which will cover a series of highway improvement works. It is also recommended that a s106 agreement is completed to secure £6,600 to cover the monitoring of a Travel Plan, a £100,000 Travel Plan Bond and £10,000 to provide improvements to the bridleway that crosses the site;

Environment Agency: no objections subject to the imposition of a planning

condition relating to surface water drainage;

United Utilities: has advised that no development should be allowed to commence until the location of the proposed connection point(s) into foul drainage system have been agreed by United Utilities;

Local Environment - Environmental Protection: no objections. Conditions should be imposed to investigate possible presence of contamination;

Cumbria County Council - (Archaeological Services): the site has been the subject of an archaeological evaluation and geophysical survey which revealed no significant archaeological remains;

Cumbria Constabulary - Community Safety Unit: no comments/observations;

Highways Agency: the proposal would not affect the Strategic Road Network;

Sport England: object to the proposal on the basis that the application has not adequately addressed the impact upon existing sport and recreation facilities as well as the need for new sport and recreation facilities that would arise from the development;

Cummersdale Parish Council: has concerns primarily due to the increased traffic generated from this development and the Parish Council requests that the application is considered alongside the cumulative impact created by the Morton development (09/0413) and the Persimmon development to the north of Wigton Road (10/1026).

These developments would increase the number of homes to approximately 1300. This is against the Local Plan allocation of a nominal 800. Thus increasing the potential number of car journeys and this traffic movement would be in addition to those to and from the proposed District Centre.

Dalston Road and it's junction with Peter Lane is not only busy at peak times, as a primary route into the city, but also at shift change times for the Pirelli and Nestlé factories. Thus with a new access onto this road from the proposed development it increases the likelihood of accidents; particularly as motorists are either accelerating out of, or approaching the city at high speeds but it will also compound the existing waiting times for vehicle accessing Dalston Road from Peter Lane and Grace Lane.

The Parish Council requests that a roundabout is included as a condition of this planning application as it believes that the current and proposed infrastructure for the developments collectively is inadequate. The Parish Council also requests that the speed restriction of 40mph is extended beyond this roundabout.

Dalston Parish Council: objected to the application following the initial consultation exercise in 2000; however, no comments have been received following the more recent consultation exercise in 2011.

In 2000 the Dalston Parish Council objected on the basis of the potential creation of increased traffic flow problems; that the Government's policy in the White Paper should be taken into account in relation to development on greenfield sites; this is a prominent site and depending on density and house type proposed, could have a big visual impact in relation to creating a soft edge to the perimeters of Carlisle.

Local Environment - Drainage Engineer: no comments received;

Green Spaces: no comments received.

6. Officer's Report

- 6.1 The relevant planning policies against which the application is required to be assessed are policies CP2, CP3, CP5, CP10, CP12, CP16, CP17, H1, H5, H16, LE2, LE8, LE29, T1 and LC4 of the CDLP. The Morton Masterplan and Development Framework is also of relevance, as it is an adopted Supplementary Planning Document.
- 6.2 The proposals raise the following planning issues:
1. Principle Of Development
- 6.3 The application site, which lies within the urban area of Carlisle, is allocated for residential development in the CDLP. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policies H1 and H16, and other relevant Local Plan policies.
- 6.4 Although the principle of accommodating a residential development is acceptable, the proposal must be considered in conjunction with the overall strategy for this area, which is outlined in the Morton Masterplan and Development Framework. Its objectives are to ensure a cohesive approach to the development of the area particularly with regards to the provision of drainage, education and highway infrastructure, as well as the delivery of public open space and affordable housing. The following sections of this report discuss these issues in greater detail.
- 6.5 With this being an Outline application no specific details have been submitted with regards to the layout of the development or the design of the houses. These detailed aspects of the proposal would be considered through the submission of a "Reserved Matters" application; however, the density, design and phasing will have to comply with the guidelines contained in the Masterplan.
- 6.6 Members are reminded that this application has previously been supported by the Development Control Committee albeit several years have since past since that decision was made, principally as a consequence of the application being called-in by Government Office North West, which resulted in the application being held in abeyance. The purpose of bringing the application back before the Committee is to consider the proposals in light of the adoption

of a new Local Plan, which would justify a higher level of affordable housing; changes to the level of commuted payments, such as those relating to education infrastructure and public open space provision, and the fact that the Highway Authority has changed its stance on the provision of a roundabout at the junction of Peter Lane and Dalston Road.

2. Highway Issues

- 6.7 Although this application is an Outline proposal with the access arrangements reserved for subsequent approval the accompanying Transport Assessment indicates that the main access to the site will be from Dalston Road via a new priority junction. The proposed arrangement includes a ghost island to accommodate vehicles waiting to turn right into the site thereby ensuring the free flow of traffic along Dalston Road. The proposed ghost island ties into the rear of the existing ghost island that allows a right turn into Peter Lane from Dalston Road.
- 6.8 In addition to this main access point pedestrian and vehicular connectivity is required to the remainder of the residential allocation in order to comply with the cohesive strategy outlined in the Morton Masterplan and Development Framework. This can be secured through the imposition of a planning condition that requires a phasing plan to be agreed, which will specify when these connections will be provided. Although consultants objecting to the scheme on behalf of the Church Commissioners for England have suggested that this link will not be provided, the applicant has agreed to the imposition of such a condition and recognises the need to comply with the objectives behind the masterplan approach.
- 6.9 In terms of the prospective timing of these linkages, Officers envisage that they will be required relatively early on in the development to ensure that the future occupiers of this scheme have access to the retail, education and strategic open space elements of the proposed Masterplan, all of which are located to the north west of the site.
- 6.10 The applicant's highway consultants, WYG, have had protracted negotiations with the Highway Authority in terms of other works that are required to make this proposal acceptable from a highway perspective. In summary these works, which would form part of a s.278 agreement, include:
- footpath improvements on the east side of Dalston Road;
 - a pedestrian island to the north of the proposed junction with Dalston Road;
 - a pedestrian island/cycle refuge to the south of the proposed junction with Dalston Road;
 - provision of street lighting between Cummersdale Road and Peter Lane including the Dalston Road/Peter Lane Junction;
 - provision of a northbound bus stop, lay-by and shelter, and south bound bus stop;
 - provision of a pedestrian/cycle link to Grace Lane, together with cycle direction signing to the Caldew Cycle Lane;
 - an extension of the existing 40mph speed limit from north of Cummersdale

- Road to just south of the Dalston Road/Peter Lane junction;
 - the provision of a pedestrian/cycleway on the east side of Dalston Road between the proposed cycle refuge and Grace Lane; and
 - a cycleway link between the crematorium and No.1 Irving's Place on Dalston Road.
- 6.11 In addition to the above, the applicant is required to enter into a s106 agreement to secure £10,000 towards improvements to the bridleway to the north of the site.
- 6.12 The application is accompanied by a Travel Plan Framework, which is intended to influence travel choices of future residents and encourage more sustainable means of travel. The Highway Authority has raised issues with the content of that framework and has recommended the imposition of a condition that requires an updated Travel Plan to be provided, together with the imposition of a planning condition that will require the effectiveness of the Travel Plan to be monitored.
- 6.13 As Members will be aware the Travel Plan is a document that identifies measures that will be undertaken by the developer to discourage reliance on the private car and encourage greater use of public transport, cycling and walking. Any subsequent s106 agreement would also need to incorporate the payment of £6,600 to enable the continued monitoring of the Travel Plan for a five year period. The applicant has agreed to provide a £100,000 Travel Plan Bond, which would be secured through a s106 agreement. Effectively this bond would be used by the Highway Authority to encourage sustainable travel should the applicant fail to achieve this through the Travel Plan.
- 6.14 When this application was originally submitted the Highway Authority requested the provision of a roundabout at the junction of Peter Lane and Dalston Road. Since then, however, Members will appreciate that the application for the redevelopment of the neighbouring land to accommodate 825 houses was approved without the requirement that a roundabout is provided at that junction. In respect of this current application the applicant's transport consultants, WYG, also maintain that the findings of the Transport Assessment conclude that there is no need for a roundabout at Dalston Road/Peter Lane.
- 6.15 In reaching this conclusion WYG advised that a number of applications that had been determined or were approaching determination were taken into account. These included Dobbies Garden Centre, the Morton District Centre, the proposed Sainsbury's at Caldewgate and the 250 dwellings proposed by Persimmons on Wigton Road, adjacent to The Beeches. If these developments are taken into account in conjunction with existing traffic flows and traffic growth predictions WYG state that the Dalston Road/Peter Lane junction will operate at 64% of its available capacity and that the effect on queuing will be negligible.
- 6.16 In light of the information presented by WYG the Highway Authority concurred with WYG that there is no justifiable highway reason for the junction to be upgraded to a roundabout as a consequence of this development. The

Highway Authority has advised that if capacity issues were to arise at this junction in the future that traffic lights could be installed to regulate traffic flows.

- 6.17 In summary, the Highway Authority has no objections to the proposed development subject to the imposition of several highway related conditions and the commuted payments identified in paragraphs 6.11 and 6.13. Although highway safety concerns have been raised by Cummersdale Parish Council and two residents of Grace Lane these views have not affected the Highway Authority's stance.

3. Provision Of Public Open Space

- 6.18 Policy LC4 of the CDLP encourages the provision of formal and informal areas of public open space (POS) within new family housing developments of more than 40 units. Given that this Outline proposal could potentially accommodate 160 dwellings an area of POS is required to be provided within the confines of the application site to serve the future residents.
- 6.19 The applicant has agreed, in principle, to this provision; however, the precise location would not be clarified until a detailed proposal is considered through the submission of a Reserved Matters application. Rather than pay a financial contribution to the Council towards the future maintenance of this amenity space the applicant has opted to employ a management company to oversee this task. This approach has been taken by developers on other housing schemes; however, this arrangement needs to be secured in perpetuity through the completion of a s106 agreement to ensure that this cost does not fall to the Council at a future date.
- 6.20 Aside from an area of POS to serve the future residents of this particular development a strategic area of POS is proposed as part of the Morton Masterplan Framework. This strategic area of POS is located to the northwest of the site on land that belongs to the Church Commissioners for England. Some Members may recall that the Outline application for the erection of 825 dwellings, which was submitted by the Church Commissioners, catered for this provision. The subsequent s106 agreement that was signed by the Church Commissioners included a commitment to provide the strategic area of POS, together with a clause that required the cost of doing so to be recouped through any residential planning applications on land that formed part of the Morton Masterplan Framework, but lay outwith the Commissioners application boundary.
- 6.21 The applicant's have agreed in principle towards making a financial contribution towards the cost of this provision; however, at this stage the cost of these works are not known. Consequently, if Members are minded to support this proposal again, it is requested that authority to issue an approval be granted to enable Officers to negotiate a proportional level of financial contribution towards the provision and subsequent maintenance of the strategic area of POS.

4. Educational Infrastructure/Affordable Housing Provision

- 6.22 Cumbria County Council (CCC) has advised that that the existing primary schools in the vicinity are nearing full capacity and that this development will place an additional burden on these schools. To mitigate the impact that this development will have upon existing primary schools the applicant has agreed to CCC's request to provide a financial contribution towards the improvement of the existing primary school infrastructure.
- 6.23 As this is an Outline application the exact number of dwellings and the proposed housing mix has not yet been provided and, therefore, it is not possible to identify an exact level of financial contribution, which is governed by these details. As Members will be aware the provision of financial contributions need to be secured through the completion of a s106 agreement. In the absence of clarity regarding the number of dwellings/housing mix a formula is used to calculate the level of financial contribution when the Reserved Matters application is submitted. The applicant has agreed that the formula to be used should be the same as that which was agreed as part of the Outline application for approximately 825 dwellings on the neighbouring land.
- 6.24 There is currently projected to be sufficient secondary school places available in the area to accommodate the expected level of demand from this development and, therefore, no contribution has been sought in respect of the additional impact this proposal will have upon the existing secondary school infrastructure.
- 6.25 With regards to affordable housing provision the applicant has agreed that 30% of the proposed dwellings will be affordable properties, which accords with the Policy H5 of the CDLP. The provision of affordable housing has to be secured through the completion of a s106 agreement; however, as the precise level of dwellings is not identified as part of this application a formula will be inserted into the legal agreement, in a similar fashion to that proposed for the level of education provision, thereby enabling the exact figure and affordable housing mix to be agreed at a later stage.

5. Foul And Surface Water Drainage

- 6.26 The applicant has indicated that the foul drainage will connect into the public sewer, which is acceptable in principle; however, under the Morton Masterplan Framework the intention was to design an overall drainage strategy for the residential extension at Morton. The applicant has argued that to adhere stringently to this objective is unreasonable as the ability to implement their development would then be reliant on the remainder of the land being developed.
- 6.27 The applicant's concerns are based on the fact that the Church Commissioners may agree a foul drainage scheme with the Council that takes account of the remainder of the land outwith the Church's ownership, but that the ability to tap into that system will be dependent on the phasing of the Church Commissioners development. Given that the Church Commissioners are land owners not developers the applicant's are concerned that the Church

Commissioners do not have the ability to bring forward the development in a comparable timeframe.

- 6.28 Clearly a cohesive approach would be the preferred option; however, in this current economic climate it would not be desirable for a rigid approach to this objective to stifle potential development. In light of this it is the Officer's view that the recommended foul drainage condition should allow for a two pronged approach. The preferred, but not exclusive option, is that the foul drainage strategy should consider all of the land that forms part of the Morton Masterplan Framework. However, in the event that it can be demonstrated that this approach will stifle the delivery of the development the applicant's should be allowed to design their own drainage strategy, but their scheme should be designed to cater for foul drainage from the surrounding residential development in the event that they are in a position to implement their development sooner.
- 6.29 In terms of surface water disposal the applicant's have indicated that it is their intention to discharge into an unnamed tributary of Fairy Beck. As Members will be aware the disposal of surface water to an existing water course is a preferred and more sustainable option. The applicant's have agreed with the Environment Agency that this scheme will replicate predevelopment surface run-off rates with post development rates. In agreeing to this approach the Environment Agency has recommended the imposition of a planning condition, which identifies what these run-off rates are.

6. Retention Of Existing Landscape Features/Ecological Issues

- 6.30 The applicant has indicated that the detailed scheme will incorporate the existing landscape features such as the hedgerows and the watercourse. Further planting would also be provided and a condition is recommended that requires the submission of a detailed landscaping scheme, which includes the retention of the aforementioned features.
- 6.31 An additional condition is also recommended that requires protective fencing to be erected around those hedges to be retained to ensure that they are not harmed during the construction phases.
- 6.32 In terms of the ecological issues, the Church Commissioners for England have objected to the current proposal on the basis that the application is not accompanied by a Protected Species Survey; however, in previously recommending this application for approval Officers will have taken into account the impact that this development will have upon local wildlife. Similarly, in agreeing to support the Officer's recommendation Members will also have given this issue due consideration.
- 6.33 In considering the objection raised by the Church Commissioners Members are advised that with a development of this scale on greenfield land it is inevitable that there will be some impact upon local wildlife. The assessment of that impact (and whether the impact would be less than if other areas were developed) would have been considered through the Local Plan process when the site was allocated for residential development. Furthermore the

justification for bringing this application back before the Development Control Committee was not to reassess the merits of the application but to consider the proposal in light of a different adopted Local Plan and to take into account other material planning considerations such as those outlined in paragraph 6.6 of this report.

- 6.34 Members are reminded that this application only seeks to establish whether the principle of the development is acceptable. Although an Outline application would now normally be accompanied by a range of specialist studies, the absence of a detailed ecological assessment does not preclude Officers or Members from concluding that the principle of this application is acceptable. A subsequent Reserved Matters application would be accompanied by an ecological assessment, which could demonstrate how the detailed scheme will mitigate its impact upon local wildlife. Several conditions are recommended to mitigate the impact of the development during the construction phase; to ensure that the existing hedgerows and stream are retained as landscaped features in the new development, together with measures imposed to compensate for any impact upon local wildlife.

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

- 6.35 Although no specific details are proposed at this stage regarding the layout of the development it can be designed in such a way as to ensure that there will be no adverse impact upon the living conditions of neighbouring residents through loss of light, privacy or overdominance.
- 6.36 In respect of any increase in traffic generated by this proposal it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application.
- 6.37 It is acknowledged that given the scale of the development there will be a degree of disturbance during the construction of the dwellings. In order to mitigate the impact that the construction phase will have upon the living conditions of residents a condition is recommended that limits construction work to between 7.30am and 6pm Monday to Saturday, with no work permitted on Sundays. A similarly worded condition was agreed by the Development Control Committee in respect of the development of the land that forms the larger element of the Morton Masterplan site.

8. Contamination

- 6.38 As the site is a greenfield site the likelihood of contamination being present is low. Notwithstanding this fact, two conditions are imposed to ensure that there is no likelihood of contamination causing any harm to human health. The first requires further investigatory work to be undertaken, together with a second condition that would legislate for the event that contamination is found at a later date, which had not previously been identified.

9. Other matters

- 6.39 Councillor Allison has raised two specific concerns which are highlighted in

paragraphs 4.4 and 4.5 of the “Summary of Representations” section of this report. In summary, Cllr Allison has concerns, which are shared by Cummersdale Parish Council, that the number of houses proposed, when considered in conjunction with other residential developments in the Morton area, exceeds the predicted targets outlined in the Local Plan and issues related to highway matters. The latter is covered under sub-section 2 of this report (paragraphs 6.6 – 6.17) which addresses the highway issues.

- 6.40 With regards to the first issue Members are advised that the predicted housing levels outlined in the Local Plan are based on average densities and there will, inevitably, be deviations from that figure as detailed schemes are drawn up. The cumulative impact of separate development proposals are taken into account when considering applications.

Conclusion

- 6.41 In overall terms, the principle of the development is acceptable and will assist in a long term strategy for the delivery of housing in this location as part of a significant residential extension to the south west of the City. Whilst no detailed designs have been submitted at this stage, an appropriate scheme can be negotiated through a subsequent Reserved Matters application.
- 6.42 The provision of the necessary drainage, education and highway infrastructure as well as the delivery of public open space and affordable housing can be secured through the completion of a s106 agreement and imposition of planning conditions. A series of planning conditions are also recommended to control detailed aspects of the design and to prevent any potential adverse effects that might occur without such controls. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.
- 6.43 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a s106 agreement to secure:
- a) the provision of affordable housing, as outlined in paragraph 6.25 of this report;
 - b) a financial contribution to secure improvements to the primary school infrastructure;
 - c) the provision of a management company to maintain the areas of public open space within the development.
 - d) a proportional financial contribution towards the provision and maintenance of the strategic area of open space proposed as part of the Morton Masterplan and Development Framework;
 - e) £10,000 towards bridleway improvements;
 - f) £6,000 to enable monitoring of the Travel Plan; and
 - g) £100,000 Travel Plan Bond.

7. Planning History

- 7.1 In 1999 "Full" planning permission was sought for the erection of 101 dwellings (Application 99/0145). An appeal was submitted against the non-determination of that application, but was subsequently withdrawn by the applicant.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years 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 5 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. Prior to the commencement on any part of the site there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted and its integration with the remainder of the Morton Masterplan Residential Allocation in terms of:

1. The provision of pedestrian and vehicular connectivity;
2. The provision of foul and surface water drainage infrastructure; and
3. The delivery of other services such as gas, electricity and telecommunications.

The development shall thereafter proceed only in accordance with the approved phasing plan and/or programme or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a co-ordinated manner

in accordance with the objectives of the Morton Masterplan and Development Framework.

4. The approved documents for this planning consent comprise:

1. The Planning Application Form received 25th May 2000;
2. The site location plan received 25th May 2000;
3. Transport Assessment received 10th March 2011;
4. Framework Residential Travel Plan received 10th March 2011;
5. Flood Risk Assessment received 10th March 2011;
6. The Notice of Decision; and
7. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

6. No development 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.

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

7. No development shall take place until full details of the proposed 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. The proposed landscaping scheme shall include the retention (where practical) of the existing hedgerow and water course. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

8. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges to be retained in accordance with a scheme that has been submitted to and

agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

9. No development shall commence until a method statement for any work within the root protection area of those hedges to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

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

10. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the hedges. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

Reason: To protect the hedges during development works in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until details of the wildlife mitigation measures to be incorporated into the development have been submitted to and approved, in writing, by the Local Planning Authority. The mitigation strategy shall be informed by a Nature Conservation and Ecological Assessment which shall be undertaken by a suitably qualified expert. The development shall be implemented in accordance with the approved scheme.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No clearance of or damage to hedgerows shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

14. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

15. No development shall commence until details of the proposed open space and children's play area, which shall be provided with items of equipment at the expense of the developer, have been submitted to and approved, in writing, by the Local Planning Authority. The play area shall be fully equipped (including the provision of safety surfacing and fencing if applicable) and available for use prior to the occupation of the 50th residential unit completed within the development unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: In order to secure an acceptable standard of development and to make proper provision for the recreational needs of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.

16. Notwithstanding the proposed means of surface water disposal no development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage system has been submitted to and approved, in writing, by the Local

Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate means of surface water disposal and to prevent increased risk of flooding in accordance with Policies CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) level 2, dated February 2011 for Peter Lane/ Dalston Road, referenced PET_FRA and compiled by AECOM and letter from Lees Roxburgh dated 31st of May and referenced JEL/KB/5312/5.1 and the following mitigation measures detailed within the FRA in particular the greenfield run-off criteria the proposed development should be limited to ensure this is considered at the earliest possible stages of layout and drainage design.

1. Limiting the surface water run-off generated by the proposed development so that for a range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year event) the developed rate of runoff into a watercourse should be no greater than the undeveloped rate of runoff for the same event and shall not increase the risk of flooding off-site.

The greenfield runoff rates for the 4.705 Hectare site assessed by Lees Roxburgh and to be taken forward in to detailed design have currently been defined as:-

Qbar ...27.2 litres/sec
Q1... 25.5 litres/sec
Q30... 49.1 litres/sec
Q100...59.6 litres/sec

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

18. No development shall commence until comprehensive mains water supply, and, foul and surface water drainage schemes which take account of the development of the adjoining sites 3a, 3b, 4b and 5, (as identified in Plan 2 of the Morton Masterplan); the protection, support and/or culverting of any watercourse passing through the site); and, the existing drainage arrangements of any neighbouring properties affected by the development, have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence supported by the Morton Masterplan and Development Framework and Policy CP12 of the Carlisle

District Local Plan 2001-2016.

19. No dwelling shall be occupied until the water supply, and, foul/surface water drainage works, submitted under the above condition No. 17, have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence supported by the Morton Masterplan and Development Framework and Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

20. No development shall commence until the location of the proposed connection point(s) into the existing foul drainage system have been submitted to and agreed, in writing, by the Local Planning Authority and United Utilities. The developer shall also provide a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load. No dwelling shall be occupied until the foul drainage system has been connected to the public sewer in accordance with the approved details.

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

21. 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. All works comprised in the approved details of fencing/walls for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

Reason: To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.

Reason: The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellingss and any

associated garages 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 problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policies H1 and H16 of the Carlisle District Local Plan 2001-2016.

24. No development shall commence until a desk top study and site reconnaissance (walkover) have been undertaken to assess need for further information regarding the possible presence of contamination. Should any contamination be identified a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the approved remediation measures, a remediation report must be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

26. The carriageway, footways, footpaths, cycleways, provision of ramps on each side of every junction, and, the junction of any distributor road with Peter Lane shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details (including provision for a public transport service, longitudinal/cross sections, finished ground levels, surface finishes and system of lighting) shall be submitted to the Local Planning Authority for prior written 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 Morton Master Plan and the standards laid down in the current Cumbria Design Guide. Any works so approved (with the exception of highway improvements to Dalston Road and Peter Lane, the distributor road, cycletrack and junction of the distributor road with Peter Lane) shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 3.

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.

27. No dwellings shall be occupied until the estate road to serve such dwellings has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

Reason: To ensure that the matters specified are designed to an acceptable level.

28. Before the commencement of development the applicant/developer shall enter into and complete an agreement with the Highway Authority under Section 278 of the Highways Act 1980 (as amended) which shall make provision for the completion of a highway improvement scheme along Dalston Road and Peter Lane in accordance with details to be agreed beforehand by the Local Planning Authority. The aforementioned scheme (which will include the provision of footways, road lighting, and, the widening and strengthening of the existing carriageways) shall be completed before any development work starts on site.

Reason: To ensure that the surrounding highway network is capable of carrying the volumes of vehicular and pedestrian traffic likely to be generated by the proposed development.

29. No development shall commence until visibility splays providing clear visibility of 215 metres x 4.5 metres x 120 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 provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

30. By the expiry of two years after the commencement of the development hereby permitted ("the expiry date") or by the completion (by the

plastering out) of the last dwelling house in the first phase of the development the developer shall:

- a) construct the main distributor road to base course standard up to the common boundary with the adjoining land to the north-west;
- b) construct the junction of the distributor road with Peter Lane to finished wearing course standard; and,
- c) construct the cycle track running through the site to finished wearing course standard up to the common boundary with the adjoining land to the north.

Reason: To ensure the distributor road, junction with Peter Lane and cycletrack are provided to serve the proposal and co-ordinate with the comprehensive development of the area in accordance with the objectives of the Morton Masterplan and Development Framework.

31. Before the commencement of development any existing access to the highway shall be permanently closed and the highway crossing and boundary reinstated in accordance with details submitted to and approved, in writing, by the Local Planning Authority.

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

32. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways/footpaths and cycletrack(s).

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

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

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

34. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

Reason: To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

35. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

36. The applicant shall use appropriate mechanisms to extend the 40mph speed limit along Dalston Road (to a point at least 150m south west of the proposed access) prior to any works starting on site.

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

37. Prior to any works starting on site, the developer shall prepare and submit to the Local Planning Authority for their approval, in writing, a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) being occupied.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, and "extended" Policy T31 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

38. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the subsequent developer/s and submitted to the Local Planning Authority for approval.

Reason: To aid in the delivery of sustainable transport objectives and to support "extended" Policy T31 of the Cumbria and Lake District Joint Structure Plan 201-2016 and Local Transport Plan Policies WS3 and LD4.



Land at Junction of Peter Lane/
Dalston Road, Cummersdale,
Carlisle

Location Plan

Scale 1: 2500

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SCHEDULE A: Applications with Recommendation

08/1018

Item No: 05

Date of Committee: 11/11/2011

Appn Ref No:
08/1018

Applicant:
ERB Properties

Parish:
Hethersgill

Date of Receipt:
11/03/2009

Agent:
Rol Design Limited

Ward:
Lyne

Location:
Kirklington Hall, Kirklington, CA6 6BB

Proposal: Restoration And Conversion Of Kirklington Hall, Stable Block And Coach House Into 13no. Dwellings; Erection Of New Wing Containing 5no. Dwellings; Construction Of Walled Enclosure Comprising Garage Court And Additional Parking Incorporating 4no. Dwellings Formation Of New Vehicular/ Pedestrian Access.

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether the principle of the proposed development is acceptable;
- 2.2 The impact on the character and setting of the listed building;
- 2.3 Whether the layout and appearance of the development is acceptable;
- 2.4 The impact on the character of the area; and
- 2.5 Highway matters.

3. Application Details

The Site

- 3.1 This application seeks Full Planning permission for the redevelopment of Kirklington Hall, Kirklington, Carlisle. The site is located approximately 0.5 miles north-east of Kirklington and is within open countryside. The 5.85 hectare site is to the north-west of the County highway C1005 that links Kirklington to Boltonfellend. The site is served by a vehicular access which leads from the County highway across Longcleughside Beck via a single arch sandstone bridge.

- 3.2 The access road leads down from the highway and then slopes back up and meanders westwards towards Kirklington Hall. The three storey hall itself is situated to south of the access with the coach house separate and to the north. The hall is bounded by the beck which flows from the north close to the eastern boundary of the site and then sweeps westwards to the rear of the hall. The land slopes steeply from the patio to the rear of the hall down towards to the beck. A band of mature trees flank the eastern boundary.

Background

- 3.3 The buildings date back to the 17th Century and are currently in a ruinous condition with the roof and several partial sections of the walls having collapsed.

- 3.4 Kirklington Hall and the outbuildings are Grade II listed and the description reads as follows:

“House. Core possibly of c1661 (using stone from nearby Levington Hall) for Edmund Appleby, with extensive extensions of 1875 for the Kirklington-Saul family. Calcareous sandstone coursed rubble, with dressed stone and ashlar; roof mostly removed, but graduated slate where it remains, stone chimney stacks. 2 and 3 storeys, numerous bays in roughly E-shape. Core of 3 storeys, 5 bays with rendered front and 3 storeys, 4 bay wing of coursed rubble facing road. Central entrance renewed: round headed doorway flanked by twin Doric columns on supporting plinth. Ground and first floor sash windows with architraves and entablatures with pulvinated friezes. Left-hand window of ground floor attached to a door. Second floor has square windows with wooden casements, similar entablatures and friezes with shaped gables and modillion eaves cornice, all added in 1875. Wing facing road had sash windows (now mostly removed) and gable ends treated to match the Jacobean style additions. 1875 additions are 2 storeys with attic in ashlar. One wing matches that facing road, the other is a very large L-shaped block added to it. The matching wing has shaped gable ends, an escutcheon in the gable and shell niches above ground floor entrance and first floor triple window (imparting to each a Venetian window flavour). The short piece of the L which corresponds to the earlier house, is 3 bays with projecting right-hand side and cornice above ground and first floors. Shaped gable dormer with finial in centre. The long part of the L has 5 symmetric bays and one at the south-east end. 3 windows to second and sixth bays, single to first, third and fifth. Shaped gable dormers to second, fourth and sixth bays, first, third and fifth have plain segmental hoods. Rear of north west wing treated similarly in coursed rubble with central ashlar projection flanked by 3-window bays. Empty and dilapidated at time of survey, roof being stripped of slates.”

- 3.5 The building was listed in 1974 but by the time of the listing the slates had been stripped from the roof and the building has deteriorated ever since.
- 3.6 The applicant makes reference to previous attempts to redevelop the site. Since the site was placed on the market in 2002, the vendor was

approached, it is stated in the supporting documents, to convert the hall into dwellings but this scheme did not materialise. Later in 2005, it is further stated by the applicant that a proposal to develop the site into a themed tourist attraction was considered but subsequently faltered.

The Proposal

- 3.7 The applicant proposes the refurbishment and conversion of Kirklington Hall, the Stable Block and Coach House. The Coach House would provide two dwellings whilst the conversion of the Hall would provide a further 11 properties. The hall essentially comprises two wings with an 'L-shaped' footprint and a new wing would be constructed to the hall to provide a further 5 residences and would complete a 'u-shaped' footprint.
- 3.8 A separate courtyard would be constructed to the north of the existing stable block to provide garage accommodation with a further 4 residences above. The development would incorporate the use of natural stone, slate and render.
- 3.9 The listed buildings consist of the hall and the adjacent coach house and it is proposed to restore the exterior of these buildings. Due to the severely dilapidated state of the buildings, there are no original interiors in existence and the applicant does not intend to reproduce any period interiors; however, the new floors would be constructed at the original levels evidenced by the position of the joist holes and base of fireplace recesses.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of seven of the neighbouring properties. Five letters of objection have been received and the main issues raised are summarised as follows:
1. the site is too large and there is no need for additional dwellings as the hall is Grade II listed;
 2. 47 parking spaces implies that there will be twice the amount of traffic on the adjacent road that will result in an eyesore within the development;
 3. the lorries on the adjacent road travel at a great speed and would pose a danger to persons entering/ exiting the site by car, bicycle or foot;
 4. the annoyance to neighbouring properties will be great;
 5. refuse and recycling collection from the site would cause more heavy traffic around the proposed junction;
 6. white upvc windows are not in keeping with the listed building;
 7. the proposal should incorporate the appropriate use of red and yellow sandstone rather than red sandstone throughout;
 8. the drainage system should not adversely affect the neighbouring watercourses;
 9. the hall is home to bats and barn owls and correspondence has been received from Natural England;
 10. the scale of development is excessive and will look like a housing estate

- in the countryside;
11. the owner should have taken action to stop the theft, dilapidation and destruction;
 12. there is no reference to the method of construction showing the type of heating or electrics for the properties;
 13. there is no provision of pavements out with the site which will lead to people walking recreationally along the River Lyne which is enjoyed by locals as an extremely peaceful, clean and beautiful setting;
 14. if the development fails against the Local Plan an ecological, environmental and community sustainability appraisal should be undertaken to determine whether the advantages of such a development outweigh the cost; and
 15. there are no amenities in the area that will increase the use of private cars and exacerbate an already busy road.

5. Summary of Consultation Responses

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

The applicant should bear in mind that given the current policies, both locally and nationally, this application can only be accepted if either public transport is provided or a financial contribution is provided to support/ improve current services. Considering the financial expense of providing a dedicated bus service to the site, the Highway Authority do not consider this to be a viable option for a development of this size. It is therefore suggested that for the principal of this application to be accepted, there should be a requirement for a financial contribution towards the "rural wheels" or similar public transport services in the Carlisle area.

The applicant should be required to enter into a suitable legal agreement / make a unilateral undertaking, to provide a financial contribution to the aforementioned scheme. This element of the recommendation is of vital importance and without this contribution this application is seen as unsustainable and therefore unacceptable.

The visibility splay stated on the application would not comply with the normal standards for a derestricted road. It is accepted that vehicles here would not travel at 60mph but I would expect that 50mph would be the 85%ile speed for this road. For this speed a visibility of 2.4m by 150m should be provided. If the applicant however is willing to commission a speed survey to justify a 85%ile speed of 30mph then the Highway Authority would be willing to relax the requirement to the stated 2.4m by 90m.

Community Services - Drainage Engineer: - comments awaited;

United Utilities: - no objection. 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;

English Heritage - (Hist Bldg & Monuments): - The residual remains of Kirklington Hall are clearly of intrinsic historic and architectural interest but will require substantial re-construction to enable their re-use in any form. English Heritage is not convinced that the development proposed will present sufficient public benefit to justify further compromise to the listed hall group or its countryside setting.

It appears evident that the quantum proposed (i.e. 22 new residential units) is not the minimum necessary to secure the future of the heritage asset. While English Heritage clearly welcomes efforts to retain authentic remnants of Kirklington Hall as a feature of the landscape, English Heritage is not convinced that the submitted proposal justifies the level of additional 'enabling development' proposed. Consequently, English Heritage remains unable to support this development proposal as it is considered that it would have a detrimental impact on the character, fabric and setting of the hall and the associated listed outbuilding.

While English Heritage would support the reconstruction of Kirklington Hall and the listed Coach house, this proposal will not deliver this objective. English Heritage, therefore, object to this proposal as the form and quantum of development proposed will detract from the character and special interest of the heritage assets. A case has not been demonstrated for substantial additional development on this site. Consequently, it is recommended that the application is refused for the reasons set out above;

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

Cumbria Constabulary - Crime Prevention: - it is clear that the applicant has considered crime prevention as an integral part of the design and Cumbria Constabulary are pleased to note the references to security in the Design and Access Statement. Cumbria Constabulary are satisfied that this application complies with Policy CP17 of the Carlisle District Local Plan.

Hethersgill Parish Council: - : at a following meeting of the Parish Council the views of local people at the public meeting were taken into account in regard to its resolution:-

Hethersgill Parish Council is favour of a sympathetic restoration of Kirklington Hall but has concerns in regard to the size of the development. This reflects the view of the majority of local people at a recent public meeting who were cautious in their agreement and concerned about the impact of the development.

Of particular concern to the Council is the impact on traffic. Approximately

200 HGV's per day pass Kirklington Hall on the C1005. The road twists and is narrow. There have been many minor incidents and there is noticeable damage to the road edges and grass verges. The Area Engineer of the County Council is personally aware of the difficulties. The issue is one of overall road safety including speed, driver care and vehicle size. Two HGV's have a problem passing in the vicinity of the Hall's entrance – to move the entrance does little to help ease the situation. Residents fear that the extra traffic volume from the development without alteration to the road adjacent to the entrance, will increase the hazard.

A second concern relates to drainage and utilities. The Council wishes to be satisfied that appropriate sewage plant and adequate electricity and water supply is available to avoid difficulties for nearby residents and damage to the environment, namely water courses through the site.

Finally the Council is of the view that consideration be given to low cost housing in accordance with local planning guidance. Such a development would ordinarily include an element of affordable housing. The Council recognises that the position of the Hall and the development proposals are possibly unique but asks that due consideration be given to off-site provision of affordable housing.

Further comments received on 14th August 2009 read as follows:

- The revised plans offer a more compact and practical layout on the Hall site. However the number of units of accommodation remains unchanged at 22. The view of many residents present at the previous public meeting was that traffic on the C1005 was relatively heavy and substantial development of Kirklington Hall will only worsen the situation.
- The entrance appears to be modified to give better site lines to exiting traffic. Perversely a wider entrance may act as a passing point for HGV's unable to pass each other on the C1005. This may create a new road safety hazard, especially for residents exiting the Hall site.
- The Council wished to be reassured about drainage and utilities for the site as these do not appear to be addressed in the revised plans.
- The issue of Affordable Housing does not appear to have been addressed;

Ramblers Association: - comments awaited;

East Cumbria Countryside Project: - comments awaited;

National Grid UK Transmission: - the risk to the operational electricity and gas transmission network is negligible;

Environmental Services - Environmental Quality: - no objection subject to the imposition of conditions relating to investigation of contamination and implementation of remediation measures;

Kirklington Parish Council: - all Members of the Parish Council support this development and hope that the aspirations of the developers do come to

fruition. This proposal is considered to be one of the best put forward to date. It is hoped that the application is approved and that it progresses to the next stage with a view to the work commencing as soon as practicable.

Further comments received on 25th August 2009 and 19th April 2011 make no further comments;

Conservation Area Advisory Committee: - the Committee felt that there was too much development associated with and required by the restoration of the Hall which has a negative impact on the character of the landscape of this area. In addition, the considerable amount of tarmac road, the garage block and the parking area have a significant impact on the appearance of the development that is detrimental to the character of the landscape;

Natural England: - Natural England is a statutory agency charged with the responsibility to ensure that England's unique natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Ecological Impact Assessment

Based on the information provided, Natural England advises all mitigation measures set out by Hesketh Ecology in their Ecological Impact Assessment of 28 July 2009 be adhered to in full. This should be applied to the planning permission in suitably worded conditions.

Other concerns

Natural England are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application.

Natural England are satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations; and

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP5, CP6, CP7, CP8, CP9, CP10, CP12, CP15, CP16, CP17, H1, H7, LE12, LE13, LE26, LE27, T1 and LC8 of the Carlisle District Local Plan 2001-2016.

1. Principle Of Development

- 6.2 Policy DP1 which relates to development in such areas, requires that the overall quality of life within Cumbria should be enhanced through the promotion of sustainable development that seeks to protect the environment,

ensure prudent use of resources and maintains social progress and economic growth. 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.

- 6.3 The Policy further provides that specific settlement boundaries are identified for the 20 settlements listed as Local Service Centres. Those boundaries have been defined and have been drawn tightly around established development patterns or significant amenity areas such as playing fields within the settlements to avoid future sprawl.
- 6.4 The site identified on the site location plan does not form part of a settlement and is therefore within open countryside. Accordingly, it falls to be considered against Policy H7 of the Local Plan which requires that development proposals outwith defined settlements in the open countryside are adequately justified by a proven agricultural, forestry or any other rural-based enterprise and supported by a proven need.
- 6.5 Planning permission was approved in 1989 for the conversion of the coach house to form two dwellings. The applicant's justification for the additional 20 dwellings is on the basis that this number of dwellings is required to essentially support the restoration of the hall.
- 6.6 In conclusion, the principle of additional residential development on this site is unacceptable in policy terms; in dealing with the Listed Building, 'enabling development' can be used to justify development that would otherwise be contrary to policy.

2. Enabling Development

- 6.7 The application has been submitted on the basis that it is enabling development. English Heritage's document entitled "Enabling development and the conservation of significant places" provides guidance on enabling development and defines it as 'development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.
- 6.8 Policy HE11 of PPS5 "Planning for the Historic Environment" recognises the benefits of using additional development to assist in the funding required to secure the long term future of a heritage asset. Without additional enabling development the restoration and renovation of Kirklington Hall alone would be financially unviable and as such it would be highly unlikely that anyone would be prepared to fund such a scheme. By adding the additional wing and garage block with further dwellings, it would increase the overall value of the site which in turn would offset the sums of money required because of the needs of the heritage asset. PPS5 states that the amount of enabling development must be "based on the inherent needs of the heritage asset,

rather than the circumstances of the present owner, or the purchase price paid". The applicant has stated in his supporting information that there is no known source of alternative funding to avoid enabling development.

6.9 To ensure that enabling development is commensurate to the scale and type of listed building being preserved, Policy HE11 states that the Local Planning Authority should assess whether, "the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests". In this instance the applicant has provided supporting information which sets out the amount and cost of the renovation works that are needed in order to secure the future of the Listed Building and seeks to demonstrate that the enabling development is the minimum necessary.

6.10 As the provision of new dwellings in this location is unacceptable in policy terms, it becomes necessary to consider whether the scheme would bring public benefits sufficient to allow them to be carried out. In this case the 'checklist' available in PPS5 is useful. It is stated that "Local planning authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004) or from national policies, taking into account whether":

i) it will materially harm the significance of the heritage asset or its setting

6.11 The proposed development will compromise the historic group by the erection of a new wing and the new 'garage court'. The result will be the enclosure of the frontage of the hall and the fundamental alteration to its plan form, as well as the sprawl of development into the adjacent landscape. The proposal would not result in a negative impact on the heritage values of the building's fabric but the proposal must be measured against the public benefit of 'rebuilding' the ruinous hall.

ii) it will avoid detrimental fragmentation of management of the heritage asset

6.12 The management proposals for the site may be able to address this concern, but attention will need to be given to the sub-division and layout of the grounds to avoid their fragmentation to create private garden areas.

iii) it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation

6.13 The applicant's submitted report notes that residential development proposed should secure the future of the site, and is considered to be the only realistic option available.

iv) it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid

- 6.14 The development is claimed as the “*last resort*” to rescue a building with a negative value.
- v) there is a source of funding that might support the heritage asset without the need for enabling development*
- 6.15 Grant sums or public financial support would not be available to secure the surviving structure so a development remains the only viable option.
- vi) the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.*
- 6.16 English Heritage has advised that the Council will need to be confident that the development package will deliver the restoration works to an appropriate standard. In addition, the Council should determine whether this is the minimum development to secure the future of the remains of Kirklington Hall and that this *decisively* outweighs the dis-benefits of allowing substantial new development in the countryside.
- 6.17 In assessing these parts, the scheme will clearly secure a long term and appropriate use for the building, would not adversely affect its future management and it is unlikely that any subsidy is available from elsewhere. The applicant has put forward economic justification in terms of the likely returns from the development which seek to justify the costs of the repair/renovation work (which are clearly an inherent need of the building) and the amount of enabling development required.
- 6.18 The applicant's supporting statement follows the advice in English Heritage's document and provide a financial appraisal of the development. The figures provided appear reasonable but will have changed following the market downturn suggesting that matters will now be even more marginal.
- 6.19 English Heritage acknowledges that the remains of Kirklington Hall are clearly of “some intrinsic historic and architectural interest” but view the applicant's financial appraisal with some skepticism. The latest consultation response concludes by stating that English Heritage support the reconstruction of the hall and the coach house but are not convinced that a case has been demonstrated for further “substantial” development on this site.
- 6.20 The Council commissioned a local firm of property consultants, Hyde Harrington, to examine the submitted documentation and to advise the Council of its contents. Taking into account purchase price of the land, development costs themselves and the expected developers profit (which is established as reasonable in such schemes), the initial conclusion of the Council's consultant was that the proposed development was inadequate. The housing market situation has deteriorated significantly since the independent assessment was carried out and therefore the applicant's case is likely to be weakened further still.
- 6.21 In commenting on the enabling works, Hyde Harrington advise that an

appraisal of the scheme shows that it is not viable and that it would take a significant amount of additional construction above that currently proposed to produce a scheme which would give a developer an acceptable return on investment.

- 6.22 English Heritage's concerns centre around the fact that the proposal involves too much additional development whereas the report commissioned by the Council concludes that there would be insufficient development to result in a viable development. In making their assessment, English Heritage have not provided any financial evidence but instead focus on the impact of the listed building.

- 6.23 In response to Hyde Harrington's report, the applicant has submitted additional information and the most important sections read as follows:

“...for the purposes of a costing exercise, book values on build rates are used and no account is taken of the competitive tendering that will take place. Our clients, having discussed the matter with their favoured builders who specialise in restoration and conservation work, clearly confirms to them that, in the current climate, competitive rates are well below those shown in our Financial Appraisal and the Hyde Harrington report. It is from the negotiated build costs that the developers profit will arise.

Our clients also believe that the sales figures will increase from those indicated by Hyde Harrington as they have used figures from the date of their report and not projected figures from the upturn in the market and at the time when the properties will be placed on the market. Furthermore, their sales figures are merely based on comparisons and our clients would suggest that there are no directly comparable properties available and that the comparable properties they use are based on past or current market conditions.

Our figures in the appraisal submitted with the application were put forward after the crash in the market and are considered now to be conservative for the period at which the properties will be completed. Our clients remain, therefore, satisfied that this is a viable scheme as submitted and would not have pursued the application with the substantial expenditure in time and fees if there had been any doubt.”

- 6.24 The Council's Officers have been involved in discussions with the applicant from the outset and whilst each application must be considered on its merits, advice has been given that any additional development over and above that already proposed would be likely to be resisted due to the adverse setting that would likely to occur on the listed buildings. Therefore, it is not for the Council to consider whether the applicant wishes to undertake the development with minimal or negative profit but based on Hyde Harrington's report Members need to recognise the distinct possibility that further development will be required to make the scheme viable.
- 6.25 It has been demonstrated in the preceding paragraphs that the amount of enabling development is unlikely to support the viability of the scheme. Consequently, in the Officer's view, there are strong doubts that the alleged

benefits of restoring Kirklington Hall will be achieved. Members could then face the predicament of the Hall remaining unrestored and/or needing to consider further applications for additional dwellings to the likely detriment to the setting of the listed building.

- 6.26 If Members consider that there is sufficient enabling development to deliver the restoration of the Hall, the following issues are also of relevance.

2. Impact On The Character Of The Listed Building

- 6.27 The crucial questions are whether the new development will materially harm the heritage value of the building or its setting, and whether the potential benefits outweigh any identified disbenefits.
- 6.28 Kirklington Hall is Grade II listed and is acknowledged as being of regional importance. During the years immediately following the listing of the building, the historic buildings on the site were not the subject of any substantial investment, and while they have been unoccupied their condition has deteriorated. The application is supported with a specification and schedule of repairs, which are all considered to be necessary to safeguard the long-term future of the historic asset.
- 6.29 As stated above, Officer opinion is that the new development is acceptable and would not harm the listed building or its setting. Bringing the listed building back into a productive use, and its repair and renovation would be a public benefit and it is difficult to identify any material disbenefits that would justify a refusal of permission for the new build properties.
- 6.30 The scheme has been designed to restore the exterior of these buildings as closely as possible and subdivide the hall and its outbuildings into a number of individual dwellings. The internal planning of these units takes account of all existing openings in the external facade with a minimum of alterations to form new entrance doors.
- 6.31 The information provided with the application shows that the amount of rebuilding and reconstruction that is required is actually very modest. The greater part of the surviving structure will be retained and the reconstruction of the other elevations would not only preserve the existing but would add something substantial and permanent to the landscape. The additional housing has been designed in a way to be as unobtrusive as possible whilst still having an attractive design.

3. Impact On The Character And Appearance Of The Area

- 6.32 The site is within open countryside but is not within any designated landscape area. Planning policies require that development proposals in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves: the landform and natural patterns of drainage; the pattern of trees and woodland; the habitats of species of importance for

wildlife; the pattern and composition of field boundaries; the pattern of historic landscape features; and the pattern and distribution of settlements.

- 6.33 There would be glimpsed views of the development through the trees from the east, notably during the autumn and winter months. Where the development is proposed, the land is relatively flat and does not undulate significantly but incorporates sufficient variation to allow the garage courtyard to take advantage and nestle within the contours of the land. However, the proposal represents a consolidation of residential development in the open countryside to the detriment of the rural character of the area.

4. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.34 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 visual intrusiveness. The nearest residential properties are Hall Cottage that is immediately adjacent to the north-east boundary of the application site and Stubb Farm that is approximately 170 metres south-west of the application site boundary.
- 6.35 The proposed new buildings are appropriate to the overall scale of buildings within the locality. In this respect the proposal would not be disproportionate or obtrusive and it is not considered that the occupiers of the adjacent buildings would suffer from an unreasonable loss of daylight, sunlight or disturbance.

5. Provision Of Affordable Housing

- 6.36 Hethersgill Parish Council has raised the issue of the provision of low cost housing within the development. Ordinarily, Policy H5 of the Local Plan requires the Council to negotiate with developers for an element of affordable housing to be included in the majority of housing developments. In the rural area the contribution to affordable housing will be 20% of housing on medium sites (over 0.3ha or 10 dwellings) which equates to the provision of 4 units within this development. Whilst the provision of low cost housing is an important consideration, Policy H5 acknowledges that market conditions need to be recognised, and therefore does not require that schemes which provide less than the expectation should be refused.
- 6.37 This aside, there is a recognised pressing need for affordable housing in the District. It is also the clear intention of Government Policy, such as PPS 3 "Housing" and the policies of the Development Plan that market housing development should be expected to contribute towards alleviating the affordable housing shortfall. The lack of any provision for affordable housing is therefore a recognised drawback to the scheme.

6. Ecological Matters

- 6.38 RSS policy EM1 (B) and Policy CP2 of the Local Plan seek to ensure that new development proposals do not adversely affect the natural environment

and biodiversity. The applicant has provided a wildlife survey which concludes that the development would not have a detrimental impact on biodiversity/wildlife. Officers consider that subject to conditions relating to further survey work for bats and suitable mitigation the proposal would comply with policy. Natural England has raised no objection to the proposal.

- 6.39 Planning policies seek to ensure the preservation and retention of existing trees on development sites, particularly where they are of visual/ historic/ amenity importance. The proposal would not result in the loss of any trees or hedgerows and therefore complies with this policy. The provision of additional planting could be secured through the imposition of a condition.

7. Highway Issues

- 6.40 Policy T1 of the Local Plan requires that there is sufficient parking provision within the site for the relevant development. This proposal seeks to provide an overall level of 44 spaces and 10 spaces for visitors. The proposal would involve alterations to the existing boundary wall to allow improvement works to the existing access. This would result in visibility splays of 2.5 metres by 150 metres being provided in both directions which is in accordance with the Highway Authority's advice.
- 6.41 Some of the objector's have raised concerns about the intensification of the use of the access to the site. Admittedly, the access leads on to a narrow County highway where traffic is restricted by the national speed limit. The road is used by heavy goods vehicles, the majority of which travel to and from the peat works at Boltonfellend.
- 6.42 Given the rural location of the site, the Highway Authority consider that the application can only be accepted if either public transport is provided or a financial contribution is provided to support/ improve current services. Considering the financial expense of providing a dedicated bus service to the site, the Highway Authority do not consider this to be a viable option for a development of this size and it is therefore suggested that for the principle of this application to be accepted, there should be a requirement for a financial contribution towards the "rural wheels" or similar public transport services in the Carlisle area. The Highway Authority has calculated this to be £45,000. The payment of such a sum could be secured through the completion of a Section 106 Agreement.

Conclusion

- 6.43 Planning policies generally restrict development in the countryside unless for a proven need or unless material considerations counterbalance the policy presumption. This proposal requires a careful weighing up of the need and benefits of securing the future of the Listed Kirklington Hall, which is acknowledged to be increasingly at risk.
- 6.44 The total amount of housing would represent a small hamlet equivalent to Kirklington. The proposal will consolidate residential development in the open countryside although this is mitigated by the topography of the land together

with the layout of the proposed scheme and landscaping proposed.

- 6.45 The layout, scale and design of the development are acceptable and the proposal would not adversely affect the character or appearance of Kirklington Hall, its outbuildings or their settings.
- 6.46 Notwithstanding the fact that the design in its current form is acceptable, the proposed development is unlikely to be viable and therefore the alleged benefits of restoring the Hall are not likely to materialise.
- 6.47 The advice to the Committee is that, as an enabling development, this proposal seriously fails any reasonable test of how the funds are generated, retained by, and allocated to, the project which is to be enabled. The English Heritage guidance gives a clear steer as to the criteria and tests to be satisfied, and the robust discipline which has to be demonstrated where an exceptional planning permission is being requested which could not normally be achieved by any other development proposal.
- 6.48 The advice given to the Council by independent consultants is that the financial case presented does not result in a viable assessment of the proposal. It is thus concluded that there is no basis for approving this proposal as an enabling development and the application is accordingly recommended for refusal.

7. Planning History

- 7.1 An application for planning permission was the demolition of Kirklington Hall was submitted in 1982 but was withdrawn prior to determination.
- 7.2 An application for listed building consent for the restoration and conversion of Kirklington Hall, stable block and coach house into 13no. dwellings; erection of new wing containing 5no. dwellings; construction of walled enclosure comprising garage court and additional parking incorporating 4no. dwellings and formation of new vehicular/ pedestrian access is currently being considered under application reference 08/1019.

8. Recommendation: Refuse Permission

- 1. **Reason:** The application has failed to demonstrate that the proposed development would be acceptable as an enabling form of development owing to inadequacies in the submitted financial information and analysis. In particular the proposal fails to demonstrate: that the scheme is realistically costed and that the works are the minimum necessary to facilitate the restoration of Kirklington Hall. The proposal does not accord with the English Heritage guidance Enabling Development and the Conservation of Significant Places, which has guided the Council in its assessment of this scheme. The proposal is thus not justified as an enabling development and the proposal is contrary to

criterion vi of Policy HE11 of Planning Policy Statement 5 “Planning for the Historic Environment” and the objectives of English Heritage’s document “Enabling Development and the Conservation of Significant Places”.

2. **Reason:** Proposals for residential development outside identified settlements will only be considered acceptable where the application is supported by a proven agricultural or forestry need. The application site is not located within either a Key Service Centre or Local Service Centre. As no clear justification for enabling development has been provided, the additional dwellings in this open countryside location would be unacceptable in principle and be contrary to the housing objectives within the District which would harm the spatial strategy of the Local Planning Authority which seeks to direct development to more sustainable settlements. The proposal is, accordingly, contrary to the objectives of Planning Policy Statement 3 (Housing); and Policies DP1 Development in Sustainable Locations), Policy H7 (Agricultural and Forestry Need) and Policy H1 (Location of New Housing Development) of the Carlisle District Local Plan 2001-2016.
-

ROL DESIGN ARCHITECTURE ORGANIZATION INTERIORS

Project Name: [illegible]
 Project Number: [illegible]
 Date: [illegible]

Site: [illegible]
 EIR Properties: [illegible]
 To: [illegible]

Scale: [illegible]
 Block plan as existing

Sheet: 071501 A





ROL
RESOURCES
 ARCHITECTURAL
 VISUALIZATION
 INTERIORS

Project Name: St. Mary's College	Client: St. Mary's College
Location: 1000 N. 10th St., St. Mary's, ND 58079	Architect: ROL Resources
Project No: 0715/20	Scale: 1/8" = 1'-0"
Date: 07/15/20	Sheet: 01
Project Name: St. Mary's College	Client: St. Mary's College
Location: 1000 N. 10th St., St. Mary's, ND 58079	Architect: ROL Resources
Project No: 0715/20	Scale: 1/8" = 1'-0"
Date: 07/15/20	Sheet: 01

Plan 1: 1/8" = 1'-0" - Existing site with building and parking
 Plan 2: 1/8" = 1'-0" - Building and parking layout






Basement



Coach House

		ARCHITECTURAL DRAWINGS INTERIORS	
Project Name	Kirkstall Hall Estate		
Client	Kirkstall Hall Estate		
Architect	ROL DESIGN		
Scale	1:100		
Drawn by	ROL DESIGN		
Checked by	ROL DESIGN		
Project No.	0719/37		
Sheet No.	1 of 1		
Scale	1:100		



Coach House

ROL DESIGN	RICHARD ROY WILLIAMSON VILLABACH INTERIORES
Project Name: Coach House	Client: Private
Location: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 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South-west Elevation



South-east Elevation



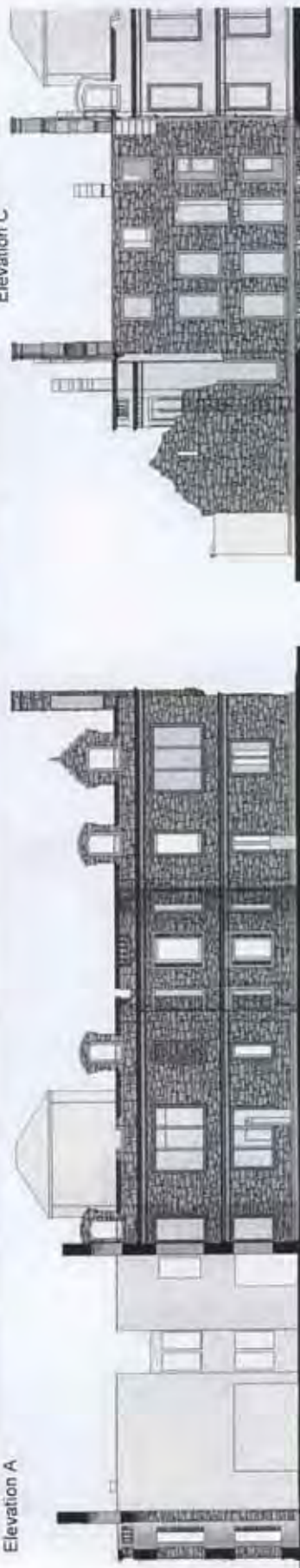
North-east Elevation



North-west Elevation



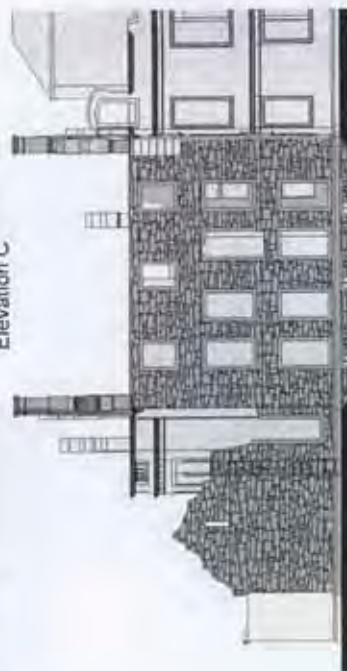
Elevation A



Elevation B

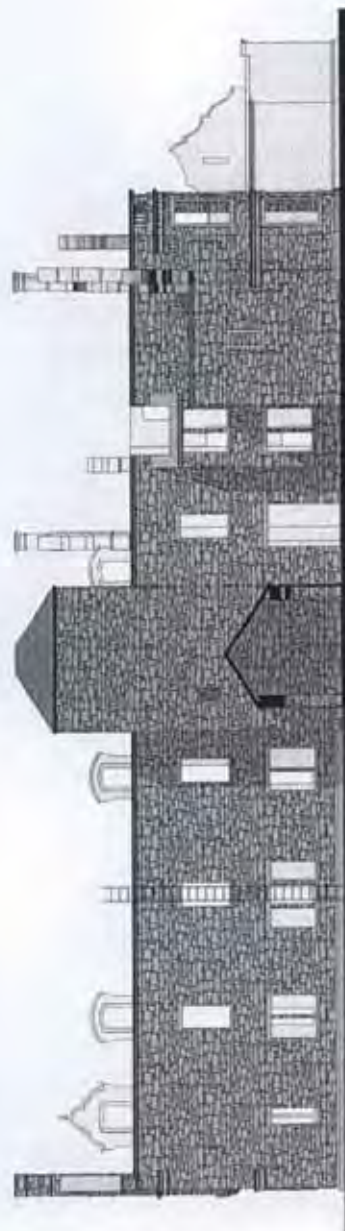
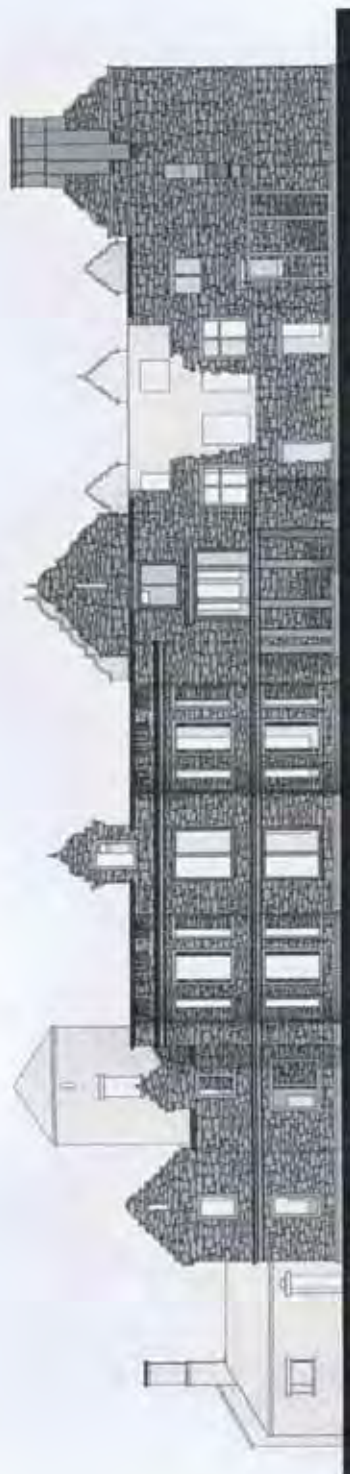


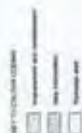
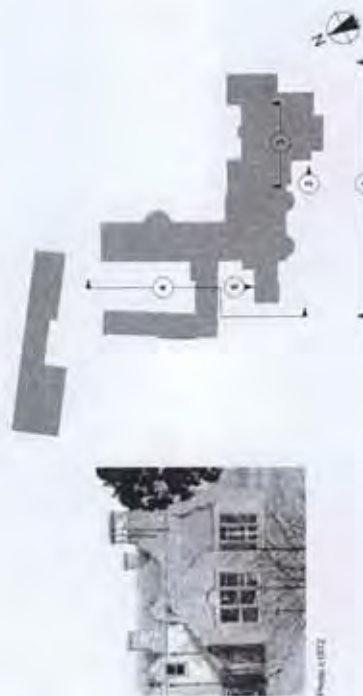
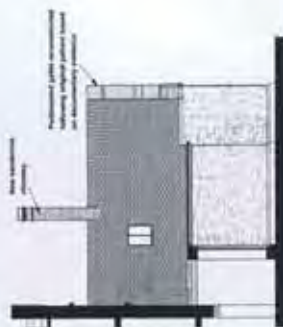
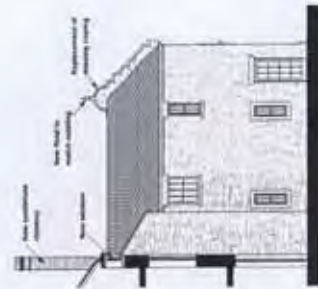
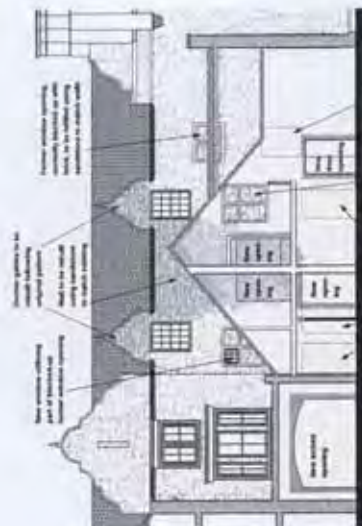
Elevation C



Elevation D





[illegible]



Elevation 6



Elevation 7



Elevation 8

- NOT TO SCALE - 1:100
- ☐ Existing structure
 - ☐ New structure
 - ☐ Retaining wall



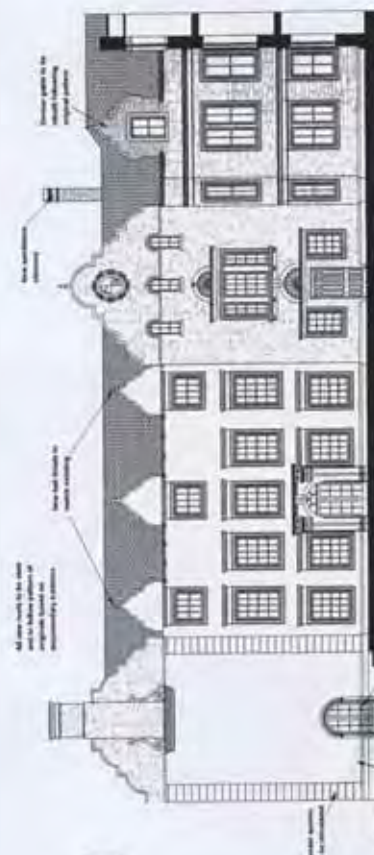
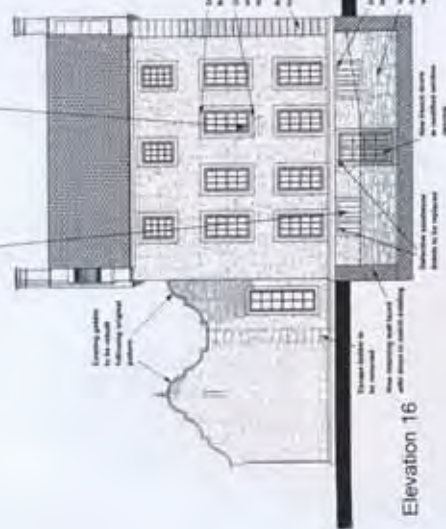
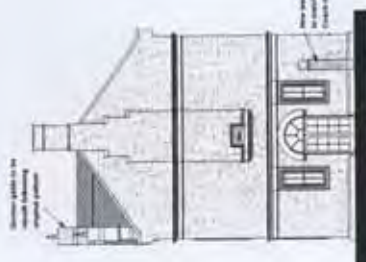
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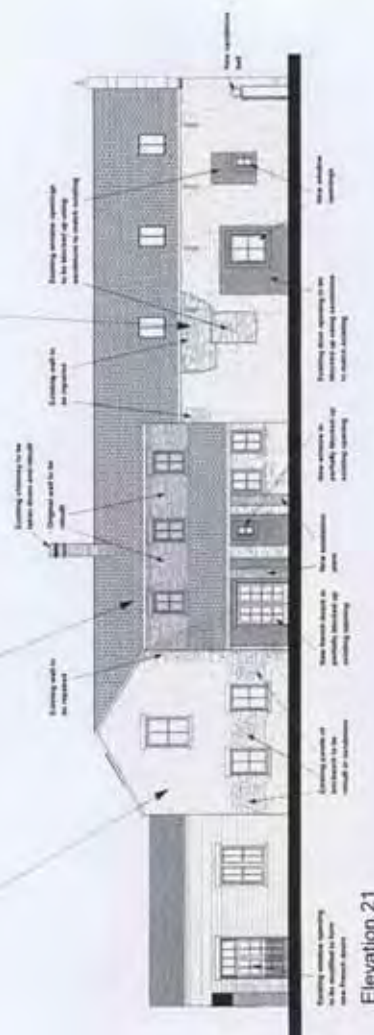
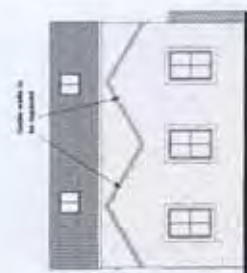
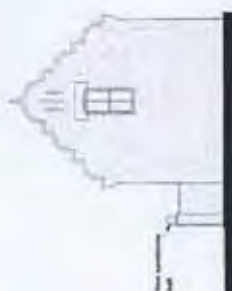
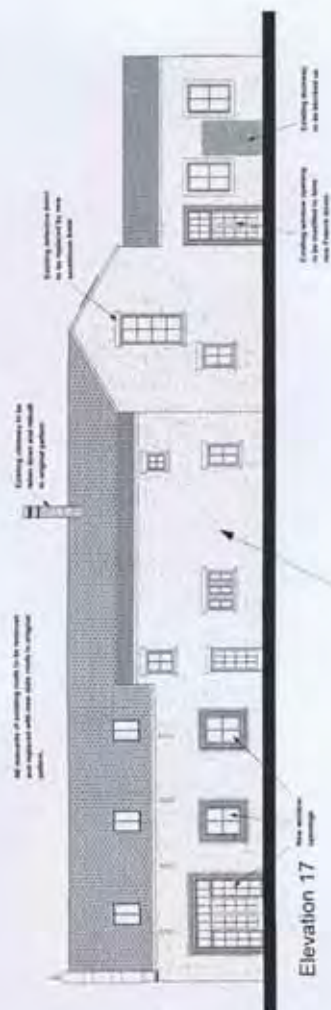


Elevation 9



Elevation 10

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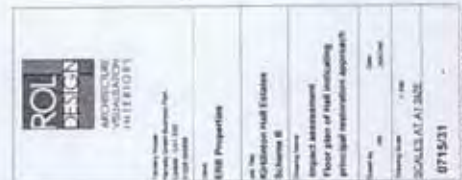
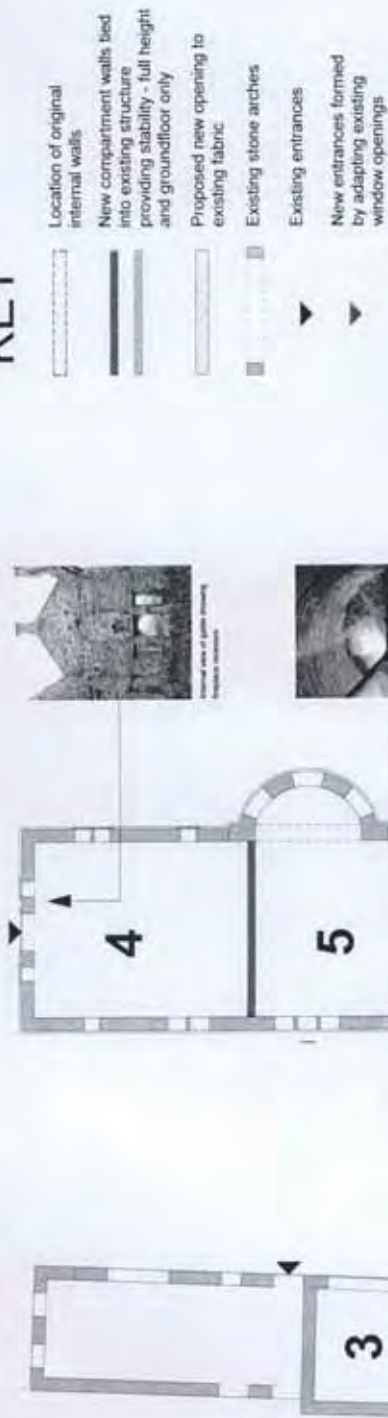
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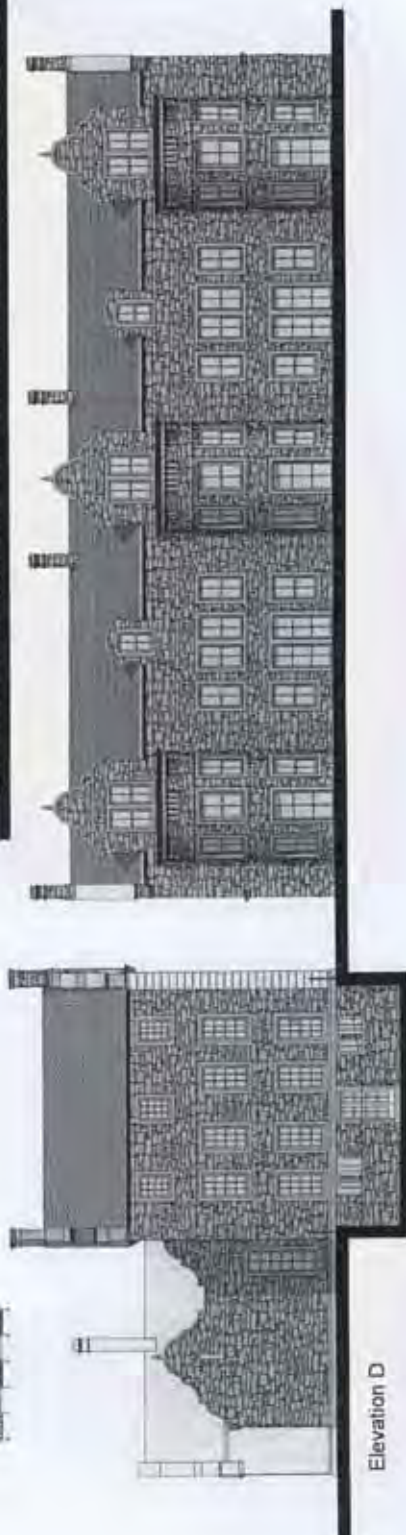
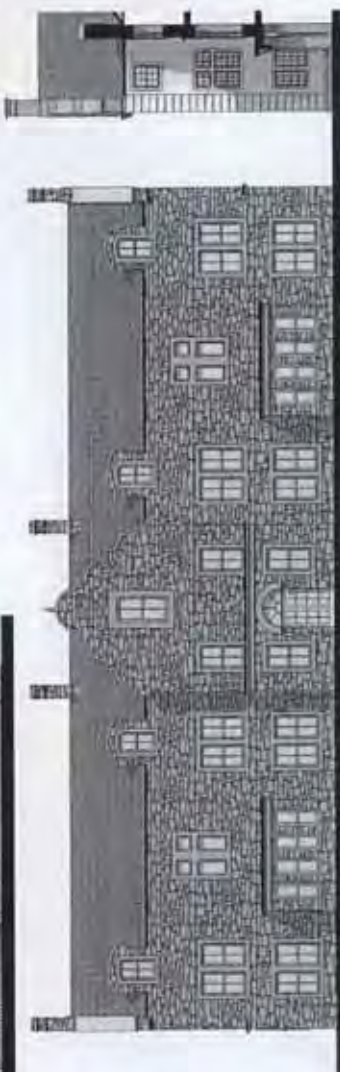
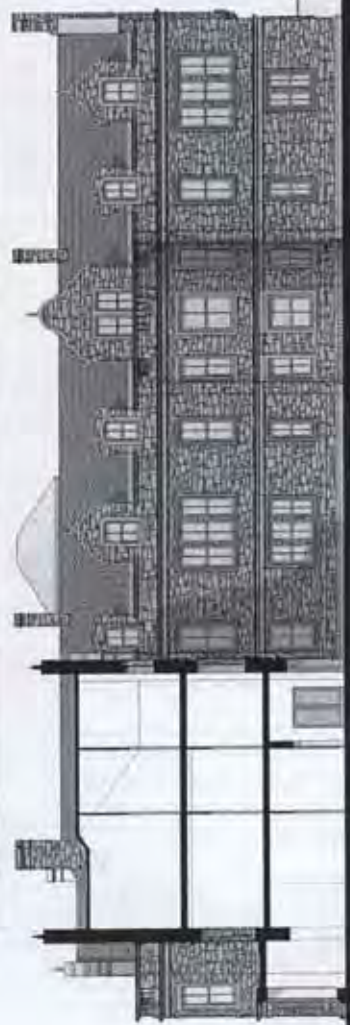
These are "forward" rates.



1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific information required.









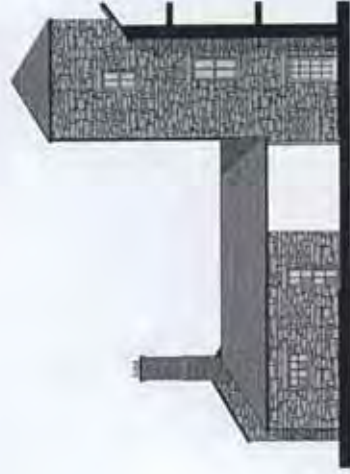
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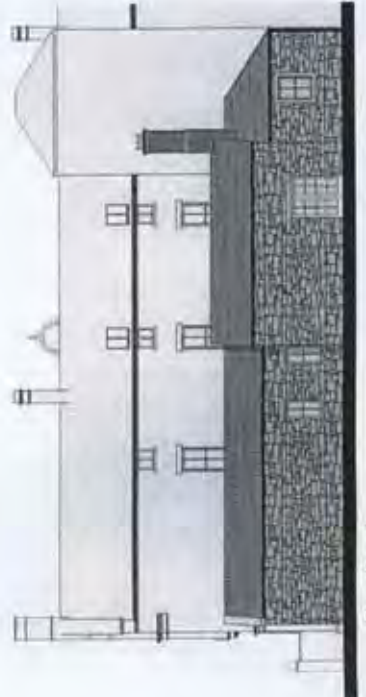
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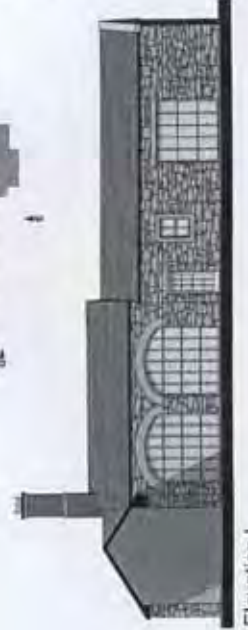
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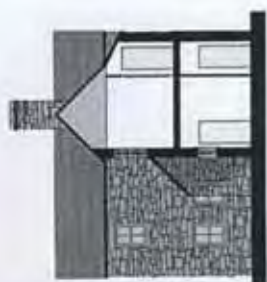
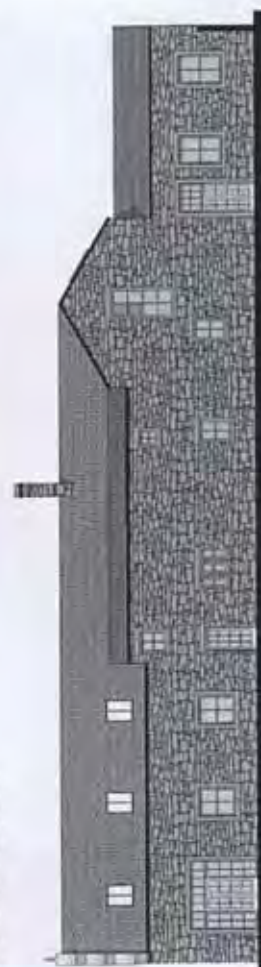
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Elevation L



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ARCHITECTURE VISUALISATION INTERIORS	
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Scheme: Widdowson Hall Estates	
Client: Widdowson Hall Estates	
Location: Widdowson Hall Estates	
Scale: 1:100	
Date: 25.03.21	
Drawing No: 0715/25	







North-west internal elevation



North-east internal elevation



South-east internal elevation



South-west internal elevation

ROL DESIGN ARCHITECTURAL VISUALISATION INTERIORS	
Project Name North-west Internal Elevation (1/10/2022)	Date 07/15/2022
Project EBS Properties	Project North-west Internal Elevation Scheme B
Project Name Garage Court - Internal elevation as proposed	
Scale 1/100	Date 07/15/2022
Scale 1/100	
Date 07/15/2022	
Project North-west Internal Elevation Scheme B	

KIRKLINTON HALL ESTATES DOCUMENTS

ENABLING DEVELOPMENT AND THE CONSERVATION OF
SIGNIFICANT PLACES



Scheme B
16 February 2009

Revised 17 July 2009

CONTENTS

- 1 SURVEY DRAWINGS
- 2 CONSERVATION STATEMENT
- 3 OPTIONS APPRAISAL
- 4 EVIDENCE OF MARKET TESTING
- 5 PROPOSALS
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- 7 DEVELOPMENT APPRAISAL
- 8 SUGGESTED HEADS OF TERMS - SECTION 106 AGREEMENT

1 SURVEY DRAWINGS & REPORTS

1 KIRKLINTON HALL ESTATES – SURVEY DRAWINGS & REPORTS

1.1 Drawings and Reports

1.1.1 The size A1 Survey Drawings have been submitted separately and consist of:

Dwg 0715/01 – Site as existing - Scheme B

Dwg 0715/02 – Elevations as existing – Sheet 1 – Scheme B

Dwg 0715/03 – Elevations as existing – Sheet 2 – Scheme B

1.1.2 The growth and development of the buildings through time has been included in Section 2 - Conservation Statement in the form of schematic plans, photographs and reports.

1.2 Structural Report

1.2.1 A structural inspection was carried out on 19 March 2008 by A L Daines & Partners, Consulting Civil & Structural engineers. The report has been submitted separately on CD and in printed form.

2 CONSERVATION STATEMENT

2 KIRKLINTON HALL ESTATES - CONSERVATION STATEMENT



Fig. 1- Recent aerial view of Kirklington Hall

2.1 Introduction

- 2.1.1 This Conservation Statement has been commissioned by ERB Properties Ltd. as part of a Planning application for the conversion of Kirklington Hall into residential units, together with associated enabling development.
- 2.1.2 The purpose of this Statement is to set out the historical and architectural significance of Kirklington Hall, and to assess its vulnerability and its need for conservation, in accordance with the requirements of Planning Policy Guidance Note 15 'Planning and the Historic Environment' and the English Heritage policy document 'Enabling development and the conservation of significant places'.

2.2 Site location

- 2.2.1 Kirklington Hall is situated approximately 0.5 km north-east of Kirklington Church at Grid Ref. 435674. The Hall itself is located in the civil parish of Hethersgill but part of the estate is in Kirklington parish. It forms part of the scattered hamlet of Kirklington, together with St Cuthbert's Church, the former rectory and school buildings, and a handful of farms. Access to the site is from the C1005, crossing the beck by a single arch sandstone bridge.

2.3 Significance

- 2.3.1 Kirklington Hall's historical and architectural significance lies in its development from a small, possibly fortified hall or tower house into one of the few substantial country houses in the Border region of Cumbria, its nearest neighbours being Castlesteads at Walton near Brampton and Netherby Hall near Longtown.
- 2.3.2 The impressive building complex forms a dominant feature in the Kirklington landscape, particularly as it is set unusually close to the road, rather than at a remote location as is usual for a country mansion.

2.4 History

- 2.4.1 Although documentary evidence is limited, and the physical evidence is somewhat confusing, it is believed that there were 4 phases of development of the Hall over a period of some 200 years.
- 2.4.2 Following the Norman conquest, the Barony of Levington, of which Kirklington (or Kirklevington) was a part, was granted to Richard de Boyvil, whose family then took the name 'de Levington'. The castle site (figs 2 & 3) in the grounds of Stubb Farm, adjacent to Kirklington Hall, is traditionally believed to be the seat of the 'de Levington' family.

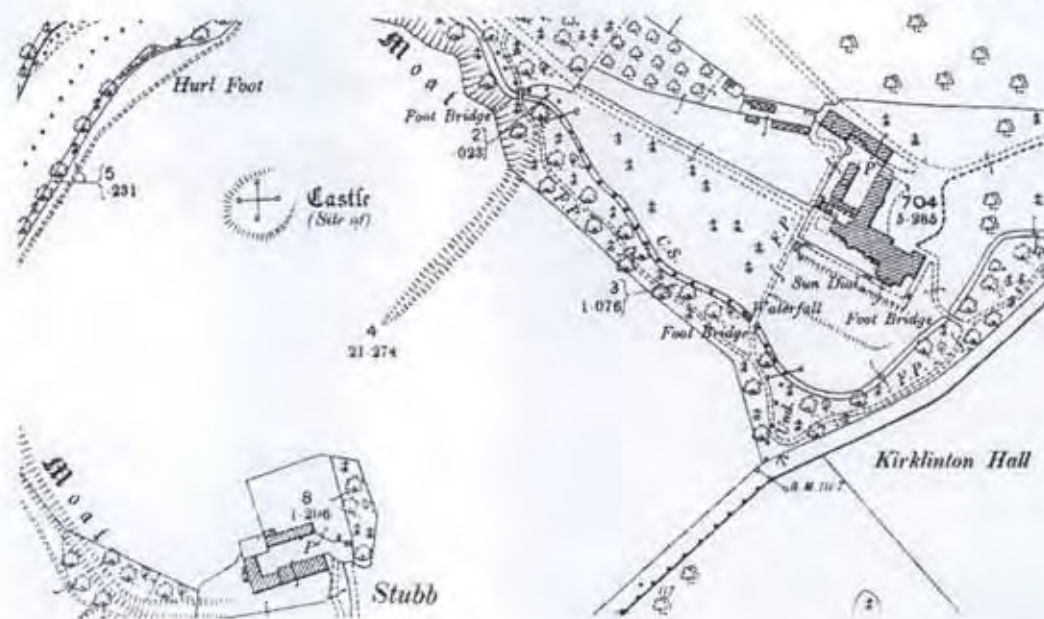


Fig. 2
Ordnance Survey 1901 indicating the site of the castle and surrounding moat.



Fig. 3
Aerial photo circa 1999 showing the castle remnants, Stubb Farm and Kirklington Hall at present.

- 2.4.3 Sir Ranulph, the last of the de Levington line, died in 1253, and the barony passed to his daughter Harriet, who married Eustace de Baliol. Harriet died without issue, and the barony was then divided between Sir Ranulph's six sisters or their representatives. The manor of Kirklington, which included the townships of Hethersgill and Kirklington Middle, came into the hands of a number of local families before passing by marriage to the Musgrave family. Sir Edward Musgrave of Hayton Castle sold the manor to Edmund

Appleby, or Appelby (†1698), to enable Musgrave to maintain a regiment for the support of Charles I, prior to the monarch's execution in 1649. The core of the present Hall was built for Edmund Appleby c.1661 following the restoration of the Monarchy, possibly using stone from the neighbouring castle. This represents the first phase of building (Figs. 4 & 5).



Fig. 4 - **First phase** of development Edmund Appleby's hall of c.1661



Fig. 5 - Edmund Appleby's hall of c.1661 as it appeared in 1972 and as at present

- 2.4.4 This first phase consists of a 4 bay tower house of 3 storeys and basement, built of coursed red sandstone rubble with dressed quoins and window surrounds. It has been much altered, with Jacobean style gables and chimney stacks added c.1875 as part of the unification of the house during the fourth phase of development.

- 2.4.5 Edmund's son Joseph Appleby (†1705) married Dorothy, sole heiress of the Dacres of Lanercost (†1698), and the family name became Dacre-Appleby. With the combined fortunes of the two families it is assumed that a second phase of development took place sometime in the late 17th or early 18th century.



Fig. 6 - **Second phase** of development c1700 shown green



Fig. 7 - Second phase of development - North-east elevation with the gable end of the original Hall to the left of the picture. The 'Jacobean' gables are a later addition.

- 2.4.6 This second phase of development took the form of an 'L' shaped extension which together with the original hall created an 'E' shaped house with a 3-storey 5 bay central section and two 3-storey wings. The large windows and domestic appearance suggest a relatively stable period following the worst of the Reiver raids (Fig. 7). It is almost certain that an associated stable block will

have existed at that time but we were unable to determine whether this was integrated in one of the present outbuildings.

- 2.4.7 The property remained in the Dacre-Appleby family, but by 1816 the heir to the estate was resident in the East Indies and the Hall was occupied by a succession of tenants until the estate was sold, sometime after 1845, to John Saul (†1868) and Mary Frederica Saul, who subsequently changed their name to Kirklington-Saul. The Kirklington-Sauls enlarged and remodelled the house considerably. The Ordnance Survey of 1865 (Fig. 8) indicates a large extension to the north-west of the Hall, a smaller extension to the south-west and a U-shaped range of stables and outbuildings, together with an extensive orchard and walled kitchen garden. This represents the third phase of building (Fig. 9).



Fig. 8 - The Ordnance Survey of 1865



Fig. 9 - **Third phase** of development c.1865 shown blue

- 2.4.8 The final phase of building took place c.1875 by the Kirklington-Saul family. It would appear from cartographical evidence that the east range of the stable courtyard was demolished at this time. In its place a large new wing of the Hall was added, of two storeys plus attic, in a 'Jacobean' style, together with further extensions to the south-west and a separate Coach House with a 'Jacobean' style gable end.



Fig. 10 - The Ordnance Survey of 1901



Fig. 11 - **Fourth phase** of development c1875 shown yellow

- 2.4.9 Around the same period, extensive external alterations were made to the remainder of the Hall to unify the overall appearance, with 'Jacobean' gables and chimneys added to match the style of the later additions. The Kirklington-Sauls took this opportunity to stamp their mark by inserting their family crest on the earlier part of the Hall (Fig. 13).



Figs. 12, 13, 14 - Kirklington-Saul crest in Kirklington Church - Kirklington-Saul medallion inserted in earlier part of Hall - Final additions dated 1875 on gable to North-west wing

2.4.10 Since ceasing to be a family residence, it is understood that the Hall has had a somewhat chequered history. The estate was put on the market in July 1937. The purchaser is unknown, but the Hall was requisitioned by the RAF during the Second World War, and for a short time was also used for the evacuation of Rossall Preparatory School, Fleetwood. Following the War it was used as apartments before being converted into a hotel, nightclub and casino. At this time a number of external escape ladders and staircases were added to the building and window openings modified to form escape doors. Due to changes in the Gambling laws the hotel operation became uneconomic and closed down, and the Hall subsequently fell into disuse.

2.4.11 Kirklington Hall was listed Grade II on 10 September 1974, (see Appendix A), by which time the building was unoccupied and had begun to suffer from neglect, vandalism and removal of materials.



Fig. 15 - Kirklington Hall c1972, approximately two years before listing. By the time of listing the roof had been stripped of slates.

2.4.12 In 1982 planning approval was sought for total demolition of the Hall, but this was later withdrawn (App. Ref. 82/0568). A subsequent planning application was made for the conversion of the coach house and stable block into two dwellings (App. Ref. 88/1107). Permission was granted on 3 February 1989, and although never completed, conversion work was started, and the planning permission is still in force. The building has subsequently fallen into decay. In the late 1980s a scheme was also prepared for the conversion of the Hall into a mix of houses and apartments, but this was never formally submitted for planning approval.

2.5 Setting & landscape

- 2.5.1 The Hall occupies a moderately elevated position bounded to the south, south-west and south-east by the wooded course of Longcleughside Beck, which, to the south-east adjoins the main road C1005 to the village of Roadhead and beyond. To the north it is bounded by open farmland and small parcels of woodland. During the winter months the Hall can be clearly seen from the C1005 and across the fields from the south through the leafless trees, but in the summer months the trees lining the beck form a less transparent screen.
- 2.5.2 Photographs from the 1930s (Figs. 16 & 17) show an ordered and formal landscape of lawns, terraces and steps immediately adjacent to the house, typical of late Victorian and Edwardian country houses. Remains of the steps and terraces to the south-west of the Hall are still in existence. Within the wider grounds the Ordnance Survey of 1901 (Fig. 10) indicates woodland walks with footbridges over the beck and a waterfall, which may have been a natural feature or one created as part of a landscaping scheme. There is now no evidence of the footbridges or pathways, but the waterfall still exists. The sales particulars of 1937 refer to a range of glass-houses, an orchard and a kitchen garden, and these are indicated on the Ordnance Survey of 1902. The high brick wall which sheltered the kitchen garden from the north is still in existence.



Fig. 16 – Entrance approach c.1937



Fig. 17- South-west elevation towards garden of Kirklington Hall c.1937

2.6 **Vulnerability**

- 2.6.1 During its long history as a family house Kirklington Hall appears to have been well maintained by its succession of owners and tenants, and the photographs which accompany the sales particulars of 1937 show a prosperous country house with well tended grounds (see Figs. 1 & 16). Its conversion to a hotel resulted in a number of relatively minor but unsympathetic alterations to the exterior of the building, largely to comply with fire regulations (examples can be seen in Fig. 5).
- 2.6.2 Following the demise of the hotel it appears that the Hall was systematically stripped of materials by its owner, with the removal of much of the roof in the period 1972 – 74 (compare Fig. 11 with the concluding comment in the Listing description in Appendix A), and the subsequent removal of internal walls, floors and fittings. This has resulted in the destruction of all period interiors, and has rendered parts of the structure which remains very vulnerable to collapse and encroachment by vegetation (Figs. 17 & 18).



Figs. 17 & 18 – Vulnerability to collapse and encroachment by vegetation.

2.6.3 Because of its remote location Kirklington Hall has also been vulnerable to vandalism and the theft of materials since its abandonment in the 1960s, and this continues to be a problem. There is evidence of illegal stripping of sandstone having taken place in the last twelve months (Figs. 19 & 20).



Fig. 19 & 20 Gable end of stable block November 2007 – Same gable October 2008 showing theft of stone window surrounds

2.6.4 In the case of the Coach House, it would appear that the theft of lintels has precipitated the collapse of the roof (Figs 21 & 22).



Fig. 21 & 22 - Coach House November 2007 - Coach House May 2008 Showing collapse of wall and roof following theft of stone lintels

2.7 **Conclusion**

- 2.7.1 Whilst there are numerous smaller fortified halls in the borderlands of Cumbria, Kirklington Hall is one of the, now, very few large country houses. Its listing in 1974, after it had fallen into disuse and was already beginning to suffer the effects of vandalism and the removal of materials, suggests that it was regarded as vulnerable at that time. (In comparison, Castlesteads at Walton was not listed until ten years later, in 1984.) Unfortunately, listed status has offered the Hall very little protection, and persistent asset stripping has left the buildings exposed to unchecked degradation. Failed attempts over many years to create a viable future for the Hall have prolonged the decay.
- 2.7.2 Fortunately, witness the report from the Structural Engineers A L Daines & Partners, the structure is still sufficiently stable to warrant full restoration and conversion. For this to be economically viable however, the proposed enabling development will be necessary and all efforts have been made for this new wing to be a sympathetic addition to the Hall.
- 2.7.3 The present owners feel that the proposed action should now be taken without much further delay, as it represents a, possibly, final opportunity to save and restore the Hall and its outbuildings.
- 2.7.4 With this in mind and in order to sustain the Hall's significance and its impact on the landscape, the proposal will stabilise and restore the exterior of this Grade II listed Hall and its outbuildings to its former glory and safeguard its future.

3 OPTIONS APPRAISAL

3. KIRKLINTON HALL ESTATES – OPTIONS APPRAISAL

3.1 Introduction

3.1.1 The listed buildings in their present condition consist of the shell only of the main Hall, together with outbuildings consisting of an L-shaped stable block attached to the north-west elevation of the Hall, and a separate coach-house block in an advanced state of dilapidation. In order to safeguard the future of these buildings a viable

3.1.2 A number of possible development options have been identified, which fall broadly into 2 categories, namely:

- i A tourism related development, in line with Policy EC16 (Tourism Development) of the Carlisle Local Plan.
- ii A residential development.

3.2 Tourism related development

3.2.1 Three options were identified.

3.2.2 To retain the Hall and outbuildings in their present dilapidated condition as a backdrop to the development of some form of Live Role Play facility, similar to that proposed in 2005 by a potential purchaser of the site, Legio XX Ltd. of Newcastle ('Legends of the Dragon Lord'). Such a proposal would involve a degree of stabilisation of the ruins, together with sufficient enabling development to provide support facilities and additional attractions. The enabling development anticipated by Legio XX Ltd. included a 'village' containing shops, inns and a great hall, a man-made lake with 'lake town', and a large multi-level underground complex, built above ground level and grassed over. It was considered that such a proposal would be difficult to justify on the grounds of physical regeneration of the area because of its purely rural location. In addition, the amount of traffic generated by such a proposal might be difficult to sustain on the access road (the C1005) which also serves the peat works at Bolton Fell.

- 3.2.3 Restoration of the Hall and conversion to a Hotel. The setting of the Hall and its status as a listed building would likely result in a 4 or 5 star establishment requiring a range of leisure facilities such as a swimming pool and gymnasium which would call for a significant amount of enabling development. In addition, a hotel is likely to require significant modifications to the exterior to comply with current regulations regarding fire escape. The location is not well related to the major local tourist attraction, Hadrian's Wall.
- 3.2.4 Restoration of the Hall and conversion to holiday apartments. This, given the size and volume of the Hall and enabling development, would create around 50 holiday units. This is considered an over intensive use and would likely generate too high a traffic volume for this rural setting. Similarly, the location is not well related to the major local tourist attraction, Hadrian's Wall.

3.3 **Residential development**

3.3.1 Four options were identified.

- 3.3.2 Restoration of the Hall into a single dwelling. This is likely to be identified as the 'optimum viable use' of the building in the terms defined by PPG15, but the advanced state of dilapidation of the Hall would necessitate considerable financial input, and the likelihood of finding a prospective purchaser with the resources to restore the listed buildings would appear to be extremely limited.
- 3.3.3 A residential care facility. The absence of internal walls would enable free planning of the interior, but the remote location away from centres of population has ruled this out as a viable option.
- 3.3.4 Restoration and horizontal sub-division of the Hall into apartments. This is considered not suitable for a rural location and could also give rise to possible noise transmission problems associated with common stairs and lifts.
- 3.3.5 Restoration and vertical sub-division of the Hall into large separate houses. This alternative was considered most suitable for the target market at the upper end.

4 EVIDENCE OF MARKET TESTING

Prepared by Telford Planning Associates

4. **KIRKLINTON HALL ESTATES – EVIDENCE OF MARKET TESTING**

4.1 **Introduction**

Due to the specialist nature of the property, the marketing of Kirklington Hall has not taken place through local agents but through direct marketing to a variety of end users.

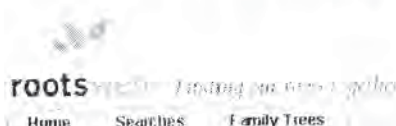
4.2 **Marketing History**

- 4.2.1 The marketing of the Hall goes back to 2002 when the property was extensively advertised by Smiths Gore, Carlisle, with articles appearing in the Times and Telegraph (see copies of the press releases from those publications on the following pages). There was no interest shown by any party although I understand many initial enquiries were received.
- 4.2.2 During 2004/5, when the property market was extremely buoyant, Kings Sturge in Manchester were consulted by the owner at the time and they marketed the Hall to clients on their mailing list who had shown an interest to such development opportunities. They continued to market the property on a low key basis due to the lack of interest. The current owners, ERB Properties were approached by Kings Sturge in 2005 and they acquired the property in 2006 as an investment opportunity.
- 4.2.3 ERB Properties continued to market the property to their own client database and retained Kings Sturge on limited terms. Taggart Homes we were approached directly by ERB Properties and after some consideration made a conditional offer for the Hall and its surroundings on the 30th March 2006 (a copy of that letter is available if required). The intent by the Company was to develop a high quality hotel but the form and layout of the Hall itself would not provide sufficient accommodation to make that use viable without substantial new development within the grounds. The offer was subsequently withdrawn.
- 4.2.4 Up until ERB Properties decided to proceed with this current planning application there were in discussions with nursing home developers, retirement village companies and hotel chains but no interest was shown by any company.

- 4.2.5 We are only aware of one detailed proposal for the site which was by a theme park company in 2005. That proposal did not proceed for reasons unknown.
- 4.2.6 Two local estate agents, approached on behalf of ERB, with a view to them marketing the property, were reluctant to do so due to the unusual character of the development, the cost of refurbishment of the principal buildings and the general slow nature of sales in the Kirklington area.
- 4.2.7 The Carlisle City Planning Department will be aware of the number of enquiries received in relation to the redevelopment of the property and we assume that the interest would be extremely limited. Whilst it may be argued that the interest may be related to the level of awareness, the above paragraphs clearly show that marketing has taken place since 2002 in a way which relates directly to the specialist nature of the property.

RootsWeb: ENG-CUL-CARLISLE-L [CUL-CAR] Kirklington Hall

22/12/2008 12:47



ENG-CUL-CARLISLE-L Archives

Archiver > ENG-CUL-CARLISLE > 2002-12 > 1040223173

From: "Petra Mitchinson" <Petra.Mitchinson@doctors.org.uk>
 Subject: [CUL-CAR] Kirklington Hall
 Date: Wed, 18 Dec 2002 14:52:53 -0000

I seem to remember that someone recently had some connection to Kirklington Hall?

In the "Homes" section of the Sunday Times of 24.11.02 was a short article about Kirklington Hall (or what little is left of it), which is up for sale for £350,000. Anybody considering to spend their Christmas bonus on it needs to bear in mind that it may cost double as much again to rebuild:

The article says:

All that remains of Kirklington Hall near Carlisle is a facade. The house, which can trace its history to 1661, had been flats, a hotel and a casino before a devastating fire in the 1970s, since when it has stood gutted and derelict. Left "beyond redemption", the Victorian walls have been designated a building at risk. Because of the historical and architectural importance, a serious buyer is being sought to restore the property. The house is in 10 acres, including a Grade II-listed coach house and stables, and a kitchen garden.

The rest of the article is mainly about the difficulties getting planning permission etc. There is also a photo of the facade.

If anybody is interested in the article, I am happy to send it to them (or a photocopy if more than one of you is interested). Or I could ask my 9-year-old son to show me how to scan it...

Happy Christmas!

Petra in London

This thread:

• [\[CUL-CAR\] Kirklington Hall by "Petra Mitchinson"](#)
 <Petra.Mitchinson@doctors.org.uk>

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<http://archiver.rootsweb.ancestry.com/th/read/ENG-CUL-CARLISLE/2002-12/1040223173>

Page 1 of 1

On the market - Telegraph

22/12/2008 12:51

Telegraph.co.uk

On the market

This week's prime properties for sale in: Somerset, Suffolk, Cumbria, Warwickshire, Oxfordshire and Lothian

Last Updated: 3:07PM GMT 29 Nov 2002

SOMERSET

What: Rodwell Manor, a Grade II*-listed manor house with six bedrooms, great hall, three reception rooms, two kitchens, former coach house and outbuildings, set in more than five acres of formal gardens with ponds and paddock.

Where: West Lambrook, a small village three miles from South Petherton, 17 miles from Sherborne.

- Station: Yeovil, 13 miles (Exeter, one hour)
- Shop: South Petherton

Why: Full of history - property was originally a medieval open hall house. The great hall, with its full-height ceiling, is stunning. Other period features include hamstone fireplaces in all reception rooms, flagstone floors and a muntin wall.

Why not: Some of the rooms are a little dark.

Would suit: Monied medievalist

Price: £1.5 million

Agent: Humberts (01935 477277)

SUFFOLK

What: Church Cottage, a detached house dating from the early 18th century, with three bedrooms and enclosed rear garden

Where: Walpole, a village two miles from Halesworth, 10 miles from Southwold

- Station: Halesworth (Ipswich, 55 mins)
- Shop: Halesworth

Why: Carefully renovated, with many period features preserved - inglenook fireplace and brick floor in sitting room, exposed timbers, original doors. Handmade kitchen units.

Why not: Small garden. Night storage heaters.

Would suit: Walpole weekender.

Price: £195,000

<http://www.telegraph.co.uk/property/propertyadvice/propertymarket/3309476/On-the-market.html>



Page 1 of 4

On the market - Telegraph

2/12/2008 12:51

Agent: Durrants (01986 872553)**CUMBRIA****What:** Kirklington Hall, a Grade II-listed country house, gutted by fire and in need of full restoration, with coach house and kitchen garden, set in 10 acres of land.**Where:** Kirklington, eight miles from Carlisle, five miles from M6.• **Station:** Carlisle (Newcastle 1hr 25 mins)• **Shop:** Longtown, four miles**Why:** Rare opportunity to combine historic facade with modern interior. The outbuildings and kitchen garden also offer development potential.**Why not:** All planning permissions have lapsed. Restoration will cost £700,000.**Would suit:** Developer who likes a gamble (property was formerly a casino).**Price:** £350,000**Agent:** Smiths Gore (01228 546400)**WARWICKSHIRE****What:** Lower Tysoe Barn, a country house with four bedrooms, one-bedroom guest flat, outbuildings, gardens and paddock.**Where:** Lower Tysoe, a village 10 miles from Banbury, 16 miles from Warwick.• **Station:** Banbury (Birmingham, 50 mins)• **Shop:** Lower Tysoe**Why:** Excellent village facilities, including butcher, post office, pub and primary school. South-facing, York stone sun terrace with vines, wisteria and clematis.**Why not:** Public footpath runs adjacent to the paddock.**Would suit:** Bard-lover (Stratford-upon-Avon is nearby).**Price:** £695,000**Agent:** Lane Fox (01295 273592)**OXFORDSHIRE****What:** Pond House, a Grade II-listed, 18th-century house with four bedrooms, flagstone floors, a one-bedroom cottage, outbuildings and garden.**Where:** Next to the village pond in Clanfield, eight miles from Lechlade, 20 miles from Oxford.• **Station:** Swindon, 15 miles (London, 50 mins)• **Shop:** Clanfield**Why:** Quaint period details - hatch in dining room was used for delivering bread from the outbuildings (once the village bakery).<http://www.telegraph.co.uk/property/propertyadvice/propertymarket/3309476/On-the-market.html>

Page 2 of 4

TIMES

NEWS COMMENT BUSINESS MONEY SPORT

TRAVEL DRIVING ARTS & ENTS

VIDEO ARCHIVE OUR PAPERS

Property

From

11/12/2008 13:02

Kirklington Hall, Kirklington, Cumbria, £350k

ON 11/12/2008 13:02

What it is: All that remains of Kirklington Hall near Carlisle is a facade. The house, which can trace its history to 1661, had been fast a hotel and a casino before a devastating fire in the 1970s, since when it has stood gutted and derelict. Left "beyond redemption", the Victorian walls have been designated a building at risk. Because of its historical and architectural importance, a serious buyer is being sought to restore the property. The house is in 17 acres, including a Grade II-listed coach house and stables, and a kitchen garden. It is 5 miles from the M6, a 10-minute drive from Carlisle and 25 miles from the Lake District national park.

The problems: Sturdy boots and warm clothing are needed for viewings, plus a good head for figures to try to calculate how much the building work might cost. It could be anything up to £700,000.

"There is nothing inside," says Caroline Vickers of Smiths Gore. "There are no internal walls, or roof, just grass." Listed as a ruin, the house is a project for the planners. Before the new owner can even begin to think of getting quotes, let alone dream of paint colours and bathroom fittings, they will have to get to know the local planning department rather well. All previous planning permissions for residential and commercial development have expired. Any alterations to the property and designs must be agreed by the council. Building is unlikely to start for months if not years.

The advantages: "It is an exceptionally rare property," says Vickers. "And as such is almost impossible to value. There are no comparables." If it goes for the guide price, it is incredible value for money at less than £10 per square foot, but it could easily fetch 10 times the price. There is an opportunity to put your own stamp on the property or, as the details say, "it provides a platform for modern economic design within the facade." A listed country house with outbuildings and 10 acres in Cumbria will set you back at least £1.5m. Prices are predicted to rise when the new Virgin rail line cuts the journey time from London by an hour.

Smiths Gore: 01228 546 400, www.smithsgore.co.uk, Carlisle city council: 01228 917 000.

1/2008 13:02

STAY IN PROPERTIES

Most of the world's best hotels are in the UK. Find out more about the best of the best.

Find out more about the best of the best.

ALREADY IN THE STYLE
The 19th-century Victorian house in the Lake District is a masterpiece of architecture. Find out more about the best of the best.



Britain is now fuller than ever of people who are technically stupid

by [Name]

Great Escape

Win a weekend for two at K West Hotel & Spa

Times Online

SEARCH

11/12/2008 13:02

Property Search

Find a property to buy or rent

Buy Rent

globrix.

Enter keywords (e.g. 3 bedrooms, Bristol)

SEARCH

£6 MILLION TO INVEST
NO PRIOR EXPERIENCE REQUIRED

UNUSUAL



HOUSE FLOOD
Win an overview of the history of your home

COMMENT



It is becoming evident that mortgage repayment difficulties are spreading through all levels of society

Anna Ashworth

London, UK

VERTICAL GARDENS



FOCUS ZONE



Designing the future of the home

Designing the future of the home

SUPPLEMENT
Dubai investment prospects



ARTICLES

The future of the home

The future of the home

PROPERTY & RESOURCES

Property & Resources

Property & Resources

5 PROPOSALS

5. KIRKLINTON HALL ESTATES – PROPOSALS – SCHEME B

5.1 Drawings and Reports

5.1.1 The size A1 Proposal Drawings have been submitted separately and consist of:

- Dwg 0715/20 - Block Plan as proposed & Location Plan
- Dwg 0715/21 - Hall – Ground floor plan as proposed
- Dwg 0715/22 - Hall – First floor plan as proposed
- Dwg 0715/23 - Hall – Second floor plan as proposed
- Dwg 0715/24 - Hall - Elevations as proposed (Sheet 1)
including New Wing
- Dwg 0715/25 - Hall & Stable Block - Elevations as proposed
(Sheet 2)
- Dwg 0715/26 - Coach House - Plans & Elevations as proposed
- Dwg 0715/27 – Garage Court – Plans; Plans & Elevations of
Refuse/recycling store
- Dwg 0715/28 - Garage Court – External Elevations
- Dwg 0715/29 - Garage Court – Internal Elevations
- Dwg 0715/30 – Long Site Sections/elevations

5.1.2 The proposals are further supported in the Design & Access statement in Section 9.

6 IMPACT ASSESSMENT

6. KIRKLINTON HALL ESTATES – IMPACT ASSESSMENT

6.1 Drawings and Reports

- 6.1.1 As the renovation/conversion covers the whole of the structure rather than specific isolated instances, a detailed written impact assessment is not appropriate for this project.
- 6.1.2 The requirements of the impact assessment are dealt with by the submitted detailed drawing nrs 0715/30 to 0715/35 which indicate those parts of the Hall, stables and Coach house affected by the proposed renovation and conversion, annotated and, in some instances, illustrated with photographs.
- 6.1.3 The drawings should be read in conjunction with the Structural Engineer's report and photographs.

7 DEVELOPMENT APPRAISAL

Prepared by Johnson Associates
adapted by Rol Design to suit present proposal

7. KIRKLINTON HALL ESTATES – DEVELOPMENT APPRAISAL

7.1 Construction Costings

7.1.1 The detailed construction costings have been attached in Appendix A.

7.1.2 The comments shown in *italics* in Appendix A refer to the Structural Engineer's report of their inspection on 19th March 2008.

7.1.3 The Structural Engineer's report has been submitted separately on CD.

7.2 Costing Summary

7.2.1 The costings summary is as follows:

KIRKLINTON HALL ESTATES - COSTINGS SUMMARY

	NET COST	figures for work to old buildings excl new build
Site costs		
Open market value of property in existing condition		
Costs incidental to acquisition:		
Stamp Duty on acquisition at open market value		
legal fees on acquisition at open market value		
agent's fees on acquisition at open market value		
reasonable holding costs		
Total site costs	£ 400,000.00	£ 400,000.00
Design and construction		
Survey costs		
Research and analysis costs		
Contamination costs		
Construction costs:		
historic asset repair of Kirklington Hall	£ 522,411.00	
historic asset conversion of Kirklington Hall	£ 2,819,908.00	
historic asset repair of Coach House	£ 136,678.00	
historic asset conversion of Coach House	£ 302,738.00	
demolition of unsafe structures	£ 3,000.00	£ 3,784,735.00
new build of dwellings A, B, C, D, E, F, G, H and J, including Garage Block and refuse/recycling store	£ 1,920,400.00	
Professional fees:		
project manager		
architect/surveyor	£ 173,113.00	£ 150,000.00
landscape architect		
quantity surveyor		

structural engineer	£	10,000.00	£	10,000.00
M&E engineer				
planning supervisor	£	25,000.00	£	15,000.00
other				
Contingency on design and construction costs	3%	£ 144,261.00	£	100,000.00
Total design and construction costs		£ 6,057,509.00		

Statutory and other charges

Planning fee				
Building control fee				
Funding and valuation fees:				
funding fees				
financial cap				
bank valuation fee				
bank's legal and monitoring fees				
second charge costs				
Payments required under Section 106 agreement				
Legal costs of Section 106 agreement				
Total statutory and other charges		£ 25,000.00	£	25,000.00

Interest (preferably calculated by way of cashflow) on

Site cost + fees				
Construction + fees				
Statutory and other charges				
Voids				
Total interest costs		£ 25,000.00	£	25,000.00

Letting and sales costs

Agents letting fees				
Legals on letting				
Agents sale fees	£	50,000.00	£	35,000.00
Legals on sales	£	10,000.00	£	10,000.00
Promotion costs	£	5,000.00	£	5,000.00
Total letting and sales costs	£	65,000.00		

Deductions from costs:

(£)

Short-term income from site	
Grants	
Developers profit @ x% on nett costs (see note 3)	

TOTAL COSTS *	£ 6,172,509.00	£ 4,559,735.00
----------------------	-----------------------	-----------------------

COMPLETED OPEN MARKET VALUE OF SCHEME **	£ 6,895,000.00	£ 4,025,000.00
---	-----------------------	-----------------------

SURPLUS/ DEFICIT	£ 722,491.00	-£534,735.00
-------------------------	---------------------	---------------------

SURPLUS PERCENTAGE OF TOTAL COSTS	11.71%
--	---------------

* See Appendix A - Page 40

** See Appendix B - Page 52

Notes:

- 1 In an enabling development scheme, the surplus should not exceed 20% of the total cost.
- 2 VAT can be an important element. Most development appraisal packages include provision to include VAT calculations and can differentiate between recoverable, non-recoverable and exempt items.
- 3 All costs exclude any cash grant or subsidy from public funds.

7.2 **Conclusion**

- 7.2.1 The development costs for the old Hall and Coach House - Units 1 to 13, will result in a loss of £535,000.
- 7.2.2 With the construction of the enabling development - Units A to J, the total development provides a surplus of £722,491.00 which, at 11.71%, is on the marginal side.
- 7.2.3 The developer, however, feels that this margin is acceptable which will result in the restoration of this historic building to its former glory.

8 SUGGESTED HEADS OF TERMS - SECTION 106 AGREEMENT

Prepared by Telford Planning Associates

8. KIRKLINTON HALL ESTATES – SUGGESTED HEADS OF TERMS

8.1 Introduction

- 8.1.1 The draft heads of terms in this document are submitted by the applicant but have not yet been agreed by those who will be party to the Agreement. However, they have been drafted taking into account pre-application discussions with the Planning Officers and the advice contained in *Planning Obligations: Good Practice Guide* published in July 2008.
- 8.1.2 ERB Properties and their agents will continue to work with the Officers of Carlisle City Council throughout the determination process to agree the detailed terms of the Agreement against which the proposals can ultimately be assessed by the Members.
- 8.1.3 The draft Heads of Terms should be read in conjunction with the plans and documents submitted with the application.

8.2 Draft Heads of Terms at December 2008

- 8.2.1 A Management Company (the "Company") will be established prior to the completion of the development or the sale of the first property whichever is the sooner OR the requirements of the Agreement will become the responsibility of an established organisation specialising in the management of communal spaces within such a development as that forming the basis of the application.
- 8.2.2 All internal communal areas including corridors, lifts and entrance hallways will be maintained by the Company or organisation.
- 8.2.3 All external communal areas including gardens, lawns, landscaping, watercourse, driveways, roads, gates, walls, garage courtyards and parking areas will be maintained by the Company.
- 8.2.4 The drainage system shall be maintained by the Company unless and until it is adopted by the relevant authority.
- 8.2.5 The fabric of the each building shall be maintained by the Company.

- 8.2.6 All mains services related to the development shall be maintained by the Company outside the responsibilities of the Statutory Undertakers.
- 8.2.7 The security systems on the site and within the buildings will be maintained by the Company. Crime reduction measures will be discussed with the Police during the determination stage.
- 8.2.8 A contribution towards Transport improvements will be discussed during the determination period following discussions with the Planning Officer and the Highway Authority.
- 8.2.9 A contribution towards Open Space provision and maintenance will be discussed during the determination period following discussions with the Planning Officers and the Parks Department.
- 8.2.10 A contribution towards Affordable Housing will be discussed during the determination period following discussions with the Planning Officers and the Housing Department.

APPENDIX A - KIRKLINTON HALL ESTATES - ESTIMATE OF CONSTRUCTION COSTS

Construction Cost of Historic Asset Repair To Hall

Comments in italics are taken from the structural engineers report

WALL A

General Condition: Wall acceptably plumb and pointing reasonably intact (photograph 2).

Cantilever support to inner chimney breast appears tenuous (photograph 3).

New cantilever stonework	1	sum	£	2,750.00	£	2,750.00
Piece in missing masonry to interior elevation	4	nr	£	180.00	£	720.00
					£	-
Consolidate masonry to interior at roof level	20	m2	£	150.00	£	3,000.00
					£	-
<i>Slight movement to base of copings to upper right corner (photograph 4).</i>					£	-
					£	-
Consolidate water tabling, copings and kneelers	1	sum	£	4,000.00	£	4,000.00
					£	-
					£	-
					£	-
					£	-
WALL B:						
<i>General Condition: Wall acceptably plumb and pointing reasonably intact (photographs 5 and 6).</i>					£	-
					£	-
<i>Doorways formed by simply cutting out beneath window openings leaving rebates poorly formed</i>					£	-
					£	-
Reinstate window opening or form proper door opening	2	nr	£	1,500.00	£	3,000.00
					£	-
<i>Internal lintels missing leaving unsupported masonry (photograph 8).</i>					£	-
					£	-
<i>Piers between bay openings poorly supported owing to missing lintels (photograph 9).</i>					£	-
					£	-
					£	-

Insert new lintels and consolidate masonry above	9	nr	£	400.00	£	3,600.00
					£	-
Selective repointing to external elevation	30	m2	£	125.00	£	3,750.00
					£	-
Consolidate loose areas of masonry to internal elevation	25	m2	£	225.00	£	5,625.00
					£	-
Piece in missing parapet copings	3	nr	£	650.00	£	1,950.00
					£	-
Repoint all parapet masonry	40	m2	£	125.00	£	5,000.00
					£	-
					£	-
WALL C:					£	-
					£	-
<i>General Condition: Wall acceptably plumb and pointing reasonably intact (photographs 10 – 13).</i>					£	-
					£	-
Rebuild parapet masonry and dormer window which has collapsed	1	sum	£	8,000.00	£	8,000.00
					£	-
<i>Missing inner lintels have been replaced with steel replacements</i>					£	-
<i>to larger spans (photograph 14) and precast units to shorter spans.</i>					£	-
					£	-
New lintels where required	5	nr	£	300.00	£	1,500.00
					£	-
<i>Some of the sandstone surrounds are showing signs of weathering particularly to the earlier eastern wing (photograph 15).</i>					£	-
					£	-
					£	-
					£	-
Renew weathered or missing window surrounds	2	nr	£	1,200.00	£	2,400.00
					£	-
<i>There is a crack through one of the ground floor lintels to the older section (photographs 16 and 17).</i>					£	-
					£	-
					£	-
New lintel and mullion	1	sum	£	1,500.00	£	1,500.00
					£	-
<i>Render has been scabbled away from one of the sandstone surrounds leaving a pock-marked surface (photograph 18). Note also the holes in the wall below the window.</i>					£	-
					£	-
					£	-
					£	-
Repair lime render where required	40	m2	£	75.00	£	3,000.00
					£	-
<i>There are occasional holes to the inner face possibly denoting</i>					£	-

missing tie-stones to former partition walls (photograph 19).

£ -
£ -

Consolidate masonry to the interior elevation which is in a poor condition

85 m2 £ 225.00 £ 19,125.00

£ -
£ -
£ -
£ -

WALL D:

General Condition: The wall is in fair condition but has a slight inward lean towards eaves level (photographs 20 – 22).

£ -
£ -

Consolidate masonry to the interior elevation which is in a poor condition

38 m2 £ 225.00 £ 8,550.00

£ -

There are several cracked cills and lintels particularly to the lower openings (photograph 23).

£ -
£ -
£ -

Renew or repair cracked lintel or sill

6 nr £ 300.00 £ 1,800.00

£ -

A first floor window opening has been crudely lengthened and a section of the lintel is missing (photograph 24).

£ -
£ -
£ -

Reinstate window opening with new sill etc

1 sum £ 1,500.00 £ 1,500.00

£ -

The stonework to the upper right of the elevation is extremely open-jointed the mortar having washed out leaking rainwater goods (photograph 25).

£ -
£ -
£ -
£ -

Take down and rebuild the top right hand area of masonry

10 m2 £ 300.00 £ 3,000.00

£ -
£ -
£ -
£ -

WALL E:

General Condition: Large areas of these walls have collapsed at higher levels but the remaining sections are reasonably plumb and salvageable (photographs 26 – 28).

£ -
£ -
£ -

New masonry walls

40 m2 £ 450.00 £ 18,000.00

£ -

New copings and parapets

11 m £ 750.00 £ 8,250.00

£ -

New window surrounds

4 sets £ 1,000.00 £ 4,000.00

£ -

The stonework towards the junction with wall F is in poor

£ -

condition (photograph 29).

Take down and rebuild

1 sum £ 3,000.00 £ 3,000.00
£ -

A section of wall at the upper junction to wall F has rotated away severely and needs taking down for safety purposes (photograph 30).

Take down and rebuild

1 sum £ 3,000.00 £ 3,000.00
£ -

WALL F:

General Condition: Wall acceptably plumb and pointing reasonably intact (photographs 31 & 32).

Consolidate and piece in masonry to the interior elevation where in a poor condition

20 m2 £ 225.00 £ 4,500.00
£ -

The bay window to the left of the elevation is parting company from the main wall at high level (photograph 33).

Underpin the whole bay

1 sum £ 6,000.00 £ 6,000.00
£ -

Pin back the joint between the bay and main wall

1 sum £ 450.00 £ 450.00
£ -

The inner lintels to the bays comprise steel beams laid horizontally such that any water ingress can gather on the upper face of the web (photograph 34).

New lintels where required

10 nr £ 300.00 £ 3,000.00
£ -

There is a missing section of inner leaf between the bays (photograph 35).

New section of internal masonry

4 m2 £ 250.00 £ 1,000.00
£ -

WALLS G:

General Condition: The walls to the small annex are generally in good condition and true to line (photograph 36).

Consolidate and repoint small areas of internal masonry

5 m2 £ 225.00 £ 1,125.00
£ -

The lintel over the opening into the main hall may have deflected and allowed cracking to the stonework above (photographs 37 and 38).

£ -
£ -
£ -

Stitch repairs to areas of masonry using engineering brickwork

1 sum £ 1,500.00 £ 1,500.00

£ -
£ -
£ -
£ -

WALL H:

General Condition: Wall acceptably plumb and pointing reasonably intact (photograph 39).

£ -
£ -

Repoint small areas at parapet level

4 m2 £ 125.00 £ 500.00

£ -

The lower window has been crudely cut out at lower level to create a doorway.

£ -
£ -
£ -

Reinstate window opening

1 nr £ 1,000.00 £ 1,000.00

£ -

A section of inner leaf is missing (photograph 40).

£ -
£ -

Build area of new internal masonry

15 m2 £ 250.00 £ 3,750.00

£ -

New internal lintel

1 nr £ 75.00 £ 75.00

£ -
£ -
£ -
£ -
£ -

WALL I:

General Condition: The wall is in good condition with evidence of the window openings being more recently formed. The roof is in poor condition (photograph 41).

£ -
£ -
£ -

Remove slating, set aside

60 m2 £ 10.00 £ 600.00

£ -

The supporting roof timbers show signs of woodbeetle infestation and damp ingress (photographs 42 and 43).

£ -
£ -

Splice on new end to roof beam

1 sum £ 1,500.00 £ 1,500.00

£ -

Allowance for replacement of other roof timbers where found to be in poor condition

1 sum £ 500.00 £ 500.00

£ -
£ -
£ -
£ -

WALL J:

General Condition: The right hand half of the elevation is in reasonable order but the left half displays signs of structural movement (photograph 44).

£ -
£ -

There is a marked fall across one of the doorway lintels owing to settlement (photograph 45).

£ -
£ -
£ -

Underpin this section

11 m £ 350.00 £ 3,850.00
£ -

The movement is also reflected in an internal crack between wall J and a cross wall (photograph 46).

£ -
£ -
£ -

Stitch these walls together using engineering bricks

1 sum £ 1,500.00 £ 1,500.00
£ -

The roofs to both sections are holed and in poor condition (photograph 44).

£ -
£ -
£ -

Remove slating, set aside

115 m2 £ 10.00 £ 1,150.00
£ -

Allowance for replacement of other roof timbers where found to be in poor condition

1 sum £ 1,000.00 £ 1,000.00
£ -
£ -
£ -

WALL K:

General Condition: The outward movement noted above is evident to the right hand (northern) side of the elevation.

£ -
£ -

There is a gap between the right hand window jamb and the abutting stonework owing to this movement (photograph 47).

£ -
£ -

Take down and rebuild this small section of wall and pin back jamb stone

1 sum £ 800.00 £ 800.00
£ -
£ -
£ -

WALL L:

General Condition: For the most part the walls are in reasonable condition but again some differential settlement is noted to the northern half (photograph 48).

£ -
£ -

Underpin this section

11 m £ 350.00 £ 3,850.00
£ -

There is a stepped settlement crack below the window (photograph 49).

£ -

					£	-
Rebuild this small area to pin together	1	sum	£	900.00	£	900.00
					£	-
					£	-
WALL M:					£	-
					£	-
<i>General Condition: The wall is missing for the most part and the wallplate relies on a central prop (photograph 50).</i>					£	-
					£	-
New wall to replace missing section	12	m2	£	450.00	£	5,400.00
					£	-
					£	-
WALL N:					£	-
					£	-
<i>General Condition: Wall acceptably plumb and pointing reasonably intact (photographs 51 and 52).</i>					£	-
					£	-
<i>Internal timber lintels remain in place but protrude beyond the stonework suggesting there used to be an inner leaf</i>					£	-
					£	-
Build new inner leaf where missing					£	-
					£	-
Renew timber lintels					£	-
					£	-
<i>One of the ground floor outer sandstone lintels is cracked owing to a steel embedment supporting the roof access ladder (photograph 54).</i>					£	-
					£	-
Renew lintel and remove steelwork	1	nr	£	300.00	£	300.00
					£	-
<i>The internal structure and roof to the stairwell area is in poor condition (photographs 55 and 56).</i>					£	-
					£	-
Remove slating and roof structure	1	sum	£	500.00	£	500.00
					£	-
Reconstruct interior walls	1	sum	£	5,000.00	£	5,000.00
FURTHER WORKS NOT NOTED IN SE'S REPORT						
Remove all debris and fallen masonry from interior and immediate environs	1	sum			£	20,000.00
Scaffolding to provide access	1	sum			£	120,000.00
Temporary shoring	1	sum			£	40,000.00
Consolidate all stacks, repoint and renew leadwork	1	sum			£	25,000.00
Re-render external elevations	900	m2	£	30.00	£	27,000.00

Remove all flora and repoint external elevations	700	m2	£	75.00	£	52,500.00
					£	454,270.00
Main Contractors Preliminaries	15%				£	68,140.50
Construction Cost of Historic Asset Repair To Hall					£	522,410.50

Construction Cost of Historic Asset Conversion Of Hall

New ground floor construction	811	m2	£	125.00	£	101,375.00
					£	-
New upper floor construction and ceilings	1183	m2	£	225.00	£	266,175.00
					£	-
Staircases	15	flights	£	750.00	£	11,250.00
New roof structure, coverings rainwater goods and ceilings	811	m2	£	700.00	£	567,700.00
Roofs to bay windows	3	nr	£	8,000.00	£	24,000.00
New dormers	20	nr	£	6,000.00	£	120,000.00
					£	-
New internal party walls	611	m2	£	90.00	£	54,990.00
					£	-
New internal division walls and doors	11	units	£	12,000.00	£	132,000.00
					£	-
New windows and doors to external walls	163	nr	£	1,000.00	£	163,000.00
					£	-
New internal finishings to external walls	1870	m2	£	50.00	£	93,500.00
					£	-
New services, plumbing and electrics	11	units	£	20,000.00	£	220,000.00
Kitchens and bathroom fittings and tiling	11	units	£	20,000.00	£	220,000.00
Fires and surrounds	11	units	£	1,250.00	£	13,750.00
External pavings and garden walls	1	sum	see detail		£	464,354.00
					£	2,452,094.00
Main Contractors Preliminaries	15%				£	367,814.10

**Construction Cost of Historic Asset
Conversion Of Hall**
£ 2,819,908.10
**Construction Cost of Historic Asset
Repair of Coach House**
WALL P:

£ -
£ -

General Condition: Wall is reasonably good condition and acceptably plumb.

£ -
£ -
£ -

WALL Q:

£ -
£ -

General Condition: This wall is in poor condition leaning outwards and has suffered recent partial collapse and is now temporarily propped for safety reasons (photographs 57 and 58).

£ -
£ -
£ -

Take down whole wall and rebuild using reclaimed stone

58 m2 £ 300.00 £ 17,400.00

New foundation for this wall

14 m £ 100.00 £ 1,400.00

WALL R:

£ -
£ -
£ -
£ -

General Condition: The front elevation is in fair condition but the internal cross walls that extend upwards have little lateral restraint and appear vulnerable to wind loads (photograph 59).

£ -
£ -
£ -

Take down whole wall and rebuild using reclaimed stone

54 m2 £ 300.00 £ 16,200.00

New foundation for this wall

9 m £ 100.00 £ 900.00

Consolidate crosswalls and tie to new front wall

1 sum £ 3,000.00 £ 3,000.00

WALL S:

£ -
£ -
£ -
£ -

General Condition: The south corner has undergone considerable settlement with a large crack up the corner (photograph 60) and a partial collapse at low level (photograph 61).

£ -
£ -

Take down part of this wall and rebuild using reclaimed stone

42 m2 £ 300.00 £ 12,600.00

New foundation for this wall

7 m £ 100.00 £ 700.00

					£	-
Repoint remainder of this wall	28	m2	£	75.00	£	2,100.00
					£	-
					£	-
WALL T:					£	-
					£	-
<i>General Condition: The gable elevation is in fair condition although in need of some repointing (photograph 62).</i>					£	-
					£	-
Rebuild the gables to this wall to consolidate	8	m2	£	300.00	£	2,400.00
					£	-
<i>The stonework at low level to the interior is open jointed with much of the mortar washed out of the joints (photograph 63)</i>					£	-
					£	-
Consolidate wall by pack pointing the whole area	30	m2	£	100.00	£	3,000.00
					£	-
					£	-
WALL U:					£	-
					£	-
<i>General Condition: Wall acceptably plumb and pointing reasonably intact (photograph 64).</i>					£	-
					£	-
<i>Specific Comments: - One of the window lintels has cracked and dropped (photograph 65).</i>					£	-
					£	-
Renew lintels to windows	2	nr	£	500.00	£	1,000.00
					£	-
<i>There is a slight settlement crack to the upper left (photograph 66).</i>					£	-
					£	-
Underpin this section of wall	6	m	£	1,000.00	£	6,000.00
					£	-
Stitch repair to crack	1	sum	£	800.00	£	800.00
					£	-
					£	-
WALL V:					£	-
					£	-
<i>General Condition: Although in reasonable order there is a slight undulation to the eaves line suggesting modest movement (photograph 67).</i>					£	-
					£	-
Consolidate wall head masonry	23	m	£	200.00	£	4,600.00
					£	-
					£	-
FURTHER WORKS NOT NOTED IN SE'S REPORT					£	-
					£	-
Remove all debris and fallen masonry from interior and immediate environs	1	sum			£	2,500.00

Scaffolding to provide access	1	sum			£	7,500.00
Consolidate stack, repoint and renew leadwork	1	sum			£	3,000.00
Remove all flora and repoint external elevations	450	m2	£	75.00	£	33,750.00
					£	118,850.00
Main Contractors Preliminaries	15%				£	17,827.50
Construction Cost of Historic Asset Repair of Coach House					£	136,677.50

Construction Cost of Historic Asset Conversion of Coach House

New ground floor construction	156	m2	£	125.00	£	19,500.00
					£	-
New upper floor construction and ceilings	94	m2	£	225.00	£	21,150.00
					£	-
Staircases	2	flights	£	750.00	£	1,500.00
New roof structure, coverings rainwater goods and ceilings	156	m2	£	500.00	£	78,000.00
Roofs to porch	1	nr	£	2,000.00	£	2,000.00
Consolidate internal party walls	15	m2	£	90.00	£	1,350.00
					£	-
New internal division walls and doors	2	units	£	10,000.00	£	20,000.00
					£	-
New windows and doors to external walls	33	nr	£	750.00	£	24,750.00
					£	-
New internal finishings to external walls	450	m2	£	50.00	£	22,500.00
					£	-
New services, plumbing and electrics	2	units	£	15,000.00	£	30,000.00
Kitchens and bathroom fittings and tiling	2	units	£	20,000.00	£	40,000.00
Fires and surrounds	2	units	£	1,250.00	£	2,500.00
					£	263,250.00
Main Contractors Preliminaries	15%				£	39,487.50
Construction Cost of Historic Asset Conversion of Coach House					£	302,737.50

COACH HOUSE

£ -
£ -

The structure here is generally in more perilous condition and sections would benefit from a total rebuild.

£ -
£ -
£ 3,000.00
£ -

Demolish sections completely

1 sum £ 3,000.00

CONSTRUCTION OF ENABLING NEW-BUILD

New one and three storey dwellings of rendered block or stone walls, slate roofs and high quality finishes

1384 m2 £ 1,200.00 £ 1,660,800.00

Garage block, excluding dwellings, and refuse/recycling store

649 m2 £ 400.00 £ 259,600.00

To Summary of New Build Cost

£ 1,920,400.00

APPENDIX B - KIRKLINTON HALL ESTATES**ESTIMATED SALE VALUES OF THE INDIVIDUAL PROPERTIES**

	Sale value	Totals	New Build	Conversion
Unit1	£ 325,000.00			
Unit 2	£ 375,000.00			
Unit 3	£ 300,000.00			
Unit 4	£ 300,000.00			
Unit 5	£ 300,000.00			
Unit 6	£ 300,000.00			
Unit 7	£ 375,000.00			
Unit 8	£ 175,000.00			
Unit 9	£ 350,000.00			
Unit 10	£ 325,000.00			
Unit 11	£ 325,000.00			
Unit 12	£ 325,000.00			
Unit 13	£ 395,000.00			
SUB-TOTAL CONVERSIONS		£ 4,170,000.00		
Unit A	£ 300,000.00			
Unit B	£ 300,000.00			
Unit C	£ 350,000.00			
Unit D	£ 300,000.00			
Unit E	£ 325,000.00			
Unit F	£ 325,000.00			
Unit G	£ 325,000.00			
Unit H	£ 250,000.00			
Unit J	£ 250,000.00			
SUB-TOTAL NEW BUILD		£ 2,725,000.00		
		£ 6,895,000.00		



SCHEDULE A: Applications with Recommendation

08/1019

Item No: 06

Date of Committee: 11/11/2011

Appn Ref No:
08/1019

Applicant:
ERB Properties

Parish:
Hethersgill

Date of Receipt:
19/02/2009

Agent:
Rol Design Limited

Ward:
Lyne

Location:
Kirklington Hall, Kirklington, CA6 6BB

Proposal: Restoration And Conversion Of Kirklington Hall, Stable Block And Coach House Into 13no. Dwellings; Erection Of New Wing Containing 5no. Dwellings; Construction Of Walled Enclosure Comprising Garage Court And Additional Parking Incorporating 4no. Dwellings Formation Of New Vehicular/ Pedestrian Access (LBC)

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with condition.

2. Main Issues

- 2.1 The impact on the character and setting of the listed building.

3. Application Details

The Site

- 3.1 This application seeks Full Planning permission for the redevelopment of Kirklington Hall, Kirklington, Carlisle. The site is located approximately 0.5 miles north-east of Kirklington and is within open countryside. The 5.85 hectare site is to the north-west of the County highway C1005 that links Kirklington to Boltonfellend. The site is served by a vehicular access which leads from the County highway across Longcleughside Beck via a single arch sandstone bridge.
- 3.2 The access road leads down from the highway and then slopes back up and meanders westwards towards Kirklington Hall. The three storey hall itself is situated to south of the access with the coach house separate and to the

north. The hall is bounded by the beck which flows from the north close to the eastern boundary of the site and then sweeps westwards to the rear of the hall. The land slopes steeply from the patio to the rear of the hall down towards to the beck. A band of mature trees flank the eastern boundary.

Background

- 3.3 The buildings date back to the 17th Century and are currently in a ruinous condition with the roof and several partial sections of the walls having collapsed.

- 3.4 Kirklington Hall and the outbuildings are Grade II listed and the description reads as follows:

“House. Core possibly of c1661 (using stone from nearby Levington Hall) for Edmund Appleby, with extensive extensions of 1875 for the Kirklington-Saul family. Calciferous sandstone coursed rubble, with dressed stone and ashlar; roof mostly removed, but graduated slate where it remains, stone chimney stacks. 2 and 3 storeys, numerous bays in roughly E-shape. Core of 3 storeys, 5 bays with rendered front and 3 storeys, 4 bay wing of coursed rubble facing road. Central entrance renewed: round headed doorway flanked by twin Doric columns on supporting plinth. Ground and first floor sash windows with architraves and entablatures with pulvinated friezes. Left-hand window of ground floor attached to a door. Second floor has square windows with wooden casements, similar entablatures and friezes with shaped gables and modillion eaves cornice, all added in 1875. Wing facing road had sash windows (now mostly removed) and gable ends treated to match the Jacobean style additions. 1875 additions are 2 storeys with attic in ashlar. One wing matches that facing road, the other is a very large L-shaped block added to it. The matching wing has shaped gable ends, an escutcheon in the gable and shell niches above ground floor entrance and first floor triple window (imparting to each a Venetian window flavour). The short piece of the L which corresponds to the earlier house, is 3 bays with projecting right-hand side and cornice above ground and first floors. Shaped gable dormer with finial in centre. The long part of the L has 5 symmetric bays and one at the south-east end. 3 windows to second and sixth bays, single to first, third and fifth. Shaped gable dormers to second, fourth and sixth bays, first, third and fifth have plain segmental hoods. Rear of north west wing treated similarly in coursed rubble with central ashlar projection flanked by 3-window bays. Empty and dilapidated at time of survey, roof being stripped of slates.”

- 3.5 The building was listed in 1974 but by the time of the listing the slates had been stripped from the roof and the building has deteriorated ever since.

- 3.6 The applicant makes reference to previous attempts to redevelop the site. Since the site was placed on the market in 2002, the vendor was approached, it is stated in the supporting documents, to convert the hall into dwellings but this scheme did not materialise. Later in 2005, it is further stated by the applicant that a proposal to develop the site into a themed tourist attraction was considered but subsequently faltered.

The Proposal

- 3.7 The applicant proposes the refurbishment and conversion of Kirklington Hall, the Stable Block and Coach House. The Coach House would provide two dwellings whilst the conversion of the Hall would provide a further 11 properties. The hall essentially comprises two wings with an 'L-shaped' footprint and a new wing would be constructed to the hall to provide a further 5 residences and would complete a 'u-shaped' footprint.
- 3.8 A separate courtyard would be constructed to the north of the existing stable block to provide garage accommodation with a further 4 residences above. The development would incorporate the use of natural stone, slate and render.
- 3.9 The listed buildings consist of the hall and the adjacent coach house and it is proposed to restore the exterior of these buildings. Due to the severely dilapidated state of the buildings, there are no original interiors in existence and the applicant does not intend to reproduce any period interiors; however, the new floors would be constructed at the original levels evidenced by the position of the joist holes and base of fireplace recesses.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of seven of the neighbouring properties. Five letters of objection have been received and the main issues raised are summarised in the Full Planning application report reference 08/1018 that precedes this report in the schedule.

5. Summary of Consultation Responses

Health and Safety Executive: - the HSE does not advise, on safety grounds, against the granting of planning permission in this case;

Ramblers Association: - comments awaited;

East Cumbria Countryside Project: - the Public Footpath 123017 must be kept open at all times during and after development;

National Grid UK Transmission: - the risk to the operational electricity and gas transmission network is negligible;

East Cumbria Countryside Project: - the Public Footpath 123017 must be kept open at all times during and after development;

Hethersgill Parish Council: - the Parish Council welcomes approval of the Listed Building Consent on the grounds that the proposal is sensitive to the architectural features of the building, in keeping with its immediate environment and enhancing of the estate.

Further comments received on 14th August 2009 read as follows:

- The revised plans offer a more compact and practical layout on the Hall site. However the number of units of accommodation remains unchanged at 22. The view of many residents present at the previous public meeting was that traffic on the C1005 was relatively heavy and substantial development of Kirklington Hall will only worsen the situation;
- The entrance appears to be modified to give better site lines to exiting traffic. Perversely a wider entrance may act as a passing point for HGV's unable to pass each other on the C1005. This may create a new road safety hazard, especially for residents exiting the Hall site;
- The Council wished to be reassured about drainage and utilities for the site as these do not appear to be addressed in the revised plans;
- The issue of Affordable Housing does not appear to have been addressed;

Cumbria County Council - (Archaeological Services): - no objection subject to the imposition of a condition requiring archaeological recording to be undertaken; and

Kirklington Parish Council: - support the development; and

Conservation Area Advisory Committee: - the Committee felt that there was too much development associated with and required by the restoration of the Hall which has a negative impact on the character of the landscape of this area. In addition, the considerable amount of tarmac road, the garage block and the parking area have a significant impact on the appearance of the development that is detrimental to the character of the landscape.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policy LE13 of the Carlisle District Local Plan 2001-2016.
- 6.2 This application for Listed Building Consent, relates to the same development at Kirklington Hall, Kirklington, Carlisle as proposed under application 08/1018, which precedes this report in the schedule.

Conclusion

- 6.3 The application is acceptable in terms of the impact upon the character and setting of the Listed Building. The principal issues raised by the application are set out in the report for application 08/1019.

7. Planning History

- 7.1 An application for planning permission was the demolition of Kirklington Hall

was submitted in 1982 but was withdrawn prior to determination.

- 7.2 An application for full planning permission for the restoration and conversion of Kirklington Hall, stable block and coach house into 13no. dwellings; erection of new wing containing 5no. dwellings; construction of walled enclosure comprising garage court and additional parking incorporating 4no. dwellings and formation of new vehicular/ pedestrian access is currently being considered under application reference 08/1018.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Listed Building Consent comprise:

1. The Listed Building Application Form received 6th October 2008;
2. The Block Plan As Existing received 10th October 2011(Drawing no. 0715/01 Rev A);
3. The Elevations As Existing (Sheet 1) Coach House & Main Hall received 28th July 2009 (Drawing no. 0715/02);
4. The Elevations As Existing (Sheet 2) Main Hall & Stable Block received 28th July 2009 (Drawing no. 0715/03);
5. The Tree Survey received 10th October 2011 (Drawing no. 0715/14);
6. The Block Plan As Proposed & Location Plan received 10th October 2011 (Drawing no. 0715/20 Rev B)
7. The Hall – Ground Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/21);
8. The Hall – First Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/22);
9. The Hall – Second Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/23);
10. The Hall – Elevations As Proposed (Sheet 1) Including New Wing received 28th July 2009 (Drawing no. 0715/24);
11. The Hall & Stable Block – Elevations As Proposed (Sheet 2) received 28th July 2009 (Drawing no. 0715/25);
12. The Coach House – Plans & Elevations As Proposed (Units 1 & 2) received 28th July 2009 (Drawing no. 0715/26);
13. The Garage Court & Units F – J Plan As Proposed Refuse/ Recycling Store received 28th July 2009 (Drawing no. 0715/27);
14. The Garage Court – External Elevations As Proposed received 28th July 2009 (Drawing no. 0715/28);
15. The Garage Court – Internal Elevations As Proposed received 28th July 2009 (Drawing no. 0715/29);
16. The Hall And Garage Court Section Through Hall Courtyard received 28th July 2009 (Drawing no. 0715/30);
17. The Impact Assessment Floor Plan Of Hall Indicating Principal

Restoration Approach received 22nd March 2011 (Drawing no. 0715/31);
 18. The Impact Assessment Elevations Of Hall – Sheet 1 received 22nd March 2011 (Drawing no. 0715/32 Rev A);
 19. The Impact Assessment Elevations Of Hall – Sheet 2 received 22nd March 2011 (Drawing no. 0715/33 Rev A);
 20. The Impact Assessment Elevations Of Hall – Sheet 3 received 22nd March 2011 (Drawing no. 0715/34 Rev A);
 21. The Impact Assessment Elevations Of Coach House received 22nd March 2011 (Drawing no. 0715/35 Rev A);
 22. The Impact Assessment Internal Elevations Of Hall received 22nd March 2011 (Drawing no. 0715/36 Rev A);
 23. The Hall & Coach House – Ground Floor Plan As Existing received 4th September 2009 (Drawing no. 0715/37);
 24. The Hall & Coach House – First Floor Plan As Existing received 4th September 2009 (Drawing no. 0715/38);
 25. The Hall – Second Floor Plan As Existing received 4th September 2009 (Drawing no. 0715/39);
 26. The Design and Access Statement received 3rd August 2009;
 27. The Tree Survey received 19th February 2009;
 28. The Kirklington Hall Conservation Statement received on 22nd March 2011;
 29. The Kirklington Hall Addendum to Conservation Statement received on 8th February 2011; and
 30. the Notice of Decision.

Reason: To define the consent.

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

Reason: To ensure the works are appropriate to the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

4. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

5. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of

ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

6. The demolition of the walls shall be carried out by hand (or by tools held in the hand other than power-driven tools) and the materials stored for re-use in the redevelopment of the buildings.

Reason: To maintain the architectural integrity of the building and the amenities of its surroundings in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

7. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:
- a drawing showing the proposed area(s) of repointing;
 - the mortar mix;
 - the method of removing existing mortar; and
 - an inconspicuous pointing sample provided on site following approval of the above items.

Reason: To safeguard the historic interest and character of the Listed Building and ensure an appropriate external appearance in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

8. Prior to the carrying out of any construction works the existing buildings affected by the proposed development shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and following its completion, three copies of that survey shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

11/0595

Item No: 07

Date of Committee: 11/11/2011

Appn Ref No:
11/0595

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
08/08/2011

Agent:
Jacobs UK Limited

Ward:
Stanwix Rural

Location:

Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Proposal: Temporary Consent For Retention Of Existing Steel Palisade Security
Fences Located At Each End Of Viaduct For A Further 3 Years

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact On The Character Of The Area And On The Listed Waverley Viaduct

3. Application Details

The Site

- 3.1 Waverley Viaduct, which is owned by BRB (Residuary) Ltd, is a six span viaduct constructed entirely of masonry, which was built to carry a railway line across the river and as a consequence only has low parapet walls along its edges. The structure was listed in 1994.
- 3.2 Fencing was put in place at ends of viaduct in 1983/4 in order to prevent public access. This was as a result of vandalism to the parapet, when some 70m was pushed into the river. When the viaduct was listed, two rows of back to back palisade fencing, which varied in height from 1.8m to 2.1m, was in place at either end of the viaduct. BRB tried to open up the viaduct to the public in 2008 and erected timber fencing along the edge of the viaduct but this was vandalised straight away. Following this, BRB reverted back to maintaining barriers at either end of the viaduct in order to prevent public

access.

- 3.3 The barriers that are currently in place consist of dark green steel sheeting, fixed to palisade fencing. The maximum height of the fencing is 2.1m. The steel sheeting has been successful in reducing public access to the viaduct.
- 3.4 The County Council's Definitive Map of Public Rights of Way identifies Rights of Way adjacent to Waverley Viaduct on the north and south sides of the River Eden, but does not identify a Right of Way across the viaduct.

Background

- 3.5 In March 2010, temporary planning permission and Listed Building Consent were granted by the Development Control Committee for the retention of existing steel palisade security fences located at each end of the viaduct. This permission expired on 31st March 2011.
- 3.6 BRB is keen to transfer ownership of the viaduct to another body and would be prepared to pay a lump sum for future maintenance. The City Council has been in discussions with BRB about the future of the viaduct and these discussions are on-going.

The Proposal

- 3.7 The proposal is seeking temporary retrospective planning permission for the retention of the existing steel palisade security fences located at each end of the viaduct for a further 3 years.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to ten neighbouring properties. Ten letters of objection and two letters of support have been received.
- 4.2 The letters of objection make the following points:
 - 1. fences should be erected beside a footpath crossing the bridge, the cost being born by the developer;
 - 2. Council should resolve the access problems and either pay for protective fencing or persuade BRB to do so;
 - 3. there should be no further delay in re-opening the viaduct - a petition has been signed by over 2,000 people who want the viaduct re-opened. Council should encourage public access and not hinder exercise;
 - 4. opening up the viaduct would have many benefits - ideal for recreation. Would boost tourism by providing a northern link to Hadrian's Wall

5. if another temporary consent is granted, it should be for a maximum of 6 months;
6. the barriers divide the city and prevent integration;
7. the barriers adversely affect the listed structure, which should be an asset;
8. unchallenged use of a footpath by the public for at-least 20 years may be rise to a presumption of dedication under Section 31 of the Highways Act 1980 - the viaduct has been used by the public for at-least 30 years;
9. only one side of the fencing has been painted green - on sunny days the unpainted sides can be seen from miles away;
10. the vandalised fencing has been left in site and this detracts from the viaduct;
11. gateways in a similar style to Engine Lonning could be provided at the bridge entry and exit points;
12. the last permission was only temporary and BRB are supposed to working up a scheme to repair the parapets and come up with an acceptable long-term solution, neither of which have been done.

- 4.3 The two letters of support want the barriers to be retained in place. They prevent trespass onto the bridge and onto farmland on the north side of the River Eden and reduce risk to the public and the structure.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objections, but would urge the applicant to consider a more permanent remedy;

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

English Heritage - North West Region: - no objections to the retention of the security/ safety fencing on the viaduct, on the basis that evidence of the development of a plan for its long-term preservation is demonstrated. The viaduct appears to be generally sound but is clearly in a deteriorating condition and requires re-establishment of a use in order to secure its significance and sustainable future. The long-term preservation of the fabric of the viaduct must be achieved without compromising its fundamental significance. The proposed security fencing will detract from the character, appearance and function of the bridge. English Heritage understand that this is a temporary measure, which is considered necessary for safety reasons, on which basis there is no fundamental objection. As the use of the bridge is currently uncertain, suggest that action is taken to clarify the physical condition of the bridge, arrest any identified deterioration and identify works necessary to bring the bridge back into use;

Natural England: - no objections, given the nature and scale of the proposals;

Kingmoor Parish Council: - support the fencing, which prevents trespass onto the viaduct and farmland on the north side of the River Eden, with consequent reduction in risk of personal and structural harm;

Ramblers Association: - comments awaited;

Hadrian's Wall Heritage Limited: - comments awaited;

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

Green Spaces - Countryside Officer - disappointed to see that a longer term solution to this issue still has not put forward by BRB. Would like to see the bridge opened up for pedestrian access as it provides a fantastic footpath link. No security measures have so far worked, therefore why not open it up, and fence off a footpath down the centre of the bridge? This solution would mitigate any danger from falling due to the bridge coping stones being removed. The existing security fence is extremely unsightly and not in keeping with a urban fringe countryside site. If indeed the fence is too become a permanent addition to the bridge then more thought needs to be given to the appearance of the fence. Since these panels have been in place they have attracted graffiti and there is evidence that people are still trying to get round the sides of the metal panels to gain access to the bridge and putting themselves at great risk in doing so. Also the panels are not in keeping with a countryside site which has walkers from all over the world using the Hadrian's Wall National Trail. Therefore for these reasons not in support of this application and would once again urge BRB to come up with a permanent solution as soon as possible. I would consider repeated temporary planning applications for planning permission is unacceptable.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies CP5, LE2, LE4, LE7, LE12, LE13 and LC2 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Impact On The Character Of The Area And On The Listed Waverley Viaduct

6.2 The steel sheeting looks very unsightly. The fencing is clearly visible from the surrounding area, including from the public footpaths that run in close proximity to the northern and southern ends of the viaduct. It has a significant adverse impact on the character of the area and on the listed viaduct, which is constructed of stone and only has a low parapet wall along its edge. The retention of this fencing in the long-term would not be acceptable.

- 6.3 BRB is currently trying to come up with a long-term solution for the future of the structure. Until this is resolved, it is trying to prevent public access, to reduce the risk of vandalism and for public safety reasons. In order to do this, it wants to retain the security fencing for a further three years.
- 6.4 BRB is currently in discussions with the City Council about the future of the viaduct. The provision of a fenced footpath down the centre of the viaduct is currently being explored and Sustainable Carlisle has produced a plan of this for consideration. In other parts of the country BRB has worked with Trusts and local Councils in order to open up viaducts for public access. It has lease agreements in place with some organisations, where the organisations are responsible for the parapet, path and waterproofing and BRB is responsible for everything else. This option could be explored for Waverley Viaduct.
- 6.5 A key issue which would need to be resolved if public access is to be provided across the viaduct is that of land ownership on the north side of the River Eden. The owner of the land adjacent to the viaduct, which the public would have to cross in order to get from the viaduct onto the public footpaths on the north side of the river, supports the retention of the security fences and does not want public access over the viaduct. Unless this issue can be resolved through negotiation with the land owner, then the provision of public access over the viaduct would not be appropriate, given that it would lead to issues of trespass on the north side of the river.
- 6.6 Given the continued dialogue with BRB about the future of the viaduct and the need for further discussions with Sustainable Carlisle and the landowner on the north side of the river, the granting of a further temporary consent is considered to be acceptable. A temporary permission for another three years seems excessive, but a further permission for one year would allow the above issues to be explored further.
- 6.7 If Members are minded to refuse planning permission and Listed Building Consent for the current proposals, BRB would revert back to the palisade fencing which was in place when the structure was listed in 1994. Members should also be aware that anybody going onto the viaduct is trespassing, given that there is no public right of way over the structure.

Conclusion

- 6.8 Whilst the current fence is unsightly and has an adverse impact on the character of the area and on the listed viaduct, its retention for a further temporary twelve month period would be acceptable, whilst the issues over the long-term future of viaduct are explored.

7. Planning History

- 4.1 In September 2000, planning permission and Listed Building Consent were granted for maintenance work to the bridge, including masonry repairs,

re-pointing, tie bars and patress plate installation, painting and fencing works (00/0459 & 00/0466).

- 4.2 In March 2010, temporary planning permission and Listed Building Consent were granted for the retention of existing steel palisade security fences located at each end of the viaduct (09/1094 & 09/1135).
- 4.3 In July 2010, temporary Listed Building Consent was granted for additional palisade outstands to existing palisade fencing located at each end of viaduct (10/0471).

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
1. the submitted planning application form, received 15 July 2011;
 2. Design & Access Statement, received 15 July 2011;
 3. Site Plan, received 25 July 2011 (Drawing No. B123600-ETC 265-002);
 4. Block Plan, received 25 July 2011 (Drawing No. B123600-ETC 265-002);
 5. Elevations & Sections, received 15 July 2011 (Drawing No. J98238A-YCE-432 Rev 0);
 6. Palisade Fencing Elevation, received 25 July 2011 (Drawing No. B123600-ETC 265-003);
 7. the Notice of Decision; and
 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

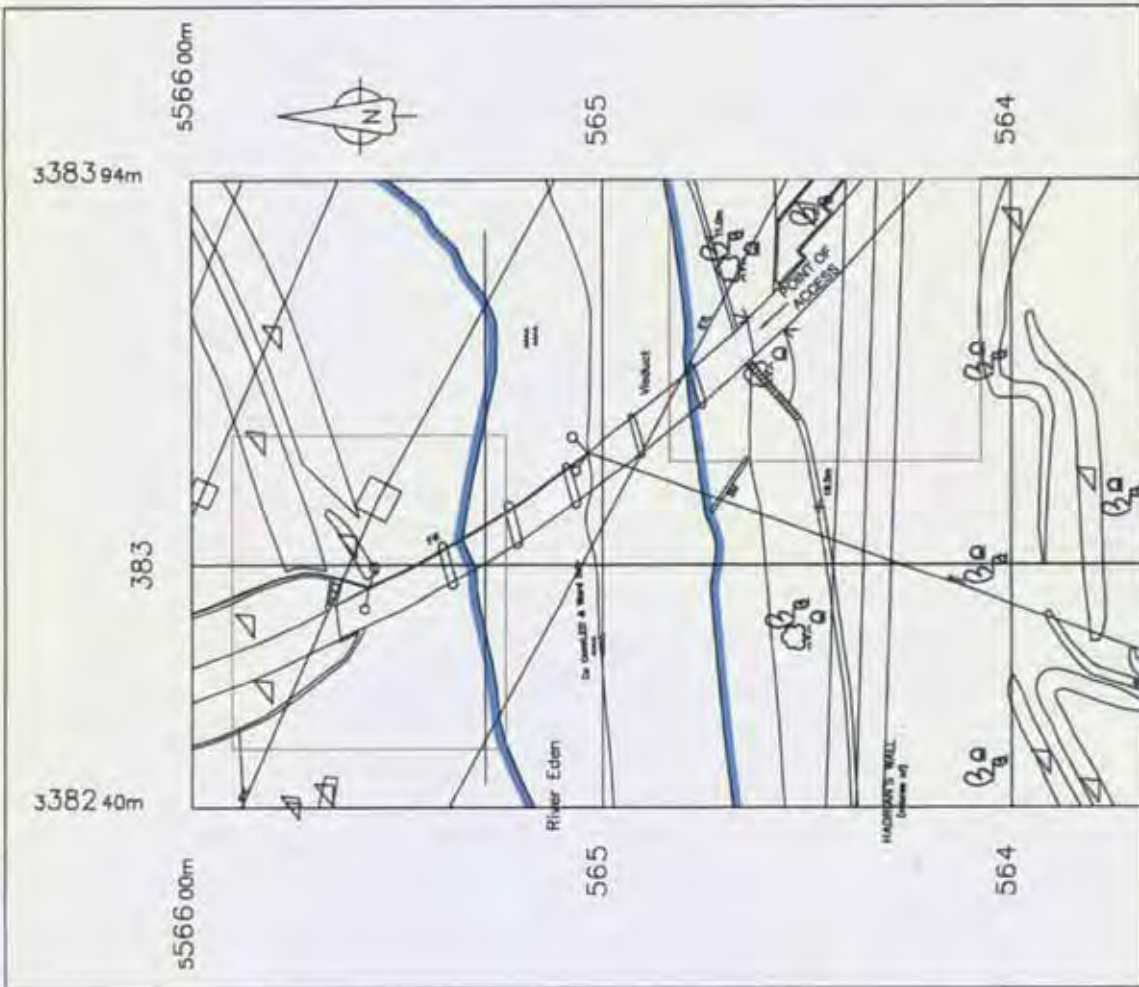
Reason: For the avoidance of doubt.

2. The fences hereby approved, shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority by not later than the 31st October 2012.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.

KEY

CARLISLE CITY COUNCIL
OWNED LAND



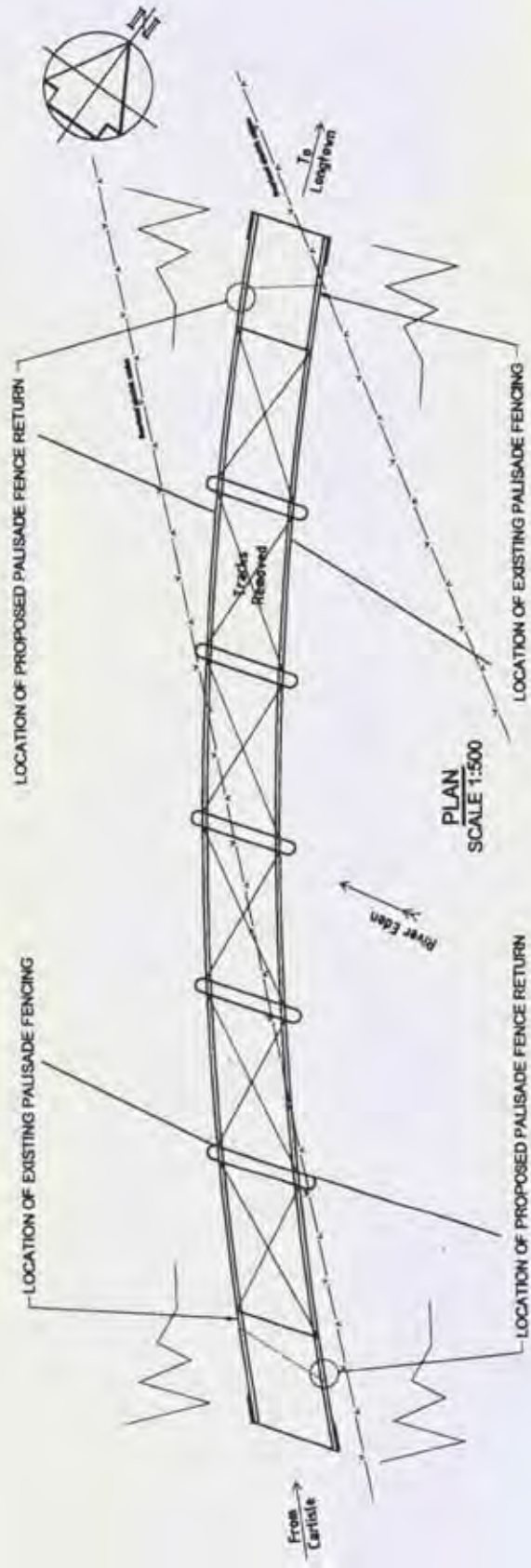
ORDNANCE SURVEY PLAN
SCALE 1:1250



ORDNANCE SURVEY EXTRACT
NTS

REV	DATE	FOR INFORMATION PURPOSES	CA	CHK	APPROVED
1	28.05.10	PURPOSE OF REGION	DRAWN	CHECKED	APPROVED
JACOBS 1st FLOOR, NORTHVIEW HOUSE, 8 BOLTON STREET, YORK, YO1 1AC, ENGLAND TEL: +44(0)1904 851 700 FAX: +44(0)1904 851 801 WEB SITE: WWW.JACOBS.COM					
BRB (Residuary) Ltd					
PROJECT MAJOR WORKS PROGRAMME 2009-2012					
DRAWING TITLE STRUCTURE ETC 265 BRIDGE SITE PLAN					
DRAWING STATUS FOR INFORMATION					
SCALE: 1:2500 @ A3 DO NOT SCALE					
JACOBS No. B12360-AR CLIENT No.					
DRAWING NUMBER B123600-ETC 265-002					
REV 1					

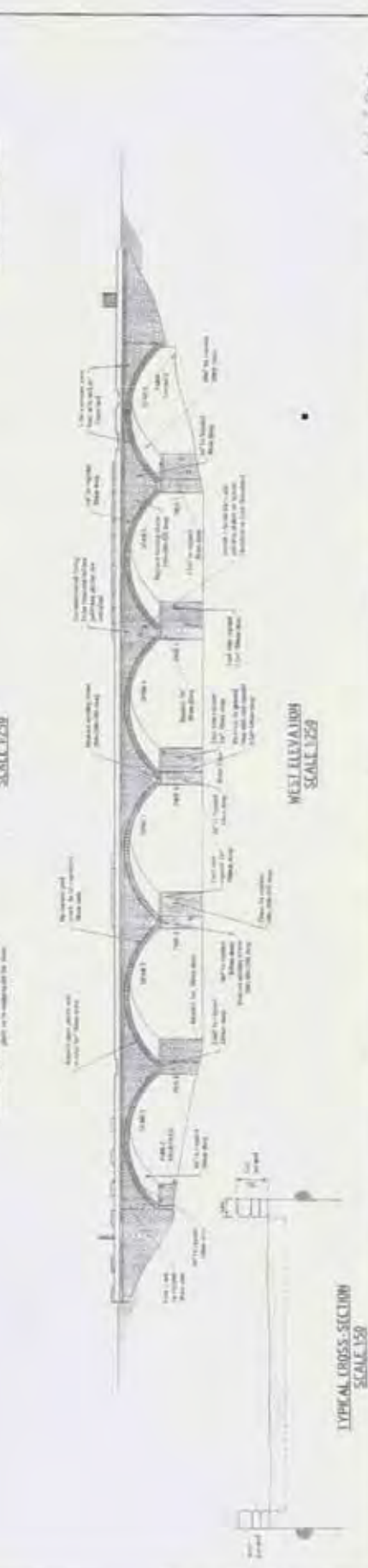
25 JUL 2011
2011/05/15



EXISTING EAST ELEVATION
NOT TO SCALE

25 JUL 2011
2011/0595

REV	22.12.08	FOR INFORMATION PURPOSES	CHK	CHK	APPROVED
	REVISION	PURPOSE OF REVISION	ISSUED	CHECKED	APPROVED
JACOBS 1st FLOOR, JACOBS HOUSE, 3, BALFOUR STREET, YORK, YO1 1RZ, ENGLAND TEL: +44(0)1904 881 700 FAX: +44(0)1904 881 801 WEBSITE: WWW.JACOBS.COM					
BRB (Residuary) Ltd					
PROJECT MAJOR WORKS PROGRAMME 2009-2012					
DRAWING TITLE STRUCTURE ETC 265 BRIDGE BLOCK PLAN					
DRAWING STATUS FOR INFORMATION PURPOSES ONLY					
SCALE: 1:500 @ A3 DO NOT SCALE					
JACOBS No. B12360-AR					
CLIENT No.					
DRAWING NUMBER					
B123600-ETC 265-002					
REV					
THIS DRAWING IS NOT TO BE USED IN WHOLE OR PART OTHER THAN FOR THE INTENDED PURPOSE AND PROJECT AS DEFINED ON THIS DRAWING REFER TO THE CONTRACT FOR					



SCHEDULE A: Applications with Recommendation

11/0701

Item No: 08

Date of Committee: 11/11/2011

Appn Ref No:
11/0701

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
17/08/2011 08:00:21

Agent:
Jacobs UK Ltd

Ward:
Stanwix Rural

Location:

Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Proposal: Temporary Consent For Retention Of Existing Steel Palisade Security
Fences Located At Each End Of Viaduct For A Further 3 Years (LBC)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact On The Listed Waverley Viaduct

3. Application Details

The Site

- 3.1 Waverley Viaduct, which is owned by BRB (Residuary) Ltd, is a six span viaduct constructed entirely of masonry, which was built to carry a railway line across the river and as a consequence only has low parapet walls along its edges. The structure was listed in 1994.
- 3.2 Fencing was put in place at ends of viaduct in 1983/4 in order to prevent public access. This was as a result of vandalism to the parapet, when some 70m was pushed into the river. When the viaduct was listed, two rows of back to back palisade fencing, which varied in height from 1.8m to 2.1m, was in place at either end of the viaduct. BRB tried to open up the viaduct to the public in 2008 and erected timber fencing along the edge of the viaduct but this was vandalised straight away. Following this, BRB reverted back to maintaining barriers at either end of the viaduct in order to prevent public

access.

- 3.3 The barriers that are currently in place consist of dark green steel sheeting, fixed to palisade fencing. The maximum height of the fencing is 2.1m. The steel sheeting has been successful in reducing public access to the viaduct.

Background

- 3.4 In March 2010, temporary planning permission and Listed Building Consent were granted by Development Control Committee for the retention of existing steel palisade security fences located at each end of the viaduct. This permission expired on 31st March 2011.
- 3.5 BRB is keen to transfer ownership of the viaduct to another body and would be prepared to pay a lump sum for future maintenance. The City Council has been in discussions with BRB about the future of the viaduct and these discussions are on-going.

The Proposal

- 3.6 The proposal is seeking temporary retrospective planning permission for the retention of the existing steel palisade security fences located at each end of the viaduct for a further 3 years.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to ten neighbouring properties. Nine letters of objection and two letters of support have been received.
- 4.2 The letters of objection make the following points:
1. fences should be erected beside a footpath crossing the bridge, the cost being born by the developer;
 2. Council should resolve the access problems and either pay for protective fencing or persuade BRB to do so;
 3. there should be no further delay in re-opening the viaduct - a petition has been signed by over 2,000 people who want the viaduct re-opened. Council should encourage public access and not hinder exercise;
 4. opening up the viaduct would have many benefits - ideal for recreation. Would boost tourism by providing a northern link to Hadrian's Wall
 5. if another temporary consent is granted, it should be for a maximum of 6 months;

6. the barriers divide the city and prevent integration;
7. the barriers adversely affect the listed structure, which should be an asset;
8. unchallenged use of a footpath by the public for at-least 20 years may be rise to a presumption of dedication under Section 31 of the Highways Act 1980 - the viaduct has been used by the public for at-least 30 years;
9. only one side of the fencing has been painted green - on sunny days the unpainted sides can be seen from miles away;
10. the vandalised fencing has been left in site and this detracts from the viaduct;
11. gateways in a similar style to Engine Lanning could be provided at the bridge entry and exit points;
12. the last permission was only temporary and BRB are supposed to working up a scheme to repair the parapets and come up with an acceptable long-term solution, neither of which have been done.

- 4.3 The two letters of support want the barriers to be retained in place. They prevent trespass onto the bridge and onto farmland on the north side of the River Eden and reduce risk to the public and the structure.

5. Summary of Consultation Responses

English Heritage - North West Region: - no objections to the retention of the security/ safety fencing on the viaduct, on the basis that evidence of the development of a plan for its long-term preservation is demonstrated. The viaduct appears to be generally sound but is clearly in a deteriorating condition and requires re-establishment of a use in order to secure its significance and sustainable future. The long-term preservation of the fabric of the viaduct must be achieved without compromising its fundamental significance. The proposed security fencing will detract from the character, appearance and function of the bridge. English Heritage understand that this is a temporary measure, which is considered necessary for safety reasons, on which basis there is no fundamental objection. As the use of the bridge is currently uncertain, suggest that action is taken to clarify the physical condition of the bridge, arrest any identified deterioration and identify works necessary to bring the bridge back into use;

6. Officer's Report

Assessment

- 6.1 This application for Listed Building Consent, relates to the same development at Waverley Viaduct as proposed under application 11/0595, which precedes this report in the schedule. The principal issues raised by the application are set out in the report for application 11/0595.

7. Planning History

- 4.1 In September 2000, planning permission and Listed Building Consent were granted for maintenance work to the bridge, including masonry repairs, re-pointing, tie bars and patress plate installation, painting and fencing works (00/0459 & 00/0466).
- 4.2 In March 2010, temporary planning permission and Listed Building Consent were granted for the retention of existing steel palisade security fences located at each end of the viaduct (09/1094 & 09/1135).
- 4.3 In July 2010, temporary Listed Building Consent was granted for additional palisade outstands to existing palisade fencing located at each end of viaduct (10/0471).

8. Recommendation: Grant Permission

- 1. The approved documents for this Planning Permission comprise:
 - 1. the submitted planning application form, received 17 August 2011;
 - 2. Design & Access Statement, received 17 August 2011;
 - 3. Site Plan, received 17 August 2011 (Drawing No. B123600-ETC 265-002);
 - 4. Block Plan, received 17 August 2011 (Drawing No. B123600-ETC 265-002);
 - 5. Palisade Fencing Elevation, received 17 August 2011 (Drawing No. B123600-ETC 265-003);
 - 6. Proposed Palisade Fencing, received 17 August 2011 (Drawing No. BAL-01-ETC/265);
 - 7. Proposed Palisade Fencing Plan, received 17 August (Drawing No. BAL-02-ETC/265);
 - 8. the Notice of Decision; and
 - 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

- 2. The fences hereby approved, shall be removed and there shall be carried out such works as may be required for the reinstatement of the land to the satisfaction of the Local Planning Authority by not later than the 31st October

2012.

Reason: The Local Planning Authority wish to review the matter at the end of the limited period specified.

SCHEDULE A: Applications with Recommendation

11/0208

Item No: 09

Date of Committee: 11/11/2011

Appn Ref No:
11/0208

Applicant:
Orton Grange Wind
Energy

Parish:
Orton

Date of Receipt:
21/03/2011

Agent:
Gray Associates Limited

Ward:
Burgh

Location:

Orton Grange Farm, Dalston, Carlisle, CA5 6LA

Proposal: Erection Of Single Wind Turbine (Height To Tip 65 Metres)

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
- 2.2 The impact of the proposed development on the landscape and visual character of the area;
- 2.3 The effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
- 2.4 The effect of the proposal on the natural environment;
- 2.5 The impact on Carlisle Airport.

3. Application Details

The Site

- 3.1 Orton Grange Farm is located adjacent to the A595, close to the new Orton Grange roundabout. It consists of a working farm, along with a farm shop, swimming pool, conference room, craft workshop and display area, seating area and cafe.
- 3.2 The application site is an agricultural field located three fields to the rear of

Orton Grange Farm, and is surrounded by agricultural land. The field is laid to grass and is either grazed or cut for silage. To the east is the A595 and to the south is the minor road leading from the A595 to Great Orton. The application site is located over 250 metres to the northwest of the farm steading within a field, with adjoining agricultural fields delineated by hedges, post and wire fences and occasional hedgerow trees. The application site is categorised as being within sub-type 5a Lowland - Ridge and Valley as identified in the Cumbria Wind Energy Supplementary Planning Document (2007) and the Cumbria Landscape Character Guidance and Toolkit (2011).

The Proposal

- 3.3 The application seeks permission for the erection of 1no. 330kw wind turbine, which will have three blades with a 33m rotor diameter, a hub height of 49m and a tip height of 65m.
- 3.4 The single wind turbine will produce electricity to be used by the consortium of local businesses associated with Orton Grange Farm, including the Farm Shop, Orton Grange Ice Cream and the Orton Grange Swimming Pool, and also the nearby Jeffrey's Wood Boarding Kennels. Excess electricity will be exported to the national grid.
- 3.5 Access to the turbine will be via the existing field gate, this access will be temporarily widened to accommodate the delivery vehicle. This will necessitate the removal of 6m of hedgerow as part of the proposal.
- 3.6 The turbine will be connected to the substation adjacent to No 1 Orton Grange Cottages. The route of this underground cable is all within land under the applicants ownership.
- 3.7 The application is accompanied by a Design and Access Statement/Supporting Document, an Aviation Assessment, Sound pressure level details; a Hedgerow Assessment; a MOD Study report; Enercon Access Roads and Crane Platform Details; additional information from Ian Wrigley for RSPB; Photo Montages (Appendix 1) and an Ecological Report (Appendix 3).

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. In response six letters of objection have been received. The grounds of objection are summarised as;
 - 1. the turbine is inappropriate to the area;
 - 2. not safe due to low flying aircraft in the area;
 - 3. the proposal is not far enough away from residential homes;
 - 4. will be in full view and directly opposite East Grange Cottage;
 - 5. it is too high;
 - 6. the turbine is too close to the A595 and will result in Road traffic accidents;

7. the turbine will devalue the surrounding properties;
8. impact on the landscape and the intrusion into open countryside;
9. the scale of the turbine seems disproportionate to the supply requirement;
10. it will be excessively prominent in the landscape;
11. the visual impact in terms of rotor blade motion and possible 'flash' could present a safety hazard on the main road;
12. the turbine will cause a safety hazard on an already busy and dangerous stretch of road due to flicker effect;
13. it is not in keeping with this semi-rural area;
14. the turbine will interfere with and be dangerous to the local wildlife in the area;
15. the turbine is too close to residences and will impact upon them in terms of noise;
16. the rural aspect will be ruined by the size and appearance of the turbine;
17. noise will be an issue due to the presence of only open fields between the site and Baldwinholme;
18. due to the size and output of the turbine it is not for domestic use, but a revenue-generating project.

5. Summary of Consultation Responses

Cumbria County Council - Archaeological Services: no objections;

Ministry of Defence/Defence Estates: no objection to the proposal. If approved, the turbine should be fitted with aviation lighting;

English Heritage - North West Region: the application should be determined in accordance with national and local policy guidance;

Solway Coast AONB Unit: no response received;

North Pennines AONB Partnership: no response received;

Local Environment - Environmental Protection: no objections;

Department for Transport - Highways Agency: no objections - this part of the A595 is no longer a trunk road, as such the Highways Agency do not need to be consulted;

Environment Agency: no objections;

Eskdalemuir Seismic Recording Station: no response received;

Civil Aviation Authority: have advised Carlisle Airport, MoD and NATS should be consulted;

National Air Traffic Services: no objections;

Council for Protection of Rural England/Friends of the Lake District: no response received;

Joint Radio Co: no objections;

Carlisle Airport: no objections further to receipt of the Aviation Report;

Orton Parish Council: object to the proposal in terms of i. amenity, ii. wildlife, iii. road safety and iv. creation of a precedent for wind turbines in the area. They have also requested that the Planning Committee go on a site visit prior to determining the application;

Cumbria County Council - Highway Authority: proposed HGV route required;

Royal Society for the Protection of Birds: further to the additional information, have no objections;

United Utilities: no objections;

BBC: no objections;

Cumbria County Council - Wind Energy Consultations: no objections subject to further information being received regarding i. proposed route of the turbine components, ii. how the management of Jeffreys Wood will be secured, iii. how the turbine will be decommissioned at the end of its operational life;

Natural England: no objections subject to RSPB being satisfied;

Cumbria Wildlife Trust: no response received;

Cumbria Tourism: no response received;

BT Openreach: no response received;

Digital Technology: no response received;

Green Spaces - Countryside Officer: no response received;

Office of Communications -Wind Farm Enquiries: there are four fixed link end(s) are within or have a path that crosses a 500m radius coordination area for the turbine location.

6. Officer's Report

Assessment

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan unless and until the Localism Bill is enacted. Given the stage of the Localism Bill (and the lack of certainty as to what its ultimate content will be) it is inappropriate to give weight to the Governments intention to revoke the RSS; and this is in accord

with the Court of Appeals judgment in June 2011. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the “saved policies” of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnerships Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).

- 6.3 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 10% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2010 (rising to at least 15% by 2015 and at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.4 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.
- 6.5 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 6.6 A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 The site lies within landscape character sub type 5a Lowland - Ridge and Valley (Cumbria Landscape Character Guidance and Toolkit 2011). According to Map 8 (Landscape Capacity Assessment) of the Cumbria Wind Energy Supplementary Planning Document (July 2007) such a landscape has a “moderate” capacity to accommodate wind energy schemes i.e. up to a small group of 3-5 turbines or in exceptional circumstances a large group of 6-9 Turbines.

- 6.8 Other material considerations include PPS1 “Delivering Sustainable Development” and PPS1 Supplement “Planning and Climate Change”; PPS7 “Sustainable Development in Rural Areas”; PPS9 “Biodiversity and Geological Conservation”; and PPS22 “Renewable Energy” inclusive of “Planning for Renewable Energy – A Companion Guide to PPS22; Circular 8/93 “Costs in Planning and Other Proceedings”; and Circular 11/95 “The Use of Conditions in Planning Permissions”. The National Planning Policy Framework Draft Consultation (NPPF) issued on the 25th July 2011 is a material consideration which needs to be taken into account. However, its policies have been accorded little weight because it is still in draft form and may change following the consultation period.
- 6.9 The Climate Change Supplement to PPS1 refers to the urgent need for action on climate change and encourages Local Authorities to tackle the causes and impacts of climate change through policies to promote, rather than restrict, the development of renewable energy sources such as wind power.
- 6.10 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England although the potential impact of renewable energy projects close to nationally designated areas (such as National Parks and Areas of Outstanding Natural Beauty) is a material consideration. The ETSU-R-97 guidelines are to be used when assessing the impact of noise on nearby residents. PPS7 states that countryside policies should provide for the sensitive exploitation of renewable energy. PPS9 sets out the key principles relating to development and nature conservation. Planning decisions should aim to maintain, enhance, restore or add to biodiversity.
- 6.11 Paragraph 9 of Annex 3 of Circular 8/93 “Costs in Planning and Other Proceedings” highlights that planning authorities are expected to thoroughly consider relevant advice from a statutory consultee. Nevertheless, it is always the authority's sole responsibility to ensure that, if they adopt such advice, their decision is based on a complete understanding of the consultee's advice. In addition, paragraph 11 of Annex 3 of Circular 8/93 advises that planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of permission which would allow development to proceed.
- 6.12 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewables. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.

6.13 Members of Parliament have recently approved the Government's final set of National Policy Statements on energy. The NPS reiterate the key role of renewable electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.

6.14 When assessing this application it is considered that there are five main issues, namely:

1. the contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
2. the impact of the proposed development on the landscape and visual character of the area;
3. the effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
4. the effect of the proposal on the natural environment;
5. the impact on Carlisle Airport.

1. The contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits

6.15 PPS22 "Renewable Energy" identifies a number of key principles which local planning authorities and developers should adhere to in their approach to planning for renewable energy. Paragraph 1(i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Paragraph 1(iv) records that the wider environmental and economic benefits of considerations that should be given significant weight in determining whether proposals should be given planning permission. Paragraph 1(viii) requires that development proposals should demonstrate how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. There is no specific requirement in PPS22 to provide precise calculations on the energy levels to be derived from a particular proposal and/or examine alternative sites.

6.16 Paragraphs 2 to 5 of PPS22 highlight that the Regional Spatial Strategy should include the target for renewable energy capacity in the region. The targets should be reviewed on a regular basis and revised upwards if they are met. However, the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects, nor should the potential for offshore generation be used as a justification to set lower onshore targets.

6.17 Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 10% of the region's electricity production from renewable sources

by 2010 and rising to 15% in 2015 and 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5 MW by 2015.

- 6.18 The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met.
- 6.19 The current proposal would provide a total maximum 'installed capacity' of 330kW. Whilst this does not go very far towards meeting the deficit, Members should note that PPS22 also stresses that small scale projects can provide a limited but valuable contribution to the overall output of renewable energy and to meet energy needs both locally and nationally.

2. Landscape and visual impacts including cumulative impact

- 6.20 Paragraphs 19 and 20 of PPS22 highlight that (1) landscape and visual effects should be assessed on a case by case basis using objective descriptive material and analysis wherever possible; and (2) of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects.
- 6.21 Paragraphs 1(iv) and (v) of PPS7 explains that the Government's aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife and the wealth of its natural resources, and so that it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness. Paragraph 16(iv) also advises that planning determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.
- 6.22 The application site comprises a gently rolling improved pasture field in an agricultural landscape (with field boundaries being mainly hedgerows, wire fencing and occasional hedgerow trees). A row of high voltage electricity pylons run through the field in a north to south formation.
- 6.23 The local landscape continues the gently rolling characteristic and is largely farmed pasture. Several large scale farm and garden nursery developments are dotted throughout the landscape. Residences are also dotted through the landscape, often found in small clusters around road junctions or as compact villages. Many of the properties close to the site are bungalows with mature garden screening. The operational Great Orton wind farm is located approximately 3.5km north west of the site.
- 6.24 The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbine is within the size limits suggested for this landscape type.

- 6.25 It is considered that a single turbine would not significantly harm the local landscape character, and would be generally compatible with the general scale of the rolling landscape, medium sized fields, pylons and larger farm and nursery buildings. Although the turbine would be around 20m taller than the pylons, it would appear in scale with them and other turbines in the local landscape.
- 6.26 The applicant has considered the effect of the proposal on local views and nearby residential properties. The nearest property, 2 Orton Grange Cottages, is located 324m from the turbine. This is a similar distance from the nearest property to the turbines at Great Orton wind farm. The operational turbines are also a similar height to this proposal.
- 6.27 The nearest properties are likely to have limited views of the turbine due to a combination of their size (single storey), orientation, and screening from garden planting and other buildings. Properties on the southern side of the A595 are generally well screened by garden vegetation and those located at Woodville are orientated away from the turbine.
- 6.28 It is considered that the size of the turbine, its distance from properties and the screening provided by buildings and vegetation would help to prevent the turbine from being oppressive or dominant from living or working spaces of nearby properties.
- 6.29 As an engineered structure, where visible, the turbine would visually contrast with the more natural surroundings. However despite its height, the proposal has a relatively minimal form, with no additional equipment housing or perimeter fencing being required and given (1) the existing nature of the landscape; (2) the location of the existing high voltage pylons and (3) the proposed colour of the wind turbine (white) it is not considered that the proposal will adversely impact on the visual amenity and character of that landscape. Conditions are attached requiring removal of the turbine at the end of its operational life (or if it ceases to be operational for a continuous period of 12 months) and reinstatement of the land to its former condition.

3. Living conditions of local residents

- 6.30 The noise levels generated by the wind turbine are specified as 42dB(A) at a distance of 350m from the turbine, this decreases if the distance is extended. PPG24 (Planning and Noise) recommends using BS8233;1999 Sound Insulation and Noise Reduction in buildings-Code of Practice. This (1) recommends that noise levels in bedrooms at night should not normally exceed 45dBLA max (these values do not apply to noise generated within the house) and (2) suggests that steady noise in gardens should not exceed 50dbLAeqT.
- 6.31 Given the siting of the wind turbine relative to dwelling houses in the area (the nearest property being 324m away from the turbine) it is not considered that the proposal will have an adverse impact on the living conditions of neighbouring residents. However, as a safeguard, a condition is recommended, to ensure that the sound levels produced by the wind turbine do not exceed those specified in the Design and Access Statement and

sound pressure level details submitted with the application.

- 6.32 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. In this case, the information accompanying the current application does not confirm the likely operating frequency.
- 6.33 In relation to amenity, paragraph 76 of the Wind Energy Annexe to the Companion Guide to PPS22 makes it clear that shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. In this instance there are no properties within this area and as such there is no risk of such an impact on residential amenity.

4. The Effect Of The Proposal On The Natural Environment

- 6.34 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the siting of a wind turbine within agricultural land currently used as grazing.
- 6.35 Breeding Birds and Bat Potential have been highlighted within the vicinity. However, as the turbine has been located over 50m from the nearest habitat feature (hedgerows, woods, buildings etc) this negates the need for a bat survey.
- 6.36 Natural England raised no objections to the proposal, and the RSPB have withdrawn their objection further to the additional information being received, consisting of a detailed bird survey within a 2km radius of the site.
- 6.37 Taking into account the proposed development, its location and surroundings it is considered that there should be no significant effects from the proposal, and that there will be no harm to the favourable conservation of any protected species or their habitats. Advisory notes have been imposed within the decision notice with regard to protected species.
- 6.38 It is noted that in order to widen the field access gate it will be necessary to remove 6m of hedgerow. However, the applicant has confirmed that following erection of the turbine the hedgerow will be reinstated with new, comprising

40% Hawthorn, 20% Blackthorn, 10% Elderberry, Holly Hazel and 5% Dog rose and Honeysuckle.

- 6.39 The Council's Landscape Architect and Tree Officer originally objected to the application, further to this a Hedgerow assessment was received. The scheme was amended to relocate the access track and the route of the proposed underground cable to avoid the Hedgerows. This is considered to be acceptable and four conditions relating to tree protection and landscaping have been recommended.
- 6.40 The applicant has indicated their intention to enhance the management of nearby Jeffreys Wood. This will act as a screen to the proposal from some local views. A condition has been included requiring further details of this to be submitted to the Local Authority.

5. Carlisle Airport

- 6.41 Further to the receipt of the Aviation Assessment, Carlisle Airport have confirmed that they have no objections to the proposal.

Other Matters

- 6.42 Members are advised that the MoD have raised no objections to the application, but have recommended that the turbine is fitted with aviation lighting.
- 6.43 It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbines location, it is not considered that they are of sufficient weight to influence the outcome of the proposal.
- 6.44 Cumbria County Council have requested further information relating to i) the future management of Jeffreys wood (as discussed in section 6.40 of this report), ii) ensuring the turbine is decommissioned at the end of its operational life and iii) the proposed route of the cranes/lorries bringing the turbine to the site. These issues can all be dealt with by way of condition.

Conclusion

- 6.45 In conclusion the proposal involves the erection of a single turbine to serve the needs of the Orton Grange business consortium, with the possibility of spare capacity feeding into the National Grid.
- 6.46 National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.
- 6.47 Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, and the existing electricity pylons it is considered that the turbine will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

- 6.48 It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 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 Local Plan and, as such, is recommended for approval subject to the imposition of appropriate conditions.

7. Planning History

- 4.1 There have been various applications at Orton Grange Farm, however none are directly relevant to this application.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form;
2. Location Plan received 28th October 2011 (D1a);
3. Block Plan received 28th October 2011 (D2a);
4. Turbine Elevations received 18th March 2011;
5. Planning Statement/Design and Access Statement received 18th March 2011;
6. Hedgerow Assessment Report received 28th July 2011;
7. Sound pressure level details received 15th March 2011;
8. Aviation Report received 27th September 2011;
9. Nats/Radar Report received 15th March 2011;
10. Appendix 1 - Photomontages received 15th March 2011;
12. Appendix 3 - Ecological Report received 15th March 2011;
13. Enercon Access Roads and Crane Platform details received 15th March 2011
14. Further bird information from Ian Wrigley Environmental Land Management received 8th May 2011;
15. the Notice of Decision; and
16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components, as described in the documents listed in condition 2 above, shall be removed from the site.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site which shall be reinstated to its original condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. The noise levels of the turbines shall not exceed the levels indicated the Planning Statement (received by Planning Services on 18th March 2011) or the Sound Pressure Level sheet received by Planning Services on 15th March 2011.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

6. Details of the haulage route, its remedial measures, site access and any alterations to the existing highway shall be submitted to the Local Planning Authority for approval. The development shall not commence until the details have been approved. Any (highway) restoration measures thereby agreed to shall be completed prior to the site becoming operational.

Reason: In the interests of highway safety and in accordance with Local Transport Plan policies LD7 and LD8.

7. The turbine shall not become operational until full details of the proposed management scheme for the nearby Jeffreys Wood have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

8. Prior to the turbine being erected on site, full details of the proposed aviation lighting, as recommended by the Ministry of Defence, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of air safety and in accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

9. No site clearance, preparatory work or development shall take place until the Local Authority has approved in writing the full details of which trees and

hedges are to be retained by reference to a plan showing the location of every hedge and every tree (with a diameter of over 100 mm measured over the bark at 1.5m above ground level), and is either on the application site or is on adjacent land and is so located that the application site includes any land within the root protection area as determined using the calculation within BS 5837: 2005 trees in relation to construction.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

10. No site clearance, preparatory work or development shall take place until the Local Authority has approved in writing the full details of a method of tree and hedge protection including a detailed specification for the tree and hedge protection barriers and their location.

Reason: The local planning authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. The protection of any existing tree or hedge to be retained in accordance with the previous conditions shall be achieved as follows:
- i. No equipment, machinery, or materials shall be brought onto the site for the purpose of development until fencing has been erected in accordance with the plans and particulars which have previously been approved by the Council in writing;
 - ii. If that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council
 - iii. The fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been moved from the site; and
 - iv. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below ground, the ground level shall not be altered, no excavations shall be made, no fires lit within 10 m of the nearest point of the canopy of a retained tree or hedgerow, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area without the prior written consent of the Council.
 - v. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

12. No works or development shall be carried out until details of a landscaping scheme have been submitted to and approved 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 in accord with Policy CP1, and CP2 of the Carlisle District Local Plan 2001-2016.





Scale: 1:1000
North Arrow
Block Plan (1/1000)



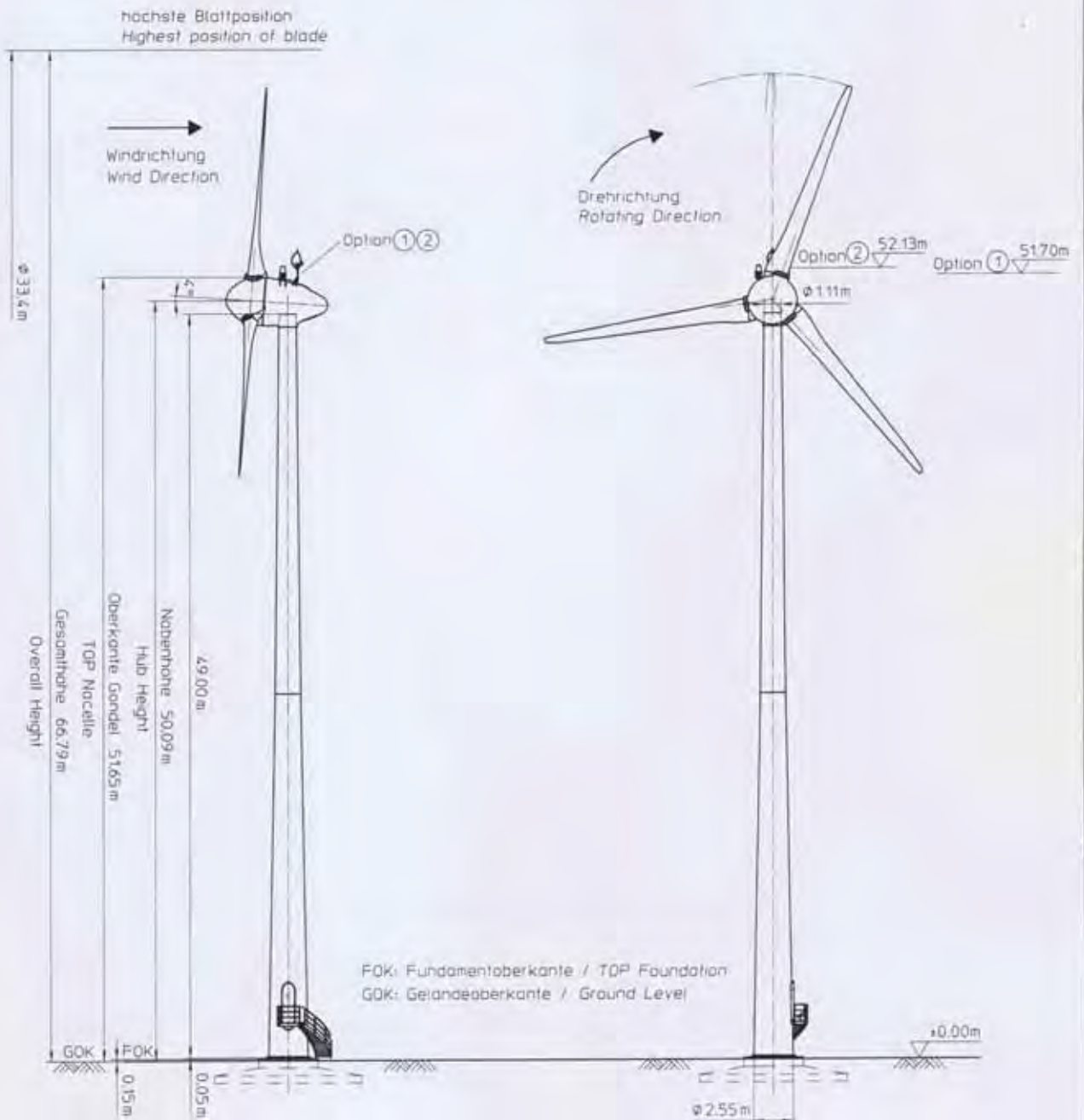
Block Plan (1/1000)

Block Plan (1/1000)

Block Plan (1/1000)

Block Plan (1/1000)

Block Plan (1/1000)



ENERCON GmbH
Windkraftanlagen
Windkraftanlagen

Typenbezeichnung
Typenbezeichnung

Typenbezeichnung
Typenbezeichnung

ANSCHN SIGNUM
ANSCHN SIGNUM

E-33/S/49/ZK/01
E-33/S/49/ZK/01

Project / Project	Project / Project
Grundhöhe über NN / Ground Height Above Sea Level	Grundhöhe über NN / Ground Height Above Sea Level
Gesamthöhe über NN / Total Height Above Sea Level	Gesamthöhe über NN / Total Height Above Sea Level
Optionen / Options	Optionen / Options
① Nachbauweise / Nighttime Noising W - Rot / W - Red	① Nachbauweise / Nighttime Noising W - Rot / W - Red
② Turbinenrechner / Daytime Noising keine Blaulicht mit Schweißverbildung white Noising with visually reduction	② Turbinenrechner / Daytime Noising keine Blaulicht mit Schweißverbildung white Noising with visually reduction

Project / Project	Project / Project
Grundhöhe über NN / Ground Height Above Sea Level	Grundhöhe über NN / Ground Height Above Sea Level
Gesamthöhe über NN / Total Height Above Sea Level	Gesamthöhe über NN / Total Height Above Sea Level
Optionen / Options	Optionen / Options
① Nachbauweise / Nighttime Noising W - Rot / W - Red	① Nachbauweise / Nighttime Noising W - Rot / W - Red
② Turbinenrechner / Daytime Noising keine Blaulicht mit Schweißverbildung white Noising with visually reduction	② Turbinenrechner / Daytime Noising keine Blaulicht mit Schweißverbildung white Noising with visually reduction

APPENDIX 1

PHOTO MONTAGE TO SUPPORT PLANNING APPLICATION FOR A SINGLE WIND TURBINE AT ORTON GRANGE FARM

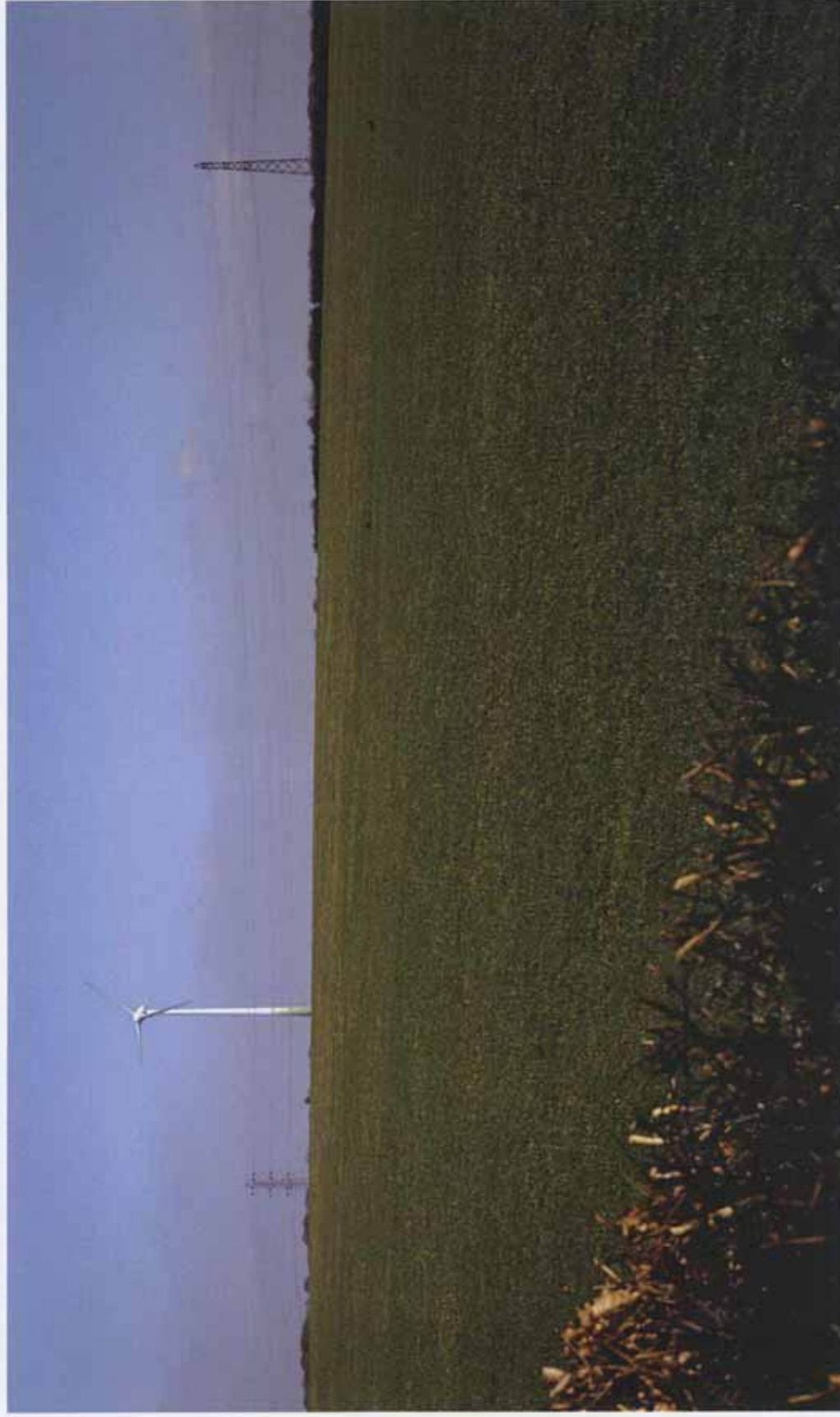


PHOTO 1 (SEE REF ON DRAWING D1)



PHOTO 2 (SEE REF ON DRAWING D1)



PHOTO 3 (SEE REF ON DRAWING D1)



PHOTO 4 (SEE REF ON DRAWING D1)

SCHEDULE A: Applications with Recommendation

11/0716

Item No: 10

Date of Committee: 11/11/2011

Appn Ref No:
11/0716

Applicant:
Mr Paul Marshall

Parish:
Wetheral

Date of Receipt:
26/08/2011

Agent:
Hogg & Robinson (Design
Services) Limited

Ward:
Wetheral

Location:

Ardneil, Aglionby, Carlisle, CA4 8AQ

Proposal: Change Of Use Of Land From Agricultural To Domestic Garden; Erection Of General Purpose Building

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the scale and design are acceptable
2.2 Impact of the proposal on the living conditions of the occupiers of any neighbouring properties

3. Application Details

The Site

- 3.1 The application site is owned by the occupiers of Ardneil, the residential property that lies directly to the south. The site lies immediately adjacent to the existing rear garden of Ardneil and to the rear of part of the front garden to this property. The residential property of Wyker House adjoins the site to the east and is separated from it by a solid timber fence. A timber building, which previously occupied the site, was demolished in 2000 but the concrete floor of this building remains in place. A field lies directly to the rear of Ardneil and this is owned by the applicant. A shed has recently been erected in part of this field but this would be removed if permission is granted for the new building.

Background

- 3.2 The application site was previously occupied by Aglionby Village Hall. Once the use of the hall ceased in 1953, the building was used as an agricultural building to house livestock. Following the construction of Ardneil, the building has been used for a number of purposes including for the keeping of horses, as a garage and for domestic storage. The building was demolished in 2000, due to its dangerous condition.

The Proposal

- 3.3 This application is seeking planning permission for the change of use of land to domestic garden and for the erection of a general purpose agricultural building on part of the site of the former village hall. The building would be used to store a range of agricultural machinery and domestic items, including a tractor, a rotavator, a ride on lawn mower, animal feed, garden furniture and general garden and household items. The new building would occupy approximately half of the site, with the remainder being retained as hardstanding. The building would measure 8.7m in length by 8.6m in width and would be constructed of dark green profile sheeting, with brown stained timber boarding to the front elevation. It would have a pitched roof, which would measure 3.3m to the eaves and 4.5m to the ridge. Four clear roofing sheets would be provided in both roof slopes to increase light into the building. Large doors, 3.4m in height, would be provided in the front and rear elevations of the building, which would provide access to the field to the rear and to the area of hardstanding, which is to be retained to the front of the building.
- 3.4 The building would be accessed via the neighbours driveway, over which the applicant claims to have a Right of Way. This is disputed by the neighbour and it is understood that this matter is currently in the hands of solicitors. If it is deemed that the applicant has no vehicular right of way over the neighbours driveway, access could be accommodated through the front garden of the applicant's property. The provision of doors in both the front and rear elevations of the building would make this possible.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Five letters of objection have been received, which make the following points:
- access to the building would be over land owned by the occupiers of Wyker House;
 - the access is unsafe, as vehicles can only reverse off the road;
 - the building will be used to run the applicant's building business, which is to be transferred from Tameside;

- the proposal breaches all of the criteria of Policy CP16;
- the size and height of the proposed building is of an unacceptable scale;
- not convinced that a building of the size proposed is necessary;
- the proposed 4 car parking spaces would lead to an unacceptable increase in traffic and noise;
- the proposed building is visually intrusive and would be visible from the adjacent road and from neighbouring properties;
- the proposed materials are suitable for an industrial/ commercial building on an industrial estate and not a residential village;
- the proposed building is out of context with the rest of the village;
- the proposed building is contrary to criteria 1 of Policy CP5, regarding its height, scale and massing and by its use of inappropriate materials.

5. Summary of Consultation Responses

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

Wetheral Parish Council: - should the application be approved, conditions should be placed on the permission to ensure that the building is solely used for domestic purposes and is not put to commercial use;

English Heritage - North West Region: - no comments;

Hadrian's Wall Heritage Limited: - comments awaited;

Northern Gas Networks: - no objections;

United Utilities: - no objections. A public sewer crosses the site and a 6m access strip (3m either side of the centre line of the sewer) is required by United Utilities.

6. Officer's Report

Assessment

6.1 The relevant planning policies against which the application is required to be assessed are Policies LE7, CP5 and CP6 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Scale And Design Are Acceptable

6.2 It is acknowledged that the building would be large, having a floor area of

approximately 75 sq m and a ridge height of 4.5m. The applicant does, however, own a large field to the rear of Ardneil and the building would be used to store a range of agricultural items as well as domestic items. The size of the agricultural machinery has dictated the height of the building. A much larger building previously occupied the site and the concrete floor for this building remains in place. An existing storage building, which is located in part of the field to the rear of Ardneil, would be removed if permission is granted for this building. In light of the above, there is a justification for the proposed change of use of the land.

- 6.3 The building would be constructed of dark green profile sheeting, with the front elevation being clad in brown stained timber boarding. It would have a pitched roof, which would contain some clear sheeting to increase light within the building. The materials are acceptable for the building's proposed use. In light of the above, the scale and design of the proposal would be acceptable.

2. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.4 The building would lie adjacent to the rear garden of Wyker House and would be sited a minimum of 12m away from the rear elevation of this dwelling. It would measure 3.3m to the eaves and 4.5m to the ridge, with the ridge being located over 4m from the boundary with Wyker House. The building would be used to store agricultural machinery and equipment and for domestic storage and this would be controlled by condition. In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

Conclusion

- 6.5 The scale and design of the proposal would be acceptable. It would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects the proposal is compliant with the objectives of the relevant adopted Local Plan Policies.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form, received 22 August 2011;
 2. Design & Access Statement, received 22 August 2011;
 3. History of the previous building, received 22 August 2011;
 4. Site Location Plan/ Block Plan/ Proposed Floor Plan & Elevations, received 22 August 2011 (Drawing No. 01A-M-A-300611);
 5. the Notice of Decision; and
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

4. The storage building hereby permitted shall not be used except for private and domestic purposes associated with Ardneil and for the storage of agricultural machinery and implements and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

5. Within 1 month of the general purpose building hereby approved being completed the existing storage building located to the rear of the garden to Ardneil shall be removed from the site and the land restored to its previous use.

Reason: To protect the character of the area and to accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Shown in plan (shown in plan) in plan



Proposed Southeast Elevation

Shown in plan (shown in plan) in plan



Proposed Southwest Elevation

Shown in plan (shown in plan) in plan



Proposed Rear Northwest Elevation

Shown in plan (shown in plan) in plan

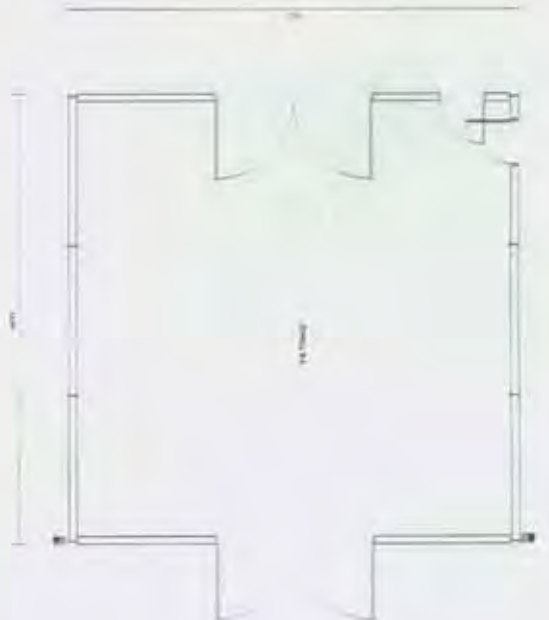


Proposed Northeast Elevation

Clear roofing sheets

Clear roofing sheets

Back view



14.0m

NOTE

Assorted garden furniture, benches/tables and chairs.
Agricultural machinery, rotavator, tractor and associated implements.
Animal feed
Lawn mowers, ride on plus push type.
General garden and household items.



Site location Map Scale 1:1000



Proposed Block Scale 1:1000

RECEIVED
17 JUL 2011
RECEIVED
27 JUL 2011
11.0.11

HOGG & ROBINSON BUILDERS LTD.
DESIGN SERVICES

Project Name	14.0m
Project Address	14.0m
Project Client	14.0m
Project Date	14.0m
Project Status	14.0m
Project Notes	14.0m

PLANNING SERVICES	
REF	11/0716
19 SEP 2011	
RECORDED	KL
SCANNED	
PASSED TO	OD
ACTION	

ARDNEIL,
AGLIONBY,
CARLISLE.
CA4 8AC.

19th Sept. 2011.

F.A.O. Mr. Stephen Daniels,
Carlisle City Council,
Development Services,
Civic Centre,
CARLISLE
CA3 8AG.

Dear Mr. Daniels,

Application Ref. 11/0716.

I would like to respond to Mr. Dervin's letter dated 1st Sept. 2011
objecting to the above planning application.

1. He states that access to the building would be over land owned by him and his wife. We have right of way over this land "for all purposes and at all times". Mr. & Mrs. Dervin sent a solicitor's letter to us stating that we were trespassing by using our right of way. We employed Cartmell Shepherd, Solicitors, to check our deeds and they informed Mr. & Mrs. Dervin's Solicitor that we have right of way 'for all purposes and at all times'. (Total cost of this was £780.00)
2. No new walls were built, the walls were originally built by my Father in 1962/3. Paul took these existing walls down and rebuilt them in exactly the same position as before as they were in a dilapidated state.
3. Mr. Dervin states he has had no difficulties with neighbours. In March 1994 my Mother had difficulties with Mr. Dervin. He laid gravel on our land and was parking cars on this land. The shrubs Mr. Dervin mentioned was put in to stop him parking cars on our land.
4. Mr. Dervin states that Paul is going to build a workshop and transfer his building business from Ashton-u-Lyne. He states Paul informed him verbally about this. THIS IS AN ABSOLUTE LIE. Paul is retiring and selling all his business interests in Ashton-u-Lyne.

Yours faithfully,

P. L. Marshall
Paul Marshall

SCHEDULE A: Applications with Recommendation

11/0690

Item No: 11

Date of Committee: 11/11/2011

Appn Ref No:
11/0690

Applicant:
Hayton Construction
Limited

Parish:
Hayton

Date of Receipt:
25/08/2011

Agent:
Ashwood Design
Associates

Ward:
Hayton

Location:

L/adj to Townhead Cottage, Townhead, Hayton

Proposal: Erection Of 8no. Holiday Let Units

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application be approved with conditions.

2. Main Issues

- 2.1 The sustainability of the location
- 2.2 The scale of the development
- 2.3 Impact on the character of the area
- 2.4 Impact on the living conditions of neighbouring residents
- 2.5 Ecology and biodiversity
- 2.6 Access
- 2.7 Benefits

3. Application Details

The Site

- 3.1 The application site is located on the eastern side of the unclassified Townhead Road to the immediate south of Townhead Cottage and Woodleigh; and approximately 80 metres to the north of the junction with the Talkin/Castle Carrock Road. The site is the northernmost part of an open field, vehicular access to which was originally via the Talkin/Castle Carrock Road. A second access has recently been formed under permitted development rights onto the Townhead Road. The applicant has also

excavated part of the application site.

- 3.2 Development at Townhead is essentially linear in form with the neighbouring dwellings to the north at Woodleigh and Oakleigh being two storey houses and a bungalow at Upwood. Members will recollect that during their previous Meeting planning permission was recently granted under application 11/0433 for the replacement of Townhead Cottage.
- 3.3 The land rises from the road to the east with the backdrop of Townhead Wood and Whinhill Wood. Whinhill Wood is in part an “ancient woodland”. Immediately to the east of the application site there are some apple trees, a spruce tree, beach tree, and two lime trees. Approximately 110 metres to the north, a public footpath runs through Townhead Wood. The application site forms the southern approach to the hamlet.
- 3.4 The distance between the western outskirts of Hayton and the easternmost property at Townhead is approximately 100 metres. Hayton is identified under Policy DP1 of the Carlisle District Local Plan 2001-2016 as a Local Service Centre. Townhead is not, however, within Hayton’s settlement boundary as defined under H1 of the Local Plan 2001-2016.

The Proposal

- 3.5 The current application seeks full permission to erect 8 single bedroom holiday lets based around an enclosed “U” shaped courtyard. The proposed first floor is shown to be served by half dormer windows. Each unit has a living room with adjoining kitchen and dining space on the ground floor with a w.c./shower at the entrance, and a first floor bedroom with an en-suite bathroom. The accommodation has been designed to incorporate connecting doorways to enable greater flexibility such that (should prospective occupiers generate the need) units 1-3, 4-5, and 6-8 could be combined to provide a possible reduced minimum total of 3 lets, although the amount of accommodation for each unit is increased. Externally, the proposed holiday lets are to be constructed with rendered walls and natural stone detailing, and a slate roof.
- 3.6 The submitted layout plan shows the utilisation of the recently created access onto Townhead Road, and eight parking spaces parallel to the eastern side of the drive with additional parking for up to six cars within the paved courtyard. The proposed lets are shown to be built into the land.
- 3.7 The application is accompanied by a Design and Access Statement, and Desktop Study for Environmental History.
- 3.8 The submitted Design and Access Statement explains that the brief was to provide a group of lets for shooting parties and other holiday makers associated with the facilities and leisure activities provided by Hayton High Estate. A courtyard scheme has been proposed to give the appearance of established buildings in an agricultural/rural context which would form a cohesive group associated with Townhead Cottage. The Statement goes on to state that there is adequate visibility for the junction with the leisure

activities possibly requiring groups of up to three vehicles or so when moving visitors to the Estate on a daily basis. The site itself was a grassed field and therefore it is alleged that the development will have minimal impact on biodiversity.

- 3.9 The Desktop Study concludes that there is no identifiable environmental hazard associated with this site with regard to its use for domestic purposes.

4. Summary of Representations

- 4.1 This application was originally advertised in the form of a site notice and the direct notification of the occupiers of ten neighbouring dwellings. In response a total of 10 formal objections from interested parties and a single formal comment have been received. The issues raised are:

1. the proposed development is purely a commercial venture and being operated as such it would not fit into the overall character/ambience of Townhead which has a variety of owner/occupier houses which all blend well together.
2. nothing can improve the current presentation of the village when arriving from the south – it must be kept so.
3. all the traffic associated with the proposal will need access to and from the narrow unclassified road. Townhead does not have footpaths, but does have walkers, dog walkers, cyclists, horses, and children playing. The applicant has already increased the traffic flow with his shooting parties and gamekeepers, and the proposal will at least double the traffic.
4. it appears that the lets will be for “shooting parties and other holidaymakers associated with the facilities and leisure activities provided by Hayton High Estate” – “mainly shooting and nature pursuits”. Are the Council aware of what these facilities and leisure activities are?
5. concerns regarding the use of the field to the south of Townhead Cottage if planning permission is granted.
6. there will be a dramatic increase in traffic, noise, pollution and disruption to residents - it will not be the same quality of life. Residents already plagued by the increased traffic since the estate was established – quad bikes buzzing around and Land Rovers (with or without trailers) from early morning until late at night. If occupied by workers the resultant noise from vehicles and movement during the night hours would be unacceptable in a rural settlement.
7. Townhead currently has 24 dwellings – the proposal represents a 37% increase in units; a population of 67 with the proposal representing a potential increase in population of 32%; and an increase in the number

of cars from approximately 42 to 62 i.e. a 47% increase. Townhead will be overwhelmed by the increased numbers of “residents”, traffic movements, noise, and general disturbance.

8. The style bears no resemblance to the local vernacular buildings at Townhead – it will stick out like a sore thumb, exaggerating its size and dominance over the small settlement.
9. since the estate became active it is alleged that there has been a catastrophic fall in sightings of red squirrels, foxes and deer. The site previously had a stone outbuilding that was allegedly demolished in 2010 and a stone wall breached. Had a bat survey been conducted prior to demolition?
10. believe that the Grouse shooting season is only for a few weeks of the year. This and occasional holiday let suggests that the property will be vacant for much of the year. This leads to the suspicion that the property will be used as staff premises as per application 11/0433.
11. concerns that the current sewage system could cope with the needs of such a large proposal.
12. consider proposal to be a vastly over-developed and inappropriate use of a site in a non-commercial rural area. The proposed development is larger than many small hotels in the area.
13. The shooting will not only bring a danger to people and animals alike but also attract criminals because of the availability of guns. This will have a knock on effect on home insurance premiums for all residents.
14. This application is linked to planning application reference numbers 10/1022 and 11/0433 - the leisure use of Hayton woods has allegedly led to part damage of an SSSI.

4.2 The comment received raises the following queries:

1. There is no indication that this development will enhance the local economy as it appears to be for private guests - apart from the Hadrians Wall Cycle Trail there are no tourist attractions in Hayton or Townhead - will the residents be obliged to support the local shop?;
2. This is a new build that does not blend with the surrounding landscape or buildings contrary to Policy EC11 and CP5 - the design will be at odds with the houses in the hamlet;
3. Provision has been made for 14 vehicles plus another 4 vehicles from Townhead Cottage - this will lead to a considerable increase in traffic already exacerbated by vehicles related to the High Hayton Estate and those of the "school run" during term time - there is no 30mph limit through the hamlet and some vehicles drive too fast for the road conditions. When there is an overflow of vehicles where will they park?;

4. What measures will be put in place to ensure that the occupants are genuine holiday makers?;
5. The development will be outwith the village and the need has not been proven;
6. This design allows for a variety of different uses - object to the lack of clarity - possibility that it may not be used as set out in the brief;
7. need to take the residents objections seriously and consider the matter objectively.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objection but recommend the imposition of five conditions.

Hayton Parish Council: - object to the application on the following grounds:

- the application extends the boundaries of Townhead
- increased traffic
- considered outside the original building line
- the intended use for "other leisure activities" is vague
- it is out of character with the environment.

Local Environment (former Community Services) - Drainage Engineer: - no comments received.

United Utilities: - no objection to the proposed development - should the planning application be approved, the applicant should contact our Services Enquiries regarding connection to the water mains/public sewers.

Carlisle Airport: - no comments received.

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): - if the treatment plant is new its adequacy will be picked up by Building Control. Recommend imposition of a condition regarding means of drainage.

Planning - Access Officer: - would have liked to see one of the eight units with an accessible bathroom – a dominant factor in this build is that the units are up/down with obvious disadvantages for wheelchair users.

Cumbria Constabulary: - the submitted Design and Access Statement does not demonstrate how crime prevention measures have been considered in the design of this proposal (Para 132 CLG Circular March 2010 "Guidance on Information Requirements and Validation") or how the design reflects the attributes of safe, sustainable places (Safer Places ODPM 2004). There is no reference to the security advice contained in the SPDs 'Designing Out Crime' or 'Achieving Well Designed Housing'. The applicant has not consulted

Cumbria Constabulary for crime prevention design advice. Consequently, it is difficult to ascertain how this application complies with Policy CP17 of the Local Plan.

It would therefore be helpful if the applicant could provide further information in respect of resistance to burglary (i.e. specification of exterior doors and windows), the proposed exterior lighting scheme and if the building(s) shall be fitted with an intruder alarm system.

Of particular note in this application, however, is the proposed use of these holiday units by shooting parties. This immediately raises the issue of firearms/shotgun security. Although it is the relevant firearm/shotgun certificate holder's responsibility to ensure the security of a weapon when not in use, the applicant needs to confirm if secure storage is being offered for this purpose.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 In accord with the Court of Appeal's judgment in June 2011 concerning the recent Cala Homes litigation, and for the purposes of the determination of this application, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. Of particular relevance are Policies DP1, CP1, CP2, CP3, CP5, CP7, CP12, CP15, CP17, EC11, EC16, H1, and T1 of the Carlisle District Local Plan 2001-2016.
- 6.3 Other material considerations include PPS1 "Delivering Sustainable Development"; PPS4 "Planning for Sustainable Economic Growth"; PPS7 "Sustainable Development in Rural Areas"; PPS9 "Biodiversity and Geological Conservation"; and Circular 11/95 "The Use of Conditions in Planning Permissions".
- 6.4 Policy EC7 of PPS4 says, among other things, that local authorities should *"wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use"* (EC7.1b). In addition, LPAs are exhorted to:
 - support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses (EC7.1c);

- ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high-quality screening and examine the scope for relocating any existing, visually or environmentally-intrusive sites away from sensitive areas or from sites prone to flooding or coastal erosion (EC7.1d); and
- recognise that in areas statutorily designated for their natural or cultural heritage qualities, there will be scope for tourist and leisure related developments, subject to appropriate control over their number, form and location to ensure the particular qualities or features that justified the designation are conserved (EC7.1e).

- 6.5 Paragraph 1 of the “Good Practice Guide for Tourism recognizes the economic benefits that self-catering accommodation can bring to areas within which they are located. However, these benefits, it is pointed out, will need to be assessed alongside other issues such as the suitability of the location in terms of its sustainability. In this regard, new sites that are close to existing settlements and other services will generally be more sustainable, the guide says, as some local services may be accessed by means other than by car. However, it adds that there may be valid reasons for extending or improving existing holiday parks that are not be located close to existing settlements by virtue of their support for successful local businesses and the provision of employment. Authorities are asked to consider how the proposal would affect tourism in the area, particularly in terms of its economic and environmental impacts. Annex B of the good practice guide deals with holiday occupancy and seasonal occupancy conditions.
- 6.6 Although not a planning policy document, the UK government's current overall tourism strategy is set out in “Winning: A tourism strategy for 2012 and beyond”, published by dcms in September 2007. Another document of interest, which touches on the role of the planning process, is entitled simply “Government Tourism Policy”, issued by dcms in March 2011.
- 6.7 The National Planning Policy Framework Draft Consultation (NPPF) issued on the 25th July 2011 is a material consideration which needs to be taken into account. However, its policies have been accorded little weight because it is still in draft form and may change following the consultation period.
- 6.8 The main determining issues are considered to be:
1. the sustainability of the location;
 2. the scale of the development;
 3. impact on the character of the area;
 4. impact on the living conditions of neighbouring residents;
 5. ecology and biodiversity;
 6. access; and

7. benefits.

- 6.9 When undertaking the assessment Members should be conscious that the shooting season for pheasants is from the 1st October - 1st February; for partridge 1st September - 1st February; and ducks/geese 1st September - 31st January. Clarification has been sought from the applicant on the anticipated market, but outside of the shooting season(s) the proposed units have been considered on the basis of being occupied by general tourists.
- Sustainability of location
- 6.10 Policy DP1 of the Local Plan (2001-2016) requires all proposals to be assessed against their ability to promote sustainable development. Outside of the City, identified Key Service Centres and Local Service Centres development needs to be assessed against the need to be in the location specified. Policy EC16 requires tourism development to have adequate access by a choice of means of transport.
- 6.11 When considering the location of the proposal, it is appreciated that Townhead is not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent on the use of private vehicles. New self-catering accommodation in isolated rural locations where there would be total reliance on a private motor vehicle is generally not deemed to be sustainable in terms of current ministerial and development plan policy.
- 6.12 However, under Policy DP1 there is a recognition that such a conflict could be outweighed if the development has a meaningful link to the location. In this case the proposal has been advanced on the basis of catering for sportsmen and women shooting wildfowl on the Hayton Estate. It is likely that such guests would favour self-catering accommodation located close to the respective shoot as opposed to undertaking a longer journey at the end of each day to hotels or other holiday establishments some distance away. There is a direct correlation between the activity and where it takes place on the Hayton Estate. As such, there is an apparent locational need to site the proposed accommodation within or adjoining the Estate. The nature of such a use, and the associated general need for secure storage, is also unlikely to be properly provided for in general holiday accommodation. In the process, the proposed accommodation is likely to increase the attractiveness of the sport/leisure enterprise provided on the Estate.
- 6.13 It is considered that during the shooting season (and once guests are on site) they would not often travel by car but, rather, be shuttled to and from the Estate. Irrespective of this, the site is also relatively accessible to Hayton.
- 6.14 On this matter it is considered that the balance lies in favour of the development.

1. Scale of development

- 6.15 Criterion 2 of Policy EC11 and criterion 1 of Policy EC16 of the Local Plan (2001-2016) requires tourism development to be in scale with the surrounding area. General concerns regarding the large scale imposition of holiday homes on a small community seeking to preserve it's identity are understandable. The problems associated with the "swamping" of an existing community usually manifest themselves through pressures on existing services/facilities, and/or the creation of social instability.
- 6.16 In this case it is considered that the proposed provision of up to eight holiday units represents a significant number for Townhead but relatively modest when compared to Hayton. There is no evidence that facilities would be overwhelmed and/or there are existing problems of social tension or lack of community spirit. There is no reason to believe that guests would cause, or make worse, any social discord. On the contrary, the proposal may well contribute to existing facilities at Hayton. This aside, the scale of development also needs to be assessed with regard to any harm to the character of the area.

2. Landscape character and appearance

- 6.17 Policy EC11 states that any new building required as part of a diversification scheme must be well related to an existing group of buildings and blend into the landscape through the use of suitable materials, design and siting. This emphasis on ensuring development does not have an unacceptable adverse effect on the landscape is reiterated in Policy EC16. Policy CP3 seeks the protection and retention of existing trees.
- 6.18 The existing dwellings within the immediate vicinity of the site consist of a range of styles (bungalows and houses), external materials, ages, and positioning within their respective curtilages. Townhead has a well defined form. In this context, the proposal represents an incursion into open land. Although not indicated on the submitted forms, the roots of a beach tree on adjoining land have been exposed, and the roots of a lime tree already cut back.
- 6.19 However, the proposed units are shown to be positioned such that they would be set back from the road within an excavated area and therefore largely screened by the existing trees of Whinhill Wood and slope of the land. The submitted layout is such that the proposal will appear part of Townhead Cottage. The proposed design and scale of the holiday units, with their use of vernacular details and traditional materials, is similar to that already approved concerning the replacement dwelling at Townhead Cottage. When considering the possible loss of any trees on the adjoining land, the closest to the site are relatively small and young trees of limited visual impact. Although their subsequent loss is not considered to be significant with the backdrop of Whinhill Wood and Townhead Wood, the applicant's agent has confirmed the intention for back filling of soil to take place as a means to restore the growing environment of these trees. The proposed parking layout has also been revised and augmented by additional screen planting.
- 6.20 On this basis it is considered that the impact on the character of the area is acceptable.

3. Living conditions

- 6.21 When assessing the impact of the proposal on living conditions this can relate to the occupiers of neighbouring properties as well as those of the occupiers of the proposed units.
- 6.22 In the case of the occupiers of neighbouring properties, the closest is the dwelling to be replaced at Townhead Cottage. The submitted layout plan showing proposed unit 1 to be 3.2 metres to the south-east of the replacement dwelling (as approved under 11/0433). In mitigation, the proposed northern elevation of proposed units 1-3 is blank, the existing dwelling is to be demolished, the replacement dwelling is to be occupied by a member of the Estate staff, and (by lying to the south) the holiday units should not cause overshadowing. The proposed holiday lets are located over 20 metres to the south of Woodleigh and (because of the distance, blank facing elevation, drop in levels and intervening vegetation), should not lead to problems associated with losses in privacy and overshadowing.
- 6.23 The proposed use will inevitably give rise to an increase in the level of pedestrian and vehicular activity at the site. Typically it is alleged that the movements generated by holiday units are greater than general residential dwellings due to frequent leisure trips to visit nearby sights and attractions. In the case of the current proposal it is anticipated that those involved with any shooting would be bused to and from the Estate. Furthermore, the number of proposed units is limited and direct management of the holiday lets can take place from the proposed Estate manager's house at Townhead Cottage. As such, it is considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection.
- 6.24 When considering the living conditions of occupiers of the proposed units, it is evident that no unit is proposed to have any private amenity space but rather share the courtyard. Units 1-3 and 6-8 also face one another across the courtyard which is shown to have a width of 14.7 metres. However, to increase the width of the courtyard would run counter to creating an enclosed area, make the development more intrusive, and also involve encroachment into Whinhill Woods. On these grounds, and because the proposal relates to holiday units, it is considered that a relaxation of standards regarding the relationship of the holiday units to each other in terms of overlooking and overshadowing may be permitted.

4. Ecology and biodiversity

- 6.25 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought

when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.26 The previous application relating to Townhead Cottage (11/0433) was accompanied by a Species Protection Plan and Method Statement which confirmed that there are bats roosting within Townhead Cottage but that the behaviour recorded was indicative of male bats roosting away from larger female maternity colonies, and that the site is not deemed to be a location where bats would normally be found hibernating during the winter months.
- 6.27 The current application site, whilst adjoining Townhead Cottage and an ancient woodland, is part of a grassed field with no protected wildlife appearing on the City Council's records. A condition can, nevertheless, be imposed to ensure that no artificial lighting is to be incorporated that will impact upon known bat roosting locations. The applicant has also agreed to the provision of bat friendly roof tiles/slates to enhance existing provision within the area.
- 6.28 Reference has also been made to development in Hayton Woods, however, this would need to be considered on its own merits - a previous application (reference number 10/1022) relating to the construction of an estate manager's building, extension to provide an incubation building, and formation of four duck ponds has recently been withdrawn but with the intention of re-submitting a new application in the near future. In the context that this application does not determine the need or details/form of any development elsewhere, consideration of this application is not felt to be premature ahead of the determination of any future application on a different part of the Estate.

5. Access

- 6.29 Following receipt of the comments from the City Council's Access Officer, the scheme has been revised by the introduction of a disabled standard WC and wet room to proposed unit 7 which is also connected at ground floor level to unit 6.

7. Benefits

- 6.30 Policy EC16 of the Local Plan states that proposals for tourism development will be supported subject to compliance with a number of criteria. The proposal will offer benefits, although difficult to precisely quantify, in terms of the provision of tourist accommodation and the local rural economy. The Estate currently provides employment for 9 staff.

Other Matters

- 6.31 It is recognised that guests are likely to bring their own guns but permits for such would need to be arranged through Cumbria Constabulary. The applicant has confirmed that the management of the proposed units would be via the occupation of the replacement dwelling approved under 11/0433 and that there will be a professional management approach to the safe keeping of guns.

- 6.32 Any moral objections to the proposal, because of its association with the shooting of wildfowl, are not considered to be sustainable.

Conclusion

- 6.33 When considering the location of the proposal, it is appreciated that Townhead is not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent on the use of private vehicles. However, there is an apparent locational need to site the proposed accommodation within or adjoining the Estate. There is no evidence that existing facilities would be overwhelmed and/or there are existing problems of social tension or lack of community spirit. There is no reason to believe that guests would cause, or make worse, any social discord. The proposed units are shown to be positioned such that they would be set back from the road within an excavated area and therefore largely screened by the existing trees of Whinhill Wood and slope of the land. The proposed design and scale of the holiday units, with their use of vernacular details and traditional materials, is similar to that already approved concerning the replacement dwelling at Townhead Cottage. The proposed holiday lets are also located over 20 metres to the south of Woodleigh and (because of the distance, blank facing elevation, drop in levels and intervening vegetation), should not lead to problems associated with losses in privacy and overshadowing. It is considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection. The applicant has also agreed to the provision of bat friendly roof tiles/slates to enhance existing provision within the area, and the scheme revised by the introduction of a disabled standard WC and wet room to proposed unit 7 which is also connected at ground floor level to unit 6.
- 6.34 On this basis the proposal is recommended for approval.

7. Planning History

- 7.1 In September 2011, under application 11/0690, planning permission was given for a replacement dwelling at Townhead Cottage, Hayton.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;

2. drawing numbers 1358/001 (Site Plan), 1358/005A (Proposed First Floor and Elevation), and 1358/009B (Proposed Ground Floor Plan, and Elevations), and 1358/10 (Block Plan);
3. the submitted Design and Access Statement, Desktop Study for Environmental History, and e-mail from the agent sent on 26th October 2011;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

4. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

5. A bound register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

6. No development shall take place until details specifying the type, location and number of "bat friendly" ridge tiles/slates have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the commencement of use.

Reason: To mitigate the impact of the development upon bats in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

8. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence. The approved scheme shall be fully implemented prior to the commencement of use of any unit hereby permitted.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy EC16 of the Carlisle District Local Plan (2001-2016).

9. Prior to the occupation of any unit hereby permitted the whole of the access area bounded by the carriageway edge, splays, and crossings of the highway verge, driveway, and car park shall be constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions shall be carried out on the units hereby permitted 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 living conditions of the neighbouring residents and safeguard the character of the area in accordance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

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

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

12. All works comprised in the approved details of landscaping shall be carried

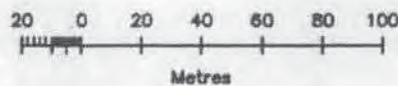
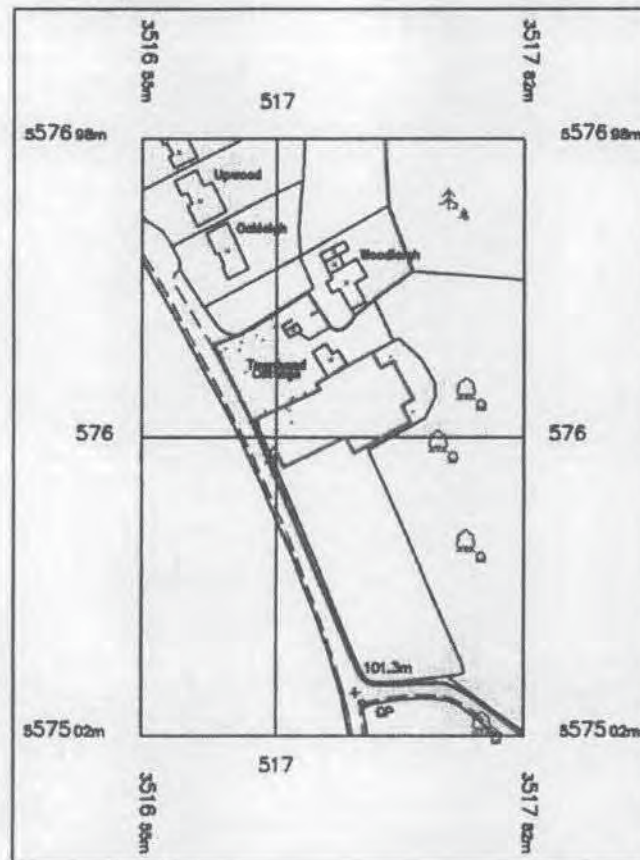
out in the first planting and seeding season following the commencement of use of any unit hereby permitted or completion of the development, whichever is the sooner.

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

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

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

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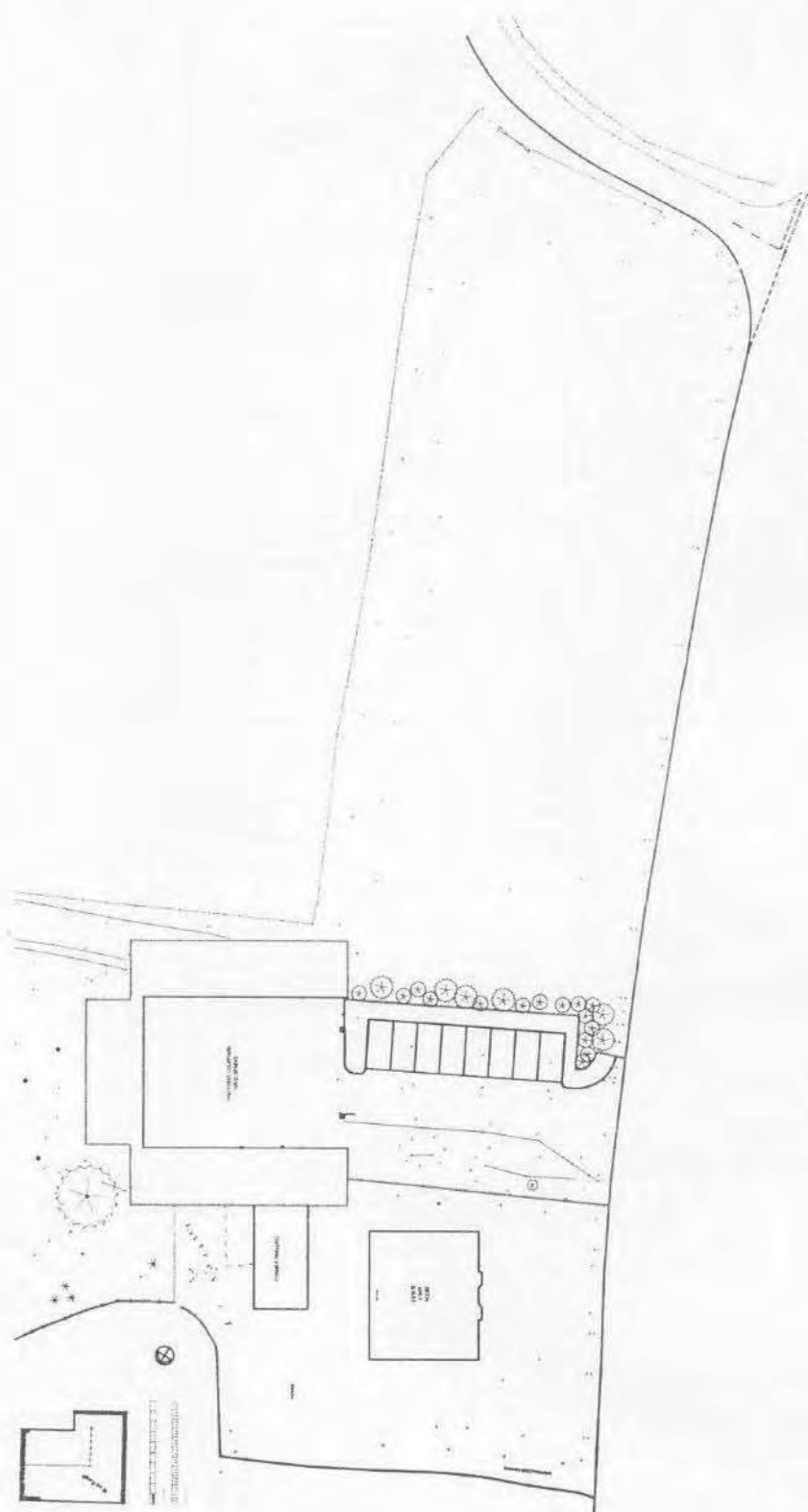
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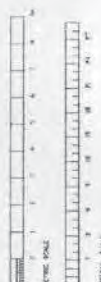
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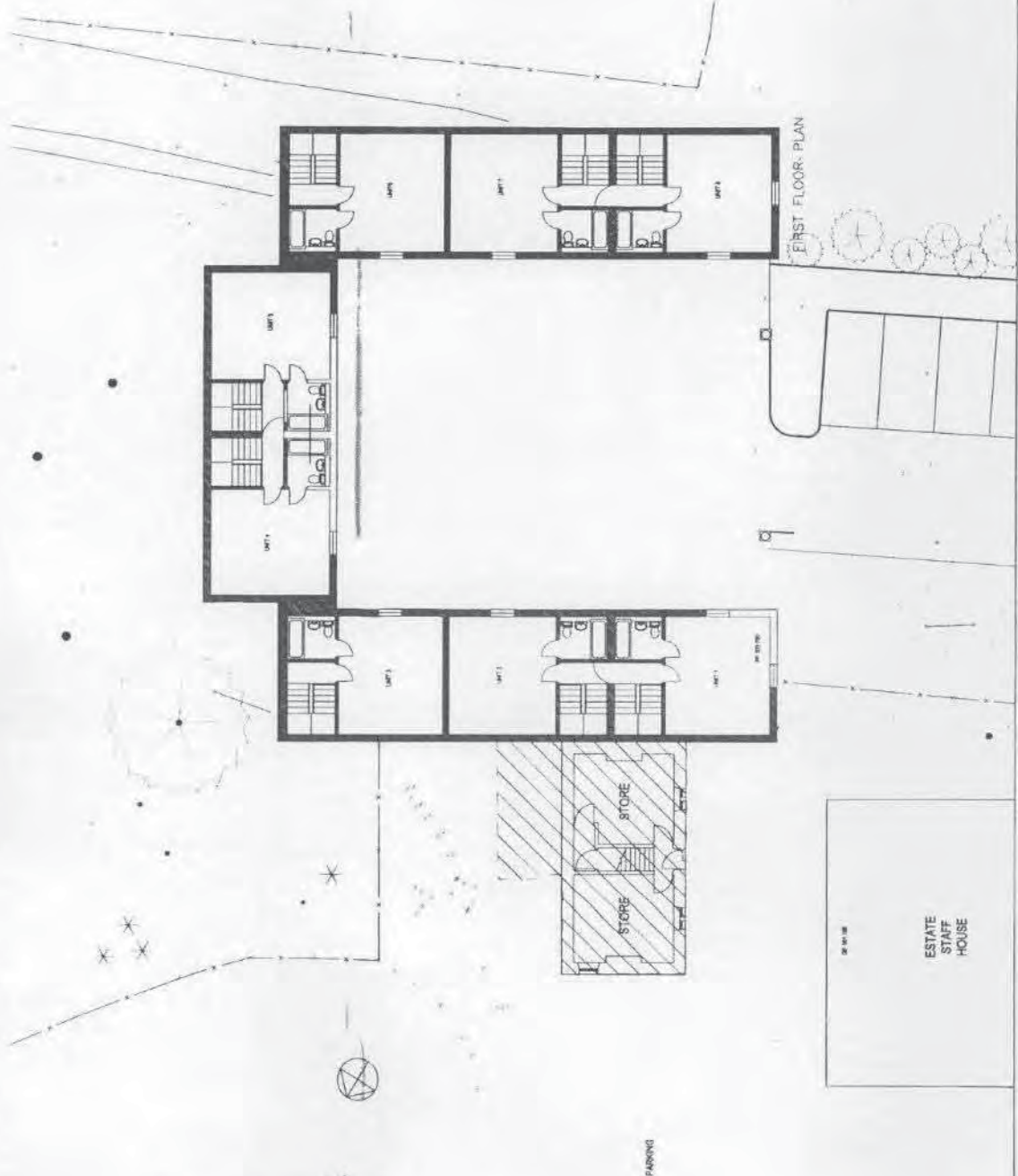
Project Name
Haydon Construction Ltd
Residential Development
Townfield, Haydon, Cumbria
Proposed Courtyard Cottages
First Floor Plan
Proposed Estate House Relationship
Drawing No
1358
Date
10.08.11
Scale
A1
Sheet No
005
Of
B

PROPOSED ESTATE MANAGEMENT HOUSE

SOUTH WEST ELEVATION TO COURTYARD



267



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ESTATE
STAFF
HOUSE

SCHEDULE A: Applications with Recommendation

11/0610

Item No: 12

Date of Committee: 11/11/2011

Appn Ref No:
11/0610

Applicant:
Mr Young

Parish:
Beaumont

Date of Receipt:
05/08/2011

Agent:
Black Box Architects
Limited

Ward:
Burgh

Location:

Knockupworth Farm, Burgh by Sands, Carlisle, CA2
7RF

Proposal: Relocation Of Farmhouse And Farm Associated Shed

REPORT

Case Officer: Sam Greig

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a legal agreement and the imposition of planning conditions.

2. Main Issues

- 2.1 Whether the principle of the proposed development is acceptable;
- 2.2 The layout and design/Impact upon the landscape;
- 2.3 The impact of the proposal on the living conditions of neighbouring residents;
- 2.4 Highway matters;
- 2.5 Foul and surface water drainage;
- 2.6 Other matters.

3. Application Details

The Site

- 3.1 This application seeks "Full" planning permission for the relocation of Knockupworth Farm, which is located on the western fringes of the urban area of Carlisle. Historically, the holding comprised two distinct parcels of land, bisected by the C2042 road that leads from Carlisle to Burgh by Sands. The land to the north comprised the larger portion of agricultural land, with a smaller number of fields lying to the south of the C2042.

- 3.2 In recent years the holding has been severed further through the construction of the Carlisle Northern Development Route (CNDR). That road, which provides a western by-pass to the city, is located just to the west of the farm centre and incorporates a major junction roundabout with the C2042. The road and construction phase associated with these works has resulted in considerable disruption for the operation of the farm, which has now been split into four distinctive parcels. When the CNDR becomes operational, bearing in mind its purpose as a western by-pass, the applicant envisages inherent operational difficulties associated with moving vehicles, stock and equipment, hence the desire to relocate the farm steading.
- 3.3 The farm holding currently comprises the existing farmhouse and a range of generally poor quality farm buildings that are located in what is now the north eastern quadrant of the farm holding. The farm lies adjacent to the northern side of the Burgh by Sands road and is situated in relatively close proximity to the western edge of built up area of Carlisle.
- 3.4 To the north of the holding lies Knockupworth Cottage. This property belongs to the holding and is occupied by a retired farm worker who was previously employed by the farm. This property is situated immediately adjacent to the CNDR and the living conditions of the current and future occupiers of Knockupworth Cottage are likely to be prejudiced when the road becomes operational in April 2012.
- 3.5 Immediately to the south east of the farm holding is Knockupworth Hall, a Grade II Listed Building. The setting of this building is currently compromised by the dilapidated appearance of the holding and the paraphernalia associated with the farming activities.
- 3.6 To the south of the farm, on the opposite side of the C2042, lies farmland associated with Knockupworth Farm. To the northwest, beyond the CNDR which cuts through the countryside on a southwest/northeast axis, are the remaining fields associated with the farm, the largest of which is positioned in the northern quadrant. It is this larger quadrant where the replacement farm is proposed.

Background

- 3.7 The decision to create a western by-pass has had significant implications for the development of Knockupworth Farm. Some Members will be aware that the aspirations to create a western bypass have been long standing and despite intentions to commence construction in 2004 work only commenced more recently.
- 3.8 The longevity of the programme for the CNDR from its inception to anticipated completion next year has been protracted. This has resulted in a period of great uncertainty for the applicant and his family. Moreover, it has hindered the applicant's willingness to make necessary capital investments in modern farming equipment and facilities when they were needed. This uncertainty over the implementation of the CNDR, coupled with the effects of Foot and Mouth Disease ten years ago, have severely impaired the

development of the holding.

- 3.9 Notwithstanding these difficulties, it has always been the applicant's intention to remain in farming, with the longer term ambition of being able to pass over the running of the farm to his partner's son. In anticipation of work commencing on the CNDR the farmer, Mr Young, sold his dairy herd in 2004 for what he believed would be a temporary period whilst the work took place. In anticipation of returning to farming he retained his milk quota; however, unforeseen delays in bringing the CNDR to fruition meant that he was unable to restock and was forced into a series of short term, seasonal tenancies of the farmland.
- 3.10 In the intervening period Mr Young recognised the practical difficulties in managing the holding in its current location once the CNDR became operational. Mr Young appointed specialists to undertake a Farm Appraisal (a copy has been submitted with this application) that assesses in detail the viability of the farm, the difficulties presented by the CNDR and the opportunities for future investment.
- 3.11 The Farm Appraisal highlights that the existing holding is trapped on the inside of the CNDR, which will over the years become the outer limit of Carlisle. As such, future investment in the current holding would be unviable and inappropriate, particularly given the practical difficulties in operating the farm post CNDR and the poorer quality land that lies in the quadrant where the existing farm remains. It also identifies that pre-commencement of the CNDR the farm was a viable operation and that it could remain so in the future; however, the Appraisal concludes that the future viability of the holding lies in the ability for it to relocate and for a new farm steading to be built on the western side of the CNDR in order to enable the efficient and proper management of the farm. Mr Young can now see the completion of the CNDR development in sight bringing an end to its associated disruption and disturbance. Consequently, he is now planning for re-investment, hence the submission of this application to develop the farm and its farming enterprises.

The Proposal

- 3.12 The application proposes the erection of a new four bedroom farmhouse and the erection of a cattle shed to house a beef herd on land within the north eastern quadrant of the holding. The new holding would be located on the northern side of the C2042 and would be situated approximately 150m northwest of the CNDR.
- 3.13 The farmhouse would be traditional in appearance and have an 'L' shaped footprint. It would provide accommodation over two floors with an open plan kitchen/dining room, utility, study and two living rooms to the ground floor, with four bedrooms and a bathroom above. This equates to the same level of accommodation provided in the existing farmhouse.
- 3.14 The property would be finished with render under a natural slate roof. All windows, doors and rain water goods would be upvc. Whilst providing

accommodation over two floors the building is one and half storeys in height thereby allowing it to have a low roof line. The location of the farmhouse (and the associated farm buildings) have been repositioned since the application was first received, principally to overcome issues raised by the County Council's Historic Environment Officer (HEO) who identified the presence of possible archaeological remains under the original position of the farmhouse.

- 3.15 As a consequence of the issues highlighted by the HEO the buildings have been located further north west from where they were originally proposed. This has had the positive effect of moving the buildings to an area of lower land, particularly the cattle shed. The farmhouse is positioned part way up the brow of a hill, thereby allowing supervisory views over the farmland, whilst still ensuring that the majority of the farmhouse will be screened by the brow from views to the north.
- 3.16 The siting and design of the farmhouse has also been carefully considered to ensure that the building delivers maximum efficiency from its design and orientation. It will enable low energy consumption through the high levels of insulation; it being air-tight to avoid unnecessary heat loss and orientated so that the windows capture solar gain. It is hoped that, subject to further investigation, the dwelling will be able to generate natural energy from a ground source heat pump.
- 3.17 The beef cattle shed would be positioned parallel with the C2042 where the existing roadside hedge, which is to be retained, would provide some screening. The building, which forms the first phase of a larger development, would measure 40 metres in length, 13 metres in width, 3.3 metres to the eaves and 5.4 metres to the ridge. It is designed with concrete block walls to a height of 1.4 metres, with profile clad sheeting to the walls and roof. Photo-voltaic cells are proposed along the entire southern roof slope thereby contributing significantly to the running costs/energy consumption of the holding.
- 3.18 Both the farmhouse and the farm buildings would be served by an existing vehicular access that was formed as part of a deal associated with the CNDR. The internal road arrangement allows for separation between the farm yard and the domestic area thereby improving safety for the occupiers and visitors to the dwelling.
- 3.19 Surface water management will include a grey water system, while foul wastes will be passed through a bio-disc plant for primary treatment, with secondary treatment via an overflow into an adjacent reed bed that is to be created as a part of a proposed farm pond. A variety of landscaping is proposed to soften the impact of the development and to allow the building to blend in with the countryside landscape.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written

representations have been made during the consultation period.

5. Summary of Consultation Responses

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

English Heritage - North West Region: - support the advice provided by the County Council's Historic Environment Officer;

Cumbria County Council - (Highway Authority): - no objections, subject to the imposition of one planning condition;

United Utilities: - no objections;

Beaumont Parish Council: - object to the proposal on the basis that:

1. The existing farm site is not kept in a tidy manner, with redundant contractor and other plant all over the farm. The new farm may be kept in a similar manner and it would be more visible from the highway;
2. The proposed relocation would use up good agricultural land;
3. If approved, the proposal would set a precedent for further development into the countryside;
4. Provision has been made for the movement of cattle as part of the Northern Development Route;
5. The existing buildings on the farm should be demolished and the site be redeveloped, thus eliminating the need to use agricultural land;
6. The Development Control Committee should visit the site before a decision is taken to assess its impact upon the landscape; and
7. If this development is approved, the existing site should be cleared and maintained in a clean and tidy condition as it is visible from the new Northern Development Route and no further planning application be made for the redundant site.

Local Environment - Drainage Engineer: - no comments received;

Hadrians Wall Heritage Limited: - no comments received.

6. Officer's Report

Introduction

6.1 The relevant planning policies against which the application is required to be assessed are policies DP1, CP1, CP2, CP5, CP9, CP12, H7, H10, LE6, LE7, LE10, LE25 and T1 of the Carlisle District Local Plan 2001-2016.

6.2 The proposals raise the following planning issues:

1. Principle Of Development

6.3 The principle of relocating a farm steading is not a new concept and similar proposals have been allowed in other instances where it has been

demonstrated that there is a “need” to do so. The justification will be dependent on the circumstances; however, in this instance the rationalisation lies with the practical issues of the existing farm being situated on the eastern side of the CNDR with the more usable farmland located to the west. The problems that this raises are self evident and the need to relocate is supported by the applicant’s Farm Appraisal which highlights that the relocation of the farm is required in order to sustain its future viability. In that respect that the applicant has demonstrated clear evidence of a “need” to relocate and the principle of the proposal is compliant with the spatial planning objectives underlined by Policy DP1 of the CDLP.

- 6.4 If Members accept this argument, there are two other key issues to consider. Firstly, whether the visual impact of the new farm is acceptable (this is discussed later in paragraphs 6.8 to 6.12) and, secondly, what becomes of the existing holding.
- 6.5 In respect of the existing holding it includes two residential dwellings, the farmhouse and the farm cottage. To avoid any policy implications that would arise from a net increase in the number of dwellings in the rural area, which would be contrary to the objectives of the CDLP, the applicant has agreed to relinquish the residential use rights associated with the Knockupworth Cottage. This arrangement would be secured through the completion of a s106 agreement, which is ready to be signed pending the determination of this application. Should this application be approved it is the applicant’s intention to relocate the occupiers of the cottage into the original farmhouse, which is located further away from the CNDR and likely to provide the existing occupiers of the cottage with a higher standard of living.
- 6.6 Whilst some of the other farm buildings are no longer suitable for modern farm practices or the running of this holding, some of the buildings could be used for alternative purposes better suited to the site’s location on the fringes of the city. The applicant’s consultants have had discussions with Officers regarding what uses may be suitable; however, until such time that the applicant receives a degree of certainty, which the approval of this application would provide, it is difficult for the applicant to plan and invest for such an eventuality.
- 6.7 Whilst Members focus should be on the applicant’s justification behind the “need” to relocate, this application will, in time, provide the opportunity to redevelop the holding which is likely to improve the appearance of the site. This will have clear benefits for the setting of the Grade II Listed Knockupworth Hall, as well as views towards Carlisle when passing on the CNDR. Any future proposals for the redevelopment of the existing holding will, however, be subject of a separate planning application at a later date.

2. The Layout And Design/Impact Upon The Landscape

- 6.8 The practical location of the replacement farm steading is governed by the ability it offers to work the land, which is reflected in the applicant’s decision to site the holding in the largest quadrant on the western side of the CNDR. With any development in the open countryside there will be a degree of impact

upon the landscape character of the area; however, in this instance any perceived impact is outweighed by the applicant's need to be in the location specified.

- 6.9 In terms of the visual impact, this site provides benefits over other land within the applicant's control as it uses the topography of the land to lessen the impact on the landscape character of the area. The development is sited on the southern side of the rising land to the north thereby safeguarding more sensitive views from the Solway Coast Area of Outstanding Natural Beauty.
- 6.10 The site will be visible when passing on the C2042; however, the existing roadside hedges will soften the impact of the cattle shed and additional planting will assist the house in blending with the landscape. Although this is a new development, isolated farms are an accepted feature within the rural area. In respect of the house, its scale and design are acceptable and a number of measures have been incorporated to make it energy efficient, which is commendable and in line with policy objectives. Adequate access arrangements and parking provision have been provided to serve both the farmhouse and the farm buildings.
- 6.11 When the application was originally submitted the farm house and agricultural buildings were situated further to the south east, nearer to Carlisle. The County Council's HEO identified that archaeological remains may exist in the locality and requested that an archaeological investigation was undertaken in advance of the development being approved. The investigation, which was undertaken at the applicant's expense, highlighted the possible presence of remains and to ensure these remained undisturbed the applicant agreed to move the holding further to the north west. The HEO has since confirmed that the amended location of the farm steading is acceptable and will not prejudice any archaeological remains.
- 6.12 In normal circumstances, when approving applications for farm worker's accommodation restrictions are imposed that limit occupation to those employed in the farming industry. In this instance, however, the applicant is substituting his existing accommodation, which is not bound by restrictive occupancy clauses, on a one-for-one basis. In light of that it is not considered reasonable to impose an occupancy clause on this prospective decision; however, to avoid suggestions of the planning system being manipulated the applicant has suggested the imposition of a condition that requires the farm house and agricultural building to be erected at the same time and that the farmhouse cannot be occupied until the cattle building is complete. The inclusion of this condition is reasonable and reflects the genuine intentions of the applicant.

3. Impact Upon The Living Conditions Of Neighbouring Residents

- 6.13 The nearest residential property to the site is Crestfield House, which is located 220m westwards along the C2042. In light of the distance, the buildings hereby proposed will not result in loss of privacy, overdominance or loss of light.

4. Highway Issues

- 6.14 The Highway Authority identified that the proposed access, which exists at present, is adequate for the type of traffic likely to require access to the new farmhouse and associated sheds. The Highway Authority also confirmed that the access will be adequate for traffic during the construction of the new farm steading; however, it has recommended the imposition of a planning condition that relates to the provision and retention of turning facilities within the site.

5. Foul And Surface Water Drainage

- 6.15 The applicant has indicated that grey water will be recycled and that foul water will discharge to a reed bed via a bio disc. Both of these suggestions are recognised as sustainable means of disposing of foul and surface water, which should be encouraged. A condition is recommended to oversee the finer details of such a scheme which are not covered in the supporting documents.

6. Other Matters

- 6.16 Members will note that the Parish Council has objected to the application, which is the sole reason that the application has been brought before the Development Control Committee. The concerns raised by the Parish relate to the need to relocate and the visual impact that the development will have. The relocation of the farm is required in order for it to remain viable and, therefore, in policy terms the applicant has demonstrated a “need” to be in the location specified. The potential visual impact that may occur is, in the Officer's view, outweighed by this need.
- 6.17 The Parish Council has commented on the appearance of the existing holding, which admittedly is untidy. Having said that, taking into account the uncertainties that the applicant has faced for over a decade his reluctance to invest in the holding is understandable. What Members are now considering is a purpose built farm holding and the opportunity for the applicant to start afresh. The Parish Council's concerns over the appearance of the present site are understandable; however, these concerns should not prejudicially influence the determination of this application. If in the future the site was to become untidy the Council has powers to serve a Disamenity Notice where it appears to the Local Planning Authority that the amenity of an area is adversely affected by the condition of the land and buildings.
- 6.18 Finally, in terms of the Parish Council's request that if permission is granted the existing site should be cleared, this is not a reasonable or sustainable option. There are buildings on that site, including a dwelling, that could be put to alternative uses that would be better suited to its location. As previously identified any future use of the existing farmhouse will be addressed through a subsequent planning application(s).

Conclusion

- 6.19 In overall terms, the applicant has demonstrated a clear need to relocate the

farm steading and, therefore, the principle of the development is acceptable. This need overrides any potential adverse impact upon the landscape character of the area which may arise as a consequence. Notwithstanding this fact, the scheme has been designed to limit its visual impact as well as its carbon footprint. In all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

- 6.20 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a s106 agreement to ensure that the resident's use rights of Knockupworth Cottage are extinguished upon occupation of the farmhouse hereby proposed.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this planning consent comprise:

1. The Planning Application Form received 18th July 2011;
2. The site location plan received 25th October 2011 (Drawing No. 11-120-04B);
3. The proposed block plan received 11th October 2011 (Drawing No. 11-120-21C);
4. The proposed elevations and floor plans received 11th October 2011 (Drawing No. 11-120-01D);
5. The cross section and site layout received 11th October 2011 (Drawing No. 11-120-20D);
6. The Supplementary Planning Statement received 18th July 2011;
7. The Farm Appraisal and Assessment of Agricultural Need received 18th July 2011;
8. The Phase 1 Contamination Desk Study 5th August 2011;
9. The Notice of Decision; and
10. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The agricultural shed and the farmhouse hereby approved shall be erected contemporaneously and the farmhouse shall not be occupied until the agricultural shed is complete and available for use.

Reason: To prevent the farmhouse being erected without work commencing on the agricultural building, which would undermine the objectives outlined in Policies DP1 and H7 of the Carlisle District Local Plan 2001-2016.

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

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

5. 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 an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

7. No development shall commence until details of the proposed means of foul and surface water disposal have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate means of foul and surface water disposal in accordance with Policy CP12 of the Carlisle District

Local Plan 2001-2016.

8. Notwithstanding the provisions of the Schedule 1, Part 2, Class E (a) of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no detached outbuildings shall be erected without the permission of the Local Planning Authority and the approval by them of the design, siting and external appearance of such buildings.

Reason: To prevent the proliferation of outbuildings whose external appearance or siting may be out of keeping with the countryside landscape in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

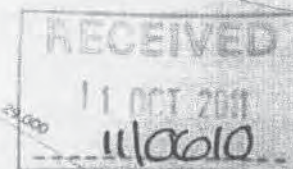
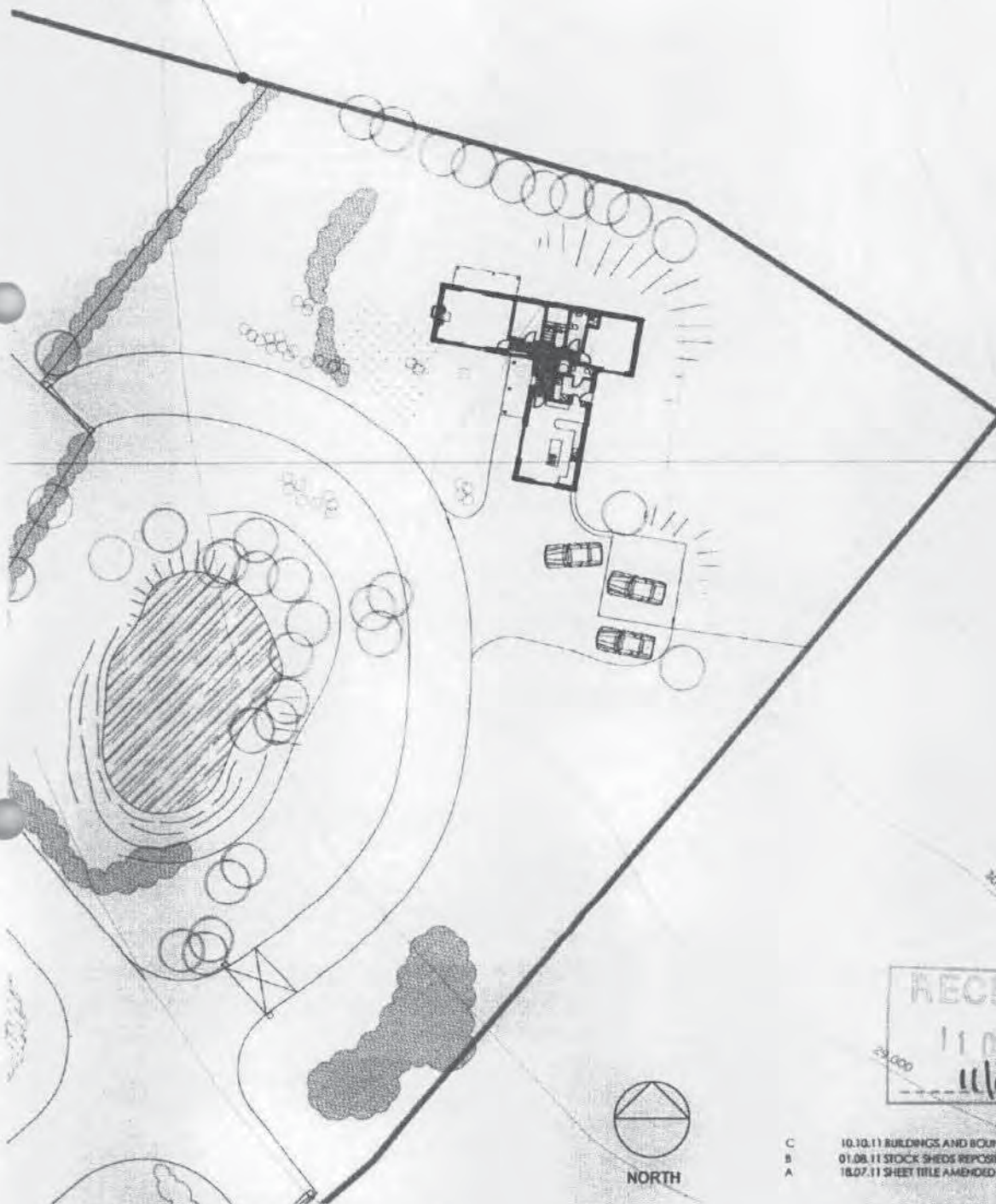
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Site Boundary



C 10.10.11 BUILDINGS AND BOUNDARY REPOSITIONED
B 01.08.11 STOCK SHEDS REPOSITIONED
A 18.07.11 SHEET TITLE AMENDED

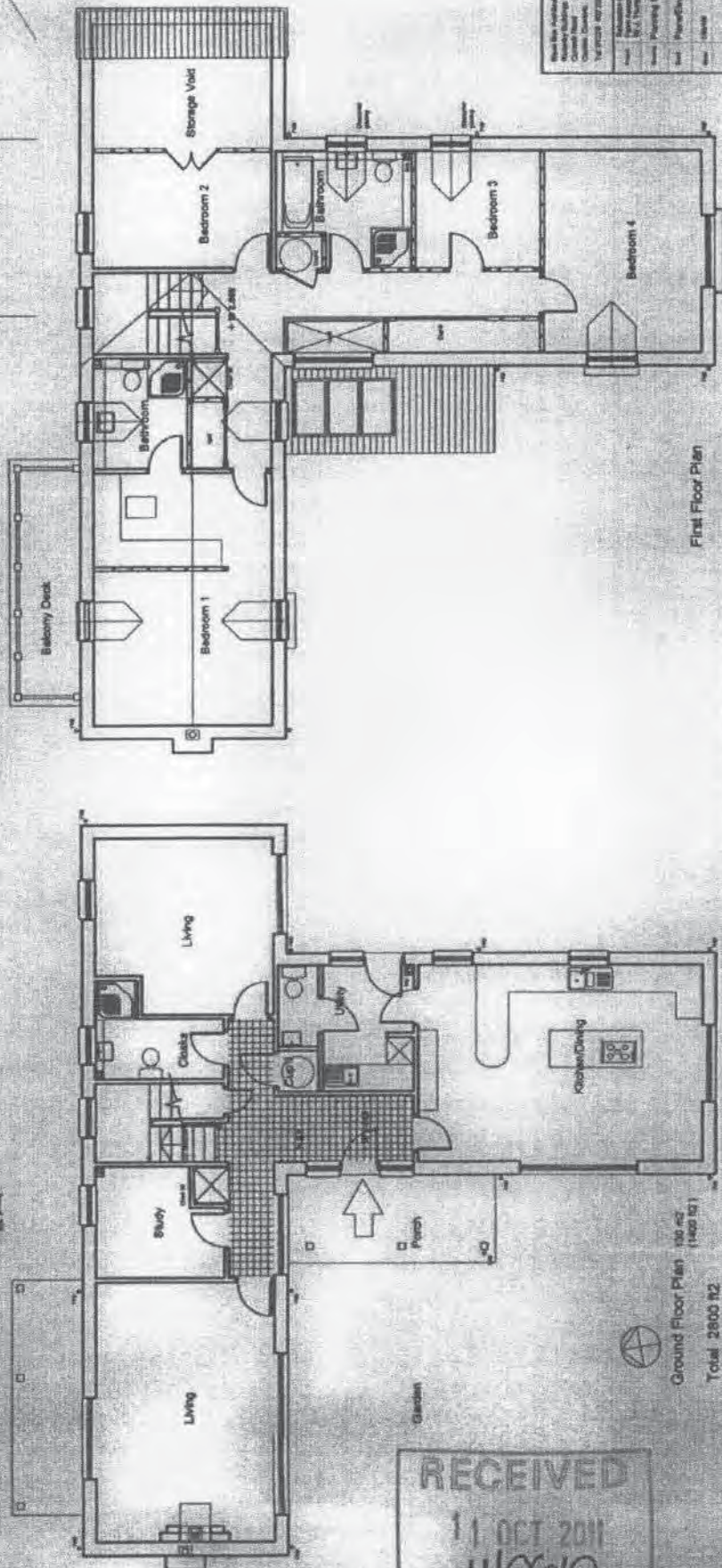
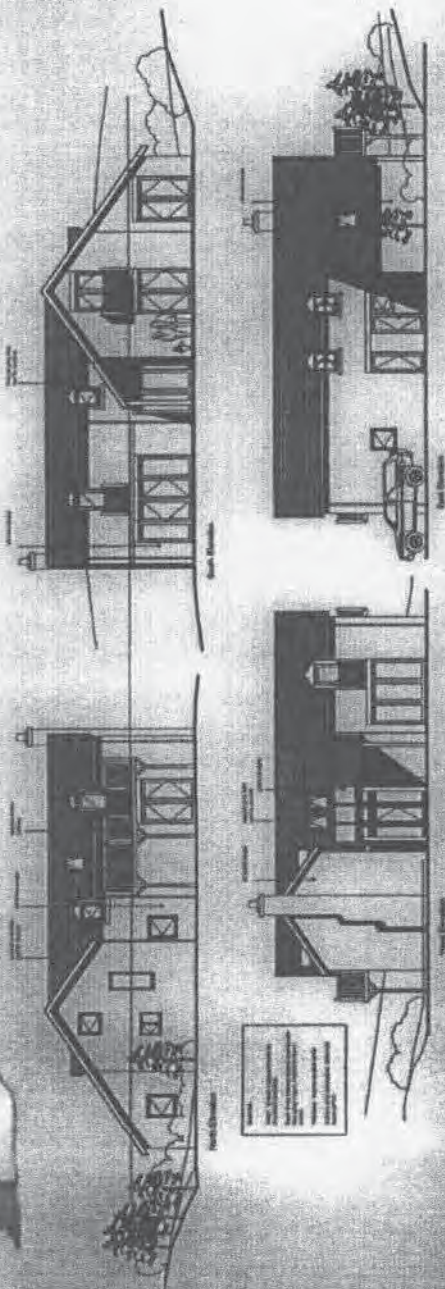
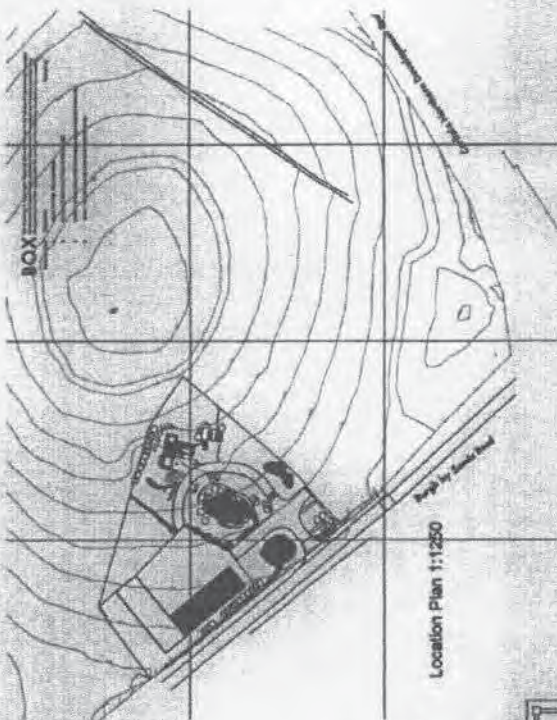
Project Relocation of Farmhouse and
Farm Associated Sheds for Mr J. Young
Drawing Planning Submission
Detail Block Plan

Revision C Scale 1:500
Job no. 11-120-21C Date Jun-11

Black Box Architects Limited.
Rickerby Buildings
Currock Road
Carlisle, Cumbria. CA2 4AU
Tel: 01228 402 200

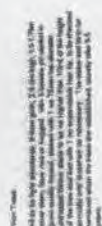
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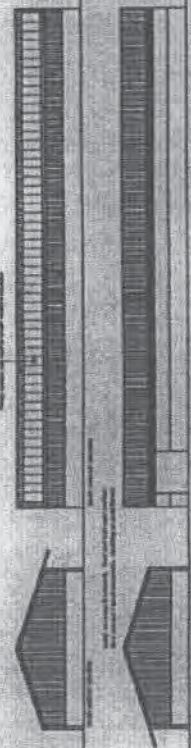
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Block Plan 1:500

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Investment Based Planning - 2006

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SCHEDULE A: Applications with Recommendation

11/0733

Item No: 13

Date of Committee: 11/11/2011

Appn Ref No:
11/0733

Applicant:
Dr Gray

Parish:
Brampton

Date of Receipt:
22/08/2011 16:00:53

Agent:
Green Design Group

Ward:
Brampton

Location:
L/A Iona, Gelt Road, Brampton CA8 1QH

Proposal: Demolition Of Existing Workshop And Stables; Erection Of 4No. Dwellings

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a legal agreement and the imposition of planning conditions.

2. Main Issues

- 2.1 Whether the proposal is acceptable in principle
- 2.2 Whether the scale and design is acceptable
- 2.3 Impact on the Brampton Conservation Area
- 2.4 Impact on the living conditions of the occupiers of any adjoining properties
- 2.5 Affordable housing
- 2.6 Highway Issues

3. Application Details

The Site

- 3.1 The application site, which fronts onto Gelt Road, is currently occupied by a workshop building and stables, which are set back 14m into the site and which have a side elevation facing the road. The workshop building, which measures 14.5m in length by 5.5m in width, is constructed of brick to the lower sections of the walls, with timber boarding above. The building has a pitched roof which measures 2.6m to the eaves on the south side of the building and 2.9m to the eaves on the north side and 4m to the ridge. The stables, which are attached to rear of the workshop building, measure 14.5m

in length by 6.6m in width. The walls are largely timber boarding, although there is small section of brick to the base. The stables also have a pitched roof, which measures 4.8m to the ridge.

- 3.2 An area of hardstanding is located to the front of the site, adjacent to Gelt Road, with an area of grass being located to the south of the building. The site falls away from east to west, with the change in levels becoming more pronounced further back into the site. The land adjacent to the east elevation of the workshop is approximately 2m higher than the land adjacent to the west elevation of the stables. The land to the west of the stables falls away very steeply to the field that is located to the rear. There is also a change in levels on the site from north to south, which results in the eaves level at the western end of the stables varying from 2.7m on the south elevation to 3.6m on the north elevation.
- 3.3 Iona, a dormer bungalow which is in the applicant's ownership, lies to the north of the application site. This dwelling is located at a lower level than the application site and has its rear garden to the north of the stables/ workshop building. The dwelling has no principal windows in the side elevation facing the application site, but has windows at ground floor level in the rear elevation and a dormer window in the rear roofslope. Residential properties lie on the opposite side of Gelt Road to the application site, with one dwelling sitting directly opposite. Open fields adjoin the site to the south and west.
- 3.4 An earth bank with a timber fence above and an access gate are located along the eastern boundary of the site, adjacent to Gelt Road. The site boundaries with Iona and the adjacent fields consist of post and wire fences.

The Proposal

- 3.5 This proposal is seeking to erect four dwellings on the site. The end units would be detached, with a pair of semi-detached properties being located between them. Each of the dwellings would face south towards the adjacent field.
- 3.6 Unit 1 would lie directly to the south of Iona and would have a side elevation facing Gelt Road. Units 2 & 3 (the semi-detached properties) would lie in the centre of the application site. All three of these properties would be one and a half storey and would have a pitched roof dormer window in the front roofslope and rooflights in the rear roofslope. Each dwelling would have a small open fronted porch to the front elevation and a single-storey rear section, which would project out 2.7m from the main rear elevation. Each dwelling would have an eaves height of 2.7m and a ridge height of approximately 6m. The accommodation would consist of an open plan lounge/ dining/ kitchen area, a bedroom and a bathroom to the ground floor and an en-suite bedroom in the roofspace. The dwellings would have small front and rear gardens and would have two parking spaces to the side. The dwellings would be served by a private access road, which would run along the southern edge of the site.
- 3.7 The fourth dwelling would be a detached two-storey property which would be

located towards the western end of the site. It would have two pitched roof dormer windows at eaves level in both the front and rear elevations. It would contain an open fronted porch to the front elevation and a single-storey rear section, which would project out 4.7m, from the main rear elevation. The dwelling would have a ridge height of 7m. The accommodation would contain an open plan kitchen/ dining area, a lounge, a bedroom and a bathroom to the ground floor, with three bedrooms (one en-suite) and a bathroom to the first floor. The west elevation of the dwelling, which faces open fields, would contain a large amount of glazing. Due to the significant change in levels at the western end of the site, the applicant is proposing to create a swimming pool beneath the dwelling. Three car parking spaces would be provided to the front of the dwelling. The dwelling would also have a small rear garden, with a larger garden being provided to the side (west). This would include an upper level patio adjacent to the dwelling and a lower level patio adjacent to the swimming pool, which would be adjoined by a garden area.

- 3.8 The dwellings would be predominantly rendered, with stone detailing, although the east elevations of Unit 1 (facing Gelt Road) and Unit 4 would be constructed of stone. All of the dwellings would have slate roofs and timber windows and doors. The dwellings would be separated by low stone walls.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to nine neighbouring properties. Five letters of objection have been received, which make the following points:
1. Development would be harmful to the conservation area;
 2. Site is too small for 4 dwellings;
 3. Inadequate parking is provided which would lead to traffic parking on Gelt Road, which will lead to congestion and parking problems for existing residents;
 4. Would blight the landscape and tranquility of the area;
 5. Proposed properties will lead to increased noise levels - area is very peaceful at present;
 6. Noise, extra traffic and pollution will be detrimental to existing residents;
 7. Proposal will put a strain on existing services - water pressure is already poor;
 8. Will overshadow existing dwellings on Gelt Road and lead to loss of light and loss of privacy to existing residents;
 9. 1 or 2 houses on the site would be more in keeping;

10. The introduction of more traffic into Gelt Road, which has a bad double bend and no pavement, is a real hazard;
11. Local residents in the vicinity of this site believe that the shed did not have planning permission; if this is true then the shed should be demolished and the site returned to 'green field' status.
12. The parking for ten cars, although technically correct, does not represent the true usage of the site. The proposal will increase traffic on Gelt Road.
13. The orientation of the four new dwellings, in a line at right angles to the road, sets an unacceptable precedence.
14. To approve this proposal opens the door to building more houses on this site. It allows for two or three other 'small streets' to be built on the adjacent land so creating a small estate.

5. Summary of Consultation Responses

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

Brampton Parish Council: - objects - over development of the site and concerned about extra traffic on the road;

Drainage Engineer: - comments awaited;

United Utilities: - no objections - surface water should discharge to a soakaway;

Carlisle Airport: - comments awaited;

Northern Gas Networks: - comments awaited;

Housing Strategy: - request a contribution to affordable housing of 10%, which equates to 0.4 of a unit.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H2, H5, LE1, LE19, CP2, CP5, CP12, CP13 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

- 6.2 The dwellings would be sited on land that lies within the settlement boundary of Brampton, which is identified as a Key Service Centre in Policy H1 of the adopted Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H1 and the other relevant policies contained within the Local Plan.

- 6.3 The side garden to the west of Unit 4 would lie within an area of Urban Fringe Landscape. Proposals which retain the open character of Urban Fringe Landscape are acceptable in principle. Permitted development rights would be removed to ensure that this area of garden retains its open character and the proposal is, therefore, acceptable in principle.

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

- 6.4 Units 1 & 3 would have a ridge height of 6m, which would be lower than that of Iona, which adjoins the site. Whilst Unit 4 would have a ridge height of 7m, this dwelling would be set back 35m into the site.
- 6.5 The east elevation of Unit 1, which would face Gelt Road, would be constructed of stone, with stone quoins and window surrounds. It would have a pitched roof dormer window, a pitched roof porch and a pitched roof single-storey rear projection, all of which would have slate roofs and which would add visual interest to the elevation.
- 6.6 Landscaping would be provided along the eastern boundary of the site, adjacent to Gelt Road. The front elevations of the dwellings would be visible to people travelling north down Gelt Road and these would be well designed with small pitched roof porches and pitched roof dormers in the front roof slopes and would be constructed of traditional materials. In light of the above, the scale and design of the proposals would be acceptable.

3. Impact On The Brampton Conservation Area

- 6.7 The site currently contains a brick and timber workshop building/ stables, which is approximately 29m long, with a ridge height that varies from 4m to 4.8m. The building is unsightly and detracts from the character of the Brampton Conservation Area. Demolishing this building and replacing it with well designed dwellings, constructed of traditional materials, would have a positive impact on the conservation area. The Council's Heritage Officer concurs with this view and considers the general appearance of the proposals to be sympathetic to the character of the conservation area.

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

- 6.8 The east elevation of Unit 1, which faces Gelt Road, only contains secondary windows. The dwelling directly across the road from the application site would be over 16m away from the side elevation of this dwelling, which has a maximum ridge height of 6m. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of this dwelling, through loss of light, loss of privacy or over-dominance.
- 6.9 Iona, which is owned by the applicant, would lie directly to the north of Unit 1 and would have its rear garden to the north of Units 2 to 4. This dwelling has no principle windows in the side elevation which faces the application site. Suitable boundary treatment would ensure that there is overlooking of Iona from ground floor windows of the new dwellings. Units 1 to 3 are one and a

half-storey properties, which would only have rooflights in the rear roofslope facing Iona. Whilst Unit 4 would be two-storey, this dwelling is over 23m away from the rear elevation of Iona and would face the rear garden of this property, rather than the dwelling itself. Whilst it is accepted that there would be increased overlooking of the rear section of the garden of Iona, this would only be from one bedroom window and would, therefore, be acceptable. There would also be some increased overshadowing and loss of light to the garden of Iona at certain times of the year. However, given the size of the garden, which extends 35m back from the rear elevation of the dwelling, this would not have a significant adverse impact on the occupiers of this dwelling.

- 6.10 The proposed dwellings would face the field that lies to the south of the site. Suitable boundary treatment would ensure that there is no loss of privacy to the occupiers of the new dwellings. The dwellings would have front and rear gardens and a minimum of two car parking spaces. In light of the above, the living conditions of the future occupiers of the new dwellings would be acceptable.

5. Affordable Housing Provision

- 6.9 The application proposes the erection of four dwellings and, therefore, in accordance with Policy H5 of the adopted Local Plan, an element of affordable housing must be incorporated. On this site, the affordable housing provision equates to 0.4 of a dwelling and, therefore, it has been agreed with the Housing Strategy Officer that this would be catered for by way of a commuted sum, which would be secured through the completion of a S106 agreement.

6. Highway Issues.

- 6.10 The existing access into the site would be used. The two bed dwellings would have two car parking spaces and the four bed dwelling three car parking spaces. County Highways is satisfied with these proposals and has raised no objections to the application, subject to the imposition of conditions.
- 6.11 Some objectors have raised concerns about the level of traffic that would be generated by the proposed development and the impact that this would have on Gelt Road, which has no pavements for part of its length. The increase in traffic from these properties would not be significant enough to have an adverse impact on highway safety on Gelt Road.

Conclusion

- 6.12 In overall terms, the proposal is acceptable in principle. The scale, siting and design of the proposed dwellings are acceptable in relation to the site and the surrounding properties. The proposal would not have an adverse impact on the Brampton Conservation Area or on the living conditions of the occupiers of any neighbouring properties, through loss of light, loss of privacy or over-dominance. Adequate car parking and amenity space would be provided to serve the new dwellings. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form dated 25th August 2011;
 2. the existing location and block plans (11/2031/00C) dated 25th August 2011;
 3. the existing site plan (11/2031/01B) dated 25th August 2011;
 4. the existing elevations workshop (11/2031/03) dated 25th August 2011;
 5. the proposed plans, section and elevations unit 1 (11/2031/05A) dated 25th August 2011;
 6. the proposed plans, sections and elevations units 2 & 3 (11/2031/06A) dated 25th August 2011;
 7. the proposed plans, sections and elevations unit 4 (11/2031/07C) dated 25th August 2011;
 8. the proposed site and location plans schematic elevations (11/2031/08E) dated 28th October 2011;
 9. the bat and barn owl survey dated 25th August 2011;
 10. the design and access statement dated 25th August 2011;
 11. the phase 1: desk top study report (ref: 11-328) dated 25th August 2011;
 12. the Notice of Decision; and
 13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

4. 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 approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

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

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. These approved parking, and manoeuvring areas shall thereafter be kept available for those purposes at all times and shall not be used for any other purpose.

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 ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 and LD8 and Structure Plan Policy T32.

7. 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.

8. The development hereby approved, shall be carried out in strict accordance with the mitigation measures contained within the Bat & Barn Owl Survey produced by Thurston Watson Ecology Consultancy Ltd, received 25 August 2011 (Report No WIB0811A).

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

9. Prior to the commencement of development, a Phase 2: Ground Investigation survey shall be undertaken in accordance with the recommendation contained within Paragraph 5.3 of the Phase 1: Desk Top Study Report, produced by Arc Environmental (Project Ref: 11-328) and received on 25 August 2011, unless otherwise agreed in writing by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. This contamination would then need to be risk assessed and a remediation scheme prepared. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

10. The windows shall be set back at least 100mm (1 brick depth) behind the face of the elevation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the dwelling is acceptable and to ensure compliance with Policies LE19 and CP5 of the Carlisle District Local Plan 2001-2016.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings hereby approved, within the meaning of Schedule 2 Part 1 of these Orders, without the written approval of the Local Planning Authority.

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

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

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

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

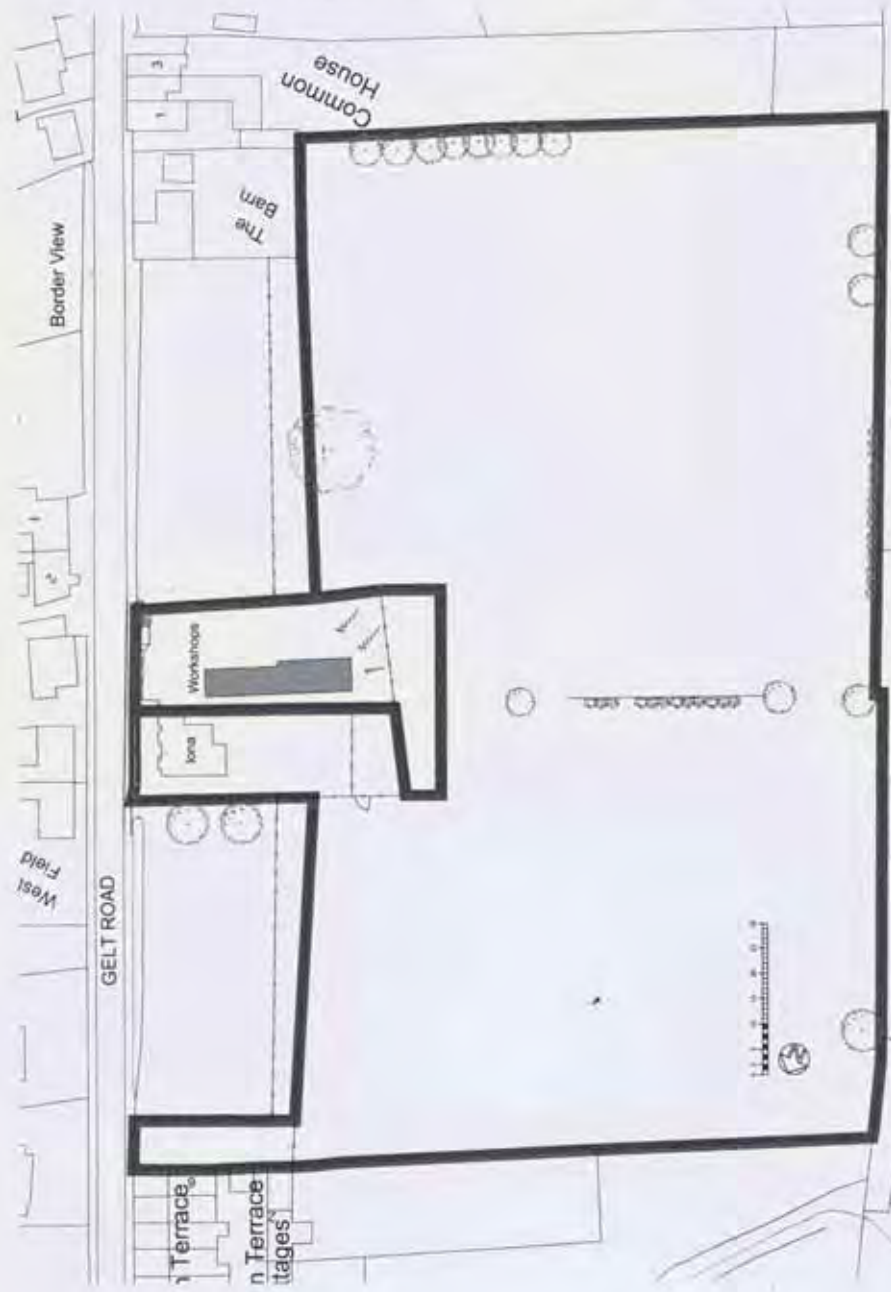
Reason: In order that the approved development overcomes any problems associated with the topography of the area and in order to protect the living conditions of the occupiers of any neighbouring properties, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.



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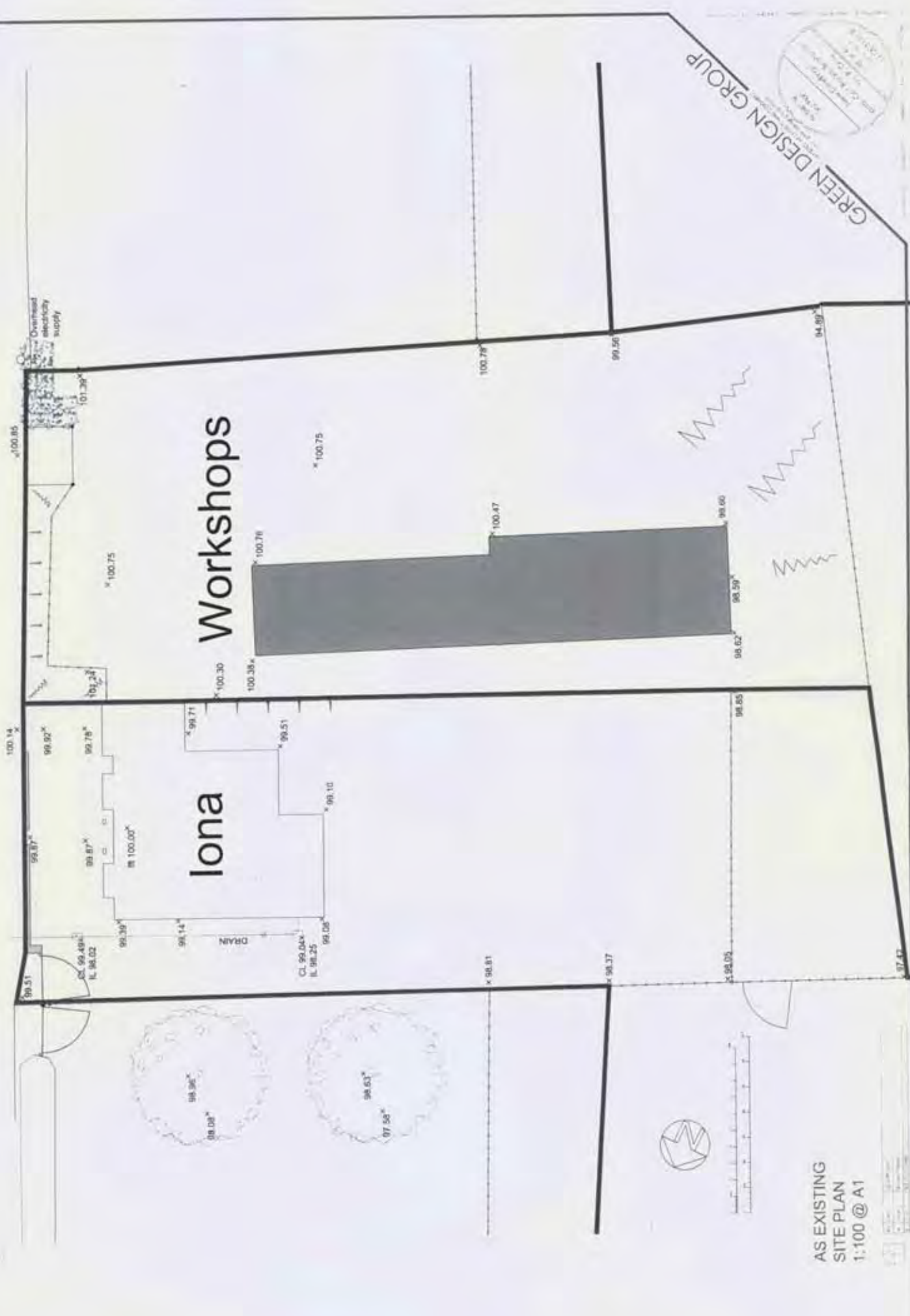
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BLOCK PLAN
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GREEN DESIGN GROUP

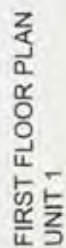
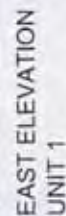
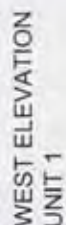
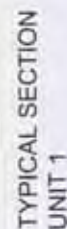
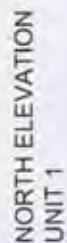


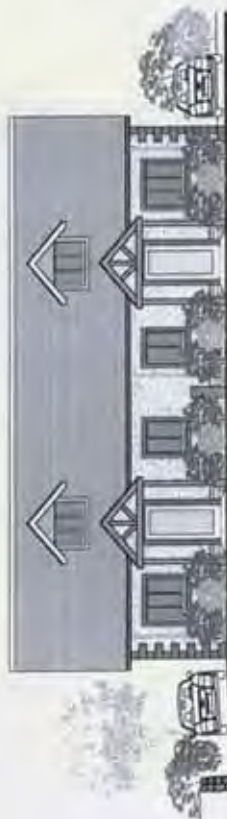
Workshops

Iona



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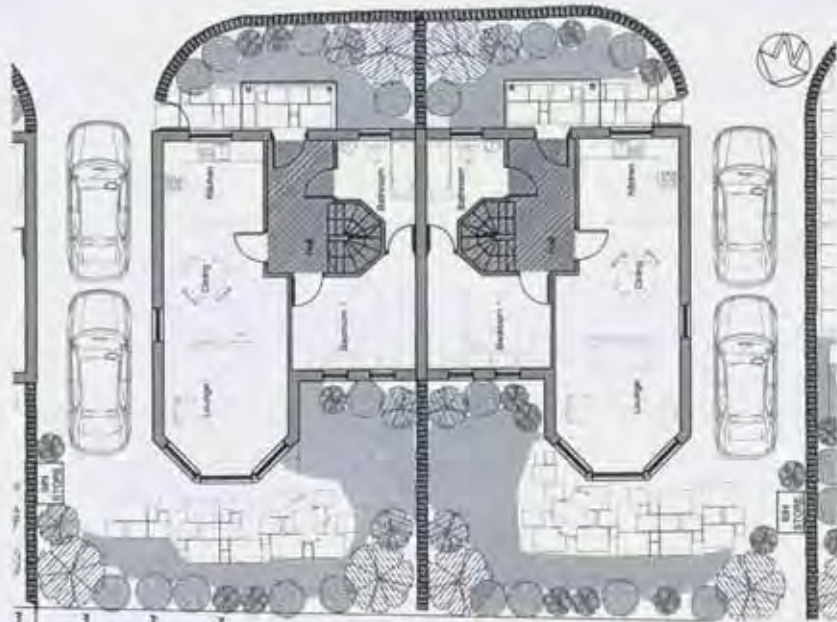




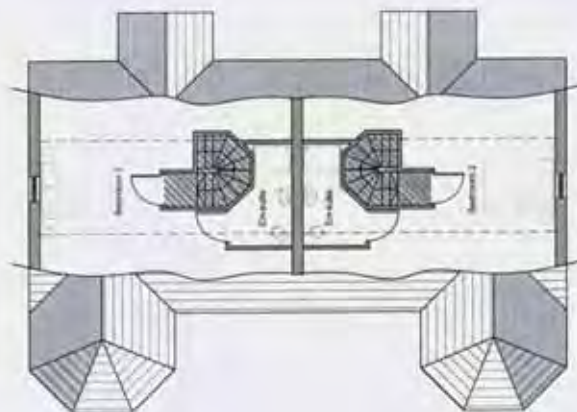
SOUTH ELEVATION
UNITS 2 & 3



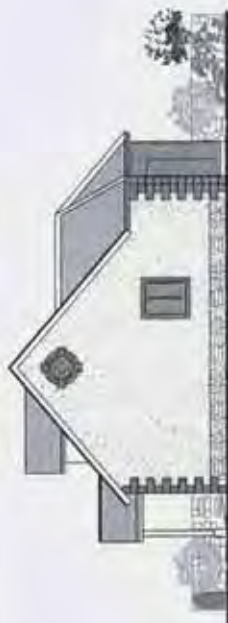
NORTH ELEVATION
UNITS 2 & 3



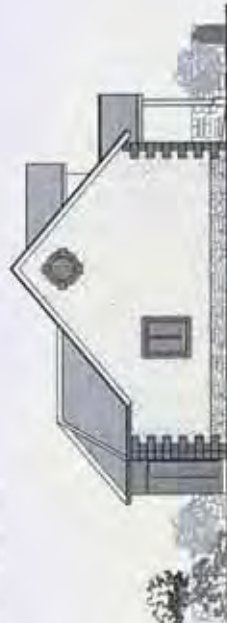
GROUND FLOOR PLAN
UNITS 2 & 3



FIRST FLOOR PLANS
UNIT 2 & 3



EAST ELEVATION
UNITS 2 & 3



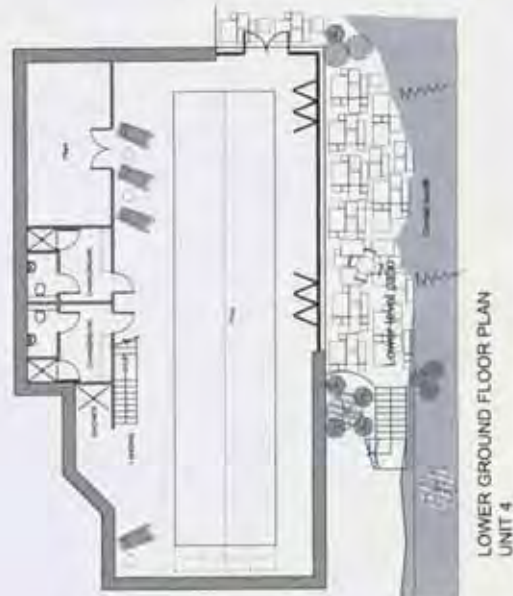
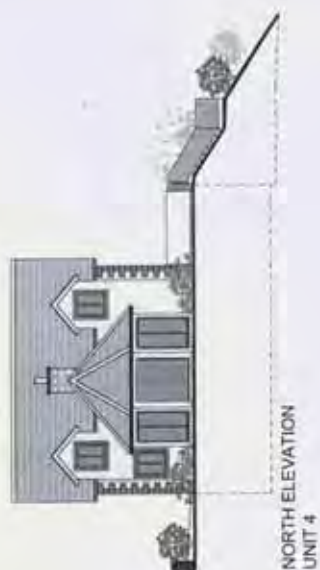
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UNITS 2 & 3

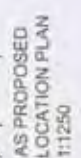
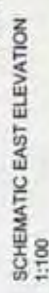
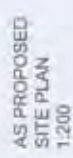


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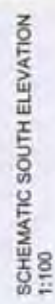
GREEN DESIGN GROUP





AS PROPOSED
LOCATION PLAN
1:1250

SCHEMATIC EAST ELEVATION
1:100



SCHEMATIC SOUTH ELEVATION
1:100

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SCHEDULE A: Applications with Recommendation

11/0734

Item No: 14

Date of Committee: 11/11/2011

Appn Ref No:
11/0734

Applicant:
Dr Gray

Parish:
Brampton

Date of Receipt:
22/08/2011 16:00:53

Agent:
Green Design Group

Ward:
Brampton

Location:
L/A Iona, Gelt Road, Brampton CA8 1QH

Proposal: Demolition Of Existing Workshop And Stables (Conservation Area Consent)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved.

2. Main Issues

- 2.1 The impact of the proposal on the Brampton Conservation Area

3. Application Details

The Site

- 3.1 The application site, which fronts onto Gelt Road, is currently occupied by a workshop building and stables, which are set back 14m into the site and which have a side elevation facing the road. The workshop building, which measures 14.5m in length by 5.5m in width, is constructed of brick to the lower sections of the walls, with timber boarding above. The building has a pitched roof which measures 2.6m to the eaves on the south side of the building and 2.9m to the eaves on the north side and 4m to the ridge. The stables, which are attached to rear of the workshop building, measure 14.5m in length by 6.6m in width. The walls are largely timber boarding, although there is small section of brick to the base. The stables also have a pitched roof, which measures 4.8m to the ridge.
- 3.2 An area of hardstanding is located to the front of the site, adjacent to Gelt Road, with an area of grass being located to the south of the building. The

site falls away from east to west, with the change in levels becoming more pronounced further back into the site. The land adjacent to the east elevation of the workshop is approximately 2m higher than the land adjacent to the west elevation of the stables. The land to the west of the stables falls away very steeply to the field that is located to the rear. There is also a change in levels on the site from north to south, which results in the eaves level at the western end of the stables varying from 2.7m on the south elevation to 3.6m on the north elevation.

- 3.3 Iona, a dormer bungalow which is in the applicant's ownership, lies to the north of the application site. This dwelling is located at a lower level than the application site and has its rear garden to the north of the stables/ workshop building. The dwelling has no principal windows in the side elevation facing the application site, but has windows at ground floor level in the rear elevation and a dormer window in the rear roofslope. Residential properties lie on the opposite side of Gelt Road to the application site, with one dwelling sitting directly opposite. Open fields adjoin the site to the south and west.
- 3.4 An earth bank with a timber fence above and an access gate are located along the eastern boundary of the site, adjacent to Gelt Road. The site boundaries with Iona and the adjacent fields consist of post and wire fences.

The Proposal

- 3.5 This proposal is seeking Conservation Area Consent for the demolition of the existing workshop and stable buildings.
- 3.6 An application, which precedes this proposal on the schedule, is seeking planning permission for the demolition of the workshop and stable buildings and their replacement by four dwellings (11/0733).

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to nine neighbouring properties. One letter of objection has been received but this raises issues that are associated with the planning application and as a consequence these have been added to that application.

5. Summary of Consultation Responses

Brampton Parish Council: - no comments;

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies LE17, LE19 and CP2 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. The Impact Of The Proposal On The Brampton Conservation Area

- 6.2 The site currently contains a brick and timber workshop building/ stables, which is approximately 29m long, with a ridge height that varies from 4m to 4.8m. The buildings are unsightly and detract from the character of the Brampton Conservation Area. The demolition of the buildings would not have an adverse impact on the character or appearance of the Conservation Area. Indeed, the removal the buildings would enhance the area. In the light of the above, the proposal to demolish the buildings would be acceptable.

Conclusion

- 6.3 In overall terms, the proposal would not have an adverse impact on the character or appearance of the Brampton Conservation Area. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Conservation Area Consent comprise:
1. the submitted planning application form dated 25th August 2011;
 2. the existing location and block plans (11/2031/00C) dated 25th August 2011;
 3. the existing site plan (11/2031/01B) dated 25th August 2011;
 4. the existing elevations workshop (11/2031/03) dated 25th August 2011;
 5. the bat and barn owl survey dated 25th August 2011;
 6. the design and access statement dated 25th August 2011;
 7. the Notice of Decision; and

8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The development hereby approved, shall be carried out in strict accordance with the mitigation measures contained within the Bat & Barn Owl Survey produced by Thurston Watson Ecology Consultancy Ltd, received 25 August 2011 (Report No WIB0811A).

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

SCHEDULE A: Applications with Recommendation

11/0549

Item No: 15

Date of Committee: 11/11/2011

Appn Ref No:
11/0549

Applicant:
Mrs Wilson

Parish:
St Cuthberts Without

Date of Receipt:
06/07/2011

Agent:
En-trust

Ward:
Dalston

Location:
Park House Farm, Wreay, CA4 0RL

Proposal: Erection Of 1no. 15kw Wind Turbine With A Hub Height Of 15.4m
(Height To Tip 21m) And All Associated Works

REPORT

Case Officer: Shona Taylor

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 the contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
- 2.2 the impact of the proposed development on the landscape and visual character of the area including cumulative impact;
- 2.3 the effect of the proposed development on the living conditions of local residents;
- 2.4 the effect of the proposal on the historic environment;
- 2.5 Carlisle Airport

3. Application Details

The Site

- 3.1 Park House Farm is located along a private road approximately 750m to the north east of the settlement of Wreay and consists of three dwellings under ownership of the applicant and a variety of agricultural buildings.
- 3.2 The farmstead is surrounded by agricultural land, to the east the property is separated from the nearest residential properties by the River Petteril and to

the west from Wreay village by the railway. The application site is located approximately 110 metres to the southwest of the farm steading within a field, with adjoining agricultural fields delineated by hedges, post and wire fences and occasional hedgerow trees. The application site is located adjacent to the site of Parkhouse Roman Fort, a scheduled ancient monument, and is categorised as being within sub-type 5b Lowland - Low Farmland as identified in the Cumbria Wind Energy Supplementary Planning Document (2007) and the Cumbria Landscape Character Guidance and Toolkit (2011).

The Proposal

- 3.3 The application seeks permission for the erection of 1no. 15kw wind turbine, which will have three blades with a 11.1m rotor diameter, a hub height of 15.4m and an overall height of 21m.
- 3.4 The intention is for the turbine to primarily provide power to Parkhouse Farm with any surplus having the possibility of going into the national grid. There is no requirement with this type of turbine for any additional ground based equipment housing or compound fencing.
- 3.5 Access to the turbine will be via the existing farm track and the entrance to the farm, on level ground. There will be no requirement to remove any hedgerow as part of the proposal.
- 3.6 The maximum RPM is 110 and the maximum power output is 15kW. It is estimated that the annual carbon saving is between 19 and 23 tonnes per annum.
- 3.7 The application is accompanied by a Design and Access Statement, an Acoustic Report, a Manufacturers brochure for C&F Turbines, an Aviation Assessment and Appendix 6, the on site photographs.

4. Summary of Representations

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

5. Summary of Consultation Responses

Carlisle Airport: - no objections to the proposal based on the details provided;

National Air Traffic Services: - no response received;

Eskdalemuir Seismic Recording Station: - no response received;

Cumbria County Council - Highway Authority: - no objections;

St Cuthberts Without Parish Council: - no response received;

Cumbria County Council - Archaeological Services: - no objections, subject to a condition requiring the applicant to undertake a programme of archaeological recording;

English Heritage - North West Region: - no objections subject to the imposition of a condition relating to the submission of an Archaeological Watching brief;

Ramblers Association: - no response received;

Ministry of Defence/Defence Estates: - no objections;

Local Environment, Green Spaces - Countryside Officer: - no objections with relation to the footpath.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 As a result of the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan unless and until the Localism Bill is enacted. Given the stage of the Localism Bill (and the lack of certainty as to what its ultimate content will be) it is inappropriate to give weight to the Governments intention to revoke the RSS; and this is in accord with the Court of Appeals judgment in June 2011. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the Carlisle District Local Plan 2001-2016. The application also needs to be assessed against the Cumbria Strategic Partnerships Sub Regional Spatial Strategy 2008 - 2028 (SRSpS), the Cumbria Landscape Character Guidance and Toolkit (2011), and the Cumbria Wind Energy Supplementary Planning Document (2007).
- 6.3 RSS Policy EM1 seeks to identify, protect, enhance and manage environmental assets. RSS Policy EM1(A) refers to the landscape and the need to identify, protect, maintain and enhance its natural, historic and other distinctive features. RSS Policy EM17 requires at least 10% of the electricity which is supplied within the Region to be provided from renewable energy sources by 2010 (rising to at least 15% by 2015 and at least 20% by 2020). Criteria that should be taken into account in assessing renewable energy schemes include the impact on local amenity and the landscape.
- 6.4 JSP Policy R44 states that renewable energy schemes should be favourably considered where there is no significant adverse effect on such matters as landscape character, local amenity, and highways. The policy also explains that the environmental, economic and energy benefits of renewable energy

proposals should be given significant weight. JSP Policy E37 stipulates that development should be compatible with the distinctive characteristics and features of the landscape. The assessment of any proposal being based on visual intrusion or impact; scale in relation to the landscape and features; and remoteness and tranquillity. Policy E35 seeks to safeguard areas and features of nature conservation interest.

- 6.5 In terms of the Local Plan policies, Policy CP1 requires rural development proposals to conserve and enhance the special features and diversity of the different landscape character areas. Policies CP2, LE2 and LE3 seek to ensure that development conserves and enhances the biodiversity value of areas. Policy CP8 deals with renewable energy and is permissive subject to a number of criteria including that there is no unacceptable visual impact on the immediate and wider landscape; and any new structure would be sensitively incorporated into the surrounding landscape and respect the local landscape character.
- 6.6 A development principle of the Cumbria Sub Regional Spatial Strategy 2008-2028 includes the promotion of decentralised renewable and low carbon energy sources.
- 6.7 The site lies within landscape character sub type 5b Lowland - Low Farmland (Cumbria Landscape Character Guidance and Toolkit 2011). According to Map 8 (Landscape Capacity Assessment) of the Cumbria Wind Energy Supplementary Planning Document (July 2007) such a landscape has a “moderate” capacity to accommodate wind energy schemes i.e. up to a small group of 3-5 turbines or in exceptional circumstances a large group of 6-9 Turbines.
- 6.8 Other material considerations include PPS1 “Delivering Sustainable Development” and PPS1 Supplement “Planning and Climate Change”; PPS7 “Sustainable Development in Rural Areas”; PPS9 “Biodiversity and Geological Conservation”; and PPS22 “Renewable Energy” inclusive of “Planning for Renewable Energy – A Companion Guide to PPS22; Circular 8/93 “Costs in Planning and Other Proceedings”; and Circular 11/95 “The Use of Conditions in Planning Permissions”. The National Planning Policy Framework Draft Consultation (NPPF) issued on the 25th July 2011 is a material consideration which needs to be taken into account. However, its policies have been accorded little weight because it is still in draft form and may change following the consultation period.
- 6.9 The Climate Change Supplement to PPS1 refers to the urgent need for action on climate change and encourages Local Authorities to tackle the causes and impacts of climate change through policies to promote, rather than restrict, the development of renewable energy sources such as wind power.
- 6.10 PPS22 indicates that renewable energy developments should be capable of being accommodated throughout England although the potential impact of renewable energy projects close to nationally designated areas (such as National Parks and Areas of Outstanding Natural Beauty) is a material consideration. Technical guidance ETSU-R-97 is to be used when assessing

the impact of noise on nearby residents. PPS7 states that countryside policies should provide for the sensitive exploitation of renewable energy. PPS9 sets out the key principles relating to development and nature conservation. Planning decisions should aim to maintain, enhance, restore or add to biodiversity.

- 6.11 Paragraph 9 of Annex 3 of Circular 8/93 "Costs in Planning and Other Proceedings" highlights that planning authorities are expected to thoroughly consider relevant advice from a statutory consultee. Nevertheless, it is always the authority's sole responsibility to ensure that, if they adopt such advice, their decision is based on a complete understanding of the consultee's advice. In addition, paragraph 11 of Annex 3 of Circular 8/93 advises that planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions on a grant of permission which would allow development to proceed.
- 6.12 The 2007 European Union Common Energy Policy includes a binding target of 20% of overall energy to be produced from renewable by 2020 and a 20-30% reduction in greenhouse gases. The Climate Change Act 2008 set a legally binding target to reduce greenhouse gas emissions by at least 80% by 2050 and reductions in CO2 emissions of some 26% by 2020 against a 1990 base. In 2009, EU Directive 2009/28/EC set out a requirement of 35% of electricity to be produced from renewable. This directive sets out the contribution from each member state with the UK set to produce 15% of all energy from renewable sources by 2020. The 2009 Renewable Energy Strategy highlights a need to radically increase our use renewable electricity and notes that the 15% binding target requires a seven fold increase in the share of renewable in less than a decade.
- 6.13 Members of Parliament have recently approved the Government's final set of National Policy Statements on energy. The NPS reiterate the key role of renewable electricity production has in meeting the 15% target by 2020. Of all the renewable energy sources, onshore wind is recognised as the most well established and most economically viable source of renewable electricity available for future large scale deployment in the UK.
- 6.14 When assessing this application it is considered that there are five main issues, namely:
 1. the contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
 2. the impact of the proposed development on the landscape and visual character of the area;
 3. the effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
 4. the effect of the proposal on the historic environment;
 5. Carlisle Airport.

1. The contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social,

environmental and economic benefits

- 6.15 The importance attached by the Government to increasing the proportion of electricity generation derived from renewable sources is expressed in the Renewable's Statement of Need included in The Energy Challenge published by the former Department of Trade and Industry in 2006. Amongst other matters, this states that new renewable projects may not always appear to convey any particular local benefit, but they convey crucial national benefits. Individual renewable projects are part of a growing proportion of low-carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps to ensure reliability. This message was reinforced in the Energy White Paper 2007 which also explains that developers should not be required to show the need for a proposed development to be sited in a particular location.
- 6.16 PPS22 also stresses that small scale projects can provide a limited but valuable contribution to the overall output of renewable energy and to meet energy needs both locally and nationally.

2. Landscape and visual impacts including cumulative impact

- 6.17 Paragraphs 19 and 20 of PPS22 highlight that (1) landscape and visual effects should be assessed on a case by case basis using objective descriptive material and analysis wherever possible; and (2) of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects.
- 6.18 Paragraphs 1(iv) and (v) of PPS7 explains that the Governments aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife and the wealth of its natural resources, and so that it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness. Paragraph 16(iv) also advises that planning determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.
- 6.19 The application site comprises an open field in an agricultural landscape (with field boundaries being mainly hedgerows, wire fencing and occasional hedgerow trees).
- 6.20 Park House Farm is made up of three dwellings, Park House Cottage, Park House East and Park House West, and the associated farm buildings. These dwellings are occupied by the applicants daughter, the applicants stockman and the third is a private rental, also under the ownership of the applicant. A fourth dwelling, Barrock View, is occupied by the applicants son, and is located on the lane to Park House farm, approximately 350m from the application site. The applicant lives off-site in nearby Southwaite.
- 6.21 The nearest residential properties to the application site that are not under the ownership of the applicant are Wreay Hall Mill (approximately 600m away),

Scalescleugh Hall (approximately 650m away) and Woodside Farm (approximately 700m away). Due to the topography of the surrounding area, particularly with regard to the surrounding woodland, the River Petteril and the railway, in comparison to the relatively small scale of the turbine, it is considered that the views of the site from these properties would be minimal, and not significant enough to warrant refusal of the application on this basis.

- 6.22 The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbine is within the size limits suggested for this landscape type.
- 6.23 As an engineered structure, where visible, the turbine would visually contrast with the more natural surroundings. However despite its height, the proposal has a relatively minimal form and given (1) the existing nature of the landscape and (2) the proposed colour of the wind turbine it is not considered that the proposal will adversely impact on the visual amenity and character of that landscape. Conditions are attached requiring removal of the turbine at the end of its operational life (or if it ceases to be operational for a continuous period of 12 months) and reinstatement of the land to its former condition.

3. Living conditions of local residents

- 6.24 The noise levels generated by the wind turbine are specified as 40dBA at a windspeed of 5m/s at a distance of 60m from the turbine, this decreases if the distance is extended. PPG24 (Planning and Noise) recommends using BS8233;1999 Sound Insulation and Noise Reduction in buildings-Code of Practice. This (1) recommends that noise levels in bedrooms at night should not normally exceed 45dBLA max (these values do not apply to noise generated within the house) and (2) suggests that steady noise in gardens should not exceed 50dbLAeqT.
- 6.25 Given the siting of the wind turbine relative to dwelling houses in the area (the nearest property being just over 111m away from the turbine) it is not considered that the proposal will have an adverse impact on the living conditions of neighbouring residents. However, as a safeguard, a condition is recommended, to ensure that the sound levels produced by the wind turbine do not exceed those specified in the Design and Access Statement and noise report submitted with the application.
- 6.26 Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. In this case, the information accompanying the current application does not confirm the likely operating frequency.

- 6.27 In relation to amenity, paragraph 76 of the Wind Energy Annex to the Companion Guide to PPS22 makes it clear that shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. In this case the rotor diameter is 11.1 metres with there being no properties within the specified distance (111m) . As such there should not be any risk of such an impact on residential amenity.

4. The Effect Of The Proposal On The Historic Environment

- 6.28 The site of the proposed wind turbine lies close to the site of Park House Roman Fort, which is scheduled as an ancient monument (Cumbria County Monument 281). As such English Heritage (North West Region) have commented on the application. They consider that the proposed development is unlikely to have a significant impact on the setting of the monument, however, it is possible that Roman remains associated with the fort may lie outside the boundary of the scheduled monument. Whilst they have no objection in principle to the application they have recommended that an archaeological watching brief is carried out. This advice has been reiterated by the County Archaeologist, who has provided relevant wording for a condition.

5. Carlisle Airport

- 6.29 Further to the receipt of the Aviation Assessment, Carlisle Airport have confirmed that they have no objections to the proposal.

Other Matters

- 6.30 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining planning applications as prescribed by regulation 3(4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the siting of a wind turbine within agricultural land currently used for as grazing. The site is not designated under EU directives as a Special Area of Conservation or a Special Protection Area. However, in order to safeguard possible breeding birds in the area, a condition has been recommended to ensure that any works associated with the construction works of the wind turbine do not take place during the breeding bird season.
- 6.31 It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbines location, it is not considered that they are of sufficient weight to influence the outcome of the

proposal.

Conclusion

- 6.32 In conclusion the proposal involves the erection of a relatively small turbine to serve the needs of Parkhouse Farm, with the possibility of spare capacity feeding into the National Grid. Taking account of the modest scale and technical specifications of the proposal, it is considered that it will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.
- 6.33 It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 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 Local Plan and, as such, is recommended for approval subject to appropriate conditions.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form;
2. Location Plan received 30th June 2011 (DWG1);
3. Site Plan received 30th June 2011 (DWG2);
4. Turbine Elevations received 30th June 2011;
5. Design and Access Statement received 30th June 2011;
6. 'C&F Green Energy' Manufacturers Brochure received 30th June 2011;
7. Acoustic Report received 30th June 2011;
8. Aviation Report received 26th October 2011;
9. Appendix 6 - Site Photographs received 30th June 2011;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components, as described in the

documents listed in condition 2 above, shall be removed from the site.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained for a period of not more than 25 years from the date when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site which shall be reinstated to its original condition.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. The noise levels of the turbines shall not exceed the levels indicated in part 7 of the Design and Access Statement (received by Planning Services on 30th June 2011) or the Acoustic Noise Levels detailed in the Acoustic Report received by Planning Services on 30th June 2011.

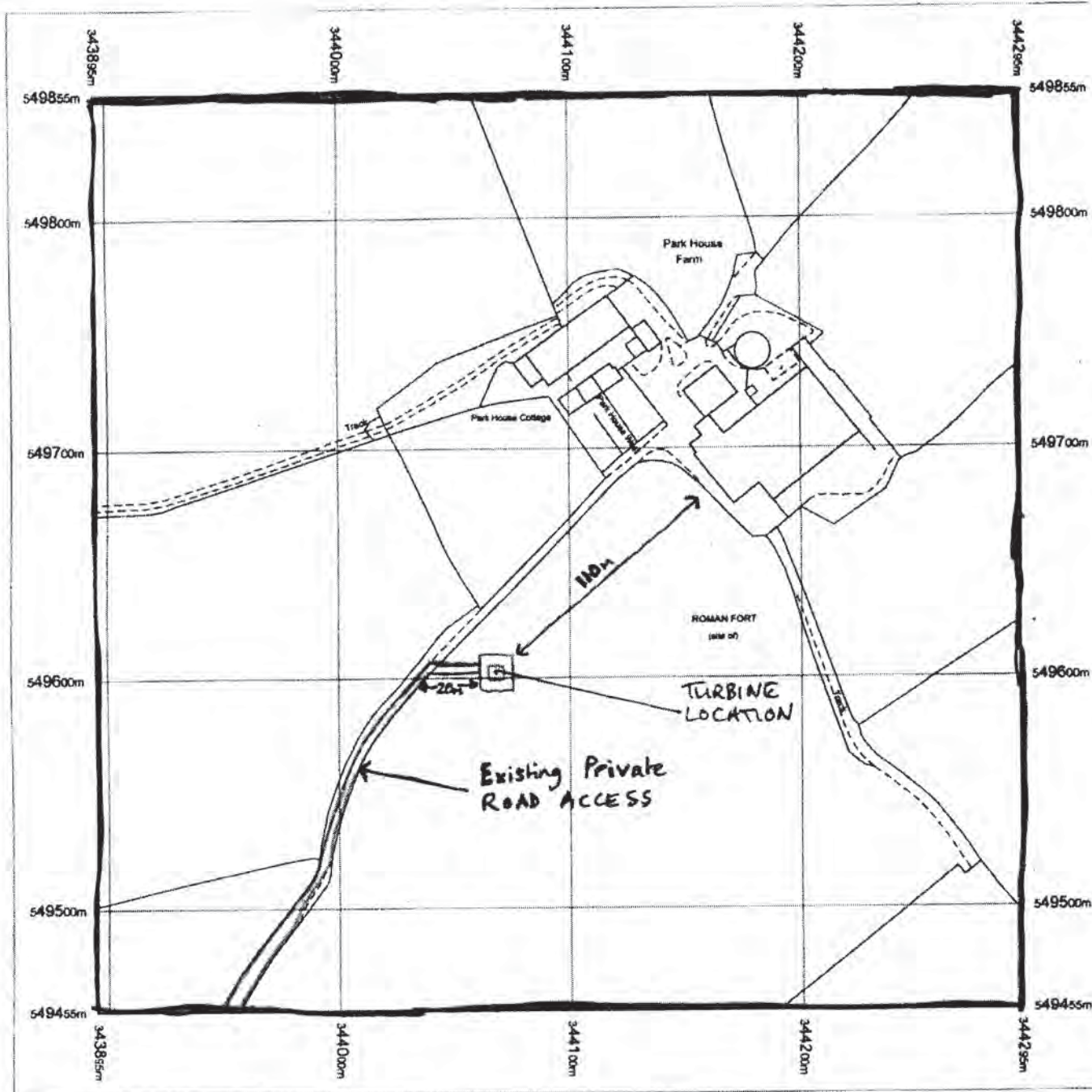
Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

6. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of this development. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority before the commencement of any development hereby approved by this permission. Within two months of the completion of the development three copies of a 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 LE10 of the Carlisle District Local Plan 2001-2016.

7. No works hereby approved shall take place during the breeding bird season (March - August) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that bird species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation (Natural Habitats, &c.) Regulations 1994 and Policy CP2 of the Carlisle District Local Plan 2001-2016.



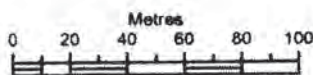
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11/0549



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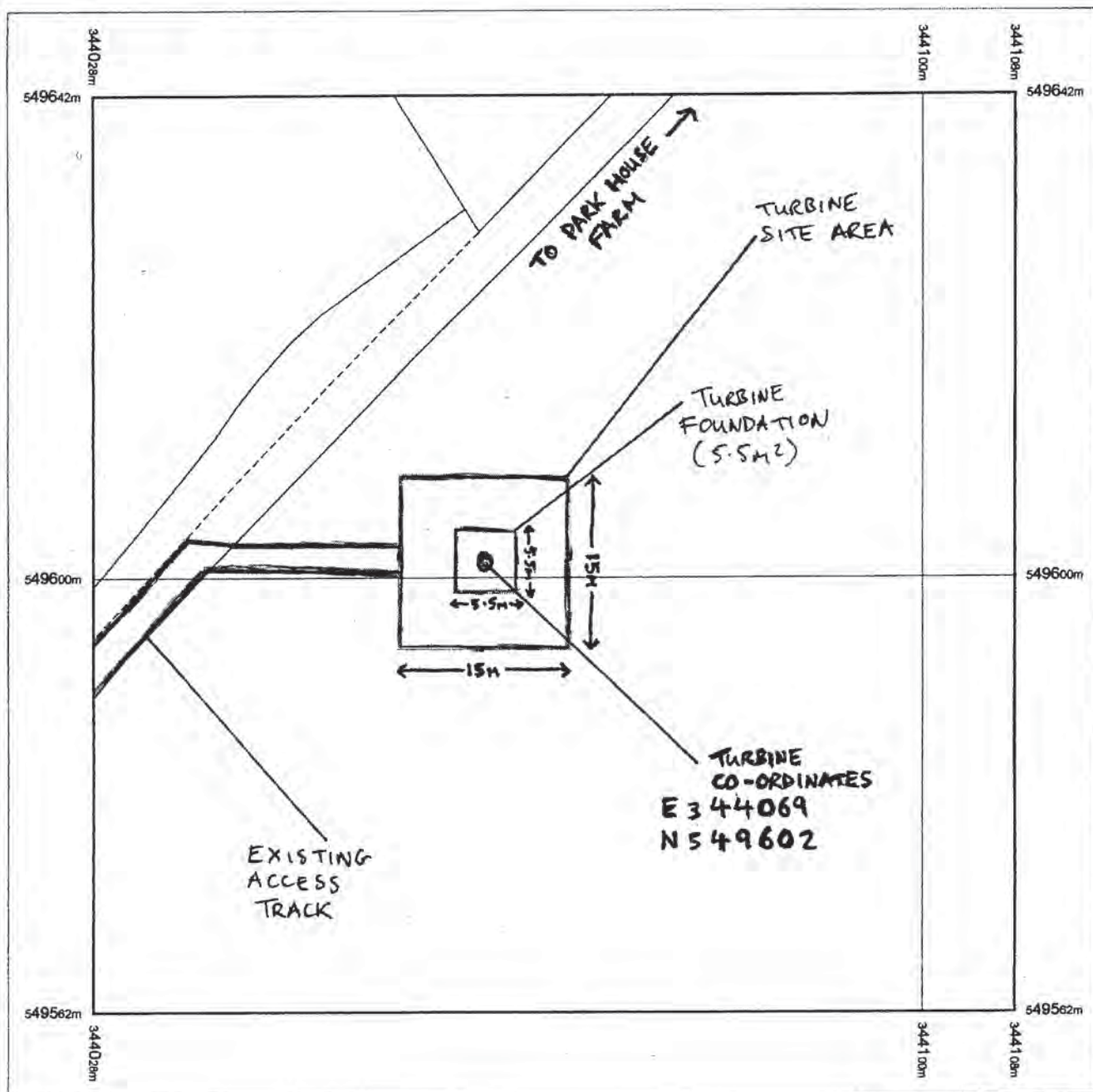
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Centre coordinates: 344095.13 549655

Park House

Wreay, Carlisle

Cumbria

DWG 001 LOCATION PLAN



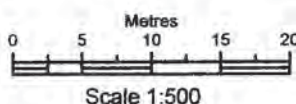
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The representation of a road, track or path is no evidence of a right of way.

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



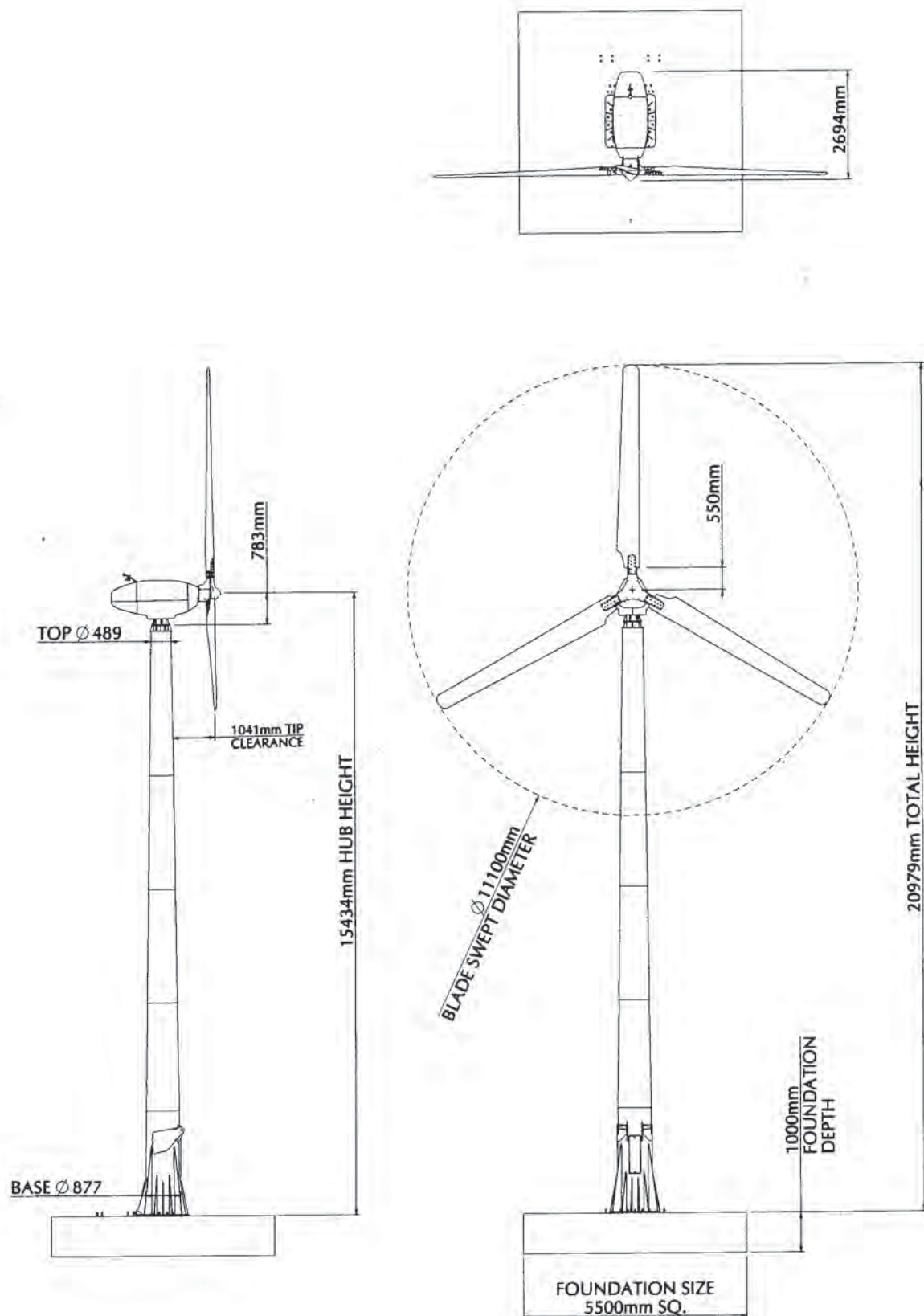
Supplied by: **NFS Distribution**
Serial number: 00576200
Centre coordinates: 344068 549602

Park House

Wreay, Carlisle

Cumbria

DWG 002 SITE PLAN



OVERALL DIMENSIONS FOR CF15 TURBINE: 15kW GENERATOR / 15m MAST / 5m BLADES

C&F Green-Energy		CF15	
		All Dimensions in mm	
DESCRIPTION:	OVERALLS / PLANNING	QTY PER UNIT:	-
MATERIAL:	Mast: S275 Galv	SCALE:	1:100
DRAWN:	C. O'Neill	PAINT:	-
CHECKED:	-	FINISH:	-
DATE:	16-Feb-11	SHEET:	1 OF 1

SCHEDULE A: Applications with Recommendation

11/0398

Item No: 16

Date of Committee: 11/11/2011

Appn Ref No:
11/0398

Applicant:
Haliwell Farms Ltd

Parish:
Westlinton

Date of Receipt:
20/05/2011

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:

Keysmount Farm, Blackford, Carlisle, Cumbria, CA6
4ER

Proposal: Erection Of Feed Bins For Cattle Housing Building (Retrospective)

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that Authority to Issue is granted to approve this application with conditions.

2. Main Issues

- 2.1 Whether the principle of the proposed development is acceptable;
2.2 Whether the layout and appearance of the development is acceptable; and
2.3 Highway matters.

3. Application Details

The Site

- 3.1 This application seeks retrospective "Full Planning" permission for the erection of 2no. feed bins at Keysmount Farm, Westlinton, Carlisle. The site is located immediately adjacent to the Blackford to Scaleby road, approximately 820 metres east of the A7 Carlisle to Longtown road. The farm is within open countryside although there are several residential properties approximately 270 metres to the west.

The Proposal

- 3.2 A concrete base has been constructed on land between a livestock building and the highway. The base measures 6.5 metres in width by 3.3 metres in

depth with a height of 0.2 metres. Two feed bins have been installed onto the concrete plinth and each measure 1.9 metres in width by 5.8 metres in height. The bins have been constructed from galvanised framework with green profile sheeting.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice. No written or verbal representations have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - the Highway Authority is fully aware of the fact that this is a retrospective application for a structure already built on highway and this is only allowed in very exceptional occasions. The applicant has given no substantial evidence proving that this is one of those occasions. There is a real possibility that the precedent created, if this is allowed, will make resisting similar encroachments onto highway by other applicants very difficult to defend. It is recommended that the application is refused and the planning authority is encouraged to take the appropriate enforcement action to remove this structure.

If planning permission is granted, a condition should be imposed requiring the applicant to obtain a license for the obstruction of the highway.

Westlinton Parish Council: - the Parish Council are concerned that:

1. the development was completed in February;
2. the Highway Authority were aware of the concrete plinth being laid last November;
3. no feedback has been provided from any department about this development;
4. the feed bins are in use so what is the point of the Parish Council commenting as the bins will not be removed and the description doesn't make reference to the fact that the application is retrospective;
5. work should not be started until planning permission has been granted.

Local Environment - Environmental Protection: - no observations regarding the application.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP5, CP6, LE25 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.

1. The Principle Of Development

- 6.2 Planning policies require that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/ or take

advantage of the contours of the land and any existing natural screening. These policies also require that the scale and form of the proposed building or structure relates to the existing group of farm buildings.

- 6.3 The feed bins are large but reasonable in terms of the scale of modern agricultural structures and is reflective of similar buildings and structures within the steading. The siting has been selected to relate as closely as possible to the existing buildings on the farm. Although the feed bins are prominently sited to the front of the existing buildings with public views of the development, given the scale of the structures and their siting in relation to the scale of the existing buildings, the structures are not visually obtrusive or detrimental to the character of the area.

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

- 6.4 The building would be located within the open countryside but there are some residential properties close to the application site although none are immediately adjacent. The nearest property is known as Mount Cottage and is situated approximately 280 metres south west west of the application site, on the opposite side of the road.
- 6.5 Planning policies seek to ensure that any agricultural development proposal would not have an unacceptable adverse effect on any adjacent properties. Given the distance between the proposal and neighbouring residential properties, and the fact that the view would be shielded by the existing buildings, it is not considered that the living conditions of the occupiers of these properties would be adversely affected by the development.

3. Highway Matters

- 6.6 The concrete base and feed bins have been constructed on highway land. The applicant has submitted a revised Certificate of Ownership which confirms that the appropriate notification been served on the Highway Authority. This fulfils the applicant's responsibility under the planning application process.
- 6.7 Members will note that the Highway Authority has lodged a detailed objection to the application and are concerned that the structure has already been built on highway land which, in their view, should only be allowed in very exceptional occasions. It is further stated that the applicant has given no substantial evidence proving that this is one of those occasions.
- 6.8 The applicant states that the agricultural building adjacent to the feed bins is the main building used for the accommodation of livestock on the farm and there are no alternative suitable sites for the feed bins within the farm complex.
- 6.9 Whilst the Highway Authority has objected to the scheme on the basis that the applicant has not obtained the necessary consent from them (effectively as landowner), no substantive highway objection has been lodged that would

justify refusal of the application. On that basis, given that the proposal is acceptable from a planning perspective, it is recommended that Members approve this application contrary to the Highway Authority's recommendation.

- 6.10 In considering the above, Members are reminded that the development has occurred within an area of highway verge which is a public right of way. Circular 02/93 'Public Rights Of Way' is relevant to the consideration of the proposal and in particular, Annex D 'Public Rights Of Way And Development' advises that the effect of development on public right of way is a material consideration in the determination of applications for planning permission but this does not prejudice the application being approved.
- 6.11 There is provision under the Town and Country Planning Act (TCPA) 1990 for the applicant to apply to the Secretary of State under S247 for the stopping up of the highway land to be authorised. The SoS would have to be satisfied that the 'stopping up' of the highway was necessary for the development to take place. This is not a section which operates retrospectively; *Ashby v. SoS for the Environment* [1980]. In other words, in this instance, the highway is already stopped up therefore S247 could not apply.
- 6.12 There is further provision available to District Council's under S257 of the said Act ; however, this only applies to footpaths and bridleways affected by development. There is no power under the TCPA to stop up the highway.
- 6.13 The appropriate course of action is for the applicant to make an application through the Local Highway Authority to make an application under S116 of the Highway Act 1980 to the Magistrates Court. The Court may authorise the stopping up of the highway if it appears to them to be necessary.
- 6.14 The Highway Authority has stated that they would not support such an application but this is a parallel yet separate issue to the consideration of the planning application. If Members are minded to grant approval, it would be appropriate to grant Authority to Issue approval subject to the applicant obtaining a Stopping Up Order.

3. Other Matters

- 6.15 The Parish Council has raised several concerns that centre on the fact that the development is retrospective and was completed in February. Members will be aware that it is not unlawful for a development to be commenced and indeed completed prior to consent being granted; however, such works are at the applicant's own risk and do not prejudice the determination of the application. The relevant planning issues have been addressed in the preceding paragraphs of this report.

4. Conclusion

- 6.16 In overall terms, the agricultural development is of a scale and design that is appropriate. The character and appearance of the area is not adversely affected to such a degree as to warrant refusal of the application. The development does not pose any issue in terms of affecting the living

conditions of the occupiers of any neighbouring properties and in all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

- 6.17 The structures are still subject to an application to the Highway Authority to stop up the highway. Planning permission cannot be granted until such time as an application has been approved but this process is detached from the planning application. In the event that such an application is unsuccessful, the applicant would be required to withdraw the application and enforcement action may be initiated to remove the structures and concrete base.

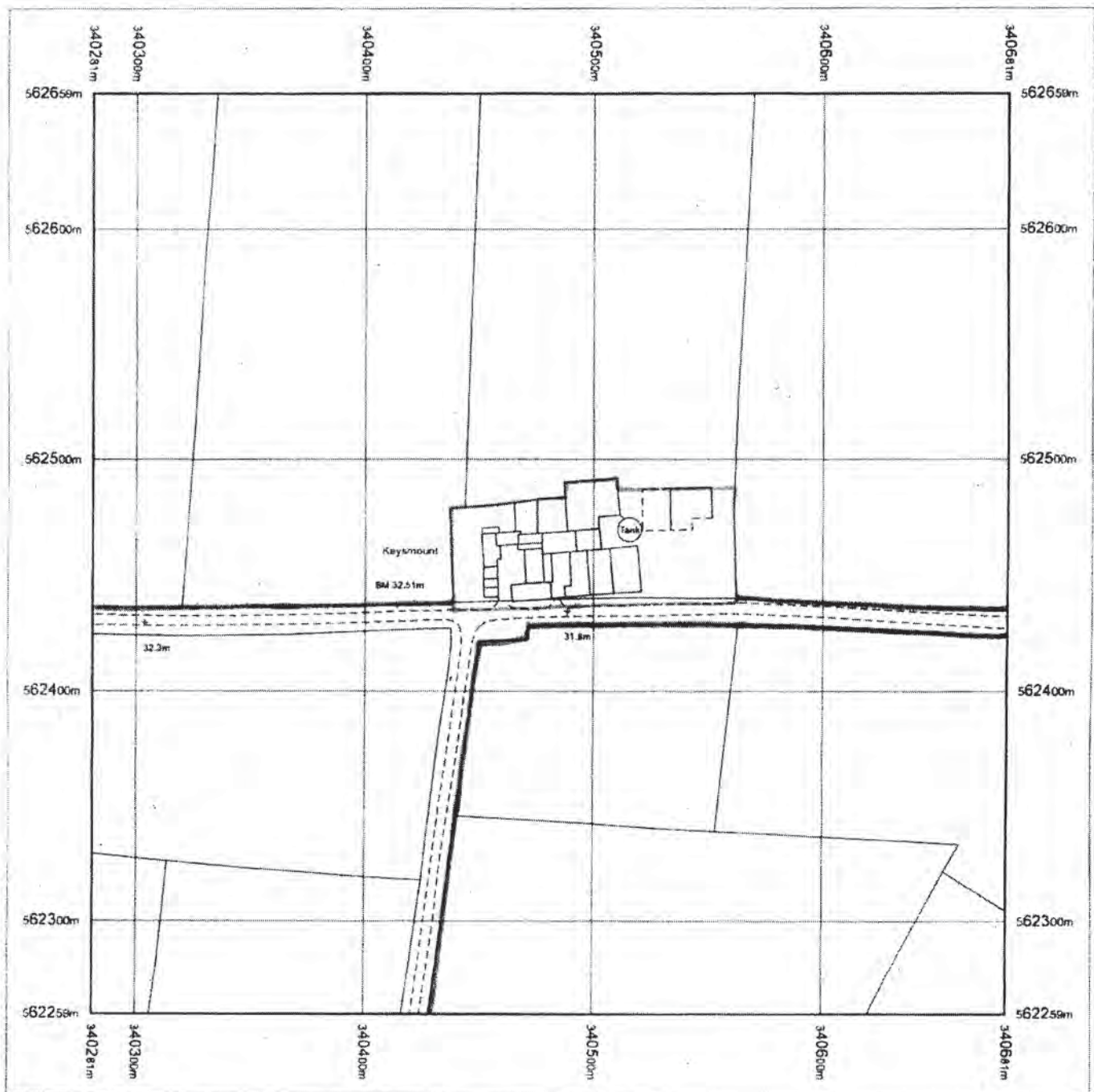
7. Planning History

- 4.1 In 1987, under application 87/0770, planning permission was granted for the installation of a bulk gas storage tank.
- 4.2 In 2003, under application 03/0001, planning permission was granted for the erection of a silage shed.
- 4.3 In 2007, under application 07/1340, planning permission was granted for the erection of an agricultural storage building.
- 4.4 In 2008, under application 08/0818, planning permission was granted for the erection of a replacement animal housing building.

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received on 17th May 2011 as amended by the Certificate Of Ownership B received on 27th June 2011;
 2. the Location Plan received 17th May 2011 (Drawing no. 1765/4);
 3. the Site Plan received 17th May 2011 (Drawing no. 1765/5);
 4. the As Existing received 17th May 2011 (Drawing no. 1765/6);
 5. the As Proposed received 17th May 2011 (Drawing no. 1765/7);
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.



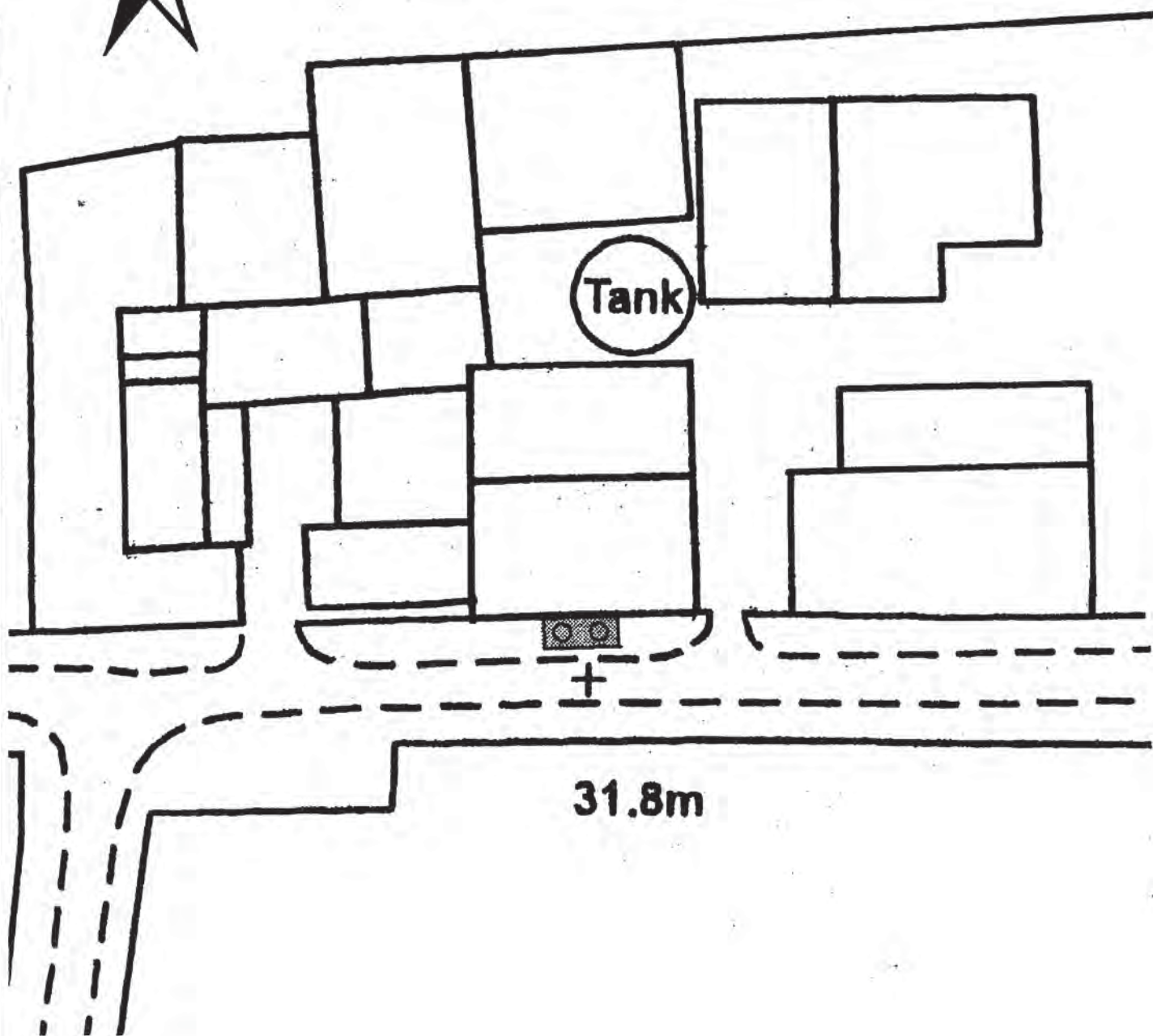
PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD

DRG.NO. 1765/4

LOCATION PLAN

17 MAY 2011
11/0398

SCALE : 1-2500



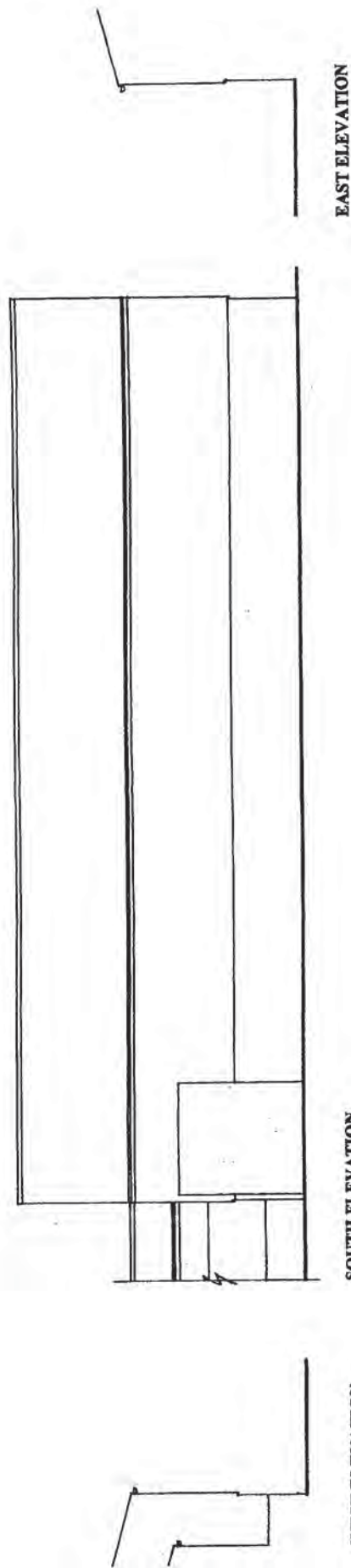
PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD

DRG.NO. 1765/5

SITE PLAN

17 MAY 2011
11/03/11

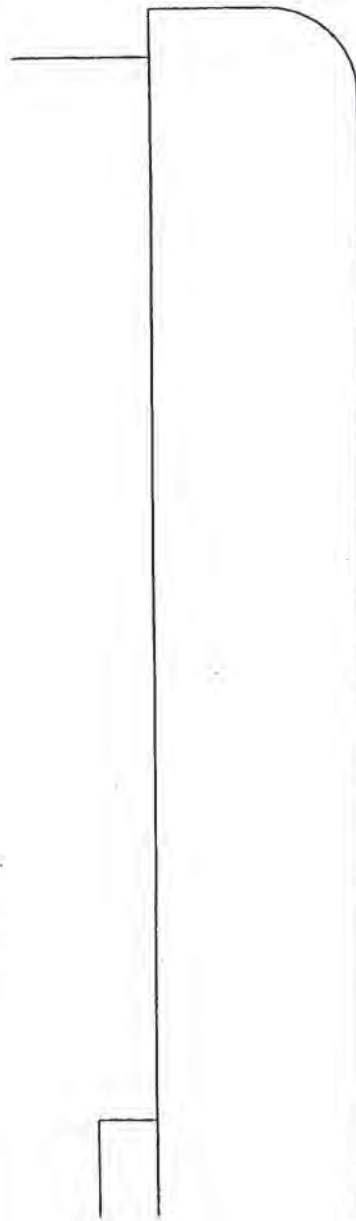
SCALE : 1-500



EAST ELEVATION

SOUTH ELEVATION

WEST ELEVATION



PLAN

PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD

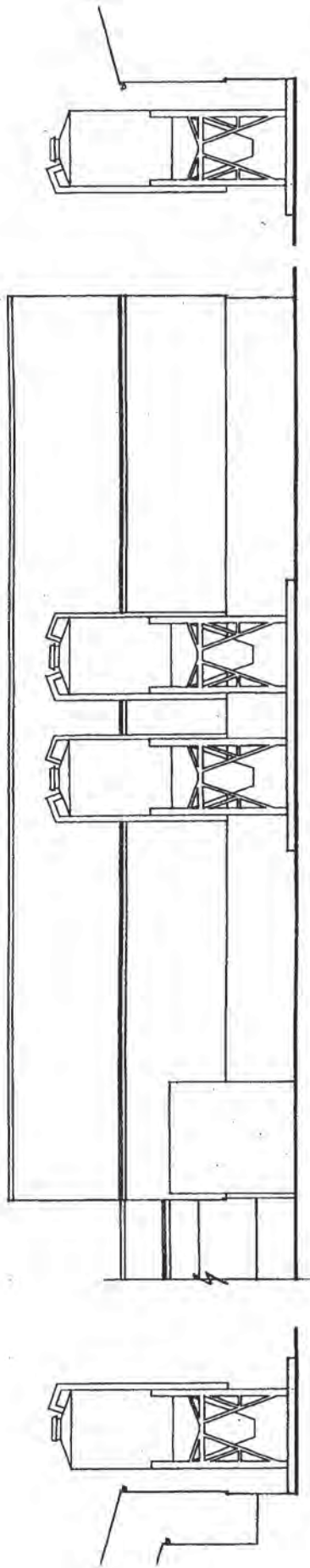
DRG.NO. 1765/6

SCALE : 1-100

AS EXISTING

MAY 2011

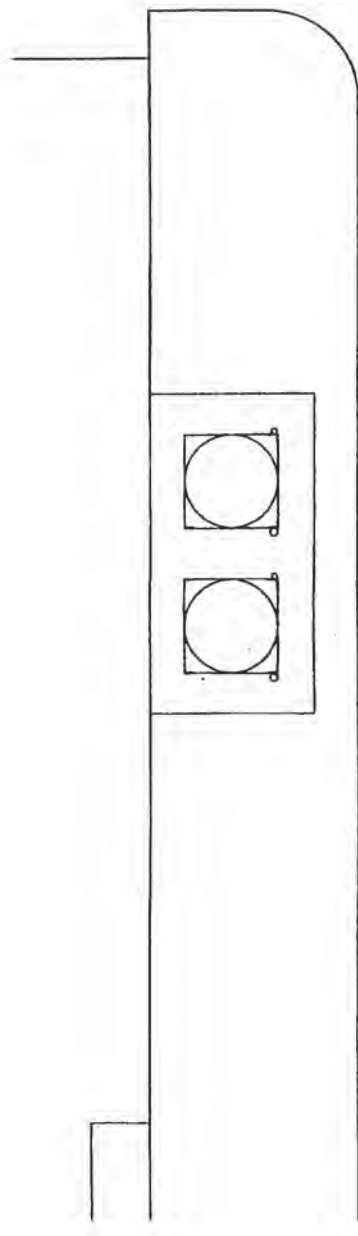
17 MAY 2011
11/08/18



WEST ELEVATION

SOUTH ELEVATION

EAST ELEVATION



PLAN

PROPOSED FEED BINS - KEYSMOUNT FARM - BLACKFORD

DRG.NO. 1765/7

SCALE : 1-100

AS PROPOSED

MAY 2011

17 MAY 2011
11/08/18

SCHEDULE A: Applications with Recommendation

11/0711

Item No: 17

Date of Committee: 11/11/2011

Appn Ref No:
11/0711

Applicant:
Mr David Bimson

Parish:
Beaumont

Date of Receipt:
24/08/2011

Agent:

Ward:
Burgh

Location:

Land at Monkhill Hall Farm to east of Monkhill Hall,
Monkhill, Burgh by Sands

Proposal: Erection Of An Agricultural Workers Dwelling (Reserved Matters
Application Pursuant to Outline Permission 10/0660)

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the scale and design would be acceptable
2.2 Impact on the living conditions of the occupiers of any neighbouring properties
2.3 Other matters

3. Application Details

The Site

- 3.1 Monkhill Hall Farm is a 51 hectare mixed farm, which has recently seen the development of a free range poultry unit, to house 10,500 birds. The farm also includes a range of traditional farm buildings in the form of cattle sheds, hay barns and a slurry tower, which are located in close proximity to the original farmhouse, which is now in separate ownership. A mobile home is also located at the farm and this provides a daytime base for the farm.
- 3.2 Seven residential properties, including the original farmhouse, are located within a courtyard that lies adjacent to the farm buildings, with other residential properties in Monkhill being located beyond these.

- 3.3 The application site lies within the Hadrian's Wall World Heritage Site Buffer Zone.

Background

- 3.4 Outline planning permission (with all matters reserved) was granted for the erection of an agricultural workers dwelling in October 2010 (10/0660).

The Proposal

- 3.5 This application seeks 'Reserved Matters' approval for the erection of an agricultural worker's dwelling. The dwelling would be sited in part of a field, where the mobile home is currently located, opposite the main access into the farm and to the east of the access track that runs south from the main group of farm buildings to the free range poultry unit. It would be a two-storey dwelling, with an integral garage, and would be occupied by the farm owner/manager. It would have a footprint of approximately 160 sq m and would have a maximum length of 17.9m and a maximum height of 6.5m.
- 3.6 The dwelling has been designed to reflect the character of the adjacent agricultural buildings and has a curved roof. It would have timber boarding to three elevations, with the west elevation (facing the access road) being finished in render and the roof would be constructed of zinc. The dwelling would contain large glazed areas to utilise natural heat and light and these would be constructed of powder coated aluminium. The dwelling would contain an open plan living/ dining/ kitchen area, a study, a utility, a toilet and an integral garage to the ground floor, with four bedrooms (two en-suite) and a bathroom to the first floor.
- 3.7 The dwelling would sit in a plot, which would measure approximately 40m in length by 30m in width. The access and parking/ turning area would be hardstanding and a garden area would be provided to the east and south of the dwelling, which would be mainly grass, with some informal planting. The new boundaries to the dwelling would consist of hedges.
- 3.8 The applicants have also applied for temporary planning permission for the siting of a mobile home on an adjacent piece of land, which they would live in which the dwelling is under construction (11/0692). This application follows this report in the schedule.

4. Summary of Representations

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

5. Summary of Consultation Responses

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

Beaumont Parish Council: - the proposed zinc roof is not in keeping with dwellings in the immediate area;

Local Environment - Drainage Engineer: - comments awaited;

United Utilities: - no objections;

Cumbria County Council - (Archaeological Services): - the wording of Condition 9 on the earlier planning consent (10/0660) requiring an archaeological watching brief is still considered appropriate for any new consent that may be granted;

English Heritage - North West Region: - no comments;

Hadrian's Wall Heritage Limited: - comments awaited.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H7, LE10, CP4, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:
1. Whether The Scale & Design Of The Proposal Would Be Acceptable
- 6.2 The dwelling would have a footprint of approximately 160 sq m and would include an integral garage and a farm office. Given that it is to be occupied by the farm owner/ manager, the size is acceptable and would be similar in size to other farm houses in the area. The dwelling has been designed to reflect the character of the adjacent farm buildings. It would have a curved zinc roof and would have timber boarding to three elevations, with the fourth being rendered. Whilst the design of the building is contemporary and is not reflective of a typical agricultural worker's dwelling, given its position in relation to the existing farm buildings, there would be no overriding adverse impact on the character of the area. This view is supported by the Council's Heritage Officer and English Heritage who consider the design to be acceptable. Members should be aware that certain elements of the design will not be fine-tuned to ensure that it is constructed to a high quality, with appropriate materials.
- 6.3 Adequate parking provision, for in excess of two vehicles, would be provided to the west of the dwelling, whilst garden areas would be provided to the south and east. Hedges would be planted to the new boundaries. In light of the above, the scale and design of the proposal would be acceptable.
2. Impact Of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.4 The new dwelling would be sited over 40m away from the nearest residential property and would be separated from it by an agricultural building. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

3. Other Matters

- 6.5 The existing farm access would be used to provide vehicular access to the dwelling. County Highways consider this to be acceptable and has raised no objections to the proposal.
- 6.6 The applicant needs to supply details of the proposed hard and soft landscape works and these would need to be agreed with the Council's Tree & Landscape Officer.

Conclusion

- 6.7 The scale and design of the proposed dwelling would be acceptable and it would not have an adverse on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are compliant with the objectives of the relevant adopted Local Plan policies.

7. Planning History

- 7.1 In October 2010, outline planning permission was granted for the erection of an agricultural workers dwelling (10/0660).
- 7.2 In January 2010, planning permission was granted for an extension to free range poultry unit (09/1113).
- 7.3 In August 2008, planning permission was granted for an extension to free range poultry unit (08/0612).
- 7.4 In December 2007, planning permission was refused for the siting of a mobile home for accommodation for an agricultural worker (07/0409). A subsequent appeal was dismissed in January 2009.
- 7.5 In June 2007, planning permission was granted for construction of new free range poultry unit (07/0410).

8. Recommendation: Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 1 (part) attached to the outline planning consent to develop the site.
2. The approved documents for this reserved matters application comprise:

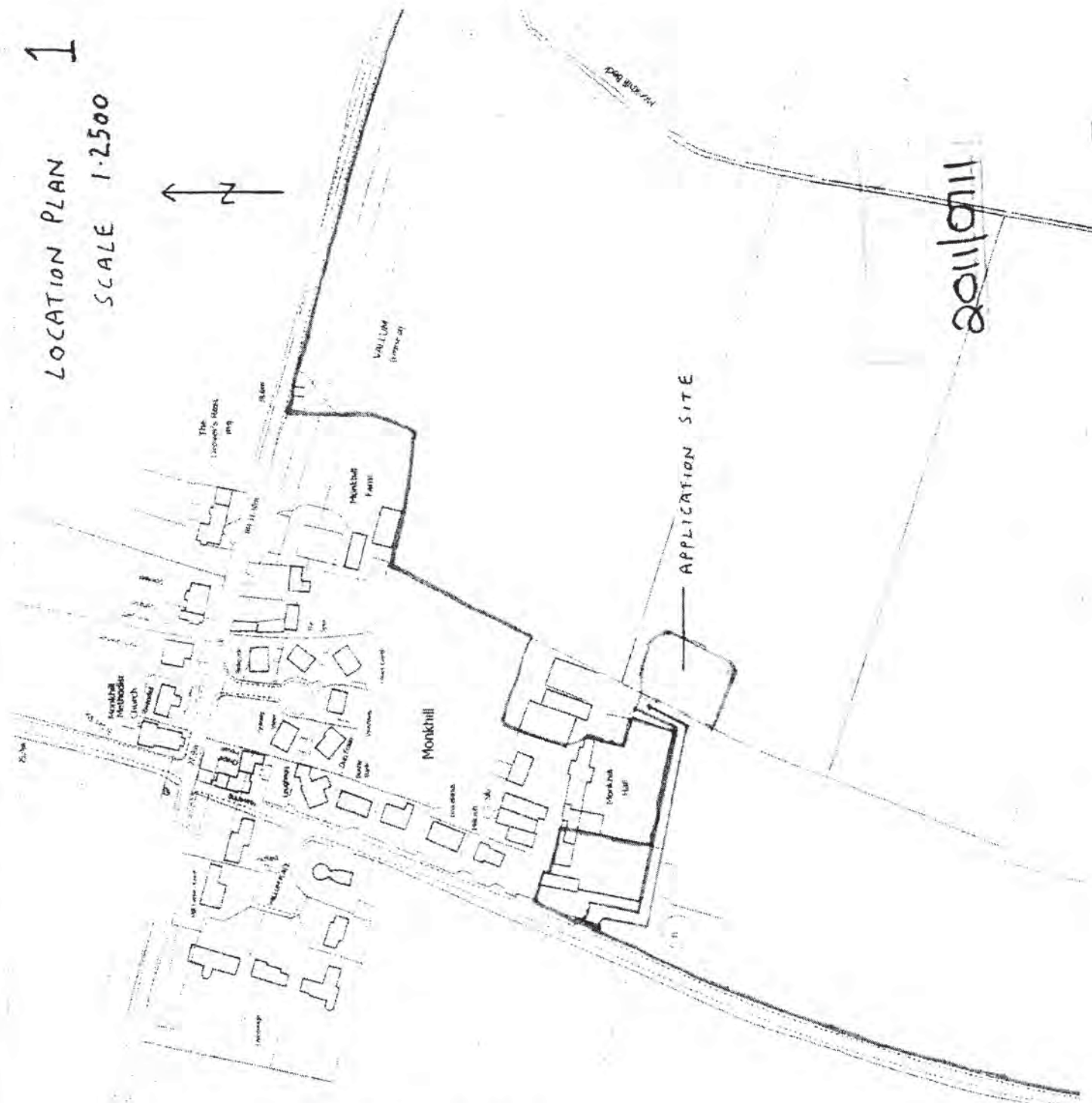
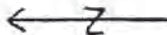
1. the submitted planning application form, received 19 August 2011;
2. Design & Access Statement, received 19 August 2011;
3. Location Plan, received 24 August 2011 (Plan 1);
4. Block Plan, received 24 August 2011 (Plan 2);
5. Proposed Ground Floor Plan, received 19 August 2011 (Plan 3);
6. Proposed First Floor Plan, received 19 August 2011 (Plan 4);
7. Proposed North & South Elevations, received 14 October 2011 (Plan 5);
8. Proposed East & West Elevations, received 14 October 2011 (Plan 5);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

1

LOCATION PLAN

SCALE 1:2500

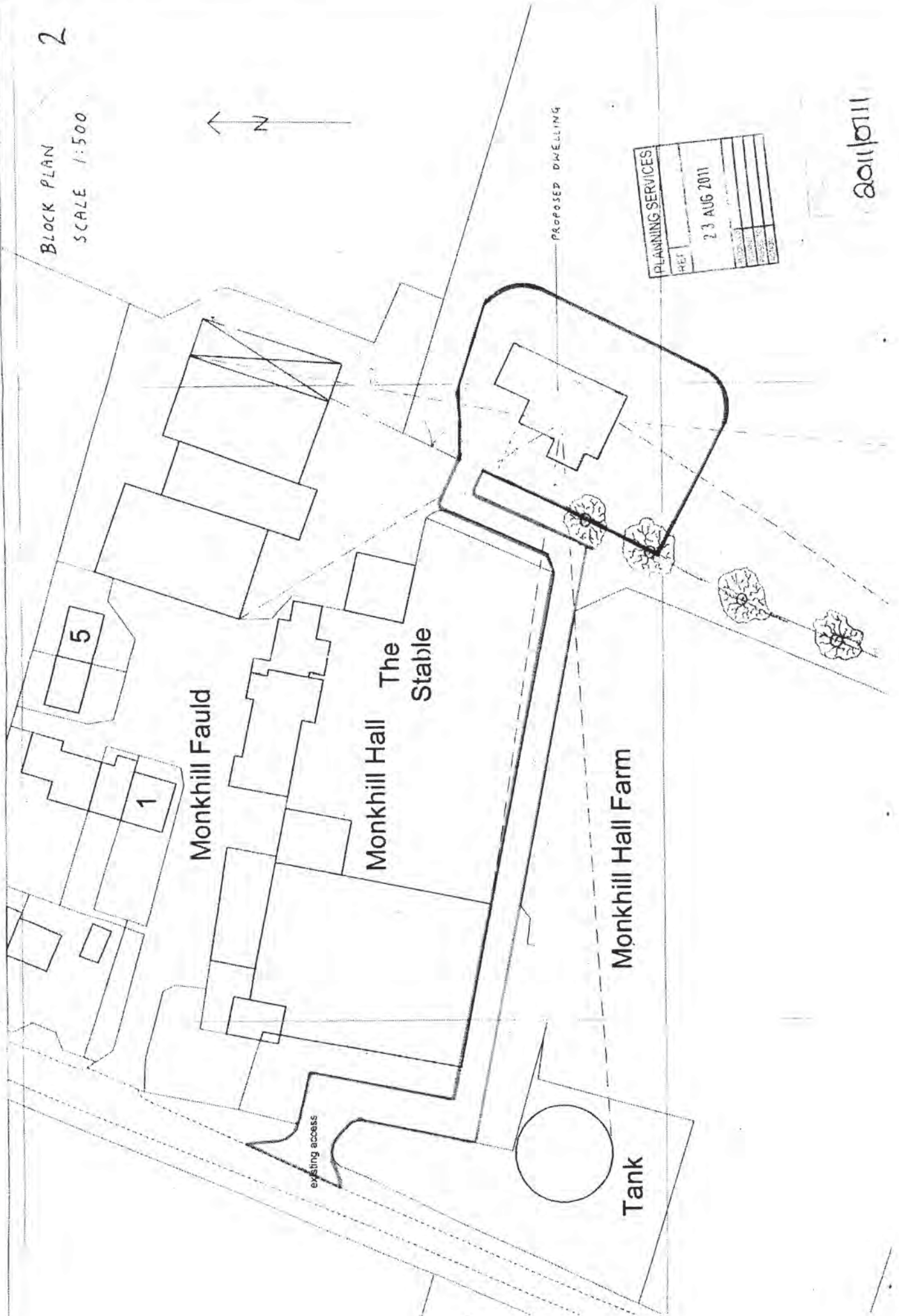


PLANNING SERVICES		REF	23 AUG 2011	RECEIVED	PLANNED	PASSED TO	ACTION

2

BLOCK PLAN

SCALE 1:500



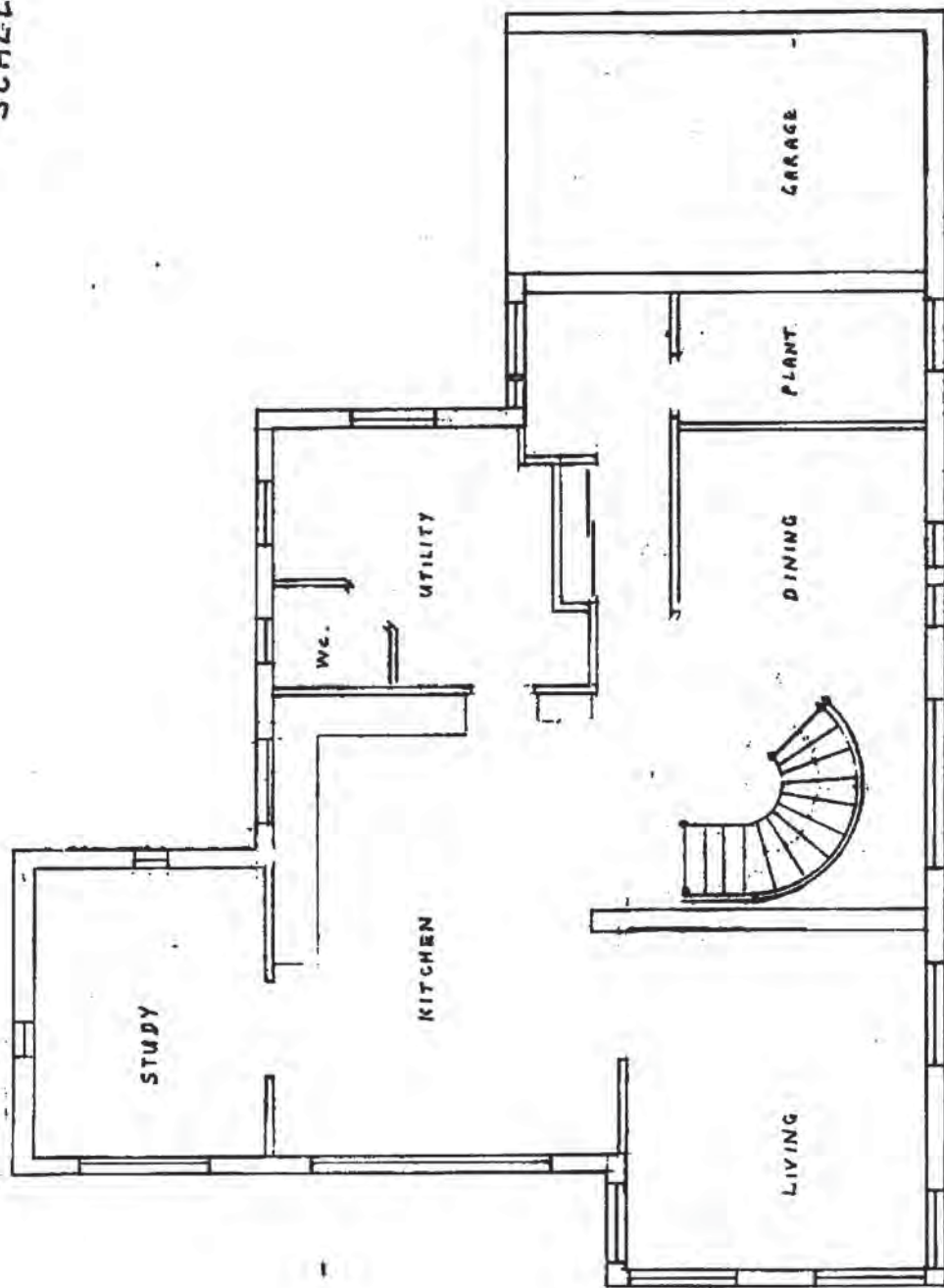
PLANNING SERVICES	
REF	23 AUG 2011
DATE	
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2011/0111

3

GROUND FLOOR PLAN

SCALE 1:100

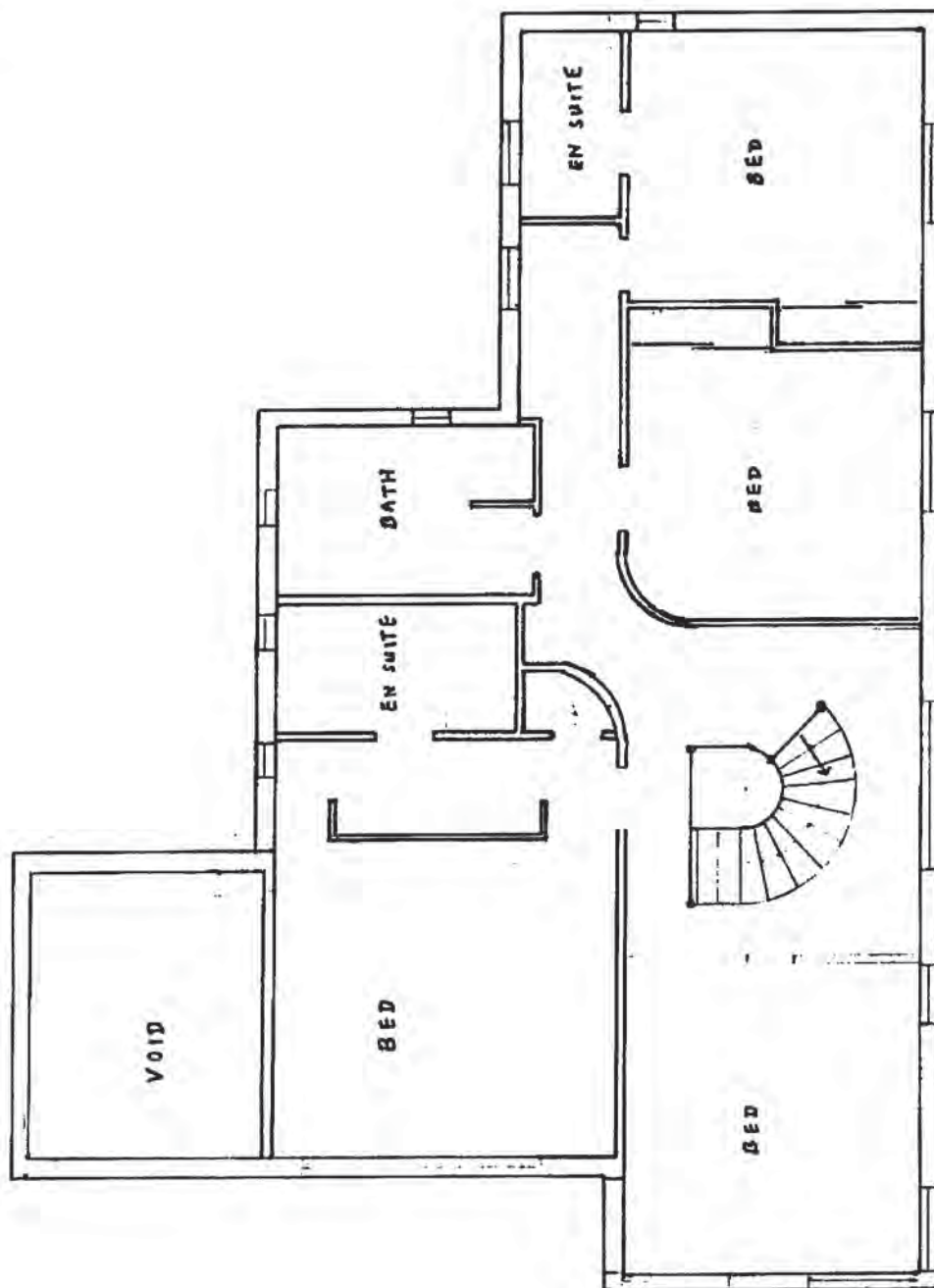


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19 AUG 2011
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4

FIRST FLOOR PLAN

SCALE 1:100

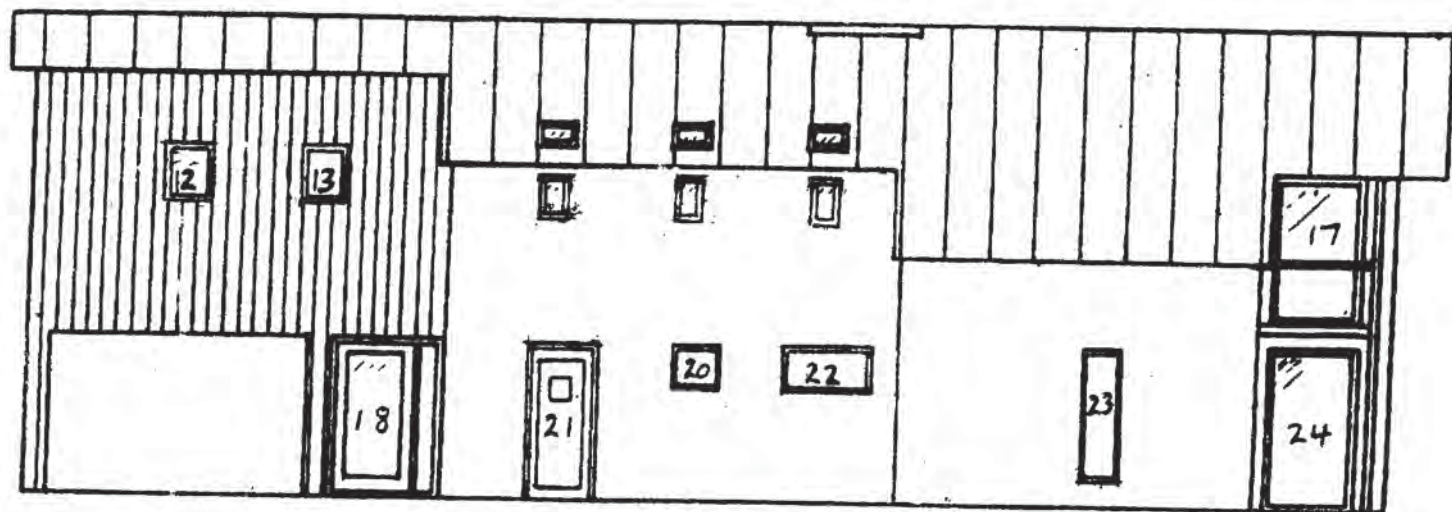


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E. & W. ELEVATIONS

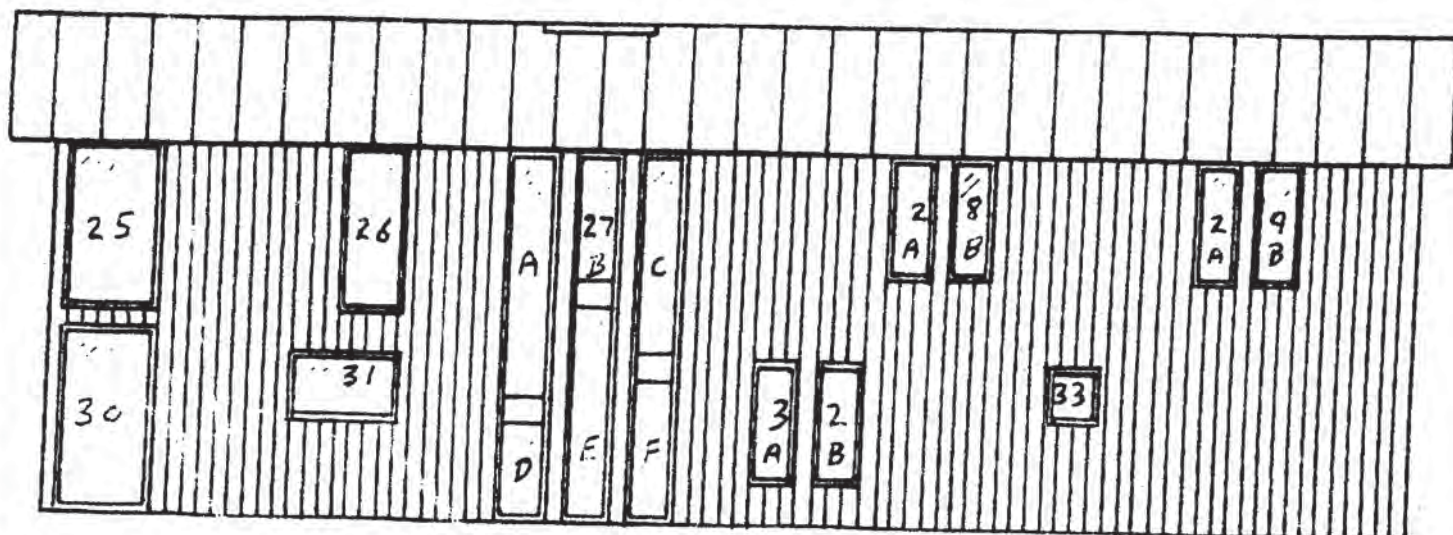
SCALE 1:100

WINDOW REVISIONS



WEST ELEVATION

14 DEC 2011
2011/0711

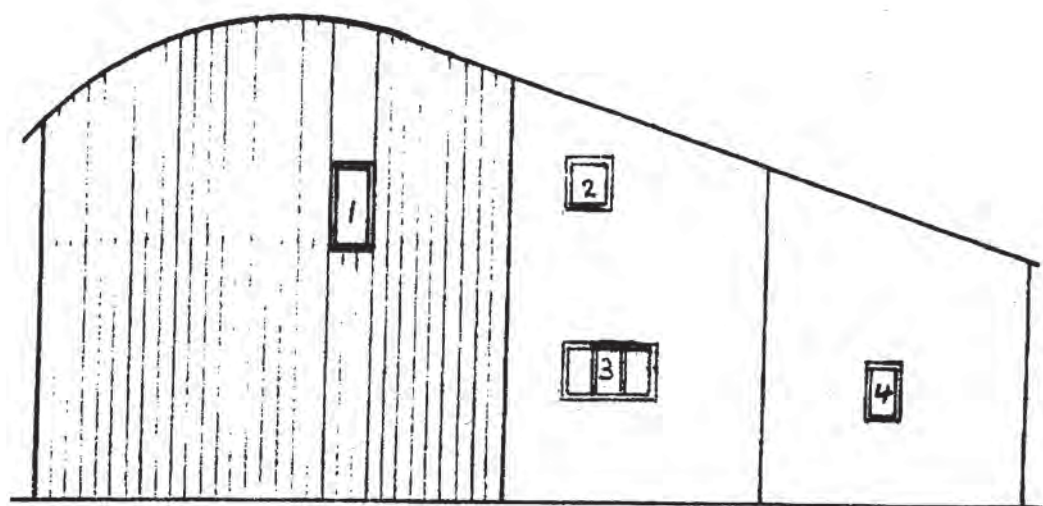


EAST ELEVATION

N. & S. ELEVATIONS

SCALE 1:100

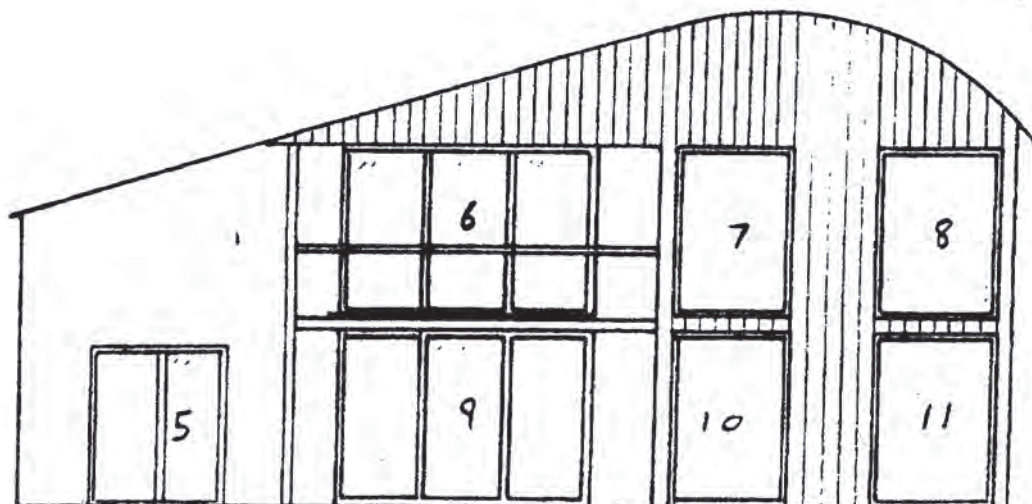
WINDOW REVISION



NORTH ELEVATION

1 OCT 2011

2011/0711



SCHEDULE A: Applications with Recommendation

11/0723

Item No: 18

Date of Committee: 11/11/2011

Appn Ref No:
11/0723

Applicant:
Mr David Bimson & Ms
Patricia Martin

Parish:
Beaumont

Date of Receipt:
23/08/2011

Agent:

Ward:
Burgh

Location:

Monkhill Hall Farm, Monkhill, Burgh By Sands,
Carlisle, Cumbria, CA5 6DD

Proposal: Temporary Siting Of Log Cabin For A Period Of Up To 18 Months During
Construction Of New Dwelling

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the proposal is acceptable in principle
2.2 Impact of the proposal on the character of the area
2.3 Impact of the proposal on the living conditions of the occupiers of any
neighbouring properties

3. Application Details

The Site

- 3.1 The application site forms part of a field, which lies immediately adjacent to the site of the proposed agricultural worker's dwelling and to the north of a free range poultry unit which houses 10,500 birds. The farm access track, which links the farm buildings to the poultry unit would run directly to the west of the application site.

Background

- 3.2 Outline planning permission exists for the erection of an agricultural worker's

dwelling on the adjacent site (10/0660). A reserved matters application (11/0711) has been submitted that relates to this application and this precedes this report in the schedule.

The Proposal

- 3.3 The log cabin would have a maximum length of 10.5m and a maximum width of 6.5m. It would measure 2m to the eaves and 3.1m to the ridge of the felt roof. It would contain a living/ kitchen area, a bedroom, a study and a bathroom. The cabin would remain on site, for a maximum period of 18 months whilst the dwelling is under construction on the adjacent site.

4. Summary of Representations

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

5. Summary of Consultation Responses

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

Beaumont Parish Council: - a condition should be placed on the log cabin to ensure its removal from the site as soon as the dwelling is completed;

English Heritage - North West Region: - no comments;

Hadrian's Wall Heritage Limited: - comments awaited;

Cumbria County Council - (Archaeological Services): - no objections, subject to a condition requiring an archaeological watching brief to be undertaken;

United Utilities: - no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies H1, LE7, LE10, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

- 6.2 Outline planning permission already exists for the erection of an agricultural worker's dwelling on the adjacent site. This proposal is seeking temporary permission for a log cabin, which the applicants would live in whilst the dwelling is under construction. A condition has been added to the consent to ensure that the log cabin is removed once the dwelling is completed or after 18 months. In light of the above, the proposal is acceptable in principle.

2. Impact Of The Proposal On The Character Of The Area

- 6.3 The log cabin would be sited adjacent to the existing farm access track in part of a field that lies between some existing farm buildings and a free range poultry unit. It would be small in scale and would measure 10.5m in length by 6.5m in width and would have a ridge of 3.1m. The log cabin would be on site for a maximum of 18 months. In light of the above, the proposal would not have an adverse impact on the character of the area.

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

- 6.4 The log cabin would be small in scale and would be sited over 60m away from the nearest residential property. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Other Matters

- 6.5 In the event that the preceding application for the agricultural worker's dwelling (11/0711) is refused, it would not be appropriate to approve this application. In the absence of an approved scheme to erect the dwelling on the adjacent site, the approval of this application would be premature.

Conclusion

- 6.6 The proposal would be acceptable in principle. It would not have an adverse impact on the character of the area or on the living conditions of the occupiers of any neighbouring properties. In all aspects the proposal is compliant with the objectives of the relevant adopted Local Plan Policies. It is, therefore, recommended that Members should approve this application, but only if the preceding application for the agricultural worker's dwelling has been approved. If that application is refused this application should also be refused on the grounds of prematurity.

7. Planning History

- 7.1 In October 2010, outline planning permission was granted for the erection of an agricultural workers dwelling (10/0660).

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
1. the submitted planning application form, received 23 August 2011;
 2. Design & Access Statement, received 23 August 2011;

3. Site Location Plan, received 24 August 2011 (Plan 1);
4. Block Plan, received 24 August 2011 (Plan 2);
5. Floor Plans & Elevations, received 23 August 2011 (Plan 3);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

2. The caravan shall be removed by no later than the 31st March 2013 (or earlier if the dwelling is completed before this date) and the land reinstated to its former condition.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. This permission shall not be exercised by any persons other than Mr David Bimson or Patricia Martin and their immediate family.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

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

Reason: To ensure a satisfactory means of surface water and foul drainage disposal and in accord with Policy CP12 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 development hereby approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3 copies of the report shall be furnished to the Local Planning Authority.

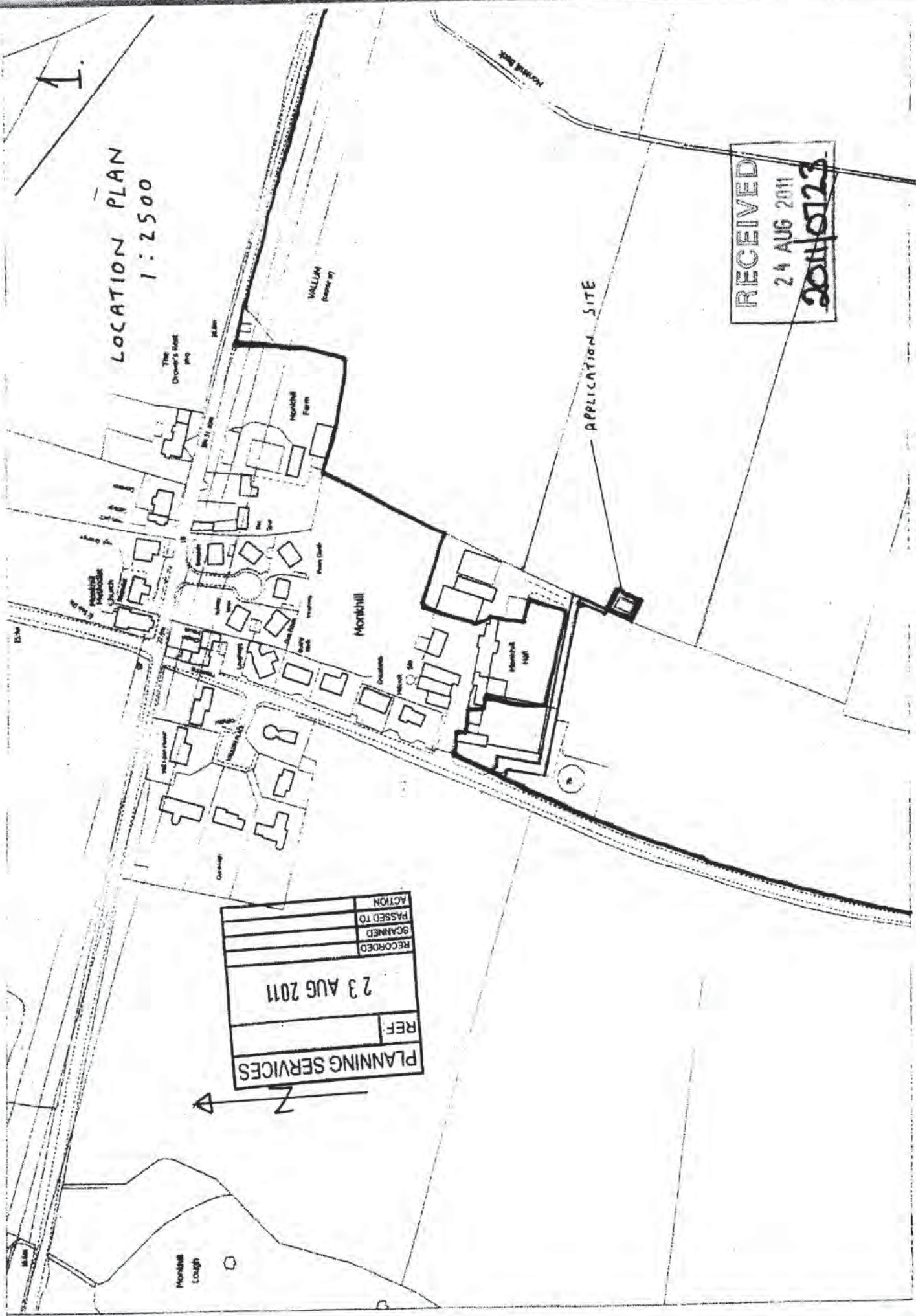
Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

LOCATION PLAN
1:2500

RECEIVED
24 AUG 2011
2011/0723

APPLICATION SITE

PLANNING SERVICES	
REF.	23 AUG 2011
RECORDED	
SCANNED	
PASSED TO	
ACTION	



2.

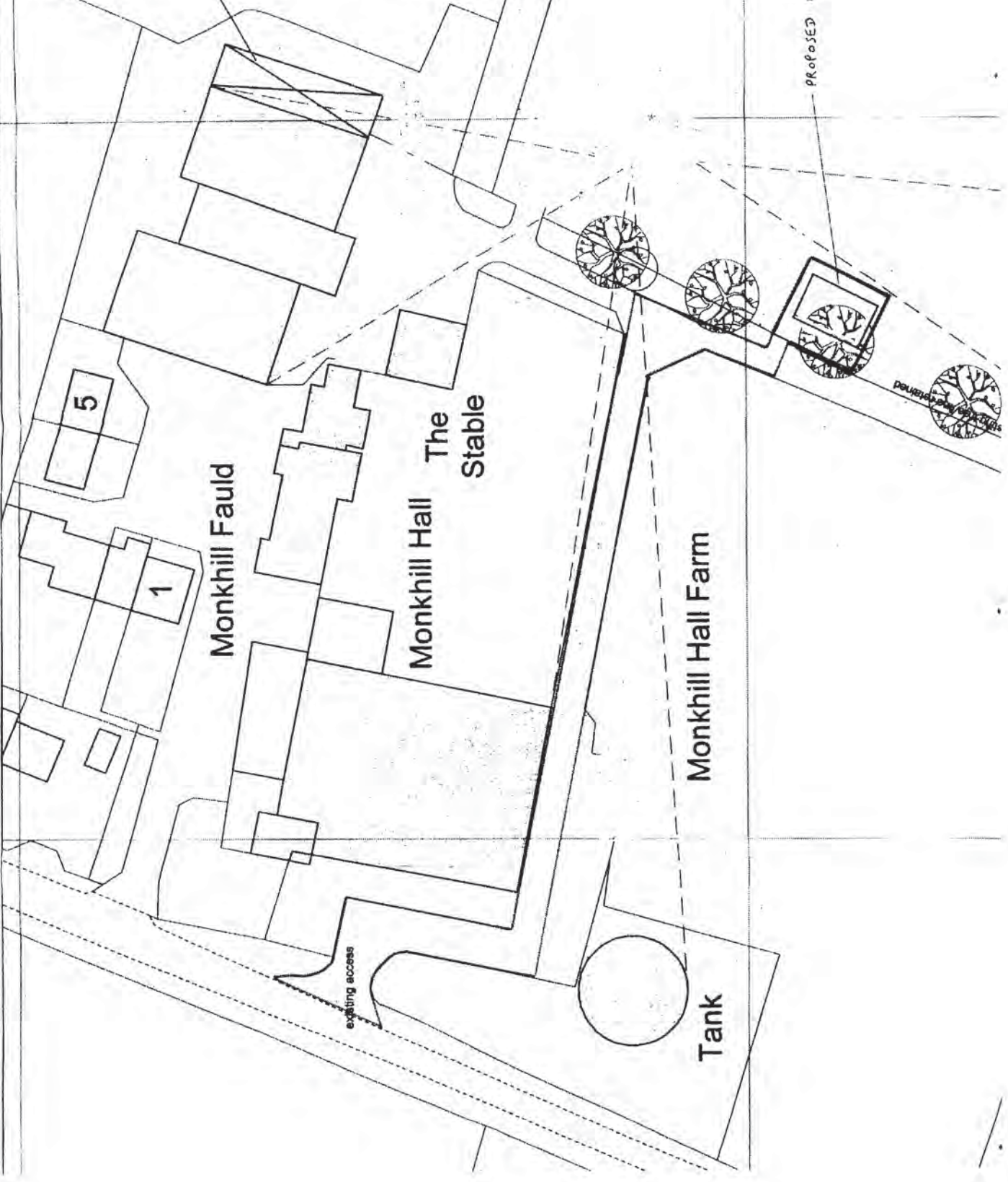
BLOCK PLAN

SCALE 1:500

PLANNING SERVICES	
REF	23 AUG 2011
RECORDED	
EXAMINED	
APPROVED	
DATE	

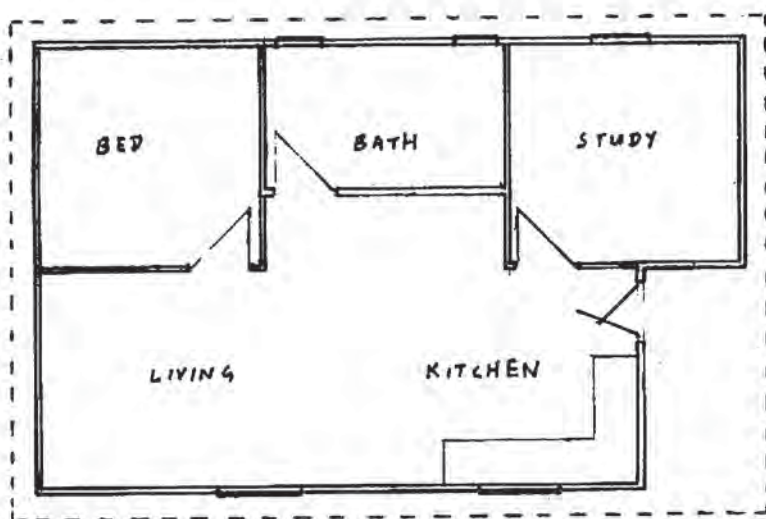
2011/0723
23 AUG 11
RECEIVED
PLANNING

PROPOSED ACCOMMODATION



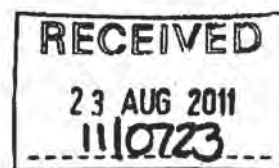
3.

FLOOR PLAN & ELEVATIONS.



FLOOR PLAN

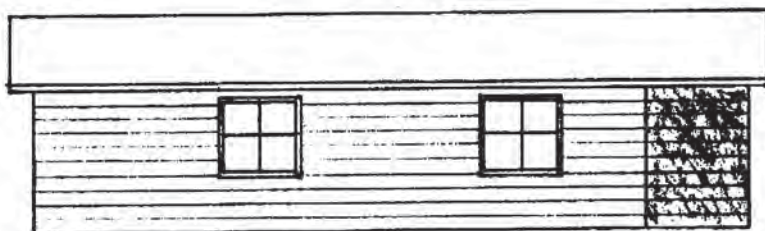
SCALE 1:100



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

SCHEDULE A: Applications with Recommendation

11/0714

Item No: 19

Date of Committee: 11/11/2011

Appn Ref No:
11/0714

Applicant:
Mr Montgomery

Parish:
Hayton

Date of Receipt:
31/08/2011

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

Location:
Springwell Farm, Talkin

Proposal: Relocation And Revision Of Lawfully Implemented Dwelling (Planning Ref: 10/0683)

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the principle of the proposed development is acceptable;
2.2 Whether the layout and appearance of the development is acceptable;
2.3 The impact on the character and appearance of the surrounding landscape;
and
2.4 Landscaping.

3. Application Details

The Site

- 3.1 This application seeks Full Planning permission for the relocation of the previously approved replacement dwelling at Springwell Farm, Talkin, Brampton.
- 3.2 The site is within open countryside and within an area designated as being of County Landscape Importance and adjacent to the North Pennines Area of Outstanding Natural Beauty (AONB).
- 3.3 The land within the applicant's ownership is bounded by the County highway

to the north, to which there is an existing vehicular access. Immediately to the west of this access is the existing dwelling which this scheme proposes to replace. Further to the south and west are a substantial range of buildings that are agricultural in appearance and were used in conjunction with the business that previously occupied the site. The site slopes steeply from east to west where there are several tiers which afford level ground for the existing buildings. The County highway is approximately 8 metres higher than that of the site of the replacement dwelling.

Background

- 3.4 An application for a Certificate of Lawful Use was submitted and approved in 2009. The issue was whether the property had been occupied in breach of the agricultural occupancy condition attached to the dwelling. The property was built and occupied by Mr Andy Hood who was the Site Manager employed by the pharmaceutical company who operated the business on the site. Mr Hood was responsible for the supply and management of animals for the purposes of research purposes and laboratory testing.
- 3.5 It was demonstrated that the overall use of the site was not agricultural and that the responsibilities undertaken by Mr Hood were associated purely with the research facility and not in accordance with the planning definition of agriculture. The applicant discharged the onus of proof and the evidence demonstrated that Mr Hood lived at Springwell Farm for a continuous period of ten years or more. The lawful planning use of the property is therefore that of an unfettered dwellinghouse.
- 3.6 Planning permission was granted in 2010 for the erection of a replacement dwelling. It was proposed to demolish the property in the north-west corner of the site, which, including the integral garage, has a footprint of 105 square metres and an overall floor space of 200 square metres and erect a replacement dwelling. The proposed replacement dwelling would occupy a footprint measuring 290 square metres and it would be constructed 79 metres south-east of its current position adjacent to the existing agricultural buildings.
- 3.7 A further application was approved also in 2010 for that revised the planning application for the replacement dwelling to incorporate a sun room on the south gable of the proposed property and convert existing outbuildings into garages/ ancillary domestic accommodation. The scheme also allowed for the conversion of a larger single storey building to provide a detached annex that would contain a shower room, a kitchenette, a bar, snooker table and general games area.
- 3.8 An application was submitted and subsequently approved earlier this year that discharged the planning conditions. The applicant then excavated part of the foundations for the dwelling and lawfully implemented the planning consent for the replacement dwelling.

The Proposal

- 3.9 The application site, which extends to around 0.45 hectares, is located to the west of the existing buildings and would be served by an existing access to the County highway adjacent to the eastern boundary, that serves the overall site. It proposed to amalgamate the footprint of the dwelling and outbuildings that have consent for domestic use and incorporate these within a larger replacement dwelling. The application has been revised and the position of the proposed property is now approximately 10 metres of the dwelling which was granted consent and subsequently lawfully implemented this earlier year.
- 3.10 The accommodation to be provided within the proposed dwelling would consist of a hallway, living room, study, dining room, utility room, boot room, dining/ kitchen area, games room, swimming pool, gym, plant room, garage accommodation and a wood/ garden store. On the first floor it is proposed to provide 5no. ensuite bedrooms.
- 3.9 The appearance of the proposed dwelling would be traditional in character and appearance. The walls would be constructed from locally reclaimed Geltsdale red sandstone and would incorporate stone water-tables, corbels, quoins and stone heads and cills around the windows and doors. Some elements of the outbuildings would be rendered on the less prominent elevations. The steeply pitched roofs would be finished in Welsh slate. Windows and doors would be hardwood timber finished in a heritage colour whilst the rainwater goods would be cast iron.
- 3.10 The foul drainage system would connect into a private treatment plant and surface water would be discharged to a soakaway. The development would potentially incorporate a ground source heat pump, a rainwater harvesting system and solar panels.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of a neighbouring property. Six letters of objection have been received and the issues raised are as follows:
1. the planned development is in open countryside and not within the footprint of the existing buildings;
 2. the proposal has a floorspace seven times larger than the dwelling it is to replace and occupies a much larger footprint. The scale would be inappropriate to the surrounding area;
 3. the development will be visible from the wider area including Talkin Tarn and the golf course. Talkin village blends into the countryside and the proposed building would stand out;
 4. the development will intrude on the surrounding landscape compared to the approved application 10/0200;
 5. there is no existing access from the Tarn Road to the proposed site. The construction of the development would need heavy goods vehicle access for which the road is totally unsuitable and already has a width restriction and passing places; and

6. approval of the application could lead set a precedent and result in planning permission being granted on other fields in the area.
- 4.2 Further to the receipt of amended drawings showing the relocation of the proposed dwelling, the interested parties have been consulted but no further comments have been received.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objection subject to the imposition of conditions;
Local Environment - Drainage Engineer: - comments awaited;
United Utilities: - comments awaited;
Carlisle Airport: - comments awaited; and
Hayton Parish Council: - object to the application on the basis that the proposal involves a new build within an agricultural site on a prominent elevation that will mar the area; and the proposal is out of character with the environment.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP10, CP1, CP3, CP5, CP9, CP12, H10 and T1 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues.
1. Principle Of Residential Development In Rural Area
- 6.2 Ordinarily, new residential development in this location would not be acceptable but this application seeks consent to relocate a lawfully commenced dwelling which was itself, a replacement dwelling. Consequently, the principle of erecting a replacement dwelling is- in general terms- not itself an issue, provided that the proposals can demonstrate compliance with the criteria identified within Policy H10 of the Local Plan and are, likewise, not in conflict with any other relevant planning policies. The principle of the replacement dwelling has been established through the grant of planning consents last year. The issues raised by the current proposal are discussed in more detail in the analysis which follows.
- 6.3 Presently, the planning consent for the replacement dwelling includes a condition that upon completion of the roof structure, the existing dwelling should be demolished. Without sufficient control, there is a danger that additional dwellings would remain and Members would be right to be concerned about the policy implications. The applicant has submitted a Planning Obligation which states that the initial planning consent for the replacement dwelling shall not be implemented and that no further work shall take place with regard to the lawfully implemented consent for the replacement dwelling. In addition, the document states that the existing dwelling house that was previously occupied by the site manger, shall be

demolished prior to the roof trusses being erected on the new dwelling. This obligation has been deemed as acceptable by the Council's Legal Services Manager.

2. Scale, Siting And Design

- 6.4 The principal objective of Policy H10 is to retain the stock of smaller housing units in the rural area. The implemented consent allowed for a dwelling, including the converted outbuildings, of approximately 875 square metres whilst the current proposal would increase this to approximately 985 square metres. In the Planning Statement which accompanies the application, the applicant argues that there are significant benefits in the Council approving the current proposal and these are listed as:
- reduced impact from agreed key receptors;
 - siting 10 metres lower and still against steeply wooded backdrop;
 - removal of unsightly prominent sheds (otherwise retained under 10/0200 and 10/0683) to be replaced with an Arboretum;
 - more extensive new woodland planting across and yond the full width of the remaining otherwise prominent modern (equestrian) building complex;
 - new woodland planting more substantial in terms of depth and span – significant ecological as well as landscaping feature linking with other existing and new planting creating important strategic “corridors” across the estate;
 - more integrated, cohesive dwelling – legible in terms of historic vernacular as well as more favoured, appropriate siting – the foundation for and complementing the wider strategic use and operation management of the estate in terms of both human activity, and meaningful countryside stewardship (ecology and landscape).
- 6.5 A proposed dwelling would allow a building that would be visually more cohesive and attractive in the context of the site and the surrounding area and this principle has already been established through the extant permission granted by Members last year.
- 6.6 The percentage increase in additional footprint of the dwelling far outweighs that would normally be supported for a replacement dwelling; however, the approved replacement dwelling is already large in scale and the addition 120 square metres would be spread throughout the overall development. The dwelling would incorporate a range of buildings that are more traditional in appearance. Some of the domestic accommodation and the outbuildings would be single storey in height and arranged around a courtyard development.
- 6.7 Given the relocation of the building from that originally submitted under this application, the siting is wholly more appropriate and sympathetic and better related to the existing buildings. Given these circumstances, should Members be minded to support the recommendation and grant approval of this proposal, this would not establish a precedent for replacement dwellings with such a significant increase in size.

3. Landscaping

- 6.8 The site is in a visually sensitive area being within a Landscape of County Importance and adjacent to the AONB. It is also within Natural England's target area for Higher Level Environmental Stewardship. The siting of the dwelling is on a relatively low level of land within the site and from Talkin Tarn, would be seen against a backdrop of land that rises up towards the Farlam Road. The application is accompanied by a comprehensive landscaping scheme.
- 6.9 The substitution of the implemented consent for the proposed development would allow for increased planting on the site of the former buildings comprising of an Arboretum and orchard. This would establish greater landscaping for the existing equestrian buildings further to the east within the site and provide a backdrop against which the property would sit. In the foreground it is proposed to form an enhanced wetland and wildflower meadow together with margins of woodland areas and combined, would form part of the applicant's entry into the Stewardship Scheme.
- 6.10 The proposed landscaping would positively enhance the visual appearance of the site and screen the existing buildings whilst also improving the natural habitat in the area. The proposals constitute an overall landscape enhancement, both in terms of landscape fabric benefits and improvements to views of Springwell Farm from the wider landscape.
- 6.11 The Council's Landscape Officer has previously commented on the wider visual impact of some of the buildings on the site that are proposed to be demolished as part of this application. Their removal addresses this issue.
- 6.12 Initially the Landscape Officer was concerned about the visual intrusion by disassociation of the proposal from the existing steading and concludes that should the application prove acceptable conditions relating to a scheme of tree and hedgerow protection, a landscaping scheme, and the maintenance of the landscaping scheme must be attached to the decision. The resiting of the dwelling addresses these concerns but no further comments have been received.

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

- 6.13 The proposed dwelling is situated approximately 180 metres from the nearest residential property. As such, the living conditions of the occupiers of that property will not be compromised through loss of light, loss of privacy or over dominance.

5. Environmental Issues

- 6.14 In the additional supporting information received from the agent, it is stated that the applicant is keen to incorporate renewable energy in the form of a ground source heat pump, a rainwater harvesting system and solar panels. These would contribute to the reduction of the overall environmental impact of

the development and is supported by current planning policies. As no details have been provided, it is appropriate to impose a condition requiring the submission of additional information.

6. Highway Matters

- 6.15 The site is served from an existing vehicular access that leads from the County highway. The access comprises of a concrete apron with a gateway which is set back from the highway and whilst there is established landscaping around the entrance, there is sufficient visibility to emerge from the site and view any oncoming traffic before driving onto the road itself. The access would serve the proposed dwelling which would be linked by an access road within the site formed adjacent to the eastern and southern boundaries.
- 6.16 The Highway Authority has raised no objection to the proposed development subject to the imposition of conditions requiring the submission of details of visibility splays and access construction details.

7. Other Matters

- 6.17 Some of the objectors are concerned that the development of the site would create a precedent and lead to further development in the area. The previous reports to Members have identified the planning issues and reasons why the proposals have been acceptable in policy terms. The current proposal does not seek to increase the number of dwellings on the site which would be secured through the Planning Obligation and the material considerations that allow for the approval of this application are discussed in the forgoing paragraphs.
- 6.18 A further objection relates to the reinstatement of the access road. The surface is existing and would be upgraded using bedded crushed stone that would follow the topography of the land.

Conclusion

- 6.19 In overall terms, the principle of the development is acceptable and has been established through the granting of the previous planning application. The scale of the dwelling is out with the parameters of the policy guidance; however, the increase in footprint is relatively small in the context of the extant consent. The design and use of materials in the building together with the positive environmental features would be an improvement upon the approved scheme and would be commensurate with the site's size and features. The relocation from the approved siting would allow further improvements to the landscaping of the site and surrounding area that would be of benefit to the landscape; further, the scheme proposes a high quality design, use of vernacular materials and incorporates sustainable forms of heating.
- 6.20 The proposed dwelling would not be an "exceptional dwelling" but would be of sufficient merit and acceptable in terms of its appearance. The building

would not result in any demonstrable harm to the landscape character of the wider area or the living conditions of any neighbouring residential dwellings. The scheme is not significantly different from that which already benefits from planning permission and in all other aspects the proposal is compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 Outline planning permission was refused in 1972 for the erection of a dwelling.
- 7.2 In 1974, an application for planning consent for a caravan site was withdrawn prior to determination.
- 7.3 Later in 1974, planning permission was refused for a caravan site.
- 7.4 Planning consent was granted in 1983 for the erection of a cattle building.
- 7.5 In 1984, planning permission was granted for the erection of a hay, straw and implement store.
- 7.6 Outline planning consent was granted in 1987 for the erection of a farm managers dwelling.
- 7.7 In 1988, reserved matters approval was granted for the farm managers dwelling.
- 7.8 Later in 1988, planning permission was granted for the erection of animal housing.
- 7.9 Planning consent was granted in 1992 for the erection of farm buildings including far administration centre and slurry storage tank.
- 7.10 In 1996, planning permission was granted for the erection of a farm building to house livestock.
- 7.11 Planning consent was granted in 1997 for an extension to the farm building to provide calf housing.
- 7.12 In 1999, planning permission was granted for the erection of an agricultural storage building for hay and equipment.
- 7.13 A certificate of existing lawful use was granted in 2009 for the use of an agricultural workers dwelling by persons not solely employed in agricultural or forestry.
- 7.14 Planning permission was granted in 2010 for the demolition of the existing dwelling and erection of a replacement dwelling.
- 7.15 Consent was granted earlier this year to discharge the conditions attached to

the consent for the erection of a replacement dwelling.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. the location plan, drawing number 12/2009/34B dated 21st October 2011;
3. the block plan, drawing number 12/2009/36A dated 18th October 2011;
4. the proposed ground floor plan, drawing number 12/2009/30 dated 23rd August 2011;
5. the proposed first floor plan, drawing number 12/2009/31 dated 23rd August 2011;
6. the proposed north and west elevations, drawing number 12/2009/32 dated 23rd August 2011;
7. the proposed south and east elevations, drawing number 12/2009/33 dated 23rd August 2011;
8. the west and north courtyard elevations and east garage elevation, drawing number 12/2009/35 dated 23rd August 2011;
9. the landscape masterplan, drawing number SPR/01a dated 14th August 2011;
10. the flood risk map extract dated 22nd August 2011;
11. the historic environment features map dated 22nd August 2011;
12. the planning statement dated 22nd August 2011;
13. the Notice of Decision; and
14. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure compliance with Policy H10 of the Carlisle District Local Plan 2001-2016.

3. The development shall be carried out in accordance with the details submitted to discharge conditions 3 (materials samples) and 5 (surface water drainage) of the previously approved permission 10/0683 approved under application reference 11/0647.

Reason: To ensure the use of materials and means of surface water are acceptable in accordance with Policies CP5 and CP12 of the Carlisle District Local Plan 2001-2016.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting

that Order) there shall be no enlargement or external alterations to the dwelling unit to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure compliance with the objectives of the Replacement Dwelling policy in accordance with Policy H10 of the Carlisle District Local Plan 2001-2016.

5. All works comprised in the approved details of the landscaping Master Plan drawing reference SPR/01C shall be carried out in the first planting and seeding season following the occupation of the dwelling or completion of the development, whichever is the sooner. 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.

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

6. No works on site hereby approved by this permission shall commence until the tree protection fencing as specified in the Tree Report reference SF-TALKIN-BS5837-05032010 submitted as part of planning application 10/0683 has been erected. The fencing must be maintained in a satisfactory condition until completion of the development.

Reason: To ensure that adequate protection is afforded to the trees on the site during the construction process in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

7. Prior to the installation of the roof timbers on the replacement dwelling, the existing dwelling on the site known as 'Springwell Farm House' shall be demolished and the site cleared.

Reason: To prevent the retention of the existing dwelling that would be contrary to Policy H1 of the Carlisle District Local Plan 2001-2016.

8. The premises shall be occupied as a single, self contained family dwellinghouse, and at no time shall any of the ancillary buildings 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 DP1 of the Carlisle District Local Plan.

9. No development hereby approved by this permission shall commence until details of the ground source heat pump, solar panels and grey water recycling system have been submitted to and approved in writing by the

Local Planning Authority. Such details shall include scale drawings illustrating the siting together with the size of the equipment. The development shall then be undertaken in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure compliance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

10. The use shall not commence until visibility splays providing clear visibility of 2.4m measured down the centre of the access road and 160m along both nearside carriageway edges of the U1206 have been provided at the junction of the access with the 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 be grown within the visibility splays, so as to obstruct them. The visibility splays shall be attained before the general development commences, so that construction traffic is safeguarded.

Reason: In the interests of highway safety to ensure compliance with criterion 5 of Policy H1 of the Carlisle District Local Plan 2001-2016 and to support Local Transport Plan Policies LD7 and LD8.

11. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall be in accordance with those required under the Streetworks Licence of the Highways Act 1980. The access shall be undertaken in accordance with the approved details and completed prior to the occupation of the dwelling.

Reason: In the interests of highway safety to ensure compliance with criterion 5 of Policy H1 of the Carlisle District Local Plan 2001-2016 and to support Local Transport Plan Policies LD5, LD7 and LD8.

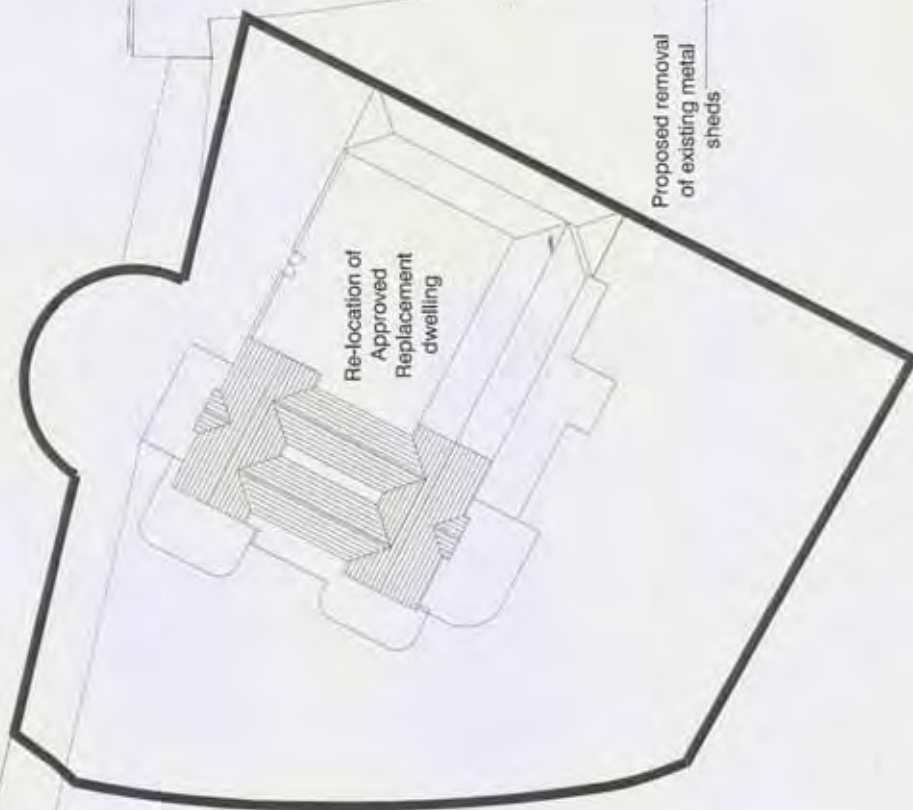


SANDY JOHNSTON
ARCHITECT
RIBA

LOCATION PLAN

Re-location and Revision of Approved Replacement dwelling
at Springwell, Tatten for Springwell Farm

DATE: OCT 2011 DWG: 12/2009/34B SCALE 1:1250
Revision B 21.10.11 Revision: Revised location



SANDY JOHNSTON
ARCHITECT
RIBA

BLOCK PLAN

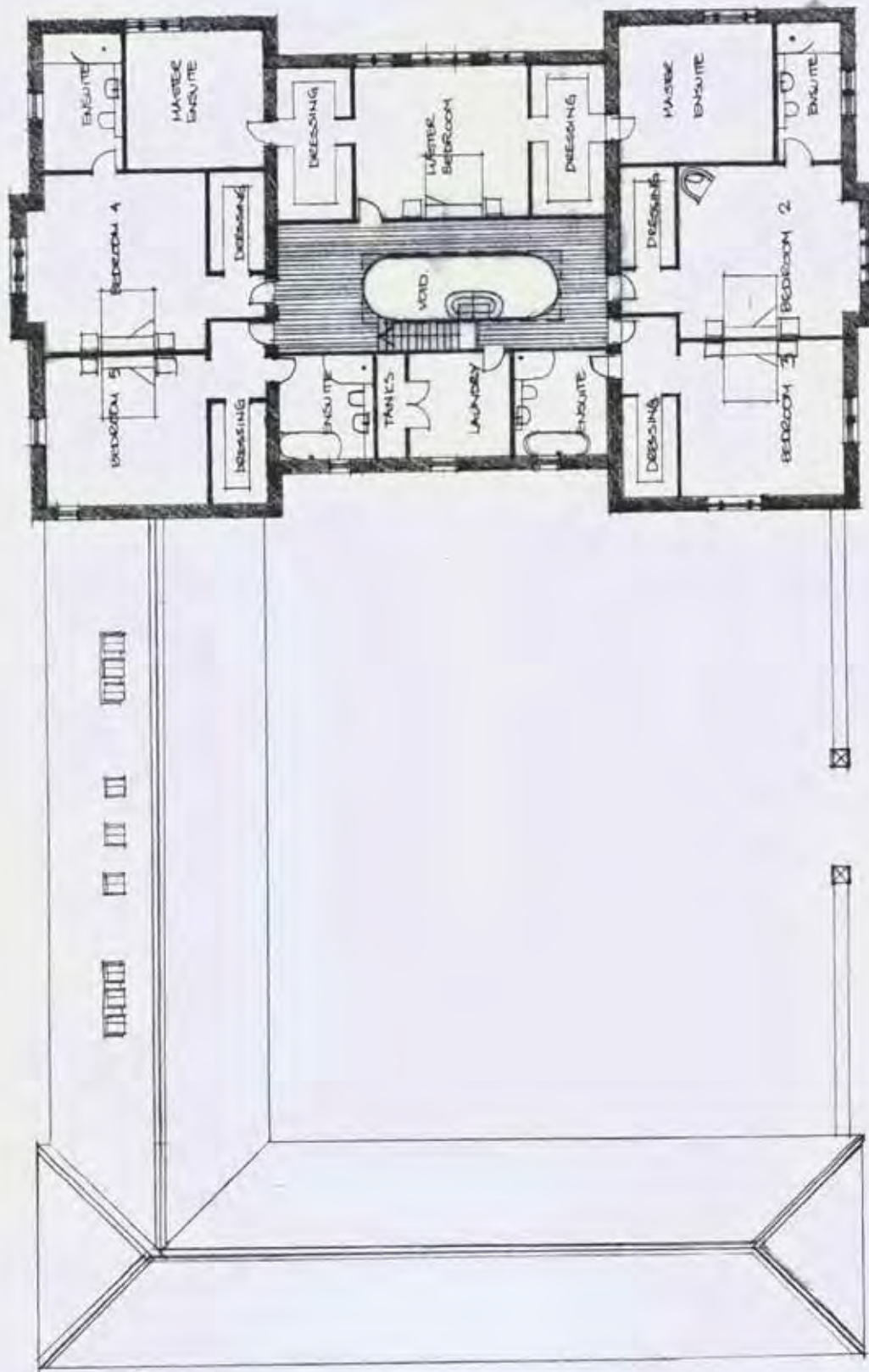
Re-location and Removal of Approved Replacement dwelling
at Springfield, Tisbury for Development
DATE: 07/08/11 DWS: 12/05/2011 SCALE: 1:500
REV: 14/10/11 REVISION: Approved location

Hand-drawn architectural floor plan of a proposed ground floor. The plan shows a central courtyard area. To the left is a 'MAIN ENTRANCE' leading into a 'LIVING ROOM' and a 'DINING ROOM'. A 'TERRACE' is adjacent to the dining room. To the right of the courtyard is a 'DEAR ENTRANCE' leading into a 'STUDY', 'DOES + BOAT ROOM', 'UTILITY ROOM', 'ENTRANCE', 'BAR', 'GAMES ROOM', and 'DINING / BREAKFAST LIVING'. A 'TERRACE' is also adjacent to the games room. At the bottom right is a 'GYM' and a 'PLANT' room. The plan includes various furniture and fixtures like sofas, tables, chairs, and a pool table. The drawing is signed 'SANDY JOHNSTON ARCHITECT RIBA' and dated '22 AUG 2001'.

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72 AUG 2011
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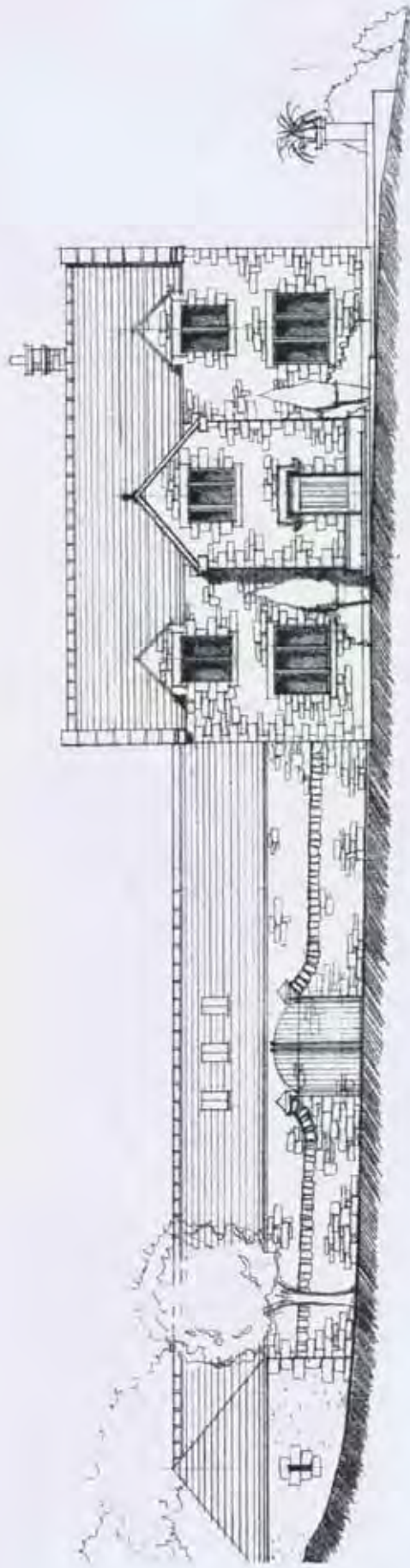
Project/General Floor Plan
General and Sectional of Apartment Enclosures (existing in Type-garage, Yards for building type)

SANDY JOHNSTON
ARCHITECT
RIBA



FIRST FLOOR PLAN 1 P 100

10/24/2011
7:51 PM
2011



NORTH ELEVATION 1 TO 100

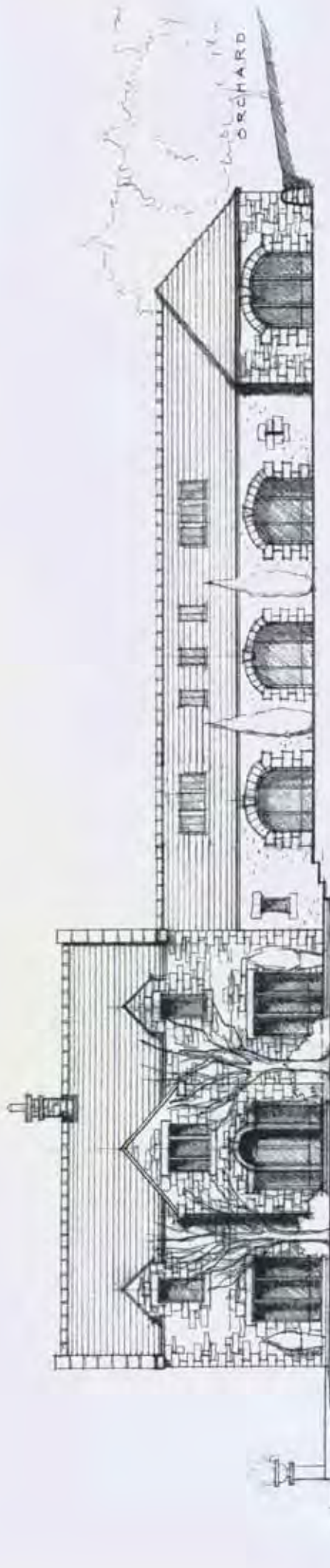


WEST ELEVATION 1 TO 100

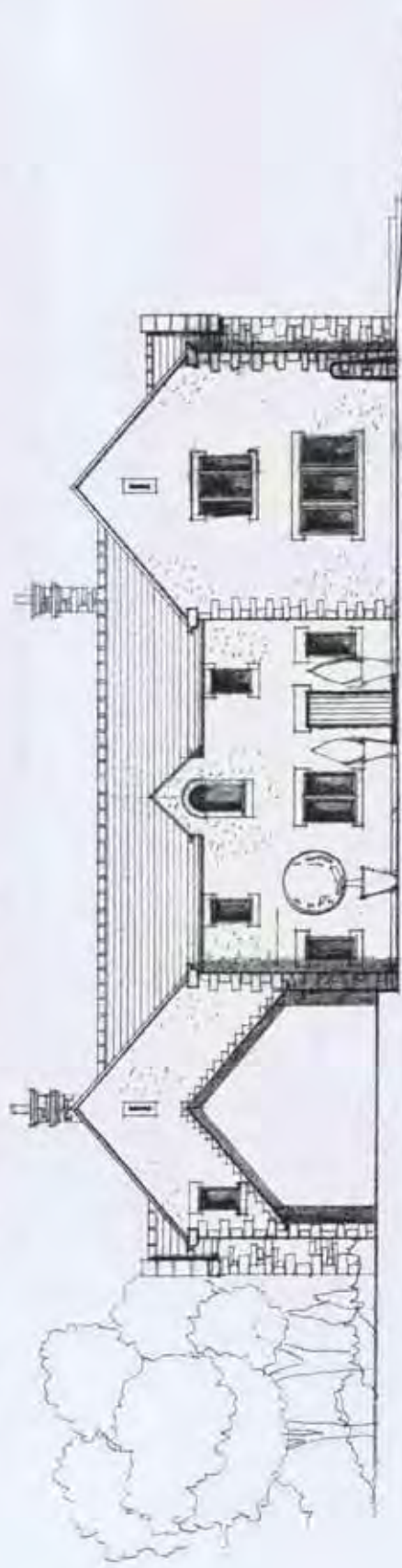
20110714

Programmed North & West Elevations
 Prepared for: Sandy Johnston Architect
 Project: 10000 N. 100th Ave. NE, Redmond, WA 98073
 DATE: MAY 2011 000-00000000 SCALE: 1/8"

SANDY JOHNSTON
 ARCHITECT
 RIBA



SOUTH ELEVATION 1/8"=1'-0"



EAST ELEVATION 1/8"=1'-0"

PROPOSED SOUTH & EAST ELEVATIONS

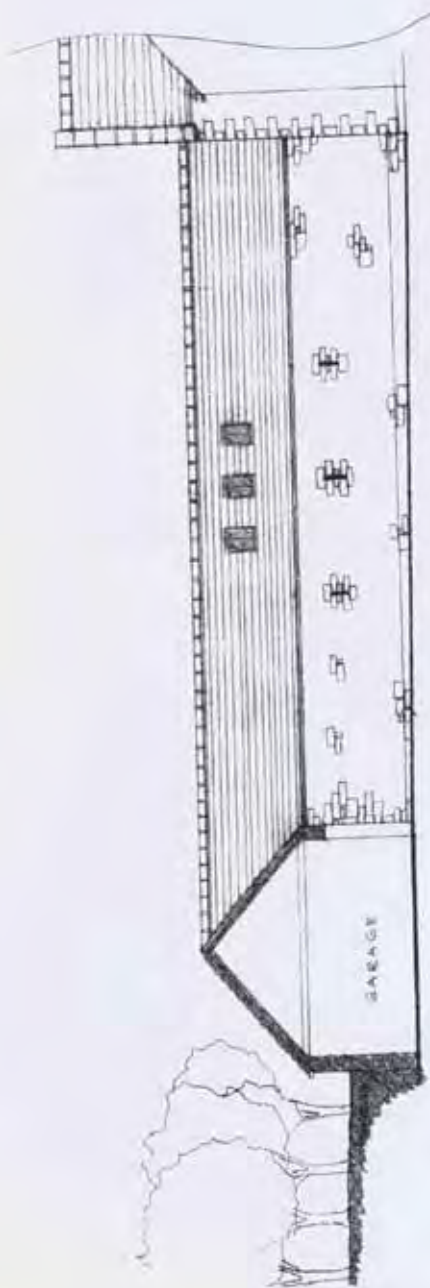
22 AUG 2014

SANDY JOHNSTON

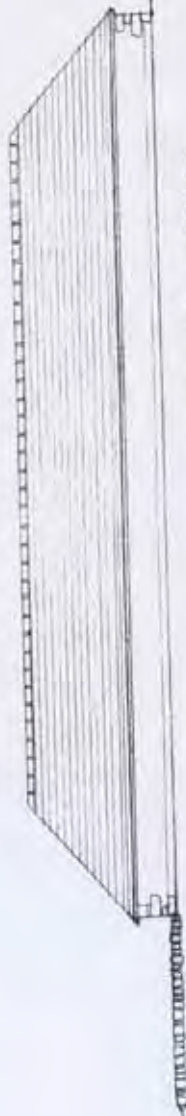
PROPOSED SOUTH & EAST ELEVATIONS

PRELIMINARY AND SUBJECT TO APPROVAL BY THE BOARD OF ARCHITECTS

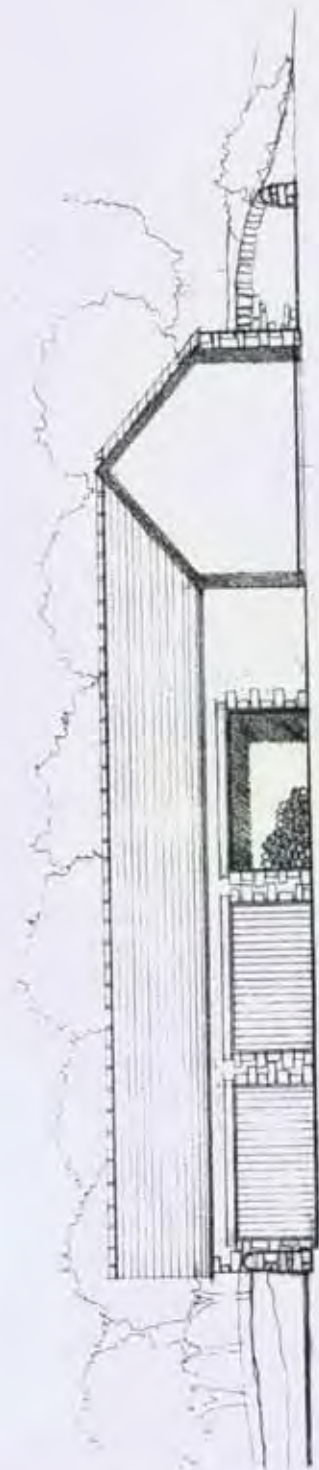
DATE: JULY 2011 DRAWN: J. JOHNSTON SCALE: 1/8"=1'-0"



NORTH COURTYARD ELEVATION 1/100



EAST ELEVATION OF GARAGES 1/100



WEST COURTYARD ELEVATION 1/100

RECEIVED
23 AUG 2011
11:11 AM

SCANNED
01 AUG 2011
11:11 AM

West and North courtyard elevations and East
Garage Elevation
Sandy Johnston
Architect
RIBA
DATE 23/08/11 11:11 AM

SANDY JOHNSTON
ARCHITECT
RIBA



Key:

	Application boundary
	Land ownership boundary
	Existing woodland
	Amenity grassland
	Agricultural grassland
	Existing dry stone walls
	Proposed tree planting
	Proposed meadow grassland
	Improved wetland pond with marginal planting
	Existing access track (improved)
	Stock proof fencing



Springwell Farm

Scale	1:2000 @ A3	Drawn by	NF / EC	Date	October 2011
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Drawing Name
Landscape Masterplan
 Ref: SPR/01a



SCHEDULE A: Applications with Recommendation

11/0811

Item No: 20

Date of Committee: 11/11/2011

Appn Ref No:
11/0811

Applicant:
Mr D Cape

Parish:
Carlisle

Date of Receipt:
15/09/2011

Agent:
Mr G Tyler

Ward:
Upperby

Location:
54 Upperby Road, Carlisle, CA2 4JE

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen And Sunroom Together With Porch To Front Elevation

REPORT

Case Officer: Rebecca Burns

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
2.2 Whether The Proposal Is Appropriate To The Dwelling
2.3 Biodiversity and Ecology
2.4 Other Matters

3. Application Details

The Site

- 3.1 Number 54 Upperby Road is a two storey semi-detached property constructed from brick with render under a slate roof located on the western side of Upperby Road. Residential properties are located to the north, east and south whilst St Margaret Mary RC Primary School is located to the west of the application site.
- 3.2 Upperby Road is identified in the Carlisle District Local Plan 2001-2016 as a Primary Residential Area.

The Proposal

- 3.3 This application seeks permission for the erection of a single storey rear extension to provide an extended kitchen and sunroom together with a porch to the front elevation.
- 3.4 The existing extension to the rear of the property will be demolished to allow the erection of the proposed extension which will measure 4.5 metres by 6 metres with a total ridge height of 3.9 metres. The extension will be constructed from brickwork and render under a slate roof to match the materials of the existing dwelling.

3.5 The proposed front porch will measure 1.2 metres by 2.2 metres and will have a total ridge height of 3.3 metres and will also be constructed from brick and render under a slate roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of five neighbouring properties. No written or verbal representations have been received during the advertisement period.

5. Summary of Consultation Responses

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

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: - no objection to the development however notes that the proposed development may fall/falls within the required access strip of a public sewer. If a sewer is discovered whilst on site applicant should contact Sue Lowe (01925 678307) or Kirsty Lloyd (01925 678306).

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP5 and H11 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
1. Impact Of The Proposal On The Living Conditions Of The Neighbouring Residents
- 6.2 A 1.8 metre high close boarded timber fence delineates the boundary shared between the application site and the attached property, Number 56. The boundary shared with Number 52 is formed by a 1 metre high fence and outbuildings, approximately 2 metres high, which are located adjacent to the northwest boundary and provide significant screening for Number 52. The rear boundary, which abuts the grounds of the primary school, is delineated by a 1.8 metre high timber fence. There will be no windows on either of the side elevations of the extension to cause overlooking to any of the neighbouring properties. Bi-fold doors will be located on the rear elevation

and two roof lights will provide a further source of light to the extension. Due to positioning of the windows and the high boundary treatments there will not be any loss of privacy to any of the neighbouring properties as a result of the rear extension. Furthermore, Due to the orientation of the property there will not be significant loss of light to any neighbouring properties to warrant refusal.

- 6.3 There will be narrow windows located on the side elevations of the front porch. These windows will be in line with the windows on the side elevations of the existing bay windows featured on this property and a number of neighbouring properties on Upperby Road. As such these windows will not cause any increased overlooking to any of the neighbouring properties.
- 6.4 Accordingly, the proposals will not adversely affect the living conditions of the residents of neighbouring properties on the basis of loss of light, overlooking or overdominance.

2. Whether The Proposal Is Appropriate To The Dwelling

- 6.5 The scale and height of the proposal is comparable to the existing property. The rear extension and front porch will be constructed from materials to match the existing dwelling and will employ similar detailing. Furthermore, a rear extension of comparable scale and design has been erected at the attached property, Number 56, as approved under application 05/0174. Accordingly, the proposals will compliment the existing dwelling in terms of design and materials to be used.

3. Impacts Upon Biodiversity And Ecology

- 6.6 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

The City Council's GIS layer identified the potential for breeding birds and moths. However, given that the proposal relates to works to an existing dwelling within an established residential area, it is unlikely that there will be any harm to the favourable conservation of any protected species or their habitats. An advisory note has been added to this consent requesting that should any protected species be found during the works that all work must cease immediately and the Local Planning Authority must be notified.

3. Other Matters

- 6.7 Members should also be aware that although the applicant is a member of the Development Control Committee he has not been involved in the determination of the application outside of his role as applicant.

Conclusion

- 6.8 In overall terms the scale and design of the proposal is considered to be acceptable and that there will not be any adverse impacts upon the residents of the neighbouring properties as a result of poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. Furthermore, there will not be any detrimental impact upon the biodiversity of the area. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan.

7. Planning History

- 7.1 There is no relevant planning history at this site.

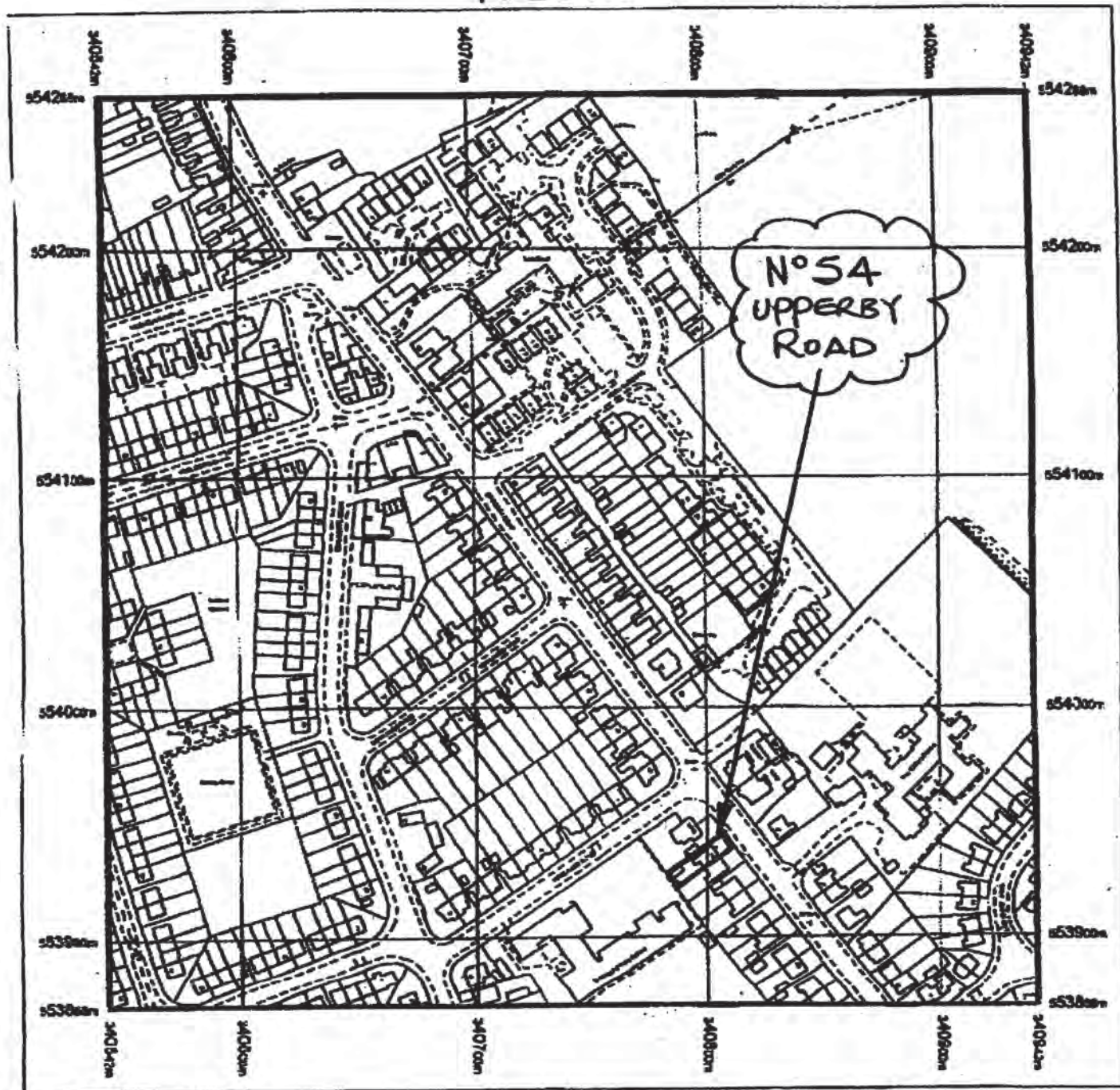
8. Recommendation: Grant Permission

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

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

2. The approved documents for this planning permission comprise:
1. the submitted planning application form received 15th September 2011;
 2. the site location plan received 15th September 2011;
 3. the block plan received 15th September 2011 (Drawing Number DC/EXT/SBP Rev A);
 4. the existing and proposed elevations received 15th September 2011 (Drawing Number DC/EXT/001 Rev A & Drawing Number DC/EXT/002 Rev A);
 5. the existing floor plan received 15th September 2011 (Drawing Number DC/EXT/003 Rev A);
 6. the proposed floor plan received 15th September 2011 (Drawing Number DC/EXT/004 Rev A);
 7. the proposed elevations and material detail drawing received 15th September 2011 (Drawing Number DC/EXT/005 Rev A);
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.



SITE LOCATION PLAN -

DC/EXT/SLP

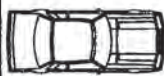
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N° 54 UPPERBY ROAD CARLISLE

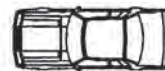
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15 SEP 2011

2011/0811



Upperby Road



58

56

52



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15 SEP 2011
2011/0911

SITE BLOCK PLAN

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Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape

No.	Date	Original Issue	Description
1	01/09/11		

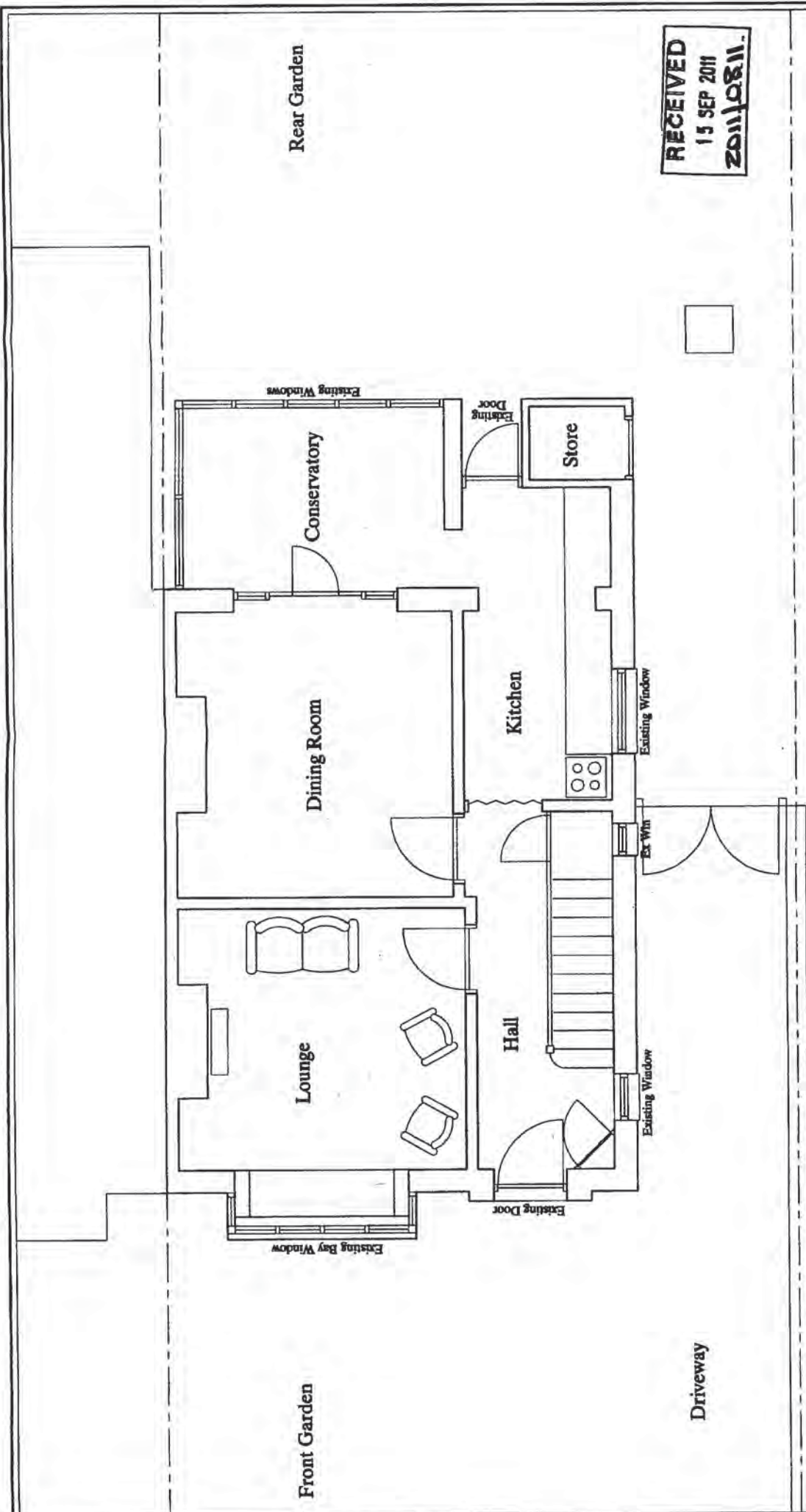
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Scale	1:200
Date	1st September 2011
Drawing No	DC / EXT / SBP
Rev A	

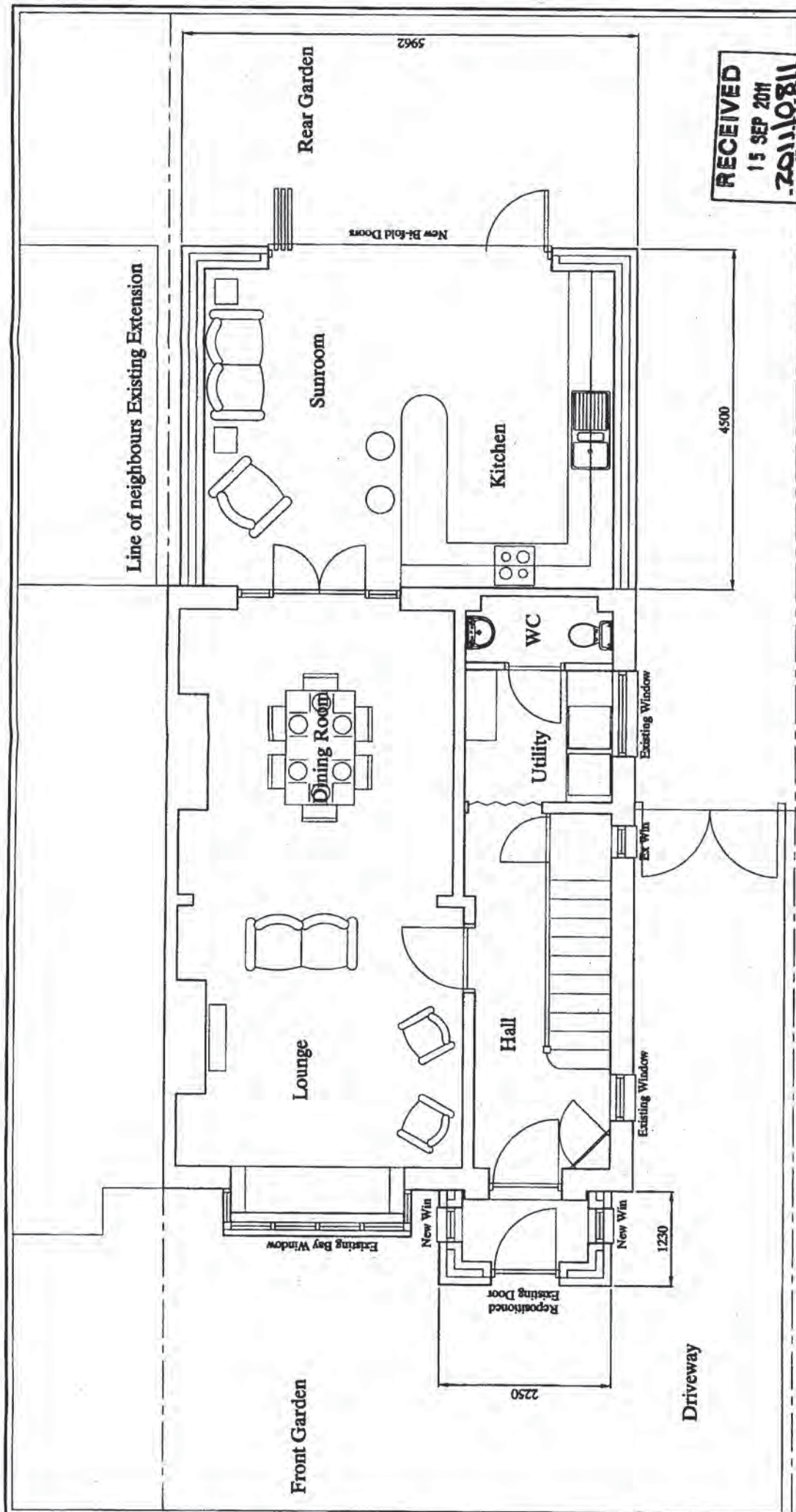
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15 SEP 2011
2011/0811

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Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front		Drawn By	G. Tyler
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape		Scale	1:50
		Date	1st September 2011
		Drawing No	DC / EXT /003
		Rev	Rev A
		Original Issue	
		Date	
		Description	

Existing Ground Floor Plan



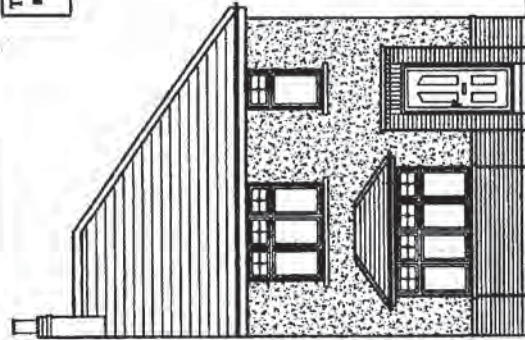


Proposed Ground Floor Plan

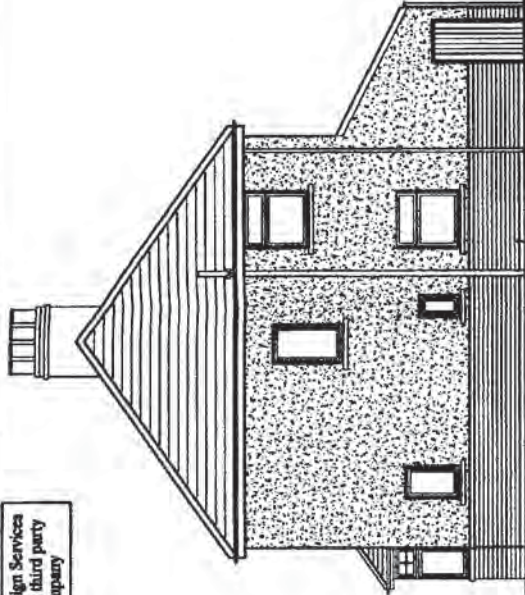
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Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front		Drawn By	G.Tyler
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape		Scale	1:50
Rev.	Date	Date	1st September 2011
A	01/09/11	Drawing No	DC / EXT /004
			Rev A

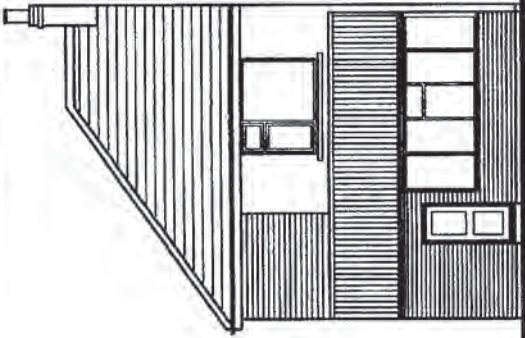
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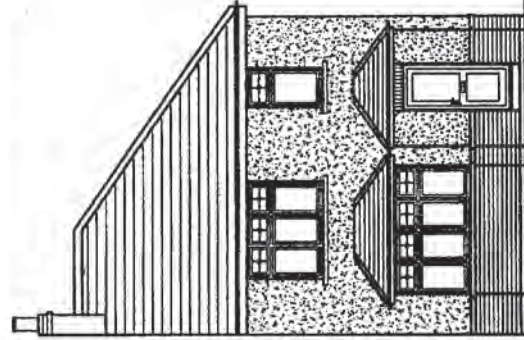
Existing Front Elevation



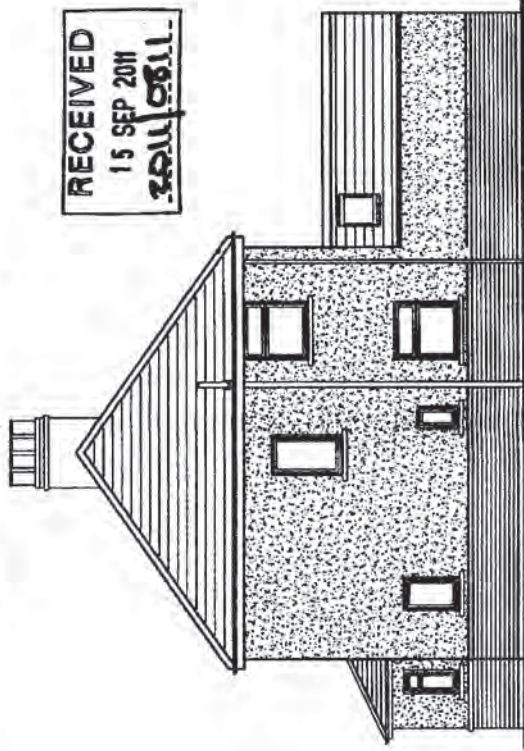
Existing Side Elevation



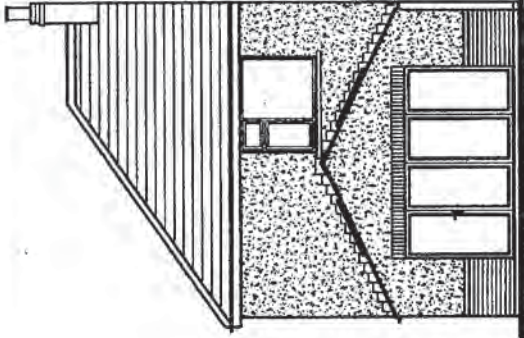
Existing Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

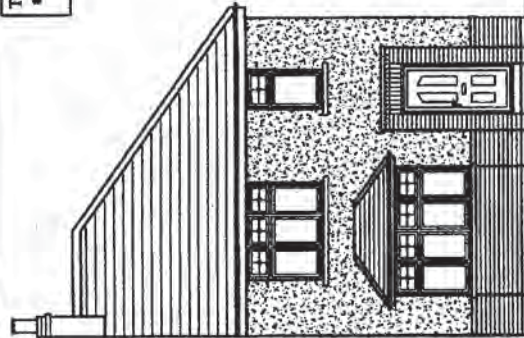
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CARLISLE

Rev.	Date	Description
A	01/09/11	Original Issue

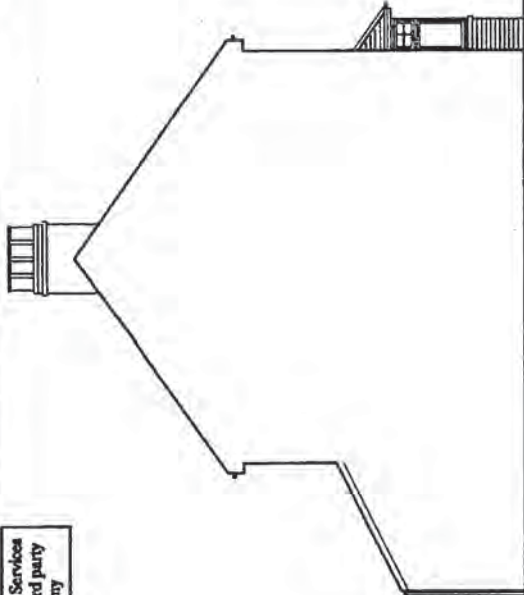
Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape

Drawn By	G.Tyler
Scale	1:100
Date	1st September 2011
Drawing No	DC / EXT / 001
Rev	A

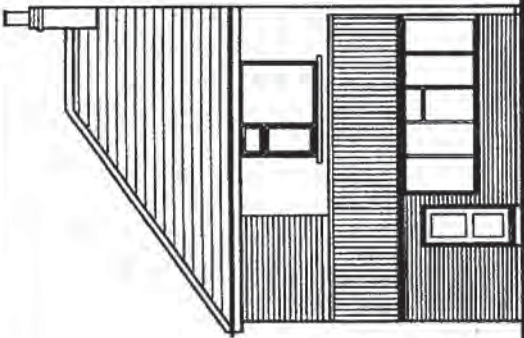
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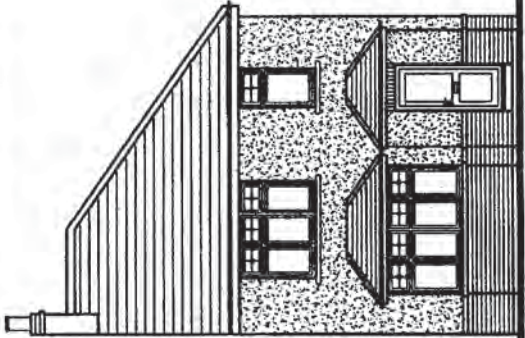
Existing Front Elevation



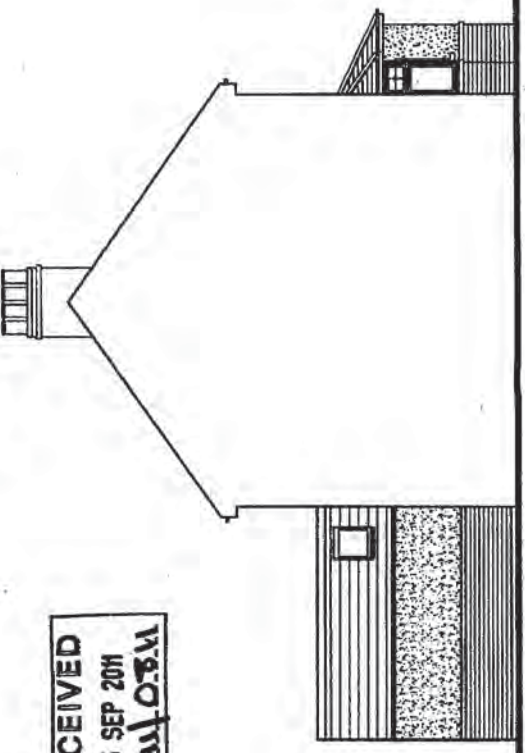
Existing Side Elevation



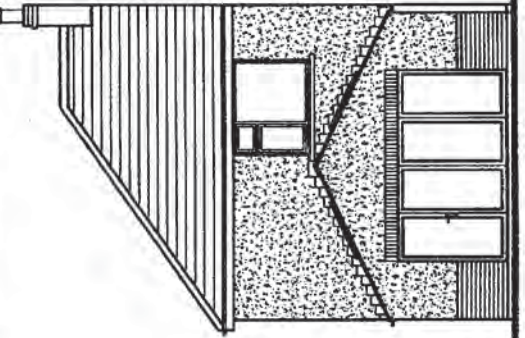
Existing Rear Elevation



Proposed Front Elevation



Proposed Side Elevation



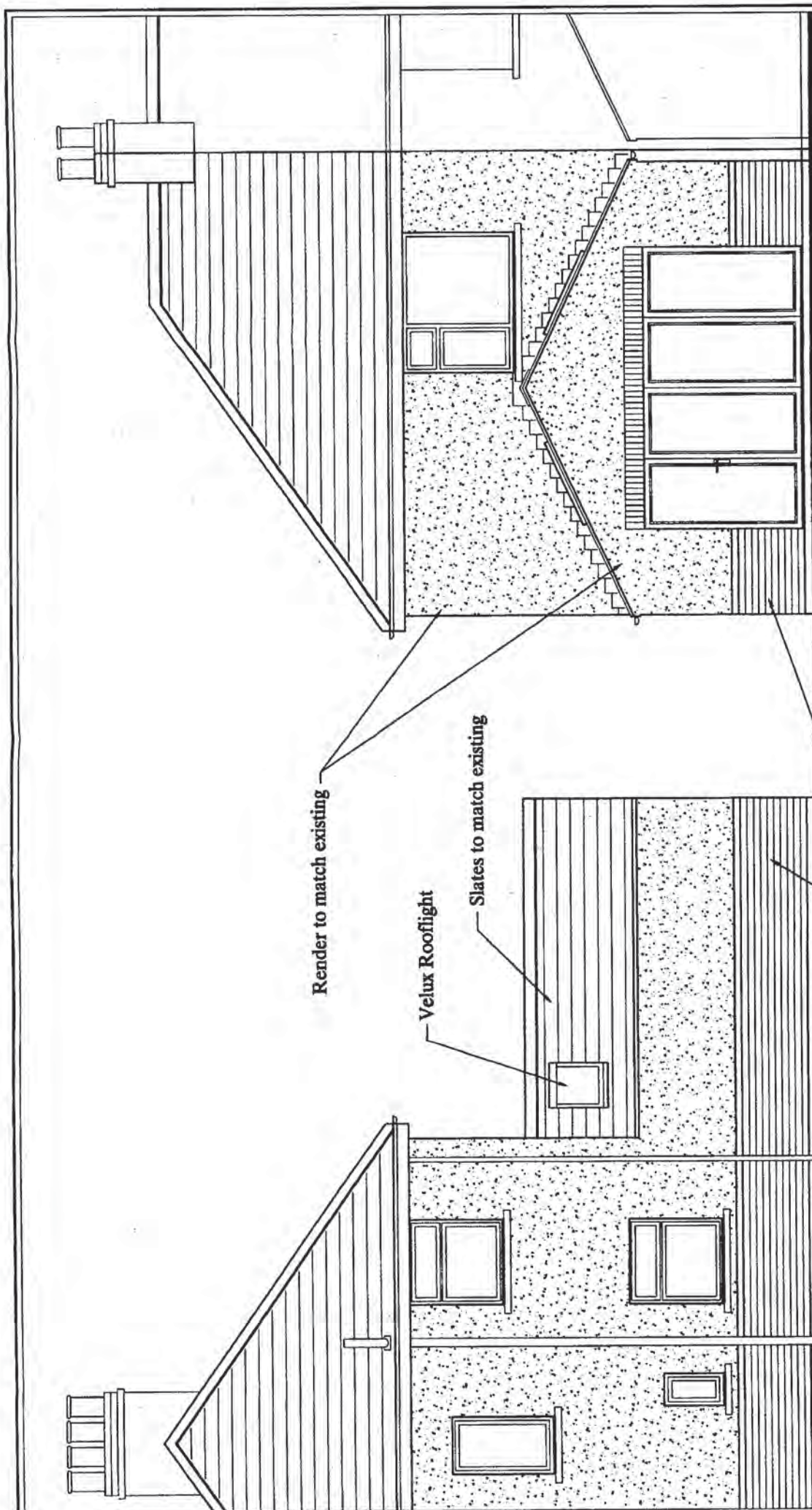
Proposed Rear Elevation

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15 SEP 2011
2011 03 11

Rev.	Date	Description
A	01/09/11	Original Issue

Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape

Drawn By	G.Tyler
Scale	1:100
Date	1st September 2011
Drawing No	DC / EXT / 002
Rev A	



Render to match existing

Velux Rooflight

Slates to match existing

New Bi-fold doors

Brickwork to match existing

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15 SEP 2011
2011/0811

Proposed Single Storey Extension to the Rear Elevation & New Porch to the Front		Drawn By	G.Tyler
Elevation of No54 Upperby Road, Carlisle, Cumbria CA2 4JE for Mr D. Cape		Scale	1:50
		Date	1st September 2011
		Drawing No	DC / EXT / 005
		Rev	Rev A
		Original Issue	
		Description	

SCHEDULE A: Applications with Recommendation

10/0760

Item No: 21

Date of Committee: 11/11/2011

Appn Ref No:
10/0760

Applicant:
Mr & Mrs Brown

Parish:
Cumrew

Date of Receipt:
19/08/2010

Agent:
PFK Planning

Ward:
Great Corby & Geltsdale

Location:
Helme Farm, Cumrew, Brampton, CA8 9DD

Proposal: Conversion Of Barns To Form 5no. Dwellings

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application be approved with conditions.

2. Main Issues

- 2.1 the absence of any marketing exercise (criterion 7 of Policy H8)
- 2.2 the viability of the approved use and any other realistic use (criterion 1 of Policy H8)
- 2.3 whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing
- 2.4 the suitability of the location (Policies DP1, H1, and H8)
- 2.5 ecology (Policies DP7 and CP2)
- 2.6 the benefits of the scheme.

3. Application Details

The Site

- 3.1 Helme Farm is located on the western side of the road running through Cumrew, to the immediate south of a single storey dwelling known as The Croft; north of a field and semi-detached houses known as East Cottage and West Cottage. On the eastern side of the road, opposite the application site, there are residential properties in the form of The Retreat Barn, Townfoot Farm, and Cairn House.
- 3.2 Helme Farm comprises a single storey cruck-framed barn thought to date

from the 17th or 18th century; a two-storey farmhouse from either the 18th or 19th century; and associated two storey outbuildings the origins of which date from a similar period to the farmhouse. Later extensions, utilising metal sheeting and rendered blockwork, are also evident. The buildings are essentially linear in form fronting the road with parallel outbuildings to the west. Helme Farm is no longer in use as an agricultural enterprise.

- 3.3 The cruck-framed barn was on the September 2010 Listed as a grade II building. The site is within the Cumrew Conservation Area, and the North Pennines Area of Outstanding Natural Beauty. Cumrew Beck, which runs to the south-east and south-west of Helme Farm, is a tributary of the River Eden SAC and SSSI. A public footpath is located approximately 190 metres to the south.

The Proposal

- 3.4 The current application, as revised, seeks full permission for the conversion of the cruck-framed barn and outbuildings to form a total of five dwellings. The submitted plans show the cruck-framed barn to be converted to a two bed unit with an open plan living area and bathroom on the ground floor. The barn attached to the northern end of the farmhouse is shown to be converted to two, 2 bed units; and the barn adjoining the southern end, a two bed unit. The outbuildings to the west of the farmhouse are shown to be converted to a 4/5 bed unit.
- 3.5 The application is accompanied by a Planning Statement (incorporating a report on Historical Significance, and a Design and Access Statement); a Survey for Bats and Barn Owls; a Viability Report on Conversion to Holiday Units; and a Viability Report on Conversion to Residential Units for Open Market Sale (October 2011).

4. Summary of Representations

- 4.1 This application has been advertised by press and site notices, and the direct notification of the occupiers of seven neighbouring properties. The subsequent correspondence contains one objection and three letters/e-mails commenting on the proposal.
- 4.2 The objection is on the following grounds:
1. Cumrew has no shop, regular bus service, village hall, playground, working telephone box or school;
 2. cannot see a local need in Cumrew - a number of dwellings of a variety of sizes, styles and price have been on the open market and there is a dwelling for rent;
 3. the Village has been extensively expanded upon recent years - there being at least 4 new dwellings plus 3 barn conversions from the splitting up of Townfoot Farm, of which one has yet to be finished. There are

further dwellings approved at Cumrew Farm which have not yet been completed - character of Village changing;

4. to have another 4 dwellings will further increase traffic within the Village - makes it unsafe for children to play on the road;
5. the proposed slit windows proposed as part of the conversion of the cruck barn will lead to losses in privacy and should be blocked up; and
6. scheme needs to retain existing hedging defining boundary between The Croft and Helme Farm.

4.3 The comments highlight the following:

1. the application site allegedly includes land not within the applicants ownership;
2. in 2009, under application 09/0068 planning permission was refused for the erection of a dwelling in part of a field north of Cumrew House;
3. need to impose conditions regarding local housing, low cost housing, traffic issues, development to be finished within 2 years (because Cumrew has been a building site for several years already), and characteristic to surroundings;
4. the proposal is allegedly a "money making" scheme unlike the proposal refused under 09/0068;
5. alleged that Planning Officers have indicated no more development will take place in Cumrew unless there is a proven need relating to agriculture, forestry or other rural based enterprise;
6. the buildings are shown on the 1603 Gilsland Survey Map (reference Howard of Naworth Collection, University of Durham HNP C713-011) - need to ensure that the level 3 building survey addresses the possibility that the cruck barn could date from before 1603.

5. Summary of Consultation Responses

Local Environment (former Community Services) - Drainage Engineer: - no comments received.

United Utilities: - the application states that foul drainage will discharge to main sewer but UU have no record of wastewater assets in the vicinity of this proposal. We have no objection.

Natural England: - we note that the information provided concludes that there are no protected species (bats and barn owls) affected by this proposal. Should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Natural England concurs with the advice in the submitted Bat and Barn Owl survey that further roosts can be created around the development through the erection of bat boxes, and that this is conditioned within any planning approval. Such provision would be in accord with section 40(1) of the Natural Environment and Rural Communities Act 2006 that places a duty on public authorities to have regard to biodiversity in exercising their functions.

North Pennines AONB Partnership: - no comments received.

Conservation Area Advisory Committee:- felt that this proposal appeared to be acceptable in that the degree of intervention was kept to a relatively low level. However, the addition of a porch seemed unnecessary and the proposed extensions to the Workshop Barn need to be revised.

Cumbria County Council - (Highway Authority): - no objection but recommend the imposition of five conditions.

Cumrew Parish Council: - no objections.

Carlisle Airport: - no comments received.

Cumbria County Council - (Archaeological Services): - one of the barns incorporates a cruck frame which English Heritage consider is likely to date to the 17th or 18th century. The remaining barn and outbuildings proposed for conversion are shown on the 1st edition OS map and therefore date to at least the mid nineteenth century. The buildings are therefore considered to be of historic significance and that their character and appearance will be altered by the proposed conversion.

Recommend that a Level 3 archaeological building recording programme be undertaken in advance of development secured by attaching a negative condition.

Community Engagement - Housing Strategy, 7th Floor: - no objections as the proposal contains an affordable housing provision that satisfies Policy H5 of the Local Plan.

There is great evidence that affordability is required in the Carlisle Rural East Housing Market - the district housing survey of 2006 found that, in order to meet housing needs in Rural Carlisle East, 106 units of affordable housing were required per year for the subsequent five years. The average single income of those on the Carlisle City Council's Low Cost Housing register (as of September 2010) is £16740; the average joint income is £28212. When this is compared to the average price of £233125 in the area, single applicants on the register would be required to take out a mortgage of 14x their annual incomes, and joint applicants must achieve a mortgage of 8x their annual incomes. This is well above government recommended borrowing levels.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 Following the recent Cala Homes litigation, the Regional Spatial Strategy (RSS) remains in force and part of the development plan unless and until the Localism Bill is enacted. Given the stage of the Localism Bill it is inappropriate to give weight to the government's intention to revoke the RSS. On the 8th September 2011, the SoS for Communities and Local Government extended the life of the saved policies in the Local Plan. For the purposes of the determination of this application, therefore, the development plan comprises the North West of England Plan (Regional Spatial Strategy to 2021); the "saved policies" of the Cumbria and Lake District Joint Structure Plan 2001-2016; and the "saved policies" of the Carlisle District Local Plan 2001-2016.
- 6.3 Other material considerations include PPS1 "Delivering Sustainable Development"; PPS4 "Planning for Sustainable Economic Growth"; PPS5 "Planning for the Historic Environment"; PPS7 "Sustainable Development in Rural Areas"; PPS9 "Biodiversity and Geological Conservation"; PPG13 "Transport"; Circular 11/95 "The Use of Conditions in Planning Permissions"; and Circular 05/2005 "Planning Obligations". The National Planning Policy Framework Draft Consultation (NPPF) issued on the 25th July 2011 is a material consideration which needs to be taken into account. However, its policies have been accorded little weight because it is still in draft form and may change following the consultation period.
- 6.4 In 2008 English Heritage published policy and guidance in "Enabling Development and the Conservation of Significant Places", and "Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment".
- 6.5 Members may recollect that in relation to a relatively recent application (reference number 10/0577) concerning the Tarn End House Hotel, Counsel advised that if a proposal is viable but has not been marketed properly, then the Council may give more weight to viability. There may be a number of reasons why a site is viable but for which there is no market at a given time: there may simply be no demand at the time. The judgment is very much one of fact and degree for the Council as decision-maker, on the particular facts, having regard to Policy H8 and other material considerations.
- 6.6 On the basis of the foregoing it is considered that any assessment of such an application revolves around (a) an initial consideration of whether any marketing exercise undertaken on behalf of the applicant is satisfactory (criterion 7 of Policy H8); and then address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in their current condition. In order to address the latter question this report

will look at (b) the viability of the approved use and any other realistic use (criterion 1 of Policy H8); (c) whether the proposal is in accordance with Policy H5 regarding the provision of affordable housing; (d) the suitability of the location (Policies DP1, H1, and H8); (e) ecology (Policies DP7 and CP2); and (f) the benefits of the scheme.

a) Marketing

- 6.7 In relation to this issue, it is apparent that no marketing of the buildings has been undertaken on behalf of the applicants.

b) Viability

- 6.8 In relation to viability, the applicants' agent has submitted viability reports on the conversion to holiday units and the conversion to residential units. The viability assessment on the conversion of the buildings to five holiday units concludes that, based on an average unit value of £95,034 (which provides a completed sales value of £475,000) and not including a "cost" for the site, the costs of the development would exceed the total value of the property by £300,000. The viability report on the conversion to open market residential units estimates a total completed sales value of £1,125,000 with total costs of £754,500 (including an affordable housing contribution of £34,000). On the basis of the existing valuation of the land and buildings in their present form of £100,000, the overall profit for the development equates to £270,000 of which the estimated profit for the purchasing developer would be £125,000.

c) Affordable Housing

- 6.9 When considering the proposed off-site contribution towards affordable housing, Policy H5 states that *"the City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments."* In the rural area the stated contribution is 10% of housing on small sites (i.e. over 0.1ha or 3 units). Policy H5 also explains that the proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. A discount of 25-30% is to be sought in the case of intermediate affordable housing.
- 6.10 In this case, the City Council's Housing Services has explained that the average single income of those on the Low Cost Housing register (as of September 2010) is £16740, and the average joint income is £28212. When compared to the average price of £233125 in the area, single applicants on the Low Cost Housing register would be required to take out a mortgage of 14 times their annual incomes, and joint applicants must achieve a mortgage 8 times their annual incomes. This is well above the borrowing levels recommended by the government. The applicants have actively sought the involvement of a housing association but without success. They have also acknowledged that even with a 30% discount on the market value, any dwelling would still be unaffordable and therefore have put forward the alternative option of the payment of a commuted sum for c. £34,000.

- 6.11 The applicant has provided evidence that demonstrates the proposal is viable with the payment of a commuted sum towards affordable housing in accord with Policy H5.
- 6.12 Policy H5 acknowledges that market conditions need to be recognised, and therefore does not require that schemes which provide less than the expectation should be refused. This aside, there is a recognised pressing need for affordable housing in the District. It is also the clear intention of Government Policy, such as PPS 3 “Housing” and the policies of the Development Plan that market housing development should be expected to contribute towards alleviating the affordable housing shortfall. In addition to the payment of a commuted sum, the applicants have deliberately sought to provide smaller, and hopefully, more affordable units.

d) Suitability Of Location

- 6.13 In relation to the suitability of the location, Cumrew is not located in a designated Key Service Centre or Local Service Centre. However, Policy H8 directly relates to those instances involving the provision of residential accommodation in locations where planning permission for new build residential development would not normally be granted.

e) Ecology

- 6.14 In relation to this matter, the submitted Survey for Bats and Barn Owls explains that Common Pipistrelle bats were observed feeding in part of the garden but not actually seen emerging from the buildings, and there was no evidence seen of droppings. On the basis that there is potential for bats to roost, the Survey report recommends the use of appropriate ridge tiles and access slates to the roofs; the erection of bat boxes around the site; the retention of as many crevices as possible; the retention of the garden trees; and restricting the external lighting. The applicants have agreed to undertake the aforementioned measures.

f) Benefits

- 6.15 The proposal involves the re-use of a grade II Listed Building and associated structures that are prominently located along the road frontage of Cumrew within a conservation area, and an area of outstanding natural beauty. If permission was to be refused for the current application, the existing buildings are likely to continue to deteriorate although the degree would be dependent upon the nature and form of any weather proofing.
- 6.16 At a national level build rates have slowed and sites with permissions have either not been developed or at a much slower rate than previously experienced. This is also at a time when the Government is encouraging local authorities to allow housing to help stimulate the economy. The Housing Land Supply Position Statement (updated November 2010) prepared by the City Council shows that in 2009/10, 233 residential units were completed which is substantially less than the 374 units completed in 2007/08 and the 366 units completed in 2008/09.

Other Matters

- 6.17 An interested party has referred to the refusal of permission, under application 09/0068, for the erection of a dwelling on a field north of Cumrew House. The nature of this proposal is, however, not considered to be directly comparable to the current scheme.

Conclusion

- 6.18 Any assessment of this application revolves around an initial consideration of whether the marketing exercise undertaken on behalf of the applicant is satisfactory (criterion 7 of Policy H8); and then seek to address the subsequent question of whether the advantages of seeing the premises re-used in the near future outweigh the disadvantages and the policy benefits of retaining the premises in their current use and condition.
- 6.19 It is apparent that, in this case, no marketing has been undertaken on behalf of the applicants. However, the proposal will achieve a viable development that involves the re-use of a grade II Listed Building that is also in a prominent and attractive location, involves the payment of a commuted sum towards affordable housing together with a small but contributory increase in the District's housing supply.
- 6.20 In overall terms it is considered that the disadvantages would be compensated for by the benefits brought forward by the scheme, and therefore the recommendation is approval. The payment of the commuted sum would need to be the subject of a Section 106 Agreement.

7. Planning History

- 7.1 The available records indicate that the property has not previously been the subject of an application for planning permission although, under application number 08/0005/TEL, a telecommunications determination was submitted in 2008 for the installation of an 11 metre wooden pole.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:
1. the submitted planning application form, Planning Statement, Survey for Bats & Barn Owls, and the Viability Reports regarding the holiday units

and proposed residential scheme;

2. the Site Plan, drawing numbers 109/137/01A (As Existing Location Plan & Workshop), 109/137/02 (As Existing Cruck Barn & Adjoining Barn), 109/137/03 (As Existing Outbuildings), and 109-137-08, 09, 10,11 and 12 regarding the proposed residential development;
3. the Notice of Decision; and
4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions shall be carried out on the dwellings hereby permitted 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 of the existing buildings and safeguard the living conditions of the neighbouring residents in accordance with Policy H8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner in accord with Policy H8 of the Carlisle District Local Plan 2001-2016.

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

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

6. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented prior to the occupation of any hereby permitted dwelling.

Reason: To ensure that materials to be used are acceptable and in

compliance with the objectives of Policy H8 of the Carlisle District Local Plan 2001-2016.

7. No development shall take place until details specifying the type, location and number of "bat friendly" ridge tiles/slates have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the commencement of use.

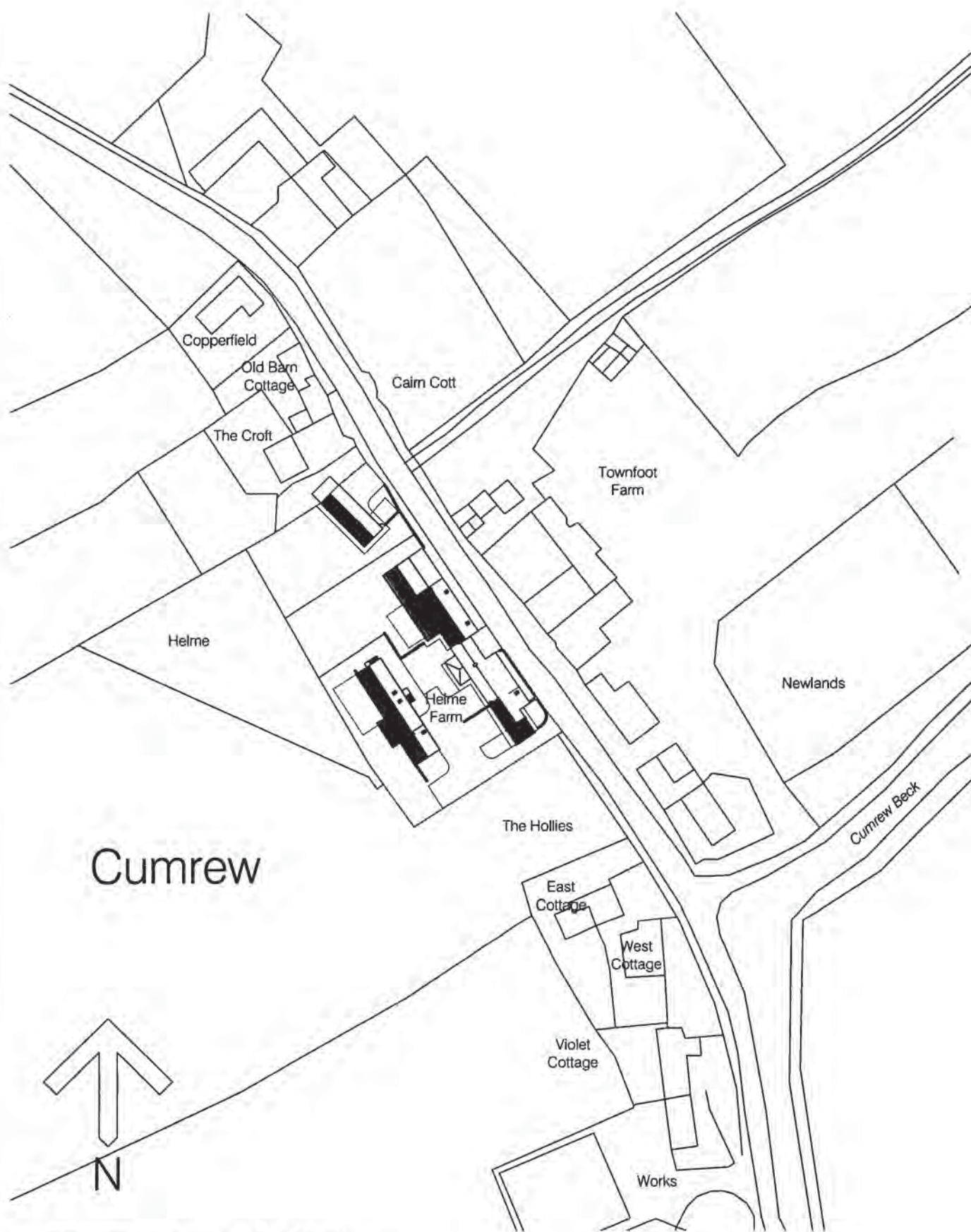
Reason: To mitigate the impact of the development upon bats in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to the occupation of any the dwelling hereby permitted the respective means of vehicular access bounded by the carriageway edge, splays, and crossings of the highway verge and/or footway shall be constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

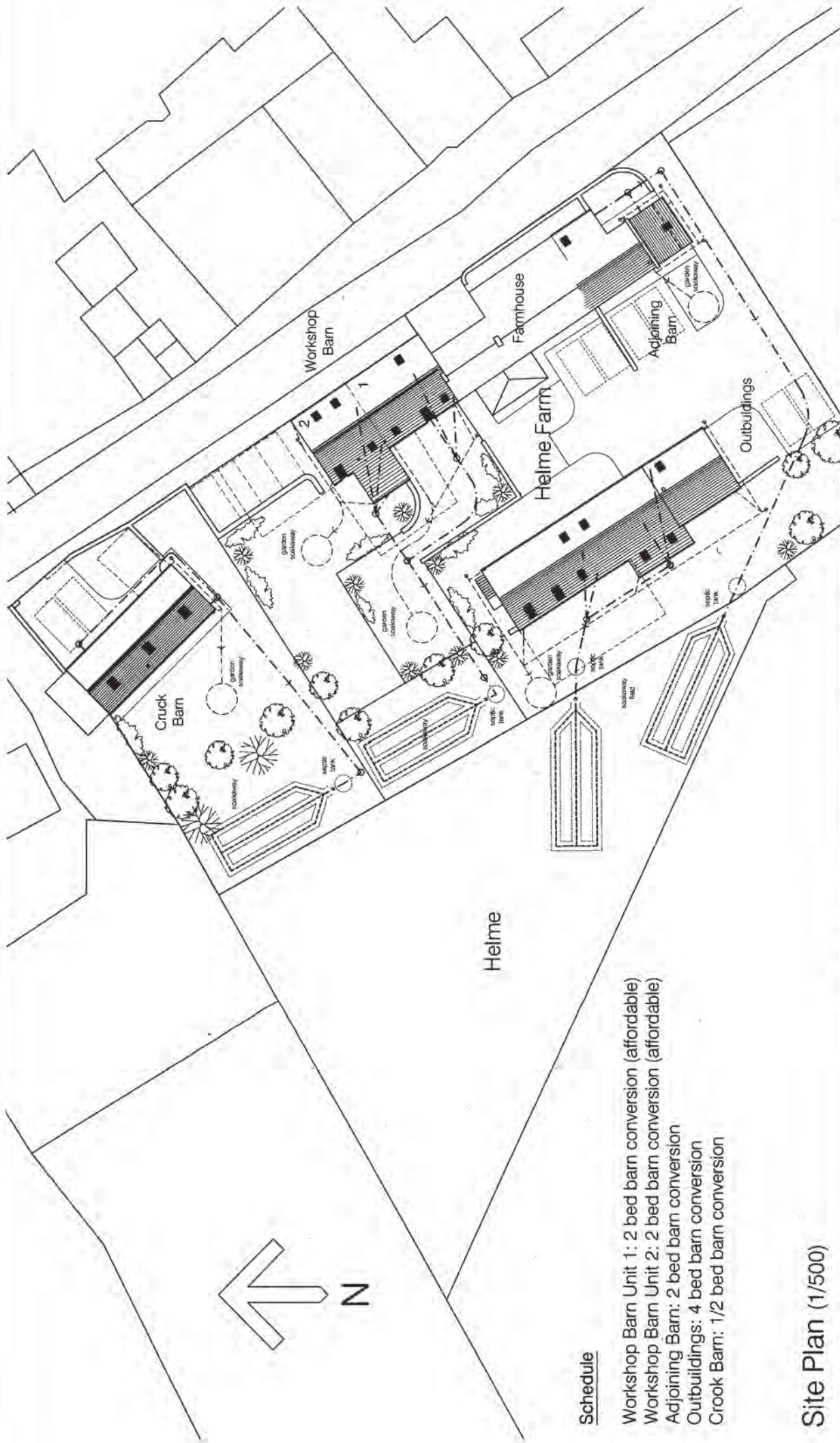
Reason: In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

9. None of the dwellings hereby permitted shall be occupied until works for the disposal of foul and surface water have been provided in accordance with details to be submitted to and approved in writing beforehand by the local planning authority.

Reason: To ensure that adequate drainage facilities are available.



Site Plan (scale 1/1250)

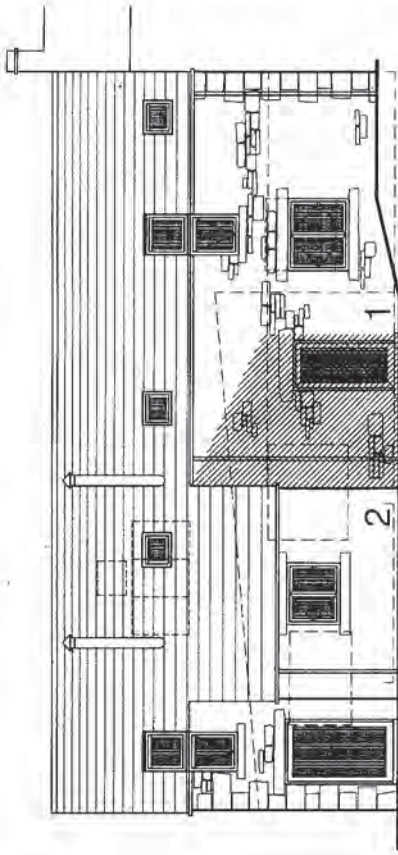


Schedule

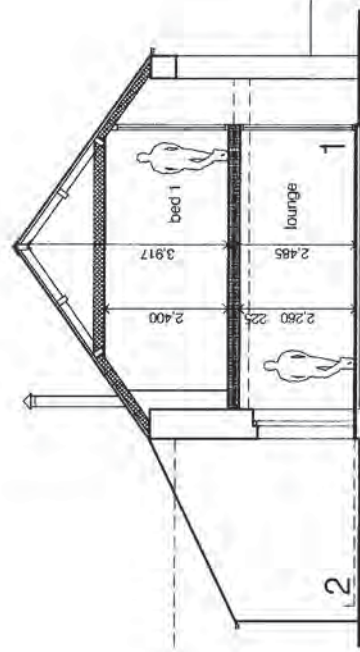
Workshop Barn Unit 1: 2 bed barn conversion (affordable)
 Workshop Barn Unit 2: 2 bed barn conversion (affordable)
 Adjoining Barn: 2 bed barn conversion
 Outbuildings: 4 bed barn conversion
 Cruck Barn: 1/2 bed barn conversion

Site Plan (1/500)

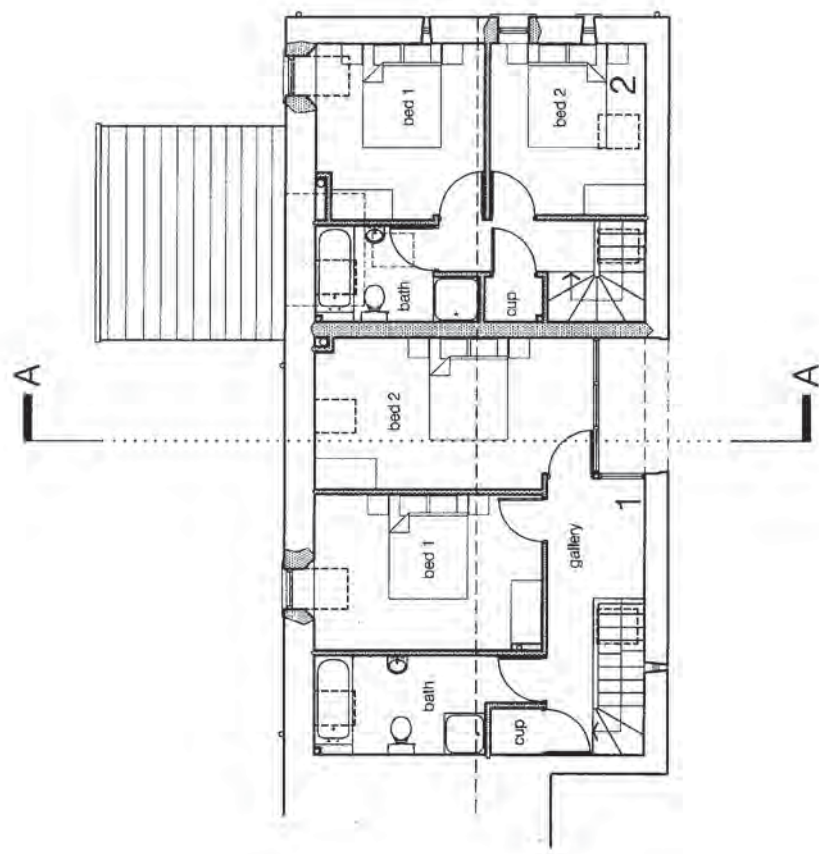
<p>DO NOT SCALE FROM THIS DRAWING. THIS DRAWING IS COPYRIGHT ©</p>	<p>revisions</p>	<p>Graham K Norman Architect CHARTERED PRACTICE UNIT 4 MERESIDE GREENBANK ROAD EDEN BUSINESS PARK PENRITH, CUMBRIA CA11 9FB 01768 868274 mail@grahamknorman.co.uk</p>	<p>AS PROPOSED SITE LAYOUT</p> <p>drawing file: 109-137-07 works: MR AND MRS BROWN client:</p>	<p>02-11-10 date: 1-500@A4 scale: BB 109-137-07 drawing no.: rev.</p>
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South West Elevation (1/100)

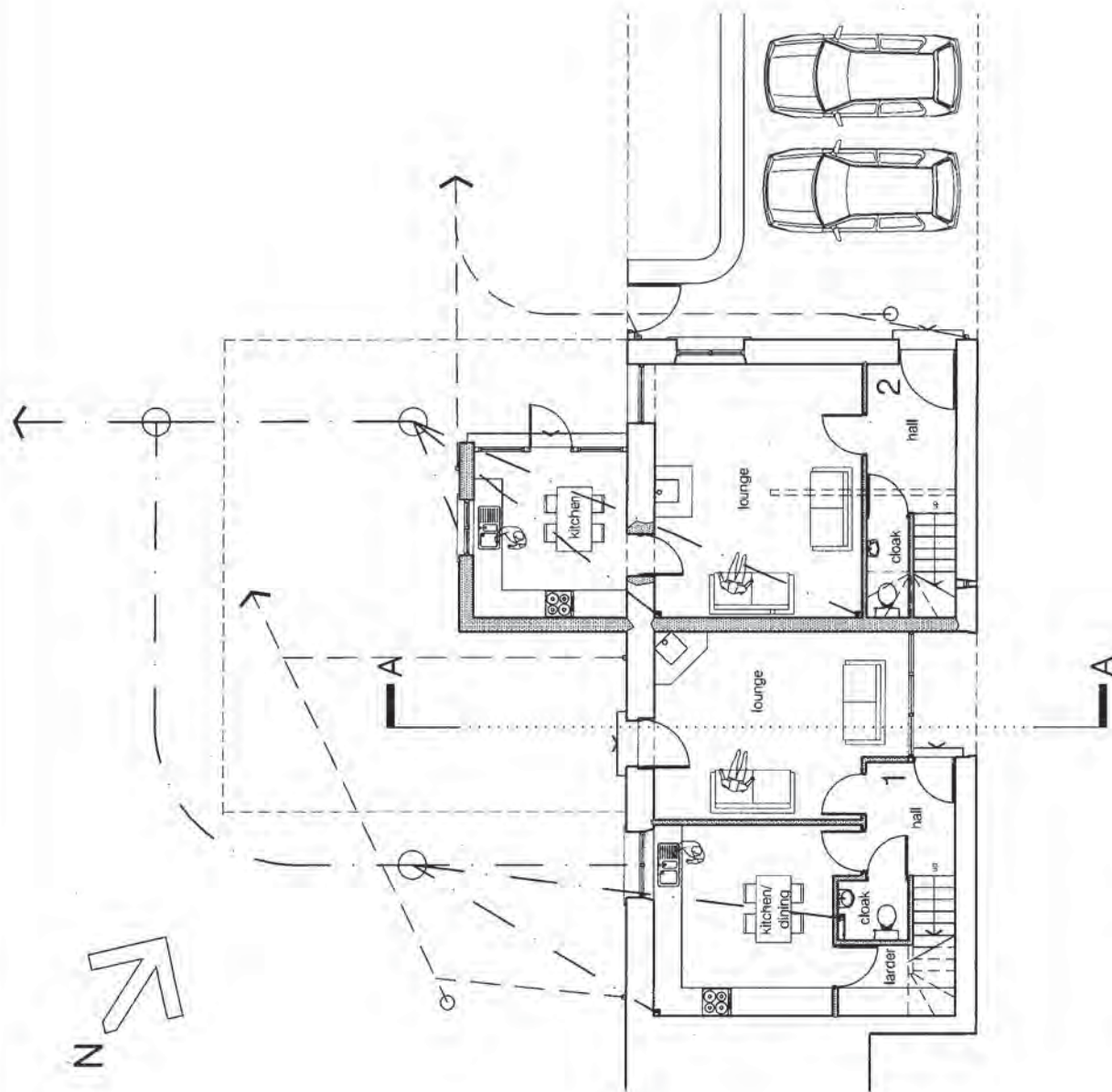


Section AA (1/100)

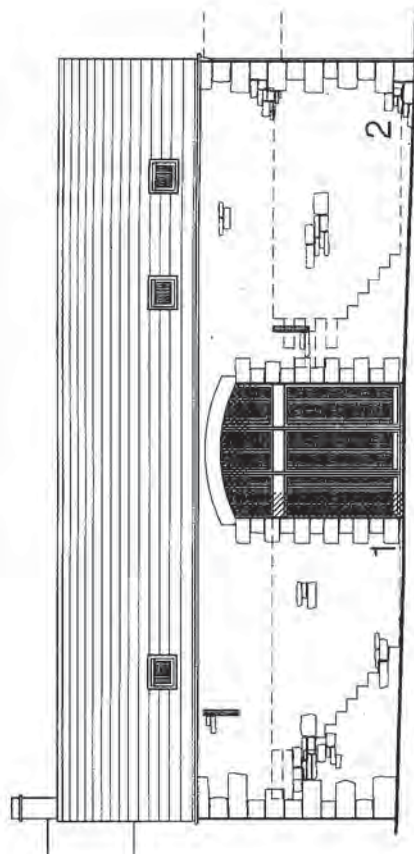


First Floor Plan (1/100)

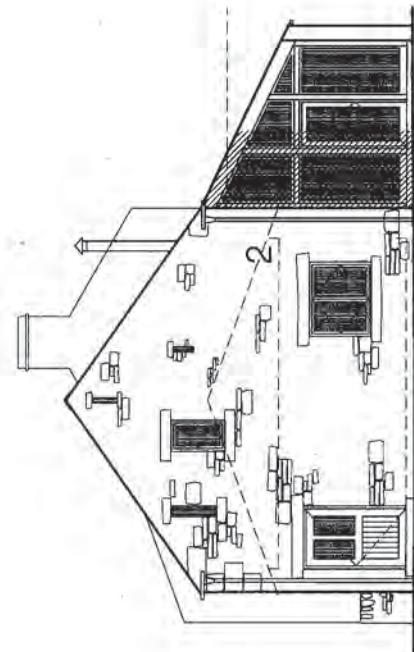
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Ground Floor Plan (1/100)



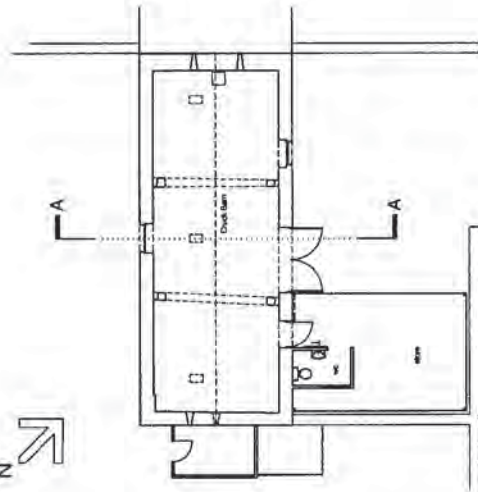
North East Elevation (1/100)



North West Elevation (1/100)

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Cruck Barn



Ground Floor Plan (scale 1/100)

Existing Walls
Cruck Barn
Existing walls finished in local rubble stonework with traditional masonry detailing, colour: pigmented.
North East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.
South East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.
Existing Walls
Cruck Barn
Existing walls finished in local rubble stonework with traditional masonry detailing, colour: pigmented.
North East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.
South East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.
Existing Walls
Cruck Barn
Existing walls finished in local rubble stonework with traditional masonry detailing, colour: pigmented.
North East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.
South East Eave
Existing walls finished in corrugated galvanneal, colour: blue-grey.



North East Elevation (scale 1/100)

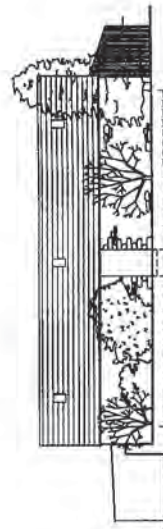


South West Elevation (scale 1/100)

Existing Windows, Screens & Doors
Cruck Barn
Existing windows timber framed with glass panes, colour: green. Existing doors timber framed with glass panes, colour: green. Existing walls corrugated galvanneal, colour: blue-grey.
Existing Windows, Screens & Doors
Cruck Barn
Existing windows timber framed with glass panes, colour: green. Existing doors timber framed with glass panes, colour: green. Existing walls corrugated galvanneal, colour: blue-grey.

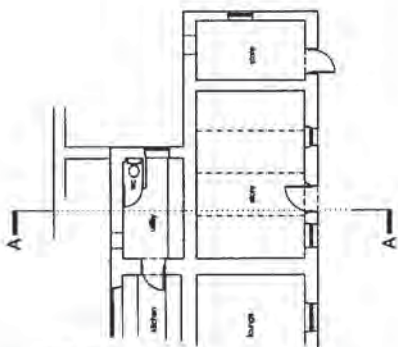


South East Elevation (scale 1/100)

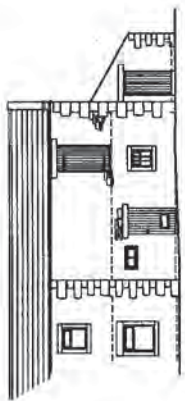


South West Elevation (scale 1/100)

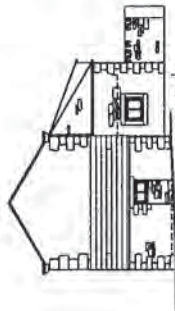
Adjoining Barn



Ground Floor Plan (scale 1/100)

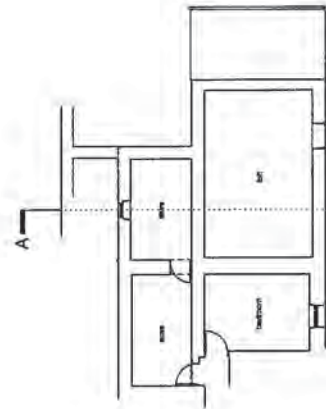


South West Elevation (scale 1/100)

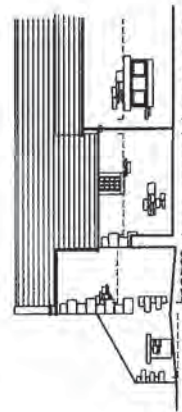


South East Elevation (scale 1/100)

Existing Walls
Adjoining Barn
Existing walls finished in local sandstone with traditional masonry detailing, colour: pigmented.
Cruck Barn
Existing walls finished in local sandstone with traditional masonry detailing, colour: pigmented.



First Floor Plan (scale 1/100)



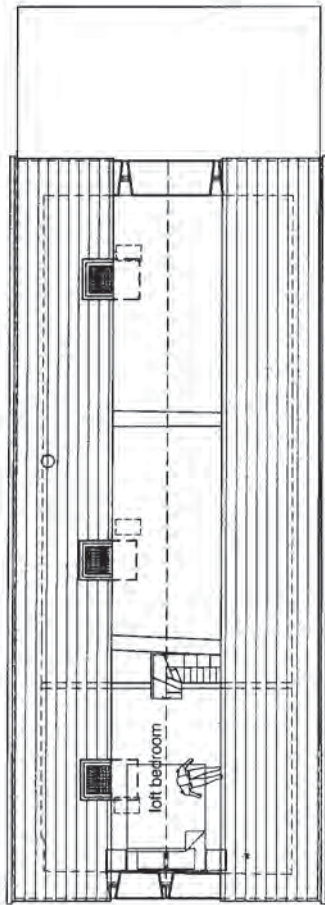
North East Elevation (scale 1/100)

Existing Roofs
Adjoining Barn
Existing roofs timber framed with traditional green roofing, colour: green. Existing walls corrugated galvanneal, colour: blue-grey.
Existing Windows, Screens & Doors
Adjoining Barn
Existing windows timber framed with glass panes, colour: green. Existing doors timber framed with glass panes, colour: green. Existing walls corrugated galvanneal, colour: blue-grey.

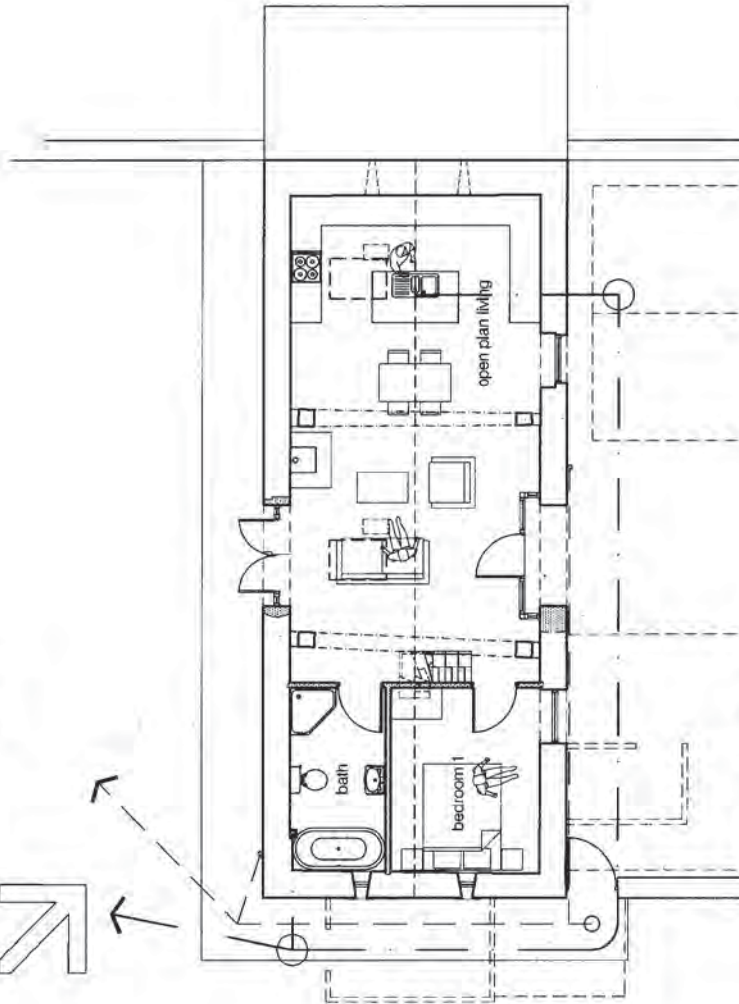


GRAPHAM NORMAN ARCHITECTS LTD.	
11 CROFT ROAD, WESTON, CHESHIRE, CH15 1LH, UK	
Architect	John P. Norman
Project Manager	John P. Norman
Project Name	PROPOSED RECREATIONAL DEVELOPMENT
Client	CRUCK BARN & ADJOINING BARN
Address	11 CROFT ROAD, WESTON, CHESHIRE, CH15 1LH, UK
Date	15th Dec 2011
Scale	1:1000
Drawn by	John P. Norman
Checked by	John P. Norman
Project No.	15/12/11

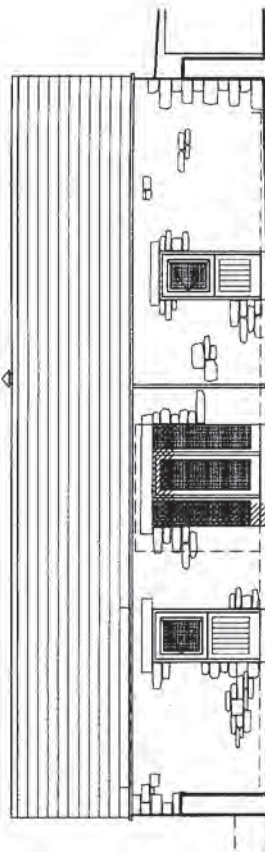
RED: checked practice



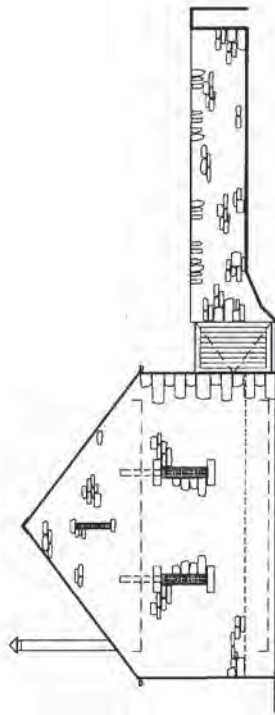
First Floor Plan (1/100)



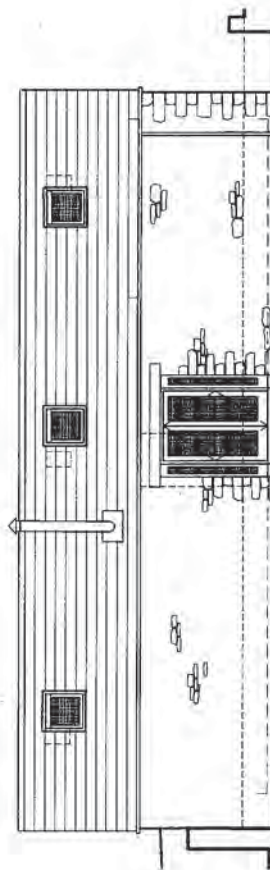
Ground Floor Plan (1/100)



North East Elevation (1/100)



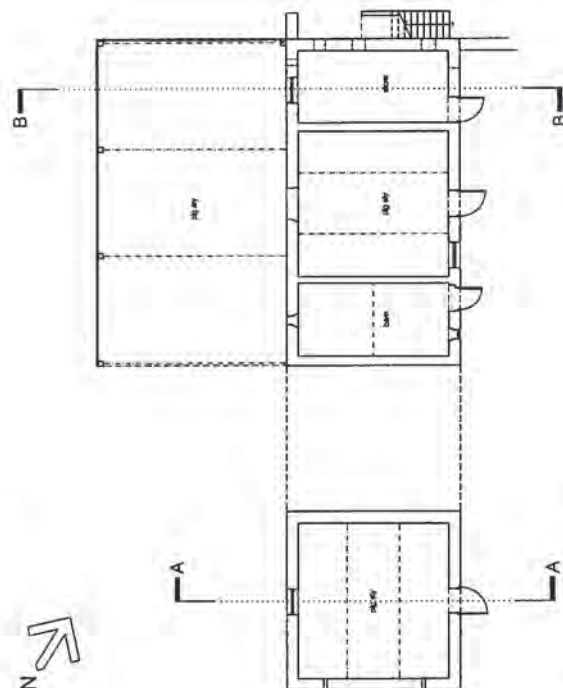
South East Elevation (1/100)



South West Elevation (1/100)

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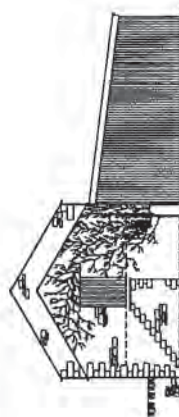
This architectural floor plan shows a building layout. On the left is a large hall with a dashed 'X' across it, indicating a section line. To the right of the hall are three rooms: a small room at the top, a medium room in the middle, and a larger room at the bottom. A staircase is located at the top right. Section lines A-A and B-B are indicated with arrows pointing to the respective sections.



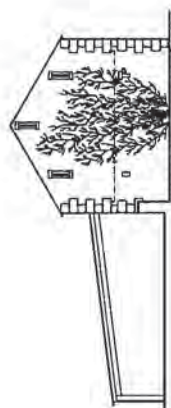
Exhibiting Polyester Goods
Exhibiting cast iron rainwater goods to be made, colour:
black/grey.

Erasmus Miskowicz, Graduate of B. Divinity

Game
Existing boarded driver rooms finished with glass paint finish, colour: grey-blue. Existing driver casework narrow finished with glass paint finish, colour: cream. See also 8.00 section.



North West Elevation (scale 1/100)



South East Elevation (scale 1/100)



South West Elevation (scale 1/100)

2006-06-01

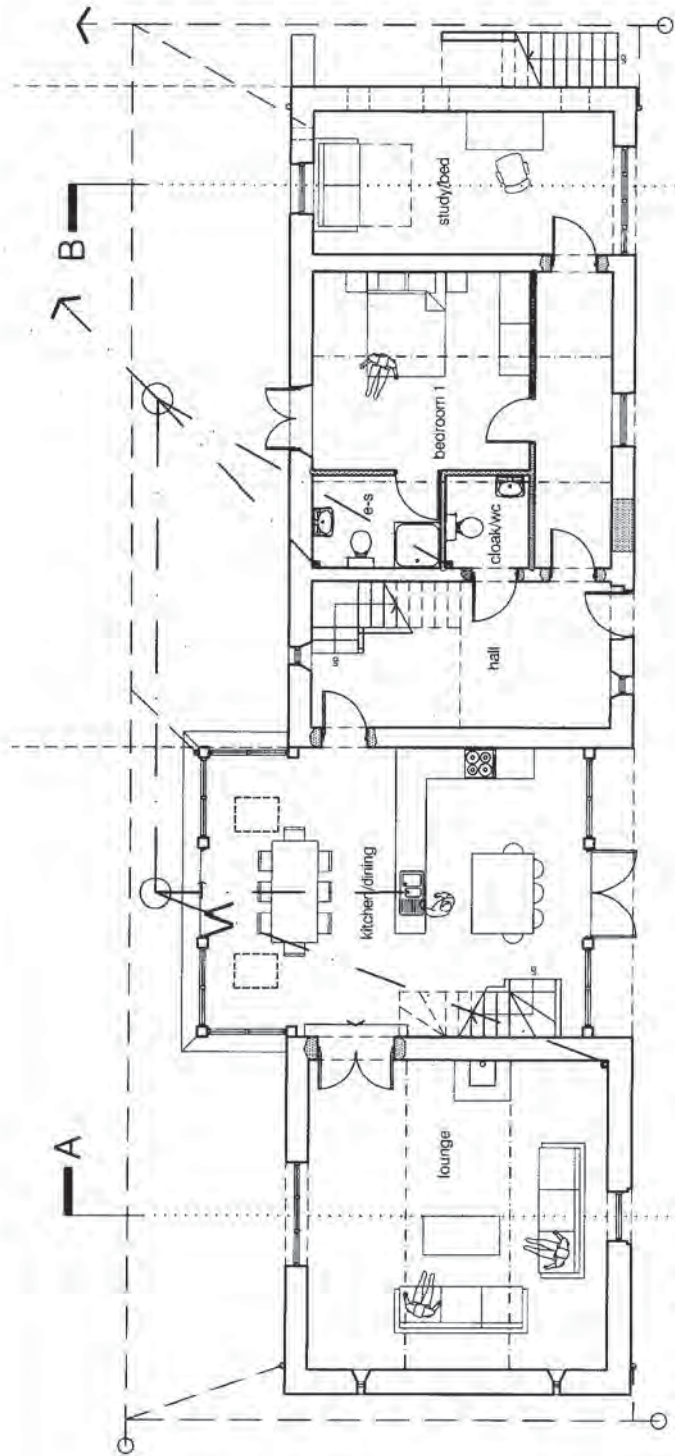
Sluiter
Etching walls finished in local sandstone masonry with traditional masonry detail, color of rich brick.

North West Laser-fo
Existing walls finished in self coloured combed treading.
orders at: 01453 650000

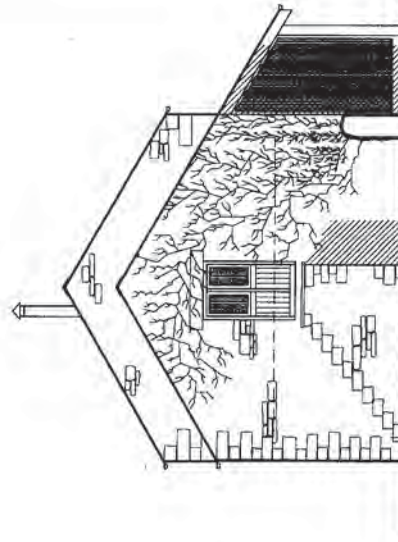
3

Same
Existing roofs finished with Westmead green roofing slates, laid with diminishing courses in the local traditional manner, colour: grey, with natural sandstone tiles, colour:

North West Laneship
Exuding moths finished in self coloured corrugated sheeting.



Ground Floor Plan (1/100)



North East Elevation (1/100)

North West Elevation (1/100)

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SCHEDULE A: Applications with Recommendation

11/0875

Item No: 22

Date of Committee: 11/11/2011

Appn Ref No:
11/0875

Applicant:
Mr & Mrs Maunsell

Parish:
Kirklington Middle

Date of Receipt:
07/10/2011

Agent:

Ward:
Lyne

Location:

Meadow View, Smithfield, Kirklington, Carlisle, CA6
6BP

Proposal: Erection Of Replacement Porch

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact of the proposal on the living conditions of neighbouring residents.
- 2.2 Whether the proposal is appropriate to the dwelling.
- 2.3 Impact of the proposal on biodiversity.
- 2.4 Others matters.

3. Application Details

The Site

- 3.1 Meadow View is located to the north of the A6071 Brampton to Longtown road. The detached two storey dwelling is finished in painted render with a slate roof. The property's boundaries consist a combination of walls, fences and hedges ranging in height from between 1 metre and 2 metres. To the west and east are other residential properties, Maple Cottage and West View respectively. Vehicular access is to the west of the property.

The Proposal

- 3.2 The proposal seeks Full Planning Permission for the erection of a replacement porch. The submitted drawings illustrate that the replacement

porch would project 1.5 metres from the front elevation would be 1.9 in width to a ridge height of 3 metres. The proposal would be finished in painted white render with 'Irish Oak' upvc windows with a slate roof.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of two neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): - no objection as the proposed development does not affect the highway;
Kirklington Parish Council: - do not wish to make any representation on the proposal.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP5 and H11 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

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

- 6.2 The application seeks permission for a replacement porch, albeit slightly larger. In such a context, the proposal would not have a detrimental impact on the living conditions of the adjoining occupiers on the basis of loss of light, overlooking or over dominance.

2. Whether The Proposal Is Appropriate To the Dwelling

- 6.3 The scale and height of the proposed porch is comparable to the existing property. The porch would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, the proposal would complement the existing dwelling in terms of design and materials to be used.

3. The Impact Of The Proposal On Biodiversity

- 6.4 The Councils GIS Layer has identified that the site has the potential for key species to be present within the vicinity. As the proposed development seeks permission for a replacement porch of non-traditional construction, the development would not harm a protected species or their habitat. However, an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

4. Other Matters

- 6.5 Members should also be aware that although the applicant is an employee of the City Council he has not been involved in the determination of the application outside of his role as applicant.

Conclusion

- 6.6 In overall terms the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed porch is acceptable in relation to the dwelling nor would it have a detrimental impact on biodiversity. In all aspects the proposal is considered to be compliant with the objectives of the relevant adopted Local Plan policies.

7. Planning History

- 7.1 In 2010, Full Planning Permission was granted for the change of use from agricultural land to domestic curtilage (application reference 10/0697).

8. Recommendation: Grant Permission

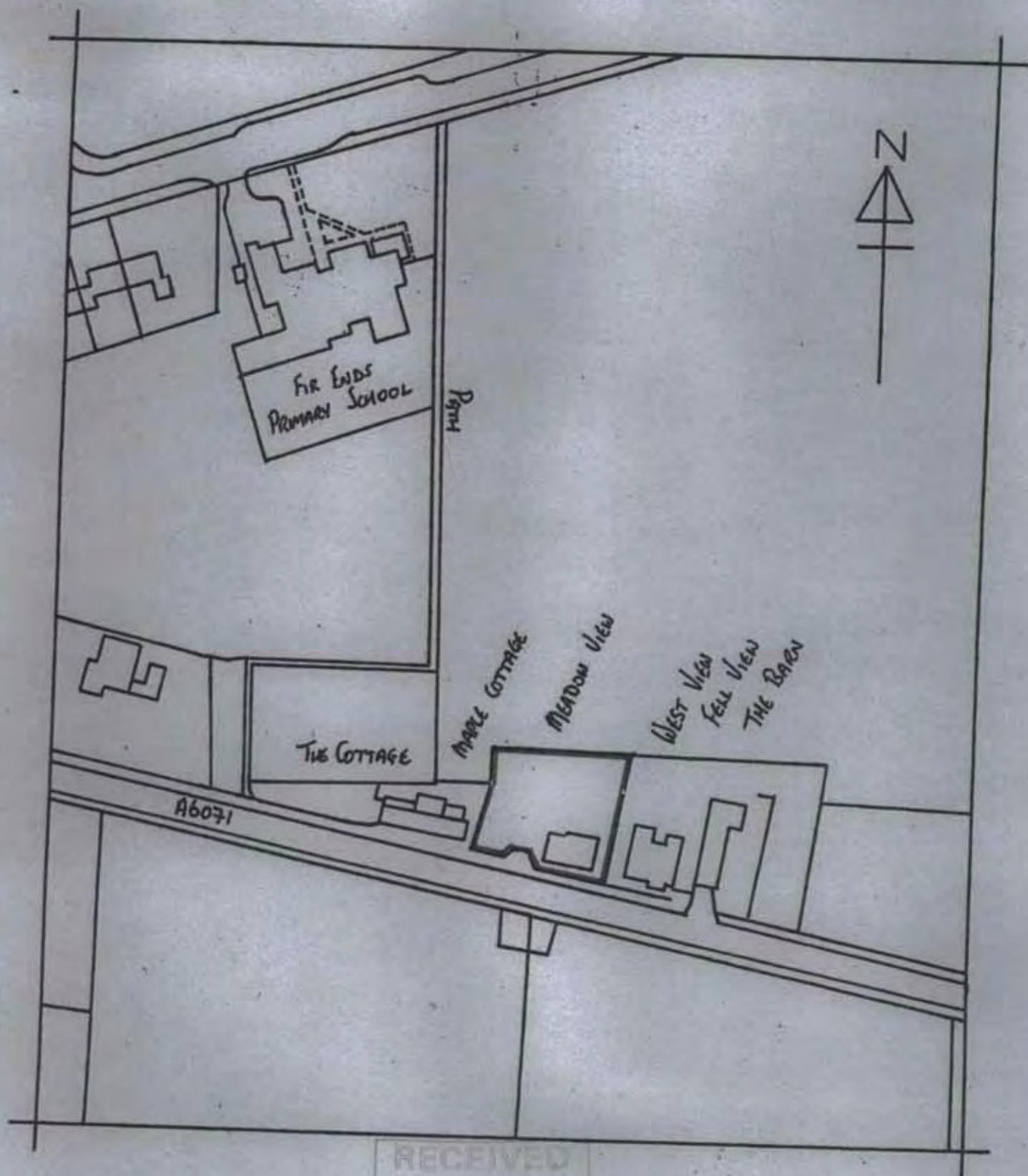
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

2. The approved documents for this Planning Permission comprise:

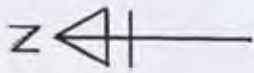
1. the submitted planning application form received 7th October 2011;
2. the site location plan received 7th October 2011 (Drawing Number 1);
3. the existing block plan received 7th October 2011 (Drawing Number 2);
4. the proposed block plan received 7th October 2011 (Drawing Number 3);
5. the existing and proposed ground floor plans received 7th October 2011 (Drawing Number 4);
6. the existing elevations received 7th October 2011 (Drawing Number 5);
7. the proposed elevations received 7th October 2011 (Drawing Number 6);
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

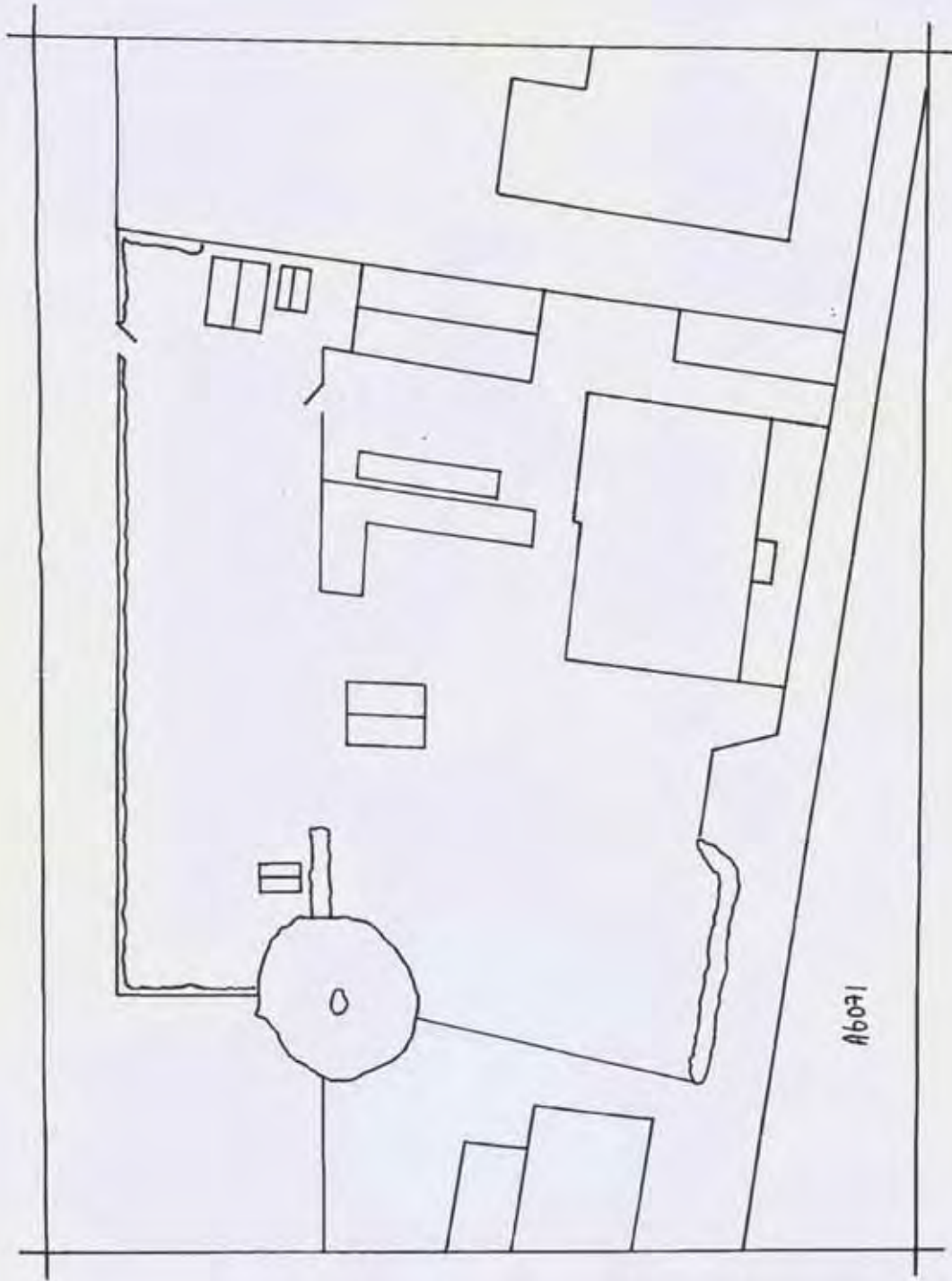


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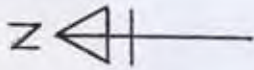
MEADOW VIEW, SMITHFIELD
SITE LOCATION PLAN
DRAWING No. 1
SCALE 1:1,260



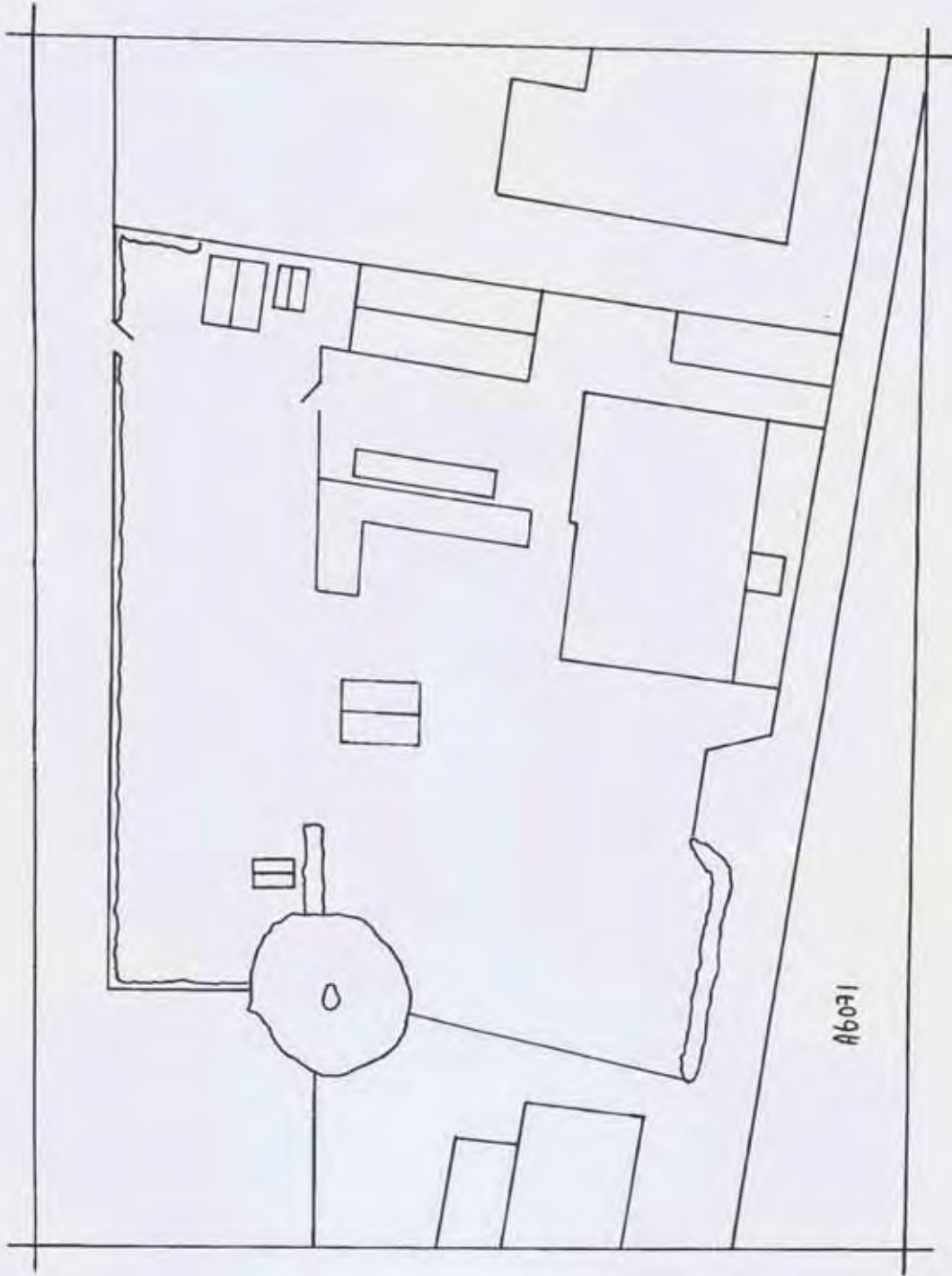
MEADOW VIEW, SMITHFIELD
EXISTING BLOCK PLAN
DRAWING NO. 2
SCALE 1:200



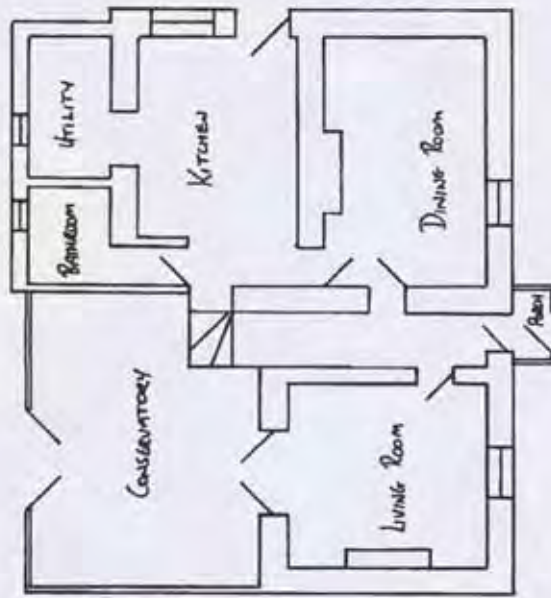
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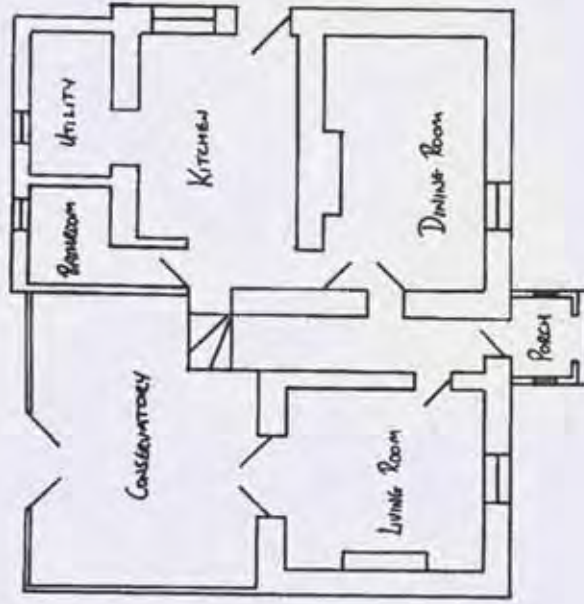
MEADOW VIEW, SMITHFIELD
PROPOSED BLOCK PLAN
DRAWING NO. 3
SCALE 1:200



11/0875



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

MEADOW VIEW, SMITHFIELD
EXISTING AND PROPOSED
GROUND FLOOR PLAN
DRAWING NO. 4
SCALE 1:100

110875

SCHEDULE A: Applications with Recommendation

11/0883

Item No: 23

Date of Committee: 11/11/2011

Appn Ref No:
11/0883

Applicant:
Miss Tracy Gannon

Parish:
Carlisle

Date of Receipt:
10/10/2011

Agent:

Ward:
St Aidans

Location:

75 Vasey Crescent, Carlisle. Cumbria, CA1 2BG

Proposal: Erection Of Two Storey And Single Storey Rear Extension To Provide Dining Room With First Floor Bathroom Above Together With Single Storey Front Extension To Extend Existing Living Room

REPORT

Case Officer: Suzanne Edgar

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Impact of the proposal on the living conditions of neighbouring residents
- 2.2 Whether the proposal is appropriate to the dwelling
- 2.3 Whether the proposal would affect developed land in floodplain's
- 2.4 Impact of the proposal on biodiversity
- 2.5 Other matters

3. Application Details

The Site

- 3.1 The semi-detached dwelling is located on the south-eastern side of a turning head at Vasey Crescent. The property is constructed from rendered walls with a concrete tiled roof. The front boundaries of the property consist of a combination of fences and a hedgerow approximately 1.2 metres in height. The rear boundaries are delineated by a mixture of fencing, hedgerows and brick walling ranging from 1.8 - 2.5 metres in height. Two storey residential properties are located to the north-east, south-east and south-west.
- 3.2 The property lies within a Primary Residential Area as identified in the

proposal maps which accompany the Carlisle District Local Plan 2001-2016. The site also falls within Flood Risk Zone 2.

The Proposal

- 3.3 A lean to extension is proposed to the front elevation which would project outwards by 1.7 metres, with an overall projection of 2.2 metres if the bay window is taken into account. This extension will measure 5 metres in width and will have a ridge height of 3.3 metres.
- 3.4 The property has an existing first floor rear bathroom extension on stilts which will be demolished in order to provide an extension to the rear of the property to accommodate a living/dining room on the ground floor together with a replacement bathroom above. The extension would occupy the full width of the ground floor with the first floor element being narrower in width.
- 3.5 The ground floor element will have a depth of 3.8 metres and a width of 5.65 metres. The bathroom extension would be located towards the western side of the rear elevation and will measure 4.7 metres in length, 3.2 metres in width and will have a height of 5.75 metres. Both extensions extend beyond the side elevation by 0.65 metres. The extensions will be constructed from materials which will correspond with those of the existing dwelling.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of nine neighbouring properties. At the time of writing the report no verbal or written representations have been received. The consultation period expires on 31st October 2011.

5. Summary of Consultation Responses

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

United Utilities: - no objection.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies CP2, CP5, H11 and LE27 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:
 - 1. Impact Of The Proposal On The Living Conditions of Neighbouring Residents
- 6.2 All of the primary windows in the proposed extension will be compliant with the distances in the adopted Supplementary Planning Document on Achieving Well Designed Housing. Given the positioning of the proposed extensions in

relation to residential properties surrounding the site, the proposal will not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance.

2. Whether The Proposal Is Appropriate To The Dwelling

- 6.3 The scale and height of the proposed extensions are comparable to the existing property. The extensions would be constructed from materials which will correspond with the existing dwelling, and would employ similar detailing. Accordingly, the proposal would complement the existing dwelling in terms of design and materials to be used.

3. Whether The Proposal Would Affect Developed Land In Floodplain's

- 6.4 The applicant has indicated that the new floor levels will be no lower than existing and all electrics will be downward fed. The proposal will therefore not exacerbate flooding issues at this site.

4. The Impact Of The Proposal On Biodiversity

- 6.5 The Council's GIS Layer has identified that the site has the potential for breeding birds and hedgehogs to be present within the vicinity. As the proposed development seeks permission to extend an existing dwelling and does not disturb any vegetation, it is unlikely that the development would harm a protected species or their habitat. However, an Informative has been included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

5. Other Matters

- 6.6 Members should also be aware that although the applicant is an employee of the City Council she has not been involved in the determination of the application outside of her role as applicant.

Conclusion

- 6.7 In overall terms the proposals do not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed extensions are acceptable in relation to the dwelling nor would it have a detrimental impact on biodiversity or flooding issues at this site. In all aspects the proposal is compliant with the objectives of the relevant adopted Development Plan policies.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

1. The Planning Application Form received 10th October 2011;
2. The Site Location And Block Plan received 10th October 2011 (Drawing No. TG/04);
3. The Existing Floor Plans And Elevations received 10th October 2011 (Drawing No. TG/01);
4. The Proposed Floor Plans received 10th October 2011 (Drawing No. TG/03);
5. The Proposed Elevations received 17th October 2011 (Drawing No. TG/02a);
6. The Flood Risk Assessment received 10th October 2011;
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. 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 east and west elevations without the prior consent of the local planning authority.

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

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11/0883

continued

PROPOSED GROUND FLOOR FRONT
LIVING ROOM AND BREAKFAST
EXTENSION WITH SECOND FLOOR
BATHROOM AND W.C. (GREEN)
CARLISLE CITY COUNCIL
FOR TRADING STANDARDS

Discussion

SITE LOCATION PLAN
SITE BLOCK PLAN

Figure 1

1:1250

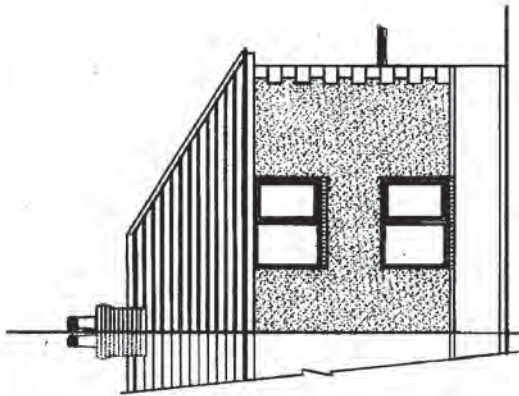
10-10-11

Arachnoid Cyst

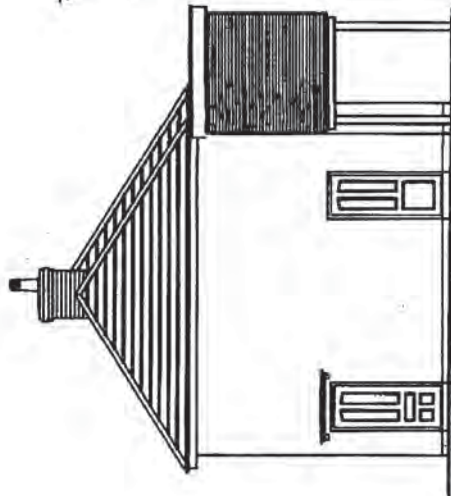
TGV/04



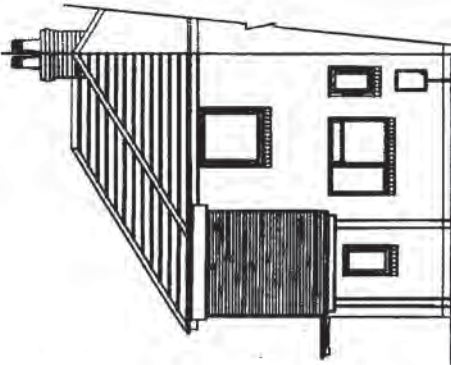
**SITE LOCATION PLAN,
scale 1:1250**



EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

NOTES - EXISTING CONSTRUCTION.

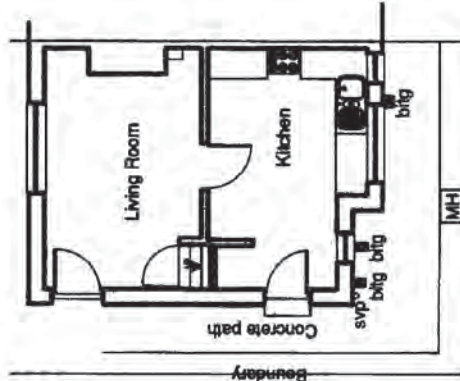
ROOF - Red Mendip interlocking concrete tile.

RAINWATER GOODS - Black half round plastic gutters, black plastic downspouts, Black cast iron syp.

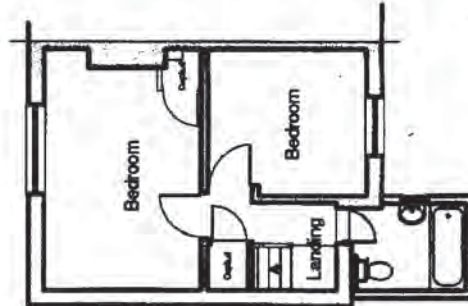
WALLS - Red multi rustic facing brickwork, 6mm wet dashed render painted cream to the front.

WINDOWS - Timber high performance, stained brown.

DOORS - Timber high performance door sets, white frames, mahogany stained doors.



EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

project

PROPOSED GROUND FLOOR FRONT LIVING ROOM AND DINING EXTENSION WITH SECOND FLOOR BATHROOM AND BASE FOR CARLISLE STAIRS FOR TRAC

drawing

EXISTING ELEVATIONS AND FLOOR PLAN.

scale

1:100

date

10-10-11

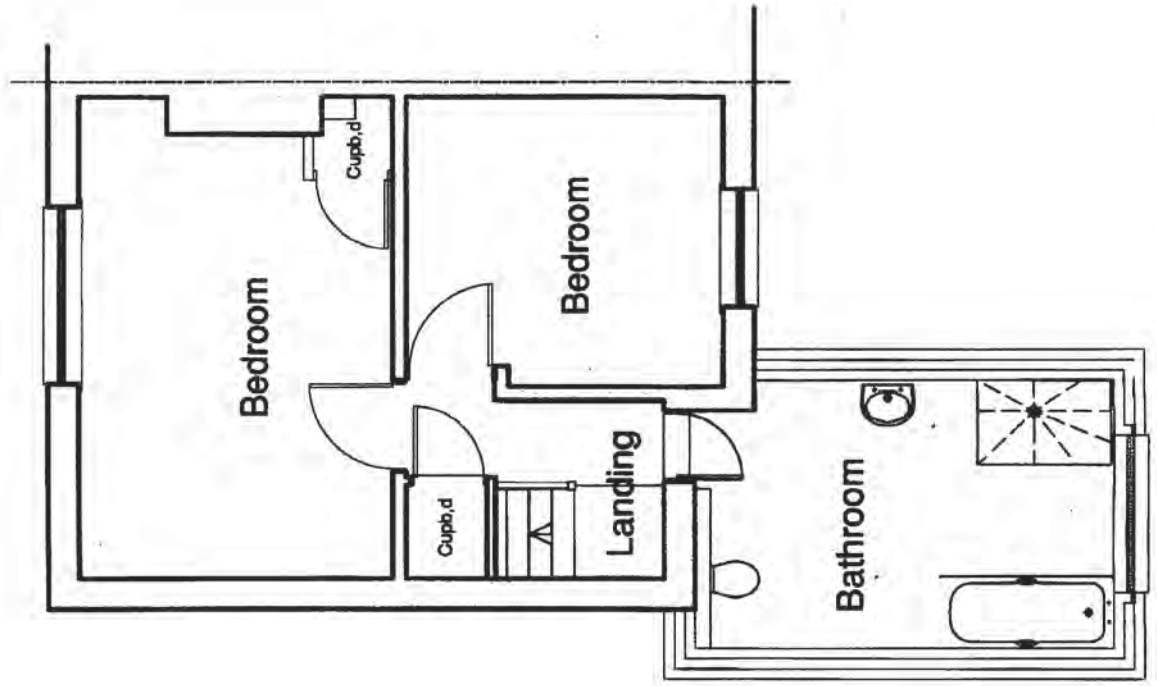
drawn by

GB

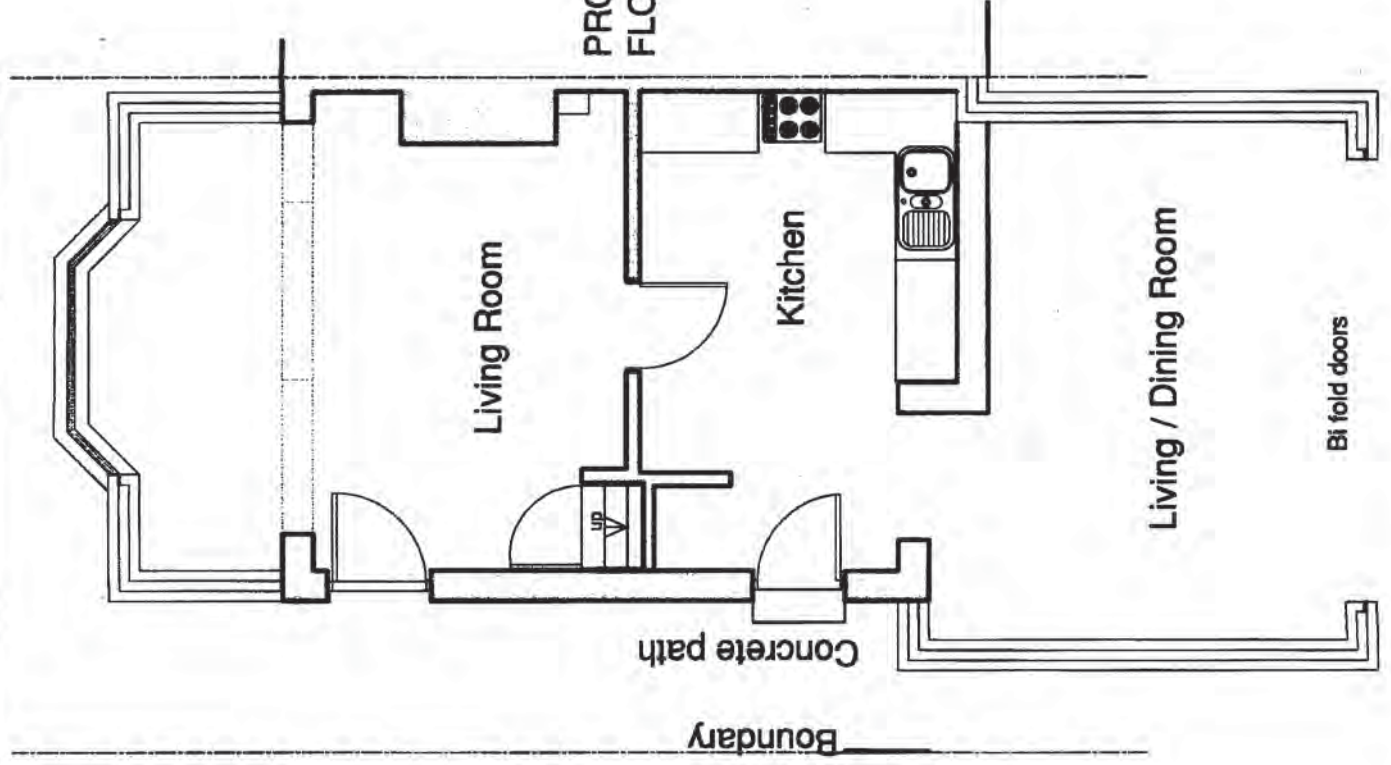
no

TG/01

PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



11/08/83

project

PROPOSED GROUND FLOOR FRONT
LIVING ROOM AND DINING
EXTENSION WITH SECOND FLOOR
BATHROOM AND BASEL GRESSEN
CARLISLE FOR TRAC

drawing

PROPOSED FLOOR PLANS

scale

1:50

date

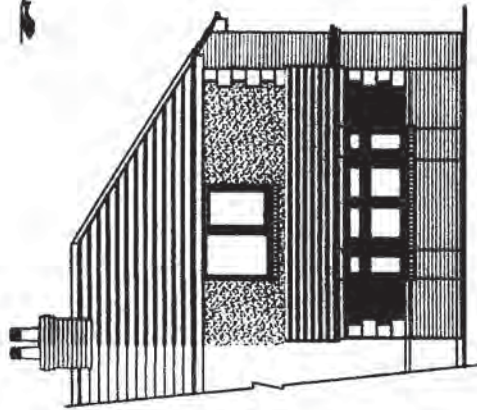
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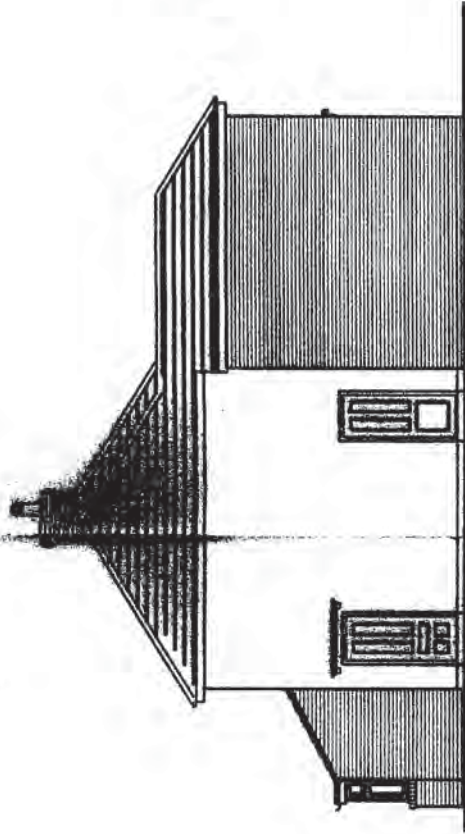
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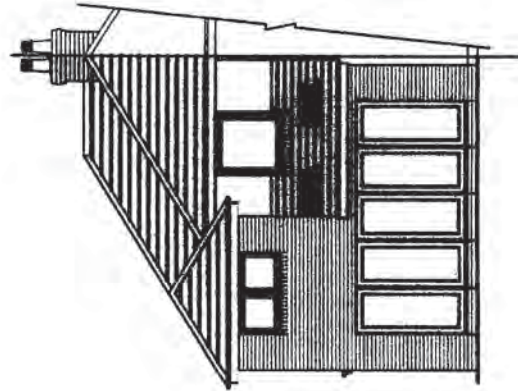
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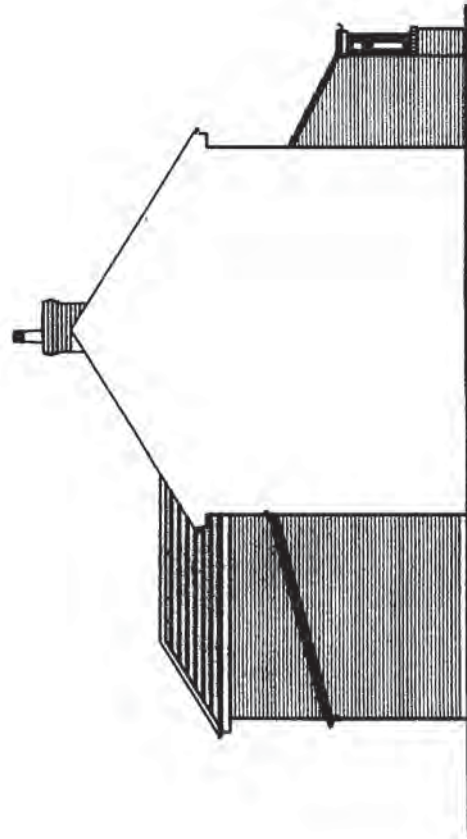
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

- NOTES - PROPOSED CONSTRUCTION.
- ROOF - Red Mendip interlocking concrete tile.
- RAINWATER GOODS - Black half round plastic gutters, black plastic downspouts, Black cast iron sp.
- WALLS - Red Aldridge multi rustic facing brickwork, 6mm wet dashed render painted cream to the front.
- WINDOWS - Wood grained UPVC.
- DOORS - Wood Grained UPVC

RECEIVED
17 OCT 2011
11:08:33

project	PROPOSED GROUND FLOOR FRONT LIVING ROOM AND REAR DINING EXTENSION WITH SECOND FLOOR BATHROOM AND 75 VASEL GREEN CARLISLE FOR TRAC
drawing	PROPOSED ELEVATIONS
scale	1:100
date	10-10-11
drawn by	trina

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

11/0248

Item No: 24

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0248

Applicant:
Mr Workman

Parish:
St Cuthberts Without

Date of Receipt:
29/03/2011

Agent:
H & H Bowe Ltd

Ward:
Dalston

Location:
Land Adjacent Newbiggin View, Carleton

Grid Reference:
343183 551120

Proposal: Proposed Slurry Lagoon

Amendment:

REPORT

Case Officer: Stephen Daniel

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal related to an application for "Full" planning permission for a proposed slurry lagoon on land adjacent Newbiggin View, Carleton, Carlisle. The application was refused for the following reasons:

"The proposal seeks planning permission for the formation of a slurry lagoon on land adjacent to Newbiggin View, Carleton. Two dwellings, Newbiggin View and Station House, lie directly to the north of the application site and would be 75m and 110m respectively away from the edge of the slurry lagoon. The access to both of these dwellings runs directly to the east of the application site and would also be used to access the lagoon. The slurry lagoon would attract vehicle movements to fill and empty the lagoon and this increased level of activity near to residential properties would have an adverse impact on the occupiers of these dwellings through increased levels of disturbance and noise. Furthermore, the slurry lagoon would emit a smell, particularly when it is disturbed, and give the proximity of the dwellings, this would cause an unacceptable adverse impact on the living conditions of the occupiers of these dwellings. The proposed development is, therefore, contrary to criterion 4 of Policy LE25 (Agricultural Buildings) and criterion 5 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016."

"Of the required total slurry storage capacity (800,000 gallons) at the

SCHEDULE C: Applications Determined by Other Authorities

11/0248

farm, 500,000 gallons would be in the proposed lagoon, which would be sited in a remote corner of the unit, approximately 1.65 miles (by road) from the main farm. The remaining 300,000 gallons would be located at the main farm. The applicant has advised that the slurry stored in the lagoon would be spread on the 72 hectares (178 acres) of land that is accessed via the farm track adjacent to Newbiggin View. Slurry from the main farm would be spread on the remaining 104 hectares (256 acres). There appears to be a significant imbalance with this proposed regime, with the larger volume of slurry to be spread over the smaller area of land. This imbalance would be exacerbated by the significant steeply sloping and wet area of permanent pasture land that lies within the smaller area of land, which has very limited slurry spreading potential. Additionally, rotationally grown cereal crops on the remaining land in the smaller block would further limit the applicant's aims to spread slurry on all this land in early spring and early summer. Having the entire farm's slurry at the main farm would allow a more even application of slurry across the whole farm and would give the farmer greater flexibility as to where and when slurry is spread. The proposal would result in a disproportionate amount of slurry being stored at the lagoon, in excess of that which is required to be spread on the adjoining farm land. Consequently, the proposal may give rise to additional and unnecessary traffic movements which is at odds with the Government's objectives on sustainable development and contrary to Policy DP1 of the Carlisle District Local Plan 2001-2016."

The Inspector identified the main issues to be:

- i) the effects of the proposed development on the living conditions of the occupants of nearby dwellings with regard to potential smell from the lagoon and disturbance arising from traffic movements;
- ii) whether the proposed site would be the most sustainable location with regard to any potential increase in traffic movements.

The Inspector identified that the proposed open storage lagoon would be surrounded by grassed embankments and, as the existing field boundaries of hedges and trees would be enhanced with new planting, it would not be significantly visually intrusive in the landscape. However, it would be close to two private dwellings, Station House and Newbiggin View which are not associated with the farming business. According to the Council the nearest parts of the curtilages of these properties would be about 50m and 55m respectively from the lagoon. The narrow shared access to the dwellings runs immediately alongside the appeal site and would be used by the appellant's vehicles to fill and empty the lagoon. He felt that, given the proximity of the two dwellings, there would be the potential for odours from the lagoon to cause significant harm to the living conditions of the occupants inside their houses with windows open, and to their enjoyment of their gardens.

The Inspector commented that he had seen no compelling evidence to

SCHEDULE C: Applications Determined by Other Authorities

11/0248

persuade him that there would be no increase in agricultural traffic activity on the shared access to the residents' houses as a result of the proposal, or that odours from the lagoon would be satisfactorily eliminated. He concluded that the living conditions of the occupants of Station House and Newbiggin View would be materially harmed by the odour and disturbance arising from the proposal which would fail to satisfy the objectives of Policies LE25 and CP5 of the Carlisle District Local Plan 2001-2016 (the local plan).

With regards to highway issues, the Inspector considered that the use of the lagoon would require some double handling of the slurry as there would be 200 tanker movements to fill the lagoon, followed later in the year by further movements to spread the slurry. The highway authority raised no objections to the scheme in this location. However, that authority's comments were subject to the imposition of conditions to limit the traffic movements to the stated current 200 per year and to prohibit full tankers leaving the site via public roads to access other parts of the farm. He considered that such conditions would be difficult to monitor and enforce effectively.

Policy DP1 of the local plan requires all proposals to be assessed against their ability to promote sustainable development. Although the Policy is largely concerned with identifying settlements for sustainable development, it confirms that outside identified areas, proposals will be assessed against the need to be in the location specified. Under these circumstances, the Inspector concluded that, given the distance from the farm complex, he was not persuaded that the proposal would be located in the most sustainable location to accord with the objectives of this policy.

For these reasons, the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 19/10/2011

SCHEDULE C: Applications Determined by Other Authorities

10/1106

Item No: 25

Between 17/09/2011 and 28/10/2011

Appn Ref No:
10/1106

Applicant:
Mr Terry Dixon

Parish:
Wetheral

Date of Receipt:
15/12/2010

Agent:
Planning Appeals Limited

Ward:
Wetheral

Location:
Moor Yeat and L/A Moor Yeat, Plains Road,
Wetheral, Carlisle, CA4 8LE

Grid Reference:
346151 555350

Proposal: Erection Of 1no. Detached Dwelling And Detached Garage; Creation Of New Access & Driveway And The Realignment Of The Existing Driveway To Moor Yeat

Amendment:

REPORT

Case Officer: Richard Maunsell

Decision on Appeals:

Appeal Against: Appeal against refusal of planning perm.

Type of Appeal: Written Representations

Report: This appeal related to an application for "Full" planning permission for the erection of 1no. detached dwelling and detached garage; creation of new access & driveway and the realignment of the existing driveway at Moor Yeat, Plains Road, Wetheral, Carlisle.

The application was refused for the following reasons:

"The application relates to a rectangular shaped site of 931m.², located adjacent to residential dwellings. Consent is sought for a dwelling to be sited within a part of the village of Wetheral where the existing development pattern is characterised by large detached properties situated within substantial curtilages, generally set back into their plots but with extensive frontages to the highway, and laid out in an informal and loose knit form. In contrast, due to its restricted size, shape and depth, the development of the site in the manner proposed would result in an overintensive development within the site. The resulting form would be bulky in appearance that would create an unsatisfactory and cramped development that would detract from the character of housing on this part of Plains Road contrary to PPS 3 (Housing); criteria 2 and 3 of Policy H1 (Location of New Housing Development); and criteria 1 and 4 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.

SCHEDULE C: Applications Determined by Other Authorities

10/1106

Within the application site are several mature trees that are protected by Tree Preservation Order (No. 13). The trees along Plains Road provide a significant degree of amenity and are a visually attractive feature of the character of the approach into Wetheral and its Conservation Area. The proposed development involves the formation of a new access, driveway and construction of a detached garage that would encroach into the root protection area of the protected trees. In the absence of any up to date information relating to the extent and potential impact of the development on the root protection area, the development may adversely affect the future health and viability of the protected trees, contrary to the objectives of Policy CP3 (Trees And Hedges On Development Sites) of the Carlisle District Local Plan 2001-2016.”

The Inspector considered that the main issues in the consideration of the appeal were the effect of the proposal on the character and appearance of the area and the trees at the front of the appeal site.

The Inspector noted that the majority of the proposed dwelling's plot would be less than half the width of others on the west side of this part of Plains Road and the building itself would comprise most of the width of the site. Although set well back from the road, the dwelling and its garage would be clearly visible from the public realm and he considered they would thus have a cramped appearance, out of keeping with the spaciousness of the vicinity.

The Inspector made reference to the development on the opposite side of the road and commented that whilst the proposed new house would occupy a similar proportion of its plot as several of the new properties on the opposite side of the road; these properties plots are wider, with a consequently more spacious feel, than that of the appeal proposal. He therefore concluded that the scheme would harm the character and appearance of the area.

With reference to the impact on the trees, the Inspector did not agree with the Council that the expansion of their roots beyond that indicated in the Arboricultural Report is unlikely. Given suitable construction techniques he considered it unlikely that the development would cause material harm to the trees which were intended to be retained at the front of the site.

Whilst the Inspector found the development to be acceptable in terms of its effect on trees, he opined that the harm the proposal would cause to the character and appearance of the area alone justified the refusal of permission for the scheme and for this reason, the appeal was dismissed.

Appeal Decision: Appeal Dismissed

Date: 12/10/2011

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 26

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0181

Applicant:

Kingswood Learning &
Leisure Group Limited

Parish:

Dalston

Date of Receipt:

07/03/2011 08:01:04

Agent:

Gray Associates Limited

Ward:

Dalston

Location:

The Kingswood Educational Centre, Cumdivock,
CA5 7JW

Grid Reference:

335463 548364

Proposal: Conversion Of Existing Buildings From C2 (Residential Institution) To
C3A (Private Residential) To Provide 1No. Live/Work Unit And 7No.
Residential Units

Amendment:

REPORT

Case Officer: Stephen Daniel

Details of Deferral:

Members will recall at Committee meeting held on 10th June 2011 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the preparation of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990. The planning permission was linked to a Section 106 Agreement which covered the following matters:

To regulate the use of the live/ work unit and to ensure the submission of commuted payments towards affordable housing and 'rural wheels'.

The agreement has been completed and the approval issued on 5th October 2011.

Decision: Granted Subject to Legal Agreement

Date: 05/10/2011

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason:

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

SCHEDULE D: Reports on Previously Deferred Decisions

2. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. Planning Statement received 20 May 2011;
 3. Highways Statement received 7 March 2011;
 4. 2007 & 2009 Inspection and Assessment in Relation to Bats received 7 March 2011;
 5. Details of Marketing Information received 7 March 2011;
 6. Arboricultural Implication Assessment received 7 March 2011;
 7. Tree Strategy (with regards to bats and their roosts) received 20 May 2011;
 8. External Lighting Strategy (with regard to bats) received 20 May 2011;
 9. Location Plan received 9 September 2011 (Drawing R18a);
 10. Site/ Block Plan received 9 September 2011 (Drawing R17a);
 11. Existing Ground Floor Plans - Units 1 to 4 received 20 May 2011 (Drawing R01);
 12. Existing Ground Floor Plans - Units 5, 6, 8 & 10 received 20 May 2011 (Drawing R02);
 13. Existing First Floor Plans - Units 1 to 3 received 20 May 2011 (Drawing R03);
 14. Existing First Floor Plans - Units 8 & 10 received 20 May 2011 (Drawing R04);
 15. Proposed Ground Floor Plans - Units 1 to 4 received 6 June 2011 (Drawing R05);
 16. Proposed Ground Floor Plans - Units 5, 6, 8 & 10 received 20 May 2011 (Drawing R06);
 17. Proposed First Floor Plans - Units 1 to 3 received 20 May 2011 (Drawing R07);
 18. Proposed First Floor Plans - Units 8 & 10 received 20 May 2011 (Drawing R08);

SCHEDULE D: Reports on Previously Deferred Decisions

19. Existing Elevations 1 of 2 received 20 May 2011 (Drawing R09);
20. Existing Elevations 2 of 2 received 20 May 2011 (Drawing R10);
21. Proposed Elevations 1 of 2 received 6 June 2011 (Drawing R11);
22. Proposed Elevations 2 of 2 received 20 May 2011 (Drawing R12);
23. Appendix 1 Tree Constraints Plan received 7 March 2011 (Drawing No. 7533);
24. Appendix 2 Tree Protection Plan received 7 March 2011 (Drawing No. 7533);
25. Landscaping Plan, received 9 September 2011 (Drawing No. R21d);
26. the Notice of Decision; and
27. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2106 are met and to ensure a satisfactory external appearance for the completed development.

4. The proposed hard and soft landscape works shall be carried out in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning Authority. These works shall be carried out in the first planting season following the occupation of the first dwelling. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

5. The boundary treatment shall be implemented in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning

SCHEDULE D: Reports on Previously Deferred Decisions

Authority. These works shall be carried out as approved prior to the occupation of any part of the development.

Reason: To ensure the rural character of the site is retained in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The surface water drainage scheme shall be implemented in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans before the occupation of any unit hereby permitted.

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

7. The business/workspace areas of the live/work unit hereby approved shall not be used for any purpose other than for purposes falling within Use Class B1 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure that the proposal complies with Policy EC12 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings or the live/work unit hereby approved, within the meaning of Schedule 2 Part 1 of these Orders, without the written approval of the Local Planning Authority.

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

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the Bat Inspection and Assessment Report issued 28th January 2009 prepared by the Tyrer Partnership.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

11. Prior to the completion (by plastering out) of the last unit hereby permitted, two pole mounted Barn Owl nestboxes shall be erected on the north boundary of the application site in accordance with details (inclusive of the design and location) submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In order to enhance local biodiversity with regard to a species protected by the Wildlife and Countryside Act 1981 in accordance with Policy CP2 of the Carlisle and District Local Plan 2001-2016.

12. If any works to trees are required within the application site these should be carried out in strict accordance with the Tree Strategy (with regard to bats and their roosts) dated May 2011 and received on 20 May 2011.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. If any external lighting is installed within the application site it shall be in accordance with the recommendations contained within the External Lighting Strategy (with regard to bats) dated May 2011 and received on 20 May 2011.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution poles or overhead lines (to connect telephone, electricity and (if necessary) communal television services), shall be erected within the site without the prior

SCHEDULE D: Reports on Previously Deferred Decisions

written approval of the Local Planning Authority.

Reason: To maintain the special visual character of the locality in accord with Policy CP5 of the Carlisle and District Local Plan 2001-2016.

15. For the duration of the development works existing trees and hedgerows to be retained shall be protected by suitable barriers erected and maintained in accordance with Figure 2 contained in BS 5837:2005 "Trees in relation to construction recommendations" and at the locations specified in drawing number 7533 titled "Appendix 2 Tree Protection Plan" prepared by RGP Architects, dated 18th November 2008. 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, washing or mixing of any associated construction materials and equipment, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

16. Trees or hedges chosen for retention as shown in the Tree Protection Plan (drawing number 7533) shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the Local Planning Authority. In the case of the remaining trees, any work shall be undertaken completely in accordance with the "preliminary management recommendations" contained in the Arboricultural Implication Assessment prepared by Coppice Landscapes and dated 19th November 2008.

Reason: To protect trees and hedges during development works in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

17. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 56 metres measured down the centre of the access roads/assesses and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

SCHEDULE D: Reports on Previously Deferred Decisions

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

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

19. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies LD5, LD7 and LD8.

20. The use of the development shall not be commenced until the accesses (as shown on figure 2.1 on the highway statement) have been formed with:

Access A - 6 metre radius kerbs, to give a minimum carriageway width of 5 metres, and that part of the access road retaining that width extending 10 metres into the site from the existing highway

Access B - a minimum carriageway width of 3.6 metres, and that part of the access retaining that width extending 6 metres into the site from the existing highway

The above accesses to be constructed in accordance with details approved by the Local Planning Authority.

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

21. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

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

Reason: In the interests of highway safety and environmental management

SCHEDULE D: Reports on Previously Deferred Decisions

and to support Local Transport Plan Policies LD7 and LD8.

23. 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.

24. The carriageway, footways and footpaths, shall be designed, constructed and drained 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 access provision when the development is brought into use and to ensure highway safety in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

25. The respective parking areas shall be constructed in accordance with the approved plans before the occupation of any dwellings or the live/work unit hereby permitted and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier in accord with Policy T1 of the Carlisle District Local Plan 2001-2016.

26. Before any unit hereby permitted is occupied the existing access "C" (as identified in Figure 2.1 accompanying the Highway Statement prepared by Ashleyhelme Associates dated November 2008) shall be permanently closed and the highway crossings and boundaries 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 CP5 of the Carlisle District Local Plan 2001-2016.

SCHEDULE D: Reports on Previously Deferred Decisions

Appn Ref No:
10/0792

Applicant:
Persimmon Homes
Lancashire

Parish:
Wetheral

Date of Receipt:
30/08/2010 08:00:24

Agent:

Ward:
Wetheral

Location:
Land adjacent Alexandra Drive, Durranhill Road,
Carlisle

Grid Reference:
342899 555253

Proposal: Erection Of 49 No. Dwellings With Access From Durranhill Road

Amendment:

REPORT

Case Officer: Sam Greig

Details of Deferral:

Members will recall at Committee meeting held on 15th April 2011 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the completion of a s106 agreement to secure:

- a) the provision of ten affordable units. This comprises five units that would be made available by discounted sale, with the discount set at 30% below open market value, and the five properties available to rent at discounted rates; and
- b) a financial contribution of £136,157.80 towards the provision and maintenance of public open space, including any variation to that figure if agreed by the Council's Neighbourhoods and Green Spaces Manager.

It was also requested the Officers explore the possibility of securing commuted

SCHEDULE D: Reports on Previously Deferred Decisions

payments through the s106 agreement to enable highway improvements to Durranhill Road. This funding would be commensurate with the increased vehicular and pedestrian movements placed on the highway network as part of the residential/employment land allocations.

This has been completed and the approval issued on 20th October 2011.

Decision: Granted Subject to Legal Agreement

Date: 20/10/2011

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

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

2. The approved documents for this planning consent comprise:

1. The Planning Application Form received 31st August 2010;
2. The site location plan received 1st September 2010 (Drawing No. PLN_01);
3. The proposed site layout plan received 17th March 2011 (Drawing No. PLN02);
4. The proposed site layout plan, including the tree survey, received 17th March 2011 (Drawing No. PLN_03);
5. The house type booklet received 17th March 2011 (Drawing No. PLN_06 Revision B);
6. The proposed boundary treatment plan received 13th September 2010 (Drawing No. PLN_04);
7. The topographical survey received 13th September 2010 (Drawing No. 2559-P-02);
8. Design and Access Statement received 13th September 2010;
9. Transport Statement received 13th September 2010;
10. Flood Risk Assessment received 13th September 2010;
11. Desk Top Contamination Report received 1st September 2010;
12. Tree Survey received 13th September 2010;
13. Arboricultural Method Statement received 13th September 2010;
14. Protected Species Survey received 8th October 2010;
15. Desk Based Assessment and Geophysical Survey received 11th November 2010;
16. The Notice of Decision; and
17. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

SCHEDULE D: Reports on Previously Deferred Decisions

Reason: To define the permission.

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 materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

4. No development 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.

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

5. 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 an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. No development shall commence until a management plan detailing the works to be undertaken to those trees covered by Tree Preservation Order No. 254 has been submitted to and approved, in writing, by the Local planning Authority.

Reason: In order to ensure that appropriate management works to the protected trees is undertaken in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off

SCHEDULE D: Reports on Previously Deferred Decisions

the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

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

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

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

9. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage system has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate means of surface water disposal and to prevent increased risk of flooding in accordance with Policies CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

10. In the event that the approved surface water system discharges to the existing water course to the east of the application site, the surface drainage system will be monitored during the construction phase and for a further two years following completion of the development in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The results from the monitoring shall be forwarded to the Local Planning Authority and should the results indicate problems caused by the increase of surface water into the drainage system/culvert under the Newcastle to Carlisle railway at NGR 343158/555135 a mitigation scheme shall be submitted to the Local Planning Authority for prior written approval and that mitigation scheme shall be implemented by the developer within 3 months of it having been accepted.

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

11. Details of the heights of the existing and proposed ground levels and the height

SCHEDULE D: Reports on Previously Deferred Decisions

of the proposed finished floor levels of the dwellings 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 problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No development shall commence until a Phase 2 Ground Investigation is undertaken in accordance with the recommendations outlined in Table 6.4 of the supporting Desk Top Study Report produced by Arc Environmental received 1st September 2010.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

13. The gas monitoring proposed within Table 6.4 of the supporting Desk Top Study Report produced by Arc Environmental received 1st September 2010 shall not be undertaken until the gas monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring have been submitted to and agreed, in writing, by the Local Planning Authority. The results from the monitoring shall be forwarded to the Local Planning Authority and should results indicate a gassing problem, the Local Planning Authority shall be notified immediately.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

15. No development shall commence within the site until the applicant has secured

SCHEDULE D: Reports on Previously Deferred Decisions

the implementation of a programme of archaeological excavation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To afford reasonable opportunity for the examination and recording of the remains of archaeological interest that survive within the site and to ensure compliance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development and to ensure compliance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

17. No development shall take place until the applicant has demonstrated how the protected species/wildlife mitigation measures set out in Paragraph D4 of the "Extended Phase 1 and Protected Species Survey" prepared by E3 Ecology Ltd (received 8th October 2010) have been incorporated into the development in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres to the right and 2.4 metres by 78 metres to the left of the access, 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

SCHEDULE D: Reports on Previously Deferred Decisions

Policies LD7 and LD8.

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

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

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

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

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

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

22. No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

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1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road; and
2. The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Item No: 28

Between 17/09/2011 and 28/10/2011

Appn Ref No:
10/0164

Applicant:
Top Notch Contractors Ltd

Parish:
Carlisle

Date of Receipt:
19/02/2010 16:01:32

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
102 & 104 Denton Street, Carlisle

Grid Reference:
339742 555044

Proposal: Redevelopment Of Former Prince Of Wales Public House & Conversion Of 102 Denton Street To Create 16no. Apartments & 1no. Commercial Unit With Associated Parking & Servicing

Amendment:

1. The applicant has submitted the following amended plans: 10034 -02C (proposed elevations); 70834/15/D (proposed ground and first floor layouts) and 70834/16D (proposed second and third floor layouts).
2. Drawing numbers 70384/15E and /16E received 12th October 2010 showing the lowering of the finished floor level of commercial unit to 16.30m AOD (pavement level), and removal of the internal ramps within the communal corridors.

REPORT

Case Officer: Shona Taylor

Details of Deferral:

Members will recall at Committee meeting held on 17th December 2010 that

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authority was given to the Assistant Director (Economic Development) to issue approval subject to the satisfactory completion of a Section 106 Agreement concerning the funding the implementation of a Traffic Regulation Order and the payment of the commuted sum of £3538 towards improvement to outdoor sports facilities.

This has been completed and the approval was issued on 21st October 2011.

Decision: Grant Permission

Date: 21/10/2011

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form;
2. drawing number 70384/01/A dated 22nd July 2010;
3. drawing number 70384/02 dated 19th February 2010;
4. drawing number 70384/05 dated 19th February 2010;
5. drawing number 70384/06 dated 19th February 2010;
6. drawing number 70384/07 dated 19th February 2010;
7. drawing number 70384/15/E dated 12th October 2010;
8. drawing number 70384/16/E dated 12th October 2010;
9. drawing number 10034-02/B dated 22nd July 2010;
10. drawing number 10034-03/B dated 22nd July 2010;
11. drawing number 10034-07/A dated 22nd July 2010;
12. Design and Access Statement dated 22nd July 2010;
13. Flood Risk Assessment (FRA) dated 3rd March 2010, referenced GAN 2/86, compiled by Geoff Noonan
14. Letter from Taylor and Hardy of 11th October 2010 (Ref MEH/J/C06/150)

SCHEDULE D: Reports on Previously Deferred Decisions

15. the site location plan dated 22nd July 2010;
16. the Notice of Decision; and
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Local Transport Plan Policies: LD5, LD7, LD8.

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

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

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. Such a scheme shall be constructed and completed in accordance with the approved plans and maintained operational thereafter.

Reason: To ensure a satisfactory means of surface water disposal in accordance with the objectives of Policies CP10, CP12 and LE27 of the Carlisle District Local Plan, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.

6. The use shall not be commenced until the access and both off-street and on-street parking facilities have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

Reason: To ensure a minimum standard of access provision when the

SCHEDULE D: Reports on Previously Deferred Decisions

development is brought into use and to support Local Transport Plan Policies: LD5, LD7, LD8.

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

Reason: To ensure that materials to be used are acceptable and in accord with Policy CP5 of the Carlisle District Local Plan.

8. Before the development commences on site full details of all hard and soft surfaces proposed, screen fencing and/or walling, all street furniture, including the entrance gates, lighting columns and the luminaires shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approval and thereafter retained as such.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3rd March, referenced GAN 2/86, compiled by Geoff Noonan as revised by drawing number 70384/15/E.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with the objectives of Policy LE27 of the Carlisle District Local Plan.

10. The commercial unit hereby approved shall not be used other than for purposes falling within Class A1 (Shops) or Class 2 (Financial and Professional Services), of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure accordance with Policies H2 and EC7 of the Carlisle District Local Plan.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP5 of the Carlisle District Local Plan.

SCHEDULE D: Reports on Previously Deferred Decisions

12. 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.

13. Prior to the commencement of development, the applicant shall submit revised details of the on-street parking places to be provided on Denton Street to form a single bay of eleven spaces.

Reason: To ensure a minimum standard of parking provision is made for vehicles visiting the site and support Local transport Plan Policies S3, LD7 and LD5 (draft).

14. The first and second floor secondary living room windows on the gable facing the rear of houses in Mowbray Street shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the living room).

Reason: To prevent overlooking of adjacent properties in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0135

Applicant:
Lovell Partnership Ltd.

Parish:

Date of Receipt:
21/02/2011 08:01:01

Agent:
Ainsley Gommon Architects

Ward:
Belle Vue

Location:
Site F, Brookside, Raffles Estate, Carlisle, CA2 7JR

Grid Reference:
338194 555836

Proposal: Erection Of 39no. Dwellings

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0251

Applicant:
Nether Denton PC

Parish:
Nether Denton

Date of Receipt:
24/08/2011

Agent:

Ward:
Irthing

Location:
Land To Rear Of Denton Villa, Low Row, Brampton
CA8 2LN

Grid Reference:
358512 563136

Proposal: Change Of Use Of Part Field From Agricultural To Public Amenity Area
To Include Road Access

Amendment:

Decision: Grant Permission

Date: 19/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0316

Applicant:
Miss Keenan

Parish:
Irthington

Date of Receipt:
12/08/2011

Agent:

Ward:
Stanwix Rural

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

White Cottage, Newby East, Wetheral, Carlisle, CA4 8QX 347519 558316

Proposal: Erection Of Raised Decking

Amendment:

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0429

Applicant:
Mr Chapple

Parish:
Solport

Date of Receipt:
10/06/2011

Agent:
H&H Bowe Ltd.

Ward:
Lyne

Location:
Mallshill, Roweltown, Carlisle, CA6 6LR

Grid Reference:
347619 573928

Proposal: Erection Of 1No. Wind Turbine (6kw) On 9 Metre Pole (11 Metre To Tip)

Amendment:

Decision: Grant Permission

Date: 28/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0474

Applicant:
Messrs Wilson

Parish:
St Cuthberts Without

Date of Receipt:
10/08/2011

Agent:
Sue Hudson Planning Ltd

Ward:
Dalston

Location:
Greenlands, Wreay, Carlisle, CA4 0RR

Grid Reference:
342345 548134

Proposal: Erection Of 1no. 39.6m To Tip (29.6m To Hub) 50kw Wind Turbine

Amendment:

Decision: Refuse Permission

Date: 05/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0475

Applicant:
Marstons Inns and
Taverns/Wildgoose
Construction

Parish:
Kingmoor

Date of Receipt:
06/06/2011

Agent:
Peacock and Smith

Ward:
Stanwix Rural

Location:
Brunthill, Kingmoor Park, Carlisle

Grid Reference:
338365 559435

Proposal: Erection Of A Pub/Restaurant

Amendment:

Decision: Grant Permission

Date: 07/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0478

Applicant:
Northdale Properties Ltd

Parish:
Brampton

Date of Receipt:
01/08/2011

Agent:
Northdale Properties Ltd

Ward:
Brampton

Location:
L/A Croft Garth, Longtown Road, Brampton, CA8
1AN

Grid Reference:
352752 561133

Proposal: Construction Of 1No. Bungalow On Site Of Garage

Amendment:

1. Aboricultural Assessment
2. Revised Floor Plan Showing The Undercroft Storage Area

Decision: Grant Permission

Date: 19/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0480

Applicant:
Immortal Art Studio Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
22/08/2011

Agent:

Ward:
Castle

Location:
2 Annetwell Street, Carlisle, Cumbria, CA3 8BB

Grid Reference:
339695 556061

Proposal: Change Of Use From Retail To Retail/Art Gallery And Tattoo Studio
(Retrospective)

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0484

Applicant:
Kingmoor Park Properties
Ltd

Parish:
Kingmoor

Date of Receipt:
09/06/2011

Agent:
How Planning

Ward:
Stanwix Rural

Location:
Land located within Kingmoor Park East/Brunthill,
Kingmoor Park, Carlisle

Grid Reference:
338365 559435

Proposal: Renewal Of Unexpired Permission Of Previously Approved Application
05/0531 For Proposed 'Hub' Development - Uses To Include: A1 &
A3/A5 Small Scale Retail And Cafe Facilities; Creche; A3 Restaurant; A4
Public House/Restaurant; Petrol Filling Station; And B1 Offices Together
With A Small Bus Interchange, Associated Infrastructure, Servicing And
Parking Areas (Outline)

Amendment:

Decision: Grant Permission

Date: 18/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0486

Applicant:
Dundee Tyres Ltd

Parish:
Brampton

Date of Receipt:
10/06/2011

Agent:
Green Design Group

Ward:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

L/A 3 Ash Lea, Brampton, CA8 1TD

Grid Reference:

353265 560950

Proposal: Erection Of 1No. Dwelling (Revised Application)

Amendment:

Decision: Grant Permission

Date: 12/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0523

Applicant:

United Utilities

Parish:

Carlisle

Date of Receipt:

03/08/2011

Agent:

Ward:

Castle

Location:

Carlisle WWTW, Willowholme Industrial Estate,
Carlisle, Cumbria, CA2 5SH

Grid Reference:

338974 556512

Proposal: Unit/Kiosk To Be Used As Meeting Room Situated On An Existing
Concrete Platform; Service Available On Site

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0524

Applicant:

Mr Callum Cowx

Parish:

Burgh-by-Sands

Date of Receipt:

22/06/2011

Agent:

Ward:

Burgh

Location:

Fairfield, Moorhouse, Carlisle, Cumbria, CA5 6EY

Grid Reference:

333302 556781

Proposal: Installation Of Double Glazed Conservation Timber Sash And Casement
Windows (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 20/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0536

Applicant:
United Utilities

Parish:
Carlisle

Date of Receipt:
03/08/2011

Agent:

Ward:
Castle

Location:
Carlisle WWTW, Willowholme Industrial Estate,
Carlisle, Cumbria, CA2 5SH

Grid Reference:
338871 556816

Proposal: Relocation Of Existing Kiosk/Cabin To Provide Facilities For Operators
On Site

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0554

Applicant:
Mr & Mrs Coulthard

Parish:
Wetheral

Date of Receipt:
06/07/2011

Agent:
Green Design Group

Ward:
Wetheral

Location:
25 Scotby Village, Scotby, Carlisle, CA4 8BS

Grid Reference:
344177 554782

Proposal: Demolition Of Side And Rear Extensions; Replacement Single Storey
Rear Extension To Provide Kitchen And Lounge; Provision Of First Floor
With 1No. En-Suite Bedroom

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 22/09/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0572

Applicant:
Mr Sharpe

Parish:
Arthuret

Date of Receipt:
06/07/2011 16:00:16

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Land to rear of 18 Mary Street and north of, Mary
Court, Longtown

Grid Reference:
338261 568741

Proposal: Erection Of 1no. Dwelling

Amendment:

Decision: Grant Permission

Date: 22/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0584

Applicant:
Mr & Mrs Hogg

Parish:
Scaleby

Date of Receipt:
25/07/2011

Agent:
Holt Planning Consultancy
Ltd

Ward:
Stanwix Rural

Location:
Barclose Farm, Barclose, Scaleby, Carlisle, CA6
4LH

Grid Reference:
344205 562867

Proposal: Certificate Of Lawfulness For The Subdivision Of A Single Dwelling To
2no. Dwellings

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0586

Applicant:
Harrison Homes (Cumbria) Carlisle
Limited

Parish:

Date of Receipt:
03/08/2011

Agent:
Manning & Elliott

Ward:
Harraby

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

L/Adj 14/14A Lazonby Terrace, Carlisle, CA1 2PZ

Grid Reference:

341430 554543

Proposal: Erection Of 3no. Town House Dwellings

Amendment:

Decision: Grant Permission

Date: 27/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0592

Applicant:

Mrs Collins

Parish:

Waterhead

Date of Receipt:

25/07/2011

Agent:

Mr Withington

Ward:

Irthing

Location:

Brookside View, Gilsland, Brampton, CA8 7DA

Grid Reference:

362909 566573

Proposal: Conversion Of Garage Into Holiday Accommodation Together With
Decking Alterations To Existing Dwelling

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0598

Applicant:

GI Hopley Ltd

Parish:

Hayton

Date of Receipt:

02/08/2011

Agent:

Stephen Craven Building
Design Ltd

Ward:

Hayton

Location:

Land Adjacent to Olcote, Heads Nook, Brampton,
CA8 9AE

Grid Reference:

349592 555297

Proposal: Erection Of 2no. Semi-Detached Dwellings

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 27/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0606

Applicant:
Mr Robert Jamieson

Parish:
St Cuthberts Without

Date of Receipt:
01/09/2011

Agent:
S & H Construction

Ward:
Dalston

Location:
Croft House, Carleton, Carlisle, CA1 3DP

Grid Reference:
342896 552786

Proposal: Demolition Of Redundant Building And Erection Of Single Storey Extension To Provide Living Room, Bedroom And Wet Room (Part Retrospective) (LBC)

Amendment:

1. Revised Drawings Omitting The Glazed Link And Replacing It With A Slate Roof And Rooflights.

Decision: Grant Permission

Date: 27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0615

Applicant:
Mr Fisher

Parish:
Irthington

Date of Receipt:
20/07/2011 13:00:23

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348743 564839

Proposal: Proposed Silage Pit And Associated Works

Amendment:

Decision: Grant Permission

Date: 26/09/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0624

Applicant:
Orchard Home Care
Services Ltd

Parish:
Carlisle

Date of Receipt:
28/07/2011

Agent:
Hugh Massey Architects

Ward:
Denton Holme

Location:
Holmhurst Nursing Home, 9-10 Goschen Road,
Carlisle, CA2 5PF

Grid Reference:
339149 555005

Proposal: Ground Floor Layout Alterations And Extension To Provide 2no. Ground
Floor Bedrooms And Dayroom With A First Floor Extension To Provide
5no. Bedrooms

Amendment:

Decision: Grant Permission

Date: 20/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0628

Applicant:
TG & K Fisher Ltd

Parish:
Irthington

Date of Receipt:
25/07/2011

Agent:
H & H Bowe Ltd

Ward:
Stanwix Rural

Location:
The Glebe, Hethersgill, Carlisle, CA6 6EZ

Grid Reference:
348853 564982

Proposal: Proposed Agricultural Shed

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0635

Applicant:
Mrs Anita Armstrong

Parish:
Wetheral

Date of Receipt:
05/08/2011

Agent:

Ward:
Great Corby & Geltsdale

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Orchard House, Great Corby, Carlisle, Cumbria,
CA4 8LL

347311 554478

Proposal: Rebuild Of Retaining Garden Wall (LBC)

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0637

Applicant:
Messrs E S & E Norman

Parish:
Orton

Date of Receipt:
03/08/2011

Agent:

Ward:
Burgh

Location:
Spital Syke Farm, Broomhills, Orton Road, Carlisle,
Cumbria, CA5 6JR

Grid Reference:
335635 554175

Proposal: Extension To Existing Poultry Building And Installation Of 2No. Feed
Bins

Amendment:

Decision: Grant Permission

Date: 28/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0638

Applicant:
Mr R Blair

Parish:
Carlisle

Date of Receipt:
08/08/2011

Agent:

Ward:
Yewdale

Location:
75 Orton Road, Carlisle CA2 7HD

Grid Reference:
337984 555300

Proposal: Erection Of Single Storey Rear Extension To Provide Sunroom

Amendment:

1. Revised Block Plan Showing The Inclusion Of A 2 Metre High Fence Along
The Boundary

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 06/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0640

Applicant:
Cumbria Police Authority

Parish:
Brampton

Date of Receipt:
05/08/2011

Agent:
Cumbria Police Authority

Ward:
Brampton

Location:
Brampton Police Station, Carlisle Road, Brampton
CA8 1SJ

Grid Reference:
352723 561059

Proposal: Installation Of Handrails To Steps At Front Entrance (LBC)

Amendment:

Decision: Grant Permission

Date: 29/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0642

Applicant:
Mr John McGrillis

Parish:
Wetheral

Date of Receipt:
27/07/2011

Agent:
Taylor & Hardy

Ward:
Wetheral

Location:
Land adjacent Washbeck Cottage, Scotby, Carlisle,
Cumbria, CA4 8BX

Grid Reference:
343993 555160

Proposal: Revised Access Arrangements Relating To Extant Permission 10/0979
For The Erection Of 2no. Detached 4no. Bedroom Dwellings (Revised
Application)

Amendment:

Decision: Grant Permission

Date: 20/09/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0643

Applicant:
Mrs Eva Chambers

Parish:
Hayton

Date of Receipt:
01/08/2011

Agent:
Black Box Architects
Limited

Ward:
Hayton

Location:
L/A The Barn, Faugh, Heads Nook, Brampton, CA8
9EG

Grid Reference:
350927 554787

Proposal: Discharge Of Conditions 3 (Materials); 4 (Tree/Hedge Plan); 6 (Highways Crossings); 9 (Surface Water Discharge) And 10 (On-Site Parking For Construction Vehicles) Of Previously Approved Planning Permission 09/0060

Amendment:

Decision: Grant Permission

Date: 20/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0646

Applicant:
North Cumbria University
Hospital NHS Trust

Parish:
Carlisle

Date of Receipt:
28/07/2011

Agent:
HTGL Architects

Ward:
Castle

Location:
The Cumberland Infirmary, Newtown Road Carlisle
CA2 7HY

Grid Reference:
338626 556201

Proposal: Provision Of Temporary PCI Laboratory And 12No. Bed Recovery Ward

Amendment:

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0648

Applicant:
Mr Caig

Parish:
Brampton

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

28/07/2011

Mr David Lamond

Brampton

Location:

Land to rear of 20 High Cross Street, Brampton,
CA8 1RP

Grid Reference:

353084 561142

Proposal: Erection Of 1no. Dwelling (Revised Application To Incorporate Dormer
Windows To West And East Elevations)

Amendment:

Decision: Grant Permission

Date: 20/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0649

Applicant:

Mr & Mrs Nicholson

Parish:

Kirklington Middle

Date of Receipt:

28/07/2011 16:00:14

Agent:

RodneyJeremiah

Ward:

Lyne

Location:

The Lake, Blackford, Carlisle, CA6 4EW

Grid Reference:

341364 564586

Proposal: Demolition Of Existing Farmhouse And Erection Of New Farmhouse
(Revised Application)

Amendment:

Decision: Grant Permission

Date: 22/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0650

Applicant:

Mrs R Stevenson

Parish:

Cumwhitton

Date of Receipt:

15/08/2011

Agent:

Ward:

Great Corby & Geltsdale

Location:

Nunfield Farm, Cumwhitton, Brampton, Cumbria,
CA8 9HA

Grid Reference:

350626 551280

Proposal: Erection Of Lean To To Existing Barn

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 23/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0651

Applicant:
Mrs Ruth Stevenson

Parish:
Cumwhitton

Date of Receipt:
16/08/2011

Agent:

Ward:
Great Corby & Geltsdale

Location:
Nunfield Farm, Cumwhitton, Brampton, Cumbria,
CA8 9HA

Grid Reference:
350626 551280

Proposal: Demolition Of Redundant Building And Erection Of Agricultural Livestock Building

Amendment:

Decision: Grant Permission

Date: 28/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0654

Applicant:
Mrs Fiddler

Parish:
Carlisle

Date of Receipt:
01/08/2011

Agent:
Carlisle Window Systems

Ward:
Belah

Location:
29 Gosling Drive, Carlisle, Cumbria, CA3 0QG

Grid Reference:
339935 558327

Proposal: Erection Of Rear Conservatory

Amendment:

Decision: Grant Permission

Date: 26/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

11/0656 Russell Armer Limited Dalston

Date of Receipt: **Agent:** **Ward:**
05/08/2011 Dalston

Location: **Grid Reference:**
Plot 7, Hawksdale Pastures, Nr Dalston, CA5 7EJ 336034 547118

Proposal: Erection Of Stone Wall In Lieu Of Post And Mesh Fence Approved In
Previous Application 08/0128

Amendment:

Decision: Grant Permission **Date:** 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: **Applicant:** **Parish:**
11/0657 Border Cars Hyundai Kingmoor

Date of Receipt: **Agent:** **Ward:**
29/07/2011 Tara Signs Stanwix Rural

Location: **Grid Reference:**
Border Cars Hyundai, Parkhouse Road, Carlisle, 339060 559951
Cumbria, CA3 0JT

Proposal: Display Of Illuminated And Non-Illuminated Signage

Amendment:

Decision: Grant Permission **Date:** 22/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: **Applicant:** **Parish:**
11/0658 Body & Soul

Date of Receipt: **Agent:** **Ward:**
26/08/2011 Tsada Building Design Castle
Services

Location: **Grid Reference:**
41 Spencer Street, Carlisle, CA1 1BB 340462 555863

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Single Storey Rear Extension To Provide Enlarged Salon Area

Amendment:

Decision: Grant Permission

Date: 12/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0661

Applicant:
Mr Noble

Parish:
Brampton

Date of Receipt:
04/08/2011 13:00:36

Agent:
Alpha Design

Ward:
Brampton

Location:
Land Adjacent Gelt Garth, Paving Brow, CA8 1QT

Grid Reference:
353392 560542

Proposal: Erection Of Detached Dwelling And Detached Garage

Amendment:

Decision: Grant Permission

Date: 29/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0662

Applicant:
Mr Anthony Grainger

Parish:
Beaumont

Date of Receipt:
12/08/2011

Agent:

Ward:
Burgh

Location:
Lockhouse, Beaumont, Carlisle, CA5 6ED

Grid Reference:
334425 559023

Proposal: Demolition Of Existing Dwelling And Erection Of Proposed New Dwelling With Detached Garage And Carport

Amendment:

Decision: Grant Permission

Date: 06/10/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0664

Applicant:
Mr Robert Jamieson

Parish:

Date of Receipt:
01/09/2011

Agent:
S & H Construction

Ward:
Dalston

Location:
Croft House, Carleton, Carlisle, CA1 3DP

Grid Reference:
342896 552786

Proposal: Demolition Of Redundant Building And Erection Of Single Storey Extension To Provide Living Room, Bedroom And Wet Room (Part Retrospective)

Amendment:

1. Revised Drawings Omitting The Glazed Link And Replacing It With A Slate Roof And Rooflights.

Decision: Grant Permission

Date: 27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0665

Applicant:
Mr Moore

Parish:
St Cuthberts Without

Date of Receipt:
09/08/2011

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
271 Durdar Road, Carlisle, CA2 4TJ

Grid Reference:
340493 552149

Proposal: Single Storey Rear Extension To Provide Kitchen/Dining Room

Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0666

Applicant:
Little Jems Nursery

Parish:
Carlisle

Date of Receipt:
08/08/2011

Agent:

Ward:
Currock

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Little Jems Nusery, 4/5 Woodrouffe Terrace, St Nicholas, Carlisle, CA1 2EH

Grid Reference:

340740 555163

Proposal: Formation Of Internal Openings Between Classrooms (LBC)

Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0668

Applicant:

Persimmon Homes
Lancashire

Parish:

Carlisle

Date of Receipt:

12/08/2011

Agent:**Ward:**

St Aidans

Location:

Former Watts Storage Depot, London Road, Carlisle

Grid Reference:

341230 555082

Proposal: Discharge Of Condition 4 (Development To Be Undertaken And Completed In Accordance With Details Submitted To And Approved In Association With The Original Permission Granted Under Application 07/0845, And As Conditionally Discharged And Modified Under Applications 08/1155, 09/0261, 09/0683 And 11/0360) Of Previously Approved Permission 11/0295 Relating To Plots 55-59 And 73-100

Amendment:

1. Revised Schedule Of Materials

Decision: Grant Permission

Date: 19/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0669

Applicant:

Mr Christopher McBride

Parish:

Dalston

Date of Receipt:

01/09/2011

Agent:**Ward:**

Dalston

Location:**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Green Farm Cottage, Stockdalewath, Nr Raughton
Head, Dalston, Carlisle, Cumbria, CA5 7DN

338704 545053

Proposal: Conversion Of Barn To Provide Additional Living Accommodation
Together With Glass Room To Rear

Amendment:

Decision: Grant Permission

Date: 19/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0671

Applicant:
Ms Dudman

Parish:
Brampton

Date of Receipt:
24/08/2011

Agent:
Sandy Johnston Architect

Ward:
Brampton

Location:
62 Main Street, Brampton, CA8 1SB

Grid Reference:
352889 561114

Proposal: Provision Of 2No. Bedrooms And Bathroom In Attic Space; Insertion Of
1No. Dormer Window To Rear Elevation; Insertion Of 2No. Rooflights To
Front Elevation

Amendment:

Decision: Grant Permission

Date: 19/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0673

Applicant:
Mr B Cuthbertson

Parish:
Carlisle

Date of Receipt:
18/08/2011

Agent:
Jock Gordon

Ward:
Belle Vue

Location:
24 Grinsdale Avenue, Carlisle, CA2 7LX

Grid Reference:
337277 556232

Proposal: Two-Storey Side Extension To Provide Garage, Extended Kitchen And
WC On Ground Floor With 2No. Bedrooms Above; Single Storey Rear
Extension To Provide Lounge

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0674

Applicant:
Cockely Bank Ltd

Parish:
Wetheral

Date of Receipt:
09/08/2011 13:01:06

Agent:
H & H Bowe Ltd

Ward:
Great Corby & Geltsdale

Location:
Cockley Bank, Heads Nook, Brampton, CA8 9EQ

Grid Reference:
349292 554127

Proposal: Proposed Slurry Lagoon

Amendment:

Decision: Grant Permission

Date: 29/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0675

Applicant:
Mansell Construction
Services Ltd and Cumbria
Fire and Rescue Service

Parish:

Date of Receipt:
11/08/2011

Agent:
Bluesky Architects

Ward:
Harraby

Location:
Carlisle East Community Fire Station, Eastern Way,
Harraby, Carlisle

Grid Reference:
342073 554602

Proposal: Display Of 1No. Internally Illuminated Fascia Sign; Display Of Safety
Message Projection Glazing

Amendment:

Decision: Grant Permission

Date: 05/10/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0676

Applicant:
Mansell Construction
Services Ltd and Cumbria
Fire and Rescue Service

Parish:

Date of Receipt:
11/08/2011

Agent:
Bluesky Architects

Ward:
Belle Vue

Location:
Carlisle West Community Fire Station, Raffles
Avenue, Carlisle CA2 7EQ

Grid Reference:
338274 555839

Proposal: Display Of 1No. Internally Illuminated Fascia Sign; Display Of Safety
Message Projection Glazing

Amendment:

Decision: Grant Permission

Date: 05/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0677

Applicant:
Mr Graham

Parish:

Date of Receipt:
11/08/2011

Agent:
Oriel Services Limited

Ward:
Morton

Location:
114 Dunmail Drive, Carlisle, CA2 6DQ

Grid Reference:
338530 555151

Proposal: Demolition Of Existing Garage And Reconstruction Of Detached Garage

Amendment:

Decision: Grant Permission

Date: 26/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0680

Applicant:
Carlisle College

Parish:
Carlisle

Date of Receipt:
30/08/2011

Agent:
Ryder Architecture Limited

Ward:
Castle

Location:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle College, Victoria Place, Carlisle, CA1 1HS

340510 556100

Proposal: Revision To Planning Application Ref: 09/1085 To Include Modifications To External Surfacing And Disabled Parking Bays To Rear Of Site Along Strand Road; Removal Of 11no. Trees; Installation Of 8no. Planting Beds Along Strand Road; Clarification Of Boundary Treatment Along Compton Street; Erection Of Bin And Material Store To Rear Of Block A; Increase Of Cycle Bays And Amendments To Cycle Shelter; Increase Of Planting Beds Within Campus Garden; Modifications To External Surfacing Within The Site Together With Clarification Of Undercroft Layout Arrangement.

Amendment:

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0681

Applicant:
Mobile Mini UK Ltd

Parish:
Dalston

Date of Receipt:
11/08/2011 13:00:24

Agent:
Beaumont and Cowling

Ward:
Dalston

Location:
Mobile Mini (UK) Ltd, 2 Barras Lane, Dalston,
Carlisle, CA5 7ND

Grid Reference:
336524 550612

Proposal: Erection Of Modular Blueline Building For Use As Repair Building For Cabins And Containers (Revised Application)

Amendment:

Decision: Grant Permission

Date: 21/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0683

Applicant:
Mr & Mrs Sykes

Parish:
Castle Carrock

Date of Receipt:
11/08/2011 16:00:39

Agent:
Bell Cornwell LLP

Ward:
Great Corby & Geltsdale

Location:
The Weary Inn and Restaurant, Castle Carrock,

Grid Reference:
354261 555371

SCHEDULE E: Decisions Issued Under Delegated Powers

Brampton, CA8 9LU

Proposal: Change Of Use From Inn/Restaurant To Holiday Accommodation And Alterations To Create 5No. Holiday Units

Amendment:

Decision: Grant Permission

Date: 06/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0686

Applicant:
Mr Graham Crabtree

Parish:
Carlisle

Date of Receipt:
23/08/2011

Agent:

Ward:
Belah

Location:
20 Belah Road, Carlisle, CA3 9TH

Grid Reference:
339408 557849

Proposal: Erection Of Single Storey Side Extension To Provide Garage, Utility And WC

Amendment:

Decision: Grant Permission

Date: 23/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0687

Applicant:
Mr G & Mrs C Brownlie

Parish:
Carlisle

Date of Receipt:
22/08/2011

Agent:
Eden Design Associates

Ward:
Stanwix Urban

Location:
14 Carlton Gardens, Carlisle, CA3 9NP

Grid Reference:
339871 557086

Proposal: Erection Of Single Storey Rear Extension To Provide Store

Amendment:

Decision: Grant Permission

Date: 10/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 17/09/2011 and 28/10/2011

Appn Ref No: 11/0691	Applicant: Cockely Bank Ltd	Parish: Wetheral
Date of Receipt: 12/08/2011 13:00:28	Agent: H & H Bowe Ltd	Ward: Great Corby & Geltsdale
Location: Cockley Bank, Heads Nook, Brampton, CA8 9EQ	Grid Reference: 349192 553919	
Proposal: Proposed Slurry Lagoon		
Amendment:		

Decision: Grant Permission

Date: 29/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: 11/0695	Applicant: BSW Sawmills (Carlisle) Ltd	Parish: Kingmoor
Date of Receipt: 12/08/2011	Agent: Taylor & Hardy	Ward: Stanwix Rural
Location: BSW Timber plc, Carlisle Sawmills, Cargo, Carlisle, CA6 4BA	Grid Reference: 337510 559283	
Proposal: Erection Of A Planer Line Building And The Re-Routing Of A Network Rail Access Track		
Amendment:		

Decision: Grant Permission

Date: 29/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: 11/0696	Applicant: Mr & Mrs Slater	Parish:
Date of Receipt: 22/08/2011	Agent:	Ward: Lyne

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Cuddy's Hall, Bailey, Newcastleton, Roxburghshire,
TD9 0TP

Grid Reference:

351902 581145

Proposal: Erection Of Two Storey Side Extension To Provide Living Room And Kitchen On Ground Floor With 2no. Bedrooms (1no. En-Suite) And Study Above (Revised Application To Include Conservatory, Porch And Verandah, Installation Of 2no. Flues And Alteration To Roof)

Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0697

Applicant:
Mr & Mrs Young

Parish:
Brampton

Date of Receipt:
16/08/2011 18:58:46

Agent:
Black Box Architects
Limited

Ward:
Brampton

Location:
20 Millfield, Brampton, CA8 1TT

Grid Reference:
353426 561032

Proposal: Erection Of Two Storey Side Extension To Provide Living Room, Utility And Shower Room On Ground Floor With 2no. Bedrooms And Bathroom Above

Amendment:

Decision: Grant Permission

Date: 06/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0699

Applicant:
Mr S Spencer

Parish:
Burgh-by-Sands

Date of Receipt:
25/08/2011

Agent:
Carlisle City Council

Ward:
Burgh

Location:
Station Cottage, St. Lawrence Lane,
Burgh-by-Sands, CA5 6BS

Grid Reference:
332188 558833

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Proposed Single Storey Shower Room Extension For A Disabled Person

Amendment:

Decision: Grant Permission

Date: 20/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0702

Applicant:

Mr John Pattison &
Vivienne Dunne

Parish:

St Cuthberts Without

Date of Receipt:

23/08/2011

Agent:

Architects Plus (UK) Ltd

Ward:

Dalston

Location:

The Terracotta Bungalow, Carleton, Carlisle, CA1
3DP

Grid Reference:

342753 553021

Proposal: Change Of Use From Agricultural Land To Garden And Erection Of
Detached Garage/Workshop And Boundary Fencing (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 20/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0703

Applicant:

Wapping Property Limited

Parish:

Carlisle

Date of Receipt:

17/08/2011

Agent:

Architects Plus (UK) Ltd

Ward:

Currock

Location:

Routledges The Bakers, 85 Blackwell Road,
Carlisle, CA2 4AJ

Grid Reference:

340562 554553

Proposal: Re-Roofing Of Existing Single Storey Extension To Rear Of Property

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0705

Applicant:
County Motors (Carlisle)
Ltd

Parish:
Carlisle

Date of Receipt:
18/08/2011

Agent:

Ward:
Belah

Location:
Site 78 Kingstown Broadway, Kingstown Carlisle
CA3 0HA

Grid Reference:
338911 559184

Proposal: Temporary Change Of Use To Enable The Display And Sale Of Vehicles
Until October 2014

Amendment:

Decision: Grant Permission

Date: 05/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0707

Applicant:
Mr Mike Crawley

Parish:
St Cuthberts Without

Date of Receipt:
22/08/2011

Agent:
S Buttler Chartered
Architects

Ward:
Dalston

Location:
120 Durdar Road, Carlisle, CA2 4ST

Grid Reference:
340342 552739

Proposal: Construction Of Rear First Floor Balcony With Enclosed Storage Area
(Retrospective Application)

Amendment:

Decision: Grant Permission

Date: 12/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

11/0708 Miss Sarah Kelly

Date of Receipt:
31/08/2011

Agent:

Ward:
Denton Holme

Location:
20 Randall Street, Carlisle, CA2 5DS

Grid Reference:
339822 555400

Proposal: Change Of Use Of Flat To Beauticians

Amendment:

Decision: Grant Permission

Date: 28/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0709

Applicant:
Mr M Welters

Parish:
Stapleton

Date of Receipt:
18/08/2011

Agent:
C & D Property Services

Ward:
Lyne

Location:
Land at Kernal Rigg, Roweltown, Carlisle

Grid Reference:
348344 569708

Proposal: Temporary Siting Of A Caravan For Occupation By An Agricultural Worker

Amendment:

Decision: Grant Permission

Date: 05/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0712

Applicant:
Mr Michael Sproat

Parish:
Carlisle

Date of Receipt:
19/08/2011

Agent:

Ward:
Harraby

Location:
79 Cumwhinton Road, Carlisle, Cumbria, CA1 3JB

Grid Reference:
342436 553832

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen/Living Room Together With Decking And Removal Of Conifers And Erection Of

SCHEDULE E: Decisions Issued Under Delegated Powers

2.2m High Fence

Amendment:

Decision: Grant Permission

Date: 11/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0717

Applicant:
Mr L & Mrs I Story

Parish:
Wetheral

Date of Receipt:
22/08/2011

Agent:
Jock Gordon

Ward:
Wetheral

Location:
67 Scotby Road, Scotby, Carlisle

Grid Reference:
344045 555744

Proposal: Single Storey Rear Extension To Provide Sun Room

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0718

Applicant:
Mr & Mrs J C Welsh

Parish:
Wetheral

Date of Receipt:
22/08/2011

Agent:
Jock Gordon

Ward:
Wetheral

Location:
42 Greenacres, Wetheral, Carlisle, CA4 8LD

Grid Reference:
346027 555078

Proposal: Two Storey Rear Extension To Provide Garden Room On Ground Floor
With Extended En-Suite Bedroom Above

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0719

Applicant:
Mr M & Mrs D Minns

Parish:

Date of Receipt:
22/08/2011

Agent:
Jock Gordon

Ward:
Denton Holme

Location:
151 Dalston Road, Carlisle, CA2 6DZ

Grid Reference:
339010 554778

Proposal: Erection Of Single Storey Rear And Side Extension To Provide Kitchen/Dining Room, Utility And WC

Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0722

Applicant:
Mrs Angela Giovannini

Parish:
Irthington

Date of Receipt:
08/09/2011

Agent:

Ward:
Stanwix Rural

Location:
Highfield House, Beanlands Park, Irthington,
Carlisle, CA6 4NH

Grid Reference:
348986 560582

Proposal: Erection Of Porch To Front Elevation

Amendment:

Decision: Grant Permission

Date: 27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0724

Applicant:
Mr L Thompson

Parish:
Hethersgill

Date of Receipt:
23/08/2011

Agent:

Ward:
Lyne

Location:
Lakeland View, Horsegills, Kirklington, Carlisle, CA6
6DN

Grid Reference:
346700 565401

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use From Agricultural Land To Domestic Garden; Single Storey Extension To North Elevation To Provide 1No. En-Suite Bedroom And 1No. Bedroom

Amendment:

Decision: Grant Permission

Date: 18/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0725

Applicant:
S & C Asbridge Ltd

Parish:
Brampton

Date of Receipt:
23/08/2011

Agent:
Architects Plus (UK) Ltd

Ward:
Brampton

Location:
Barn 3, Cumcatch Farm, Brampton CA8 2QR

Grid Reference:
354781 561202

Proposal: Discharge Of Conditions 4 (Hard And Soft Landscaping) And 5 (Drainage Works) Of Previously Approved Planning Permission 11/0305

Amendment:

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0726

Applicant:
S & C Asbridge Ltd

Parish:
Brampton

Date of Receipt:
23/08/2011

Agent:
Architects Plus (UK) Ltd

Ward:
Brampton

Location:
Proposed conversion of Barn 3 to dwelling,
Cumcatch Farm, Brampton

Grid Reference:
354781 561202

Proposal: Discharge Of Condition 3 (Materials) Of Previously Approved Planning Permission 11/0310

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0729

Applicant:
Mr & Mrs Rae

Parish:
Carlisle

Date of Receipt:
24/08/2011

Agent:
Jock Gordon

Ward:
Upperby

Location:
13 Woodsghyll Drive, Carlisle, CA1 3DD

Grid Reference:
341891 553337

Proposal: Erection Of Two Storey Rear Extension To Provide Kitchen/Dining Room
On Ground Floor With Bedroom Above

Amendment:

Decision: Grant Permission

Date: 26/09/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0731

Applicant:
Mr & Mrs J M Jordan

Parish:
Irthington

Date of Receipt:
25/08/2011

Agent:
Green Design Group

Ward:
Stanwix Rural

Location:
Bleatarn Park, Irthington, Carlisle, CA6 4ND

Grid Reference:
346642 561111

Proposal: Discharge Of Conditions 7 (Drainage), 8 (Archaeological Watching Brief)
And 9 (Recording Of Building) Of Previously Approved Appn Ref:
10/0849

Amendment:

Decision: Grant Permission

Date: 06/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0732

Applicant:
DSGI

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
31/08/2011

Agent:
Greens the Signmakers
Limited

Ward:
Belah

Location:
Unit D, Kingstown Retail Park, Parkhouse Road,
Carlisle, CA3 0JR

Grid Reference:
339228 559706

Proposal: Display Of 2no. Double Sided Flag Poles

Amendment:

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0736

Applicant:
Mr Stuart Tanner

Parish:
Carlisle

Date of Receipt:
25/08/2011

Agent:
Hogg & Robinson (Design
Services) Limited

Ward:
Belle Vue

Location:
45 Beck Road, Carlisle, CA2 7QL

Grid Reference:
337181 555874

Proposal: Erection Of Two Storey Rear Extension To Provide Kitchen And Dining
Room On Ground Floor With En-Suite Bedroom Above Together With
Single Storey Side Extension To Provide Store

Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0737

Applicant:
Greene King

Parish:
Carlisle

Date of Receipt:
25/08/2011 15:17:23

Agent:
J2 Design Limited

Ward:
Castle

Location:
Turf Tavern, Newmarket Road, Carlisle, CA1 1JG

Grid Reference:
340335 556453

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Internal Refurbishment Of The Ground And First Floor And Redecoration Of The Exterior. Removal Of Internal Non Loadbearing Walls On The Ground And First Floors To Relocate Customer Toilets And Increase The Size Of The Commercial Kitchen. Replacement Of Steel Fire Escape Stairs To First Floor With Timber

Amendment:

Decision: Grant Permission

Date: 18/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0738

Applicant:
Greene King

Parish:
Carlisle

Date of Receipt:
25/08/2011 15:17:23

Agent:
J2 Design Limited

Ward:
Castle

Location:
Turf Tavern, Newmarket Road, Carlisle, CA1 1JG

Grid Reference:
340335 556453

Proposal: Internal Refurbishment Of The Ground And First Floor And Redecoration Of The Exterior. Removal Of Internal Non Loadbearing Walls On The Ground And First Floors To Relocate Customer Toilets And Increase The Size Of The Commercial Kitchen. Replacement Of Steel Fire Escape Stairs To First Floor With Timber (LBC)

Amendment:

Decision: Grant Permission

Date: 18/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0740

Applicant:
Ms McAllister

Parish:
Rockcliffe

Date of Receipt:
05/09/2011

Agent:
Rodney Jeremiah

Ward:
Longtown & Rockcliffe

Location:
Windy Nook, Todhills, Blackford, Carlisle, CA6 4HB

Grid Reference:
336851 563076

Proposal: Erection Of Bungalow And Detached Garage

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 26/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0741

Applicant:
H Jobson & Son

Parish:
Brampton

Date of Receipt:
26/08/2011

Agent:

Ward:
Brampton

Location:
Jobsons, Market Place, Brampton, CA8 1RW

Grid Reference:
353031 561069

Proposal: Discharge Of Condition 3 (Details Of Doors) Of Previously Approved Planning Application 11/0329

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0744

Applicant:
Body & Soul

Parish:

Date of Receipt:
29/08/2011 08:00:19

Agent:
Tsada Building Design
Services

Ward:
Castle

Location:
41 Spencer Street, Carlisle, CA1 1BB

Grid Reference:
340462 555863

Proposal: Erection Of Single Storey Rear Extension To Provide Enlarged Salon Area (LBC)

Amendment:

Decision: Grant Permission

Date: 12/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

Applicant:

Parish:

Grid Reference:

SCHEDULE E: Decisions Issued Under Delegated Powers

Rydal, Park Road, Scotby, Carlisle, CA4 8AT

343803 555344

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

Amendment:

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0748

Applicant:
Mr C Beesley

Parish:

Date of Receipt:
30/08/2011

Agent:

Ward:
Brampton

Location:
8 Greencroft, Brampton, Cumbria, CA8 1AX

Grid Reference:
352645 561352

Proposal: Two Storey Side Extension To Provide Garage On Ground Floor With
1No. En Suite Bedroom Above; Single Storey Rear Extension To Provide
Kitchen/Diner

Amendment:

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0749

Applicant:
Mr Carl Boyle

Parish:
Carlisle

Date of Receipt:
30/08/2011

Agent:
Sawyers Construction

Ward:
Belle Vue

Location:
26 Moor Park Avenue, Belle Vue, Carlisle, Cumbria,
CA2 7LZ

Grid Reference:
337348 556301

Proposal: Erection Of Rear Conservatory

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0750

Applicant:
Mr Nesta Dejesus

Parish:
Carlisle

Date of Receipt:
30/08/2011

Agent:
Sawyers Construction

Ward:
Castle

Location:
36 Cranbourne Road, Carlisle, CA2 7JN

Grid Reference:
338464 555859

Proposal: Erection Of Conservatory To Side Elevation
Amendment:

Decision: Grant Permission

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0752

Applicant:
Possfund Custodian
Trustees Limited

Parish:
Carlisle

Date of Receipt:
09/09/2011

Agent:
Savills (Commercial)

Ward:
Currock

Location:
Unit 4, 5 and 6, St Nicholas Gate, Carlisle, CA1 2EA

Grid Reference:
340787 555050

Proposal: Variation Of Condition 7 Of Previously Approved Appn Ref: 10/0504 To
Allow Development To Commence Prior To Completion Of The Junction
Improvement Works

Amendment:

Decision: Grant Permission

Date: 21/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0756

Applicant:
Mr & Mrs Taylor

Parish:
Arthuret

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

31/08/2011 16:00:16

Agent:

Bruce Armstrong-Payne
Planning

Ward:

Longtown & Rockcliffe

Location:

Low Moor Head, Longtown, Carlisle, CA6 5RG

Grid Reference:

340129 569625

Proposal: Use Of Land For Siting Of One Mobile Home For Holiday Purposes

Amendment:

Decision: Grant Permission

Date: 24/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0758

Applicant:

Mr Simpson

Parish:**Date of Receipt:**

31/08/2011 16:00:21

Agent:

Black Box Architects
Limited

Ward:

Currock

Location:

7 St Nicholas Street, Carlisle, CA1 2EF

Grid Reference:

340663 555255

Proposal: Alterations To Rear Elevation Together With Alterations To Internal Layout (LBC)

Amendment:

Decision: Grant Permission

Date: 24/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

11/0759

Applicant:

Mrs Chambers

Parish:

Hayton

Date of Receipt:

01/09/2011 08:00:24

Agent:

Black Box Architects
Limited

Ward:

Hayton

Location:

L/A The Barn, Faugh, Heads Nook, Brampton, CA8
9EG

Grid Reference:

350926 554788

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection Of Detached Dwelling

Amendment:

Decision: Grant Permission

Date: 19/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0760

Applicant:
Mr N E Bemrose-Hedley

Parish:
Stanwix Rural

Date of Receipt:
01/09/2011

Agent:
Mr Jock Gordon

Ward:
Stanwix Rural

Location:
Garden Cottage, High Crosby, Crosby on Eden,
Carlisle, CA6 4QZ

Grid Reference:
345450 559409

Proposal: Installation Of New Entrance Gates And Entrance Porch (Retrospective)
And & Erection Of Storage Building Attached To West End Of Existing
Garage (Retrospective)

Amendment:

Decision: Grant Permission

Date: 27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0763

Applicant:
AP Brown Ltd

Parish:
Wetheral

Date of Receipt:
12/09/2011

Agent:
Brian Child

Ward:
Wetheral

Location:
Land adjacent School House, Wetheral, Carlisle,
CA4 8HE

Grid Reference:
346450 554136

Proposal: Erection Of 2no. Detached Dwellings (Retrospective) (Revised
Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0764

Applicant:
Mothercare

Parish:
Carlisle

Date of Receipt:
02/09/2011

Agent:
T2 Projects Limited

Ward:
Castle

Location:
Early Learning Centre, 46-48 Castle Street, Carlisle,
CA3 9JA

Grid Reference:
339987 555944

Proposal: Display Of 1no. Internally Illuminated And 2no. Non-Illuminated Fascia
Signs And 1no. Internally Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 10/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0768

Applicant:
The Caravan Club

Parish:
Wetheral

Date of Receipt:
07/09/2011

Agent:

Ward:
Wetheral

Location:
Englethwaite Hall Caravan Club Site, Armathwaite,
CA4 9SY

Grid Reference:
348694 550269

Proposal: Proposed Formation Of Seven New All Weather Caravan Pitches; New
Tarmac Road And Grasscrete Road To Access The New Pitches And
Six New Service Pitches To Existing Pitches

Amendment:

Decision: Grant Permission

Date: 28/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

11/0772 Mr Jim Wilson Carlisle

Date of Receipt: 06/09/2011
Agent: HTGL Architects Ltd
Ward: Currock

Location: 52 Lund Crescent, Carlisle, Cumbria, CA2 4BY
Grid Reference: 340042 554378

Proposal: Demolition Of Existing Ground Floor Utility And Erection Of Two Storey Rear Extension To Provide New Ground Floor Utility & First Floor Dressing Room Extension To Existing Bedroom

Amendment:

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: 11/0773
Applicant: H R Henderson & Son
Parish: Dalston

Date of Receipt: 13/09/2011
Agent: Mr Hetherington
Ward: Dalston

Location: Gill Farm, The Gill, Dalston, Carlisle, CA5 7JP
Grid Reference: 335754 548467

Proposal: Erection Of Livestock Building

Amendment:

Decision: Grant Permission

Date: 28/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No: 11/0774
Applicant: Mr A Johnston
Parish: Wetheral

Date of Receipt: 06/09/2011
Agent:
Ward: Wetheral

Location: Eden Mount, The Green, Wetheral, Carlisle, Cumbria, CA4 8ET
Grid Reference: 346573 554391

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Installation Of Solar Panels On Southern Slopes Of Roof Of Main House
And Annexe (LBC)

Amendment:

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0775

Applicant:
Ms H Robbins

Parish:
St Cuthberts Without

Date of Receipt:
06/09/2011

Agent:
Jock Gordon

Ward:
Dalston

Location:
Brookside, Brisco, Carlisle, Cumbria, CA4 0QW

Grid Reference:
341480 552851

Proposal: Single Storey Extension To The North West Elevation To Provide
Extended Kitchen Together With Canopy Over Kitchen Door (LBC)

Amendment:

Decision: Grant Permission

Date: 27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0778

Applicant:
Marks & Spencer

Parish:
Carlisle

Date of Receipt:
07/09/2011

Agent:
NJSR Chartered Architects
llp

Ward:
Castle

Location:
Marks & Spencer Ltd, 42-56 English Street, Carlisle,
CA3 8HS

Grid Reference:
340078 555812

Proposal: Display Of Non-Illuminated Letters And Window Displays And 2no.
Advertising Televisions

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 17/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0781

Applicant:
University of Cumbria

Parish:
Carlisle

Date of Receipt:
09/09/2011

Agent:
Swarbrick Associates

Ward:
Stanwix Urban

Location:
University of Cumbria, Brampton Road, Carlisle,
CA3 9AY

Grid Reference:
340423 557239

Proposal: Discharge Of Conditions 4 (Landscaping Scheme); 5 (Tree Protection Works); 6 (No Dig Method Statement), 7 (Travel Plan); 10 (Archaeological Watching Brief); 12 (Foundation Layout) And 13 (Portacabin Colour) Of Previously Approved Permission 11/0506

Amendment:

Decision: Grant Permission

Date: 10/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0783

Applicant:
Mr Mark Falkinder

Parish:
Askerton

Date of Receipt:
08/09/2011

Agent:
TSF Developments Ltd

Ward:
Irthing

Location:
West View, Lees Hill, Brampton, CA8 2BB

Grid Reference:
355510 568021

Proposal: Erection Of Two Storey Side Extension To Provide Sun Room On Ground Floor With En-Suite Bedroom Above, Installation Of Window To Serve Stairwell On Front Gable Together With Porch To Rear Elevation

Amendment:

Decision: Grant Permission

Date: 14/10/2011

Between 17/09/2011 and 28/10/2011

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
11/0792

Applicant:
Mr David Hayward

Parish:
Farlam

Date of Receipt:
09/09/2011

Agent:
Architects Plus (UK) Ltd

Ward:
Irthing

Location:
Whinney Fell, Forest Head, Brampton, CA8 1LX

Grid Reference:
357260 557475

Proposal: Erection Of Artists Studios And Workshop
Amendment:

Decision: Grant Permission

Date: 28/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0803

Applicant:
Mr Turnbull

Parish:
Wetheral

Date of Receipt:
15/09/2011

Agent:

Ward:
Great Corby & Geltsdale

Location:
5 Millbrook, Broadwath, Heads Nook, CA8 9BA

Grid Reference:
348577 555259

Proposal: Erection Of Single Storey Rear Extension To Provide Additional Living
Accommodation (Revised Application)

Amendment:

Decision: Grant Permission

Date: 28/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0804

Applicant:
CPCP Limited

Parish:
Cumwhitton

Date of Receipt:
13/09/2011

Agent:

Ward:
Great Corby & Geltsdale

Location:
Field No. 6854, Cumwhitton, Cumbria, CA8 9EX

Grid Reference:
350639 552495

Proposal: Discharge Of Conditions 3 (Landscaping Scheme) And 4 (Root

SCHEDULE E: Decisions Issued Under Delegated Powers

Protection Area) Of Previously Approved Appn 09/0286

Amendment:

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0815

Applicant:
Mr Martin Grundy

Parish:
Nicholforest

Date of Receipt:
16/09/2011

Agent:

Ward:
Lyne

Location:
Glenhaven, Penton, Carlisle, Cumbria, CA6 5QT

Grid Reference:
344265 577090

Proposal: Change Of Use Of Land From Agricultural To Domestic; Demolition Of Existing Garage; Erection Of Extensions To Provide Kitchen/Utility/W.C. To Side Elevation, 1No. En-Suite Bedroom And Double Garage To Side Elevation; Re-location Of Existing Conservatory To Rear Elevation; Erection Of Conservatory To Rear Elevation; Additional Siteworks To Provide Access To Garage (Part Retrospective) (Revised Application To Include Landscaping Of Land Subject To Change Of Use; Provision Of Gated Access; Erection Of Shed; Erection Of Greenhouse; Construction Of Kitchen Garden And Seating Area)

Amendment:

Decision: Grant Permission

Date: 25/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0831

Applicant:
BCL Property

Parish:
Hayton

Date of Receipt:
27/09/2011

Agent:
Green Design Group

Ward:
Hayton

Location:
Bank Barn, The How, How Mill, CA8 9JY

Grid Reference:
350564 556409

Proposal: Non Material Amendment Of Previously Approved Planning Permission 10/0707

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Amendment Accepted
11/10/2011

Date:

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0835

Applicant:
University of Cumbria

Parish:
Carlisle

Date of Receipt:
26/09/2011

Agent:
Swarbrick Associates

Ward:
Stanwix Urban

Location:
University of Cumbria, Brampton Road, Carlisle,
CA3 9AY

Grid Reference:
340423 557239

Proposal: Non Material Amendement Of Previously Approved Planning Permission
11/0506 (Repositioning Of Cycle Store)

Amendment:

Decision: Amendment Accepted
20/10/2011

Date:

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/0857

Applicant:
Mr Stewart Gray

Parish:
Carlisle

Date of Receipt:
03/10/2011

Agent:
S & H Construction

Ward:
Stanwix Urban

Location:
Site Between 1 Eden Mount and 4 St Georges
Crescent, Carlisle, CA3 9NL

Grid Reference:
339944 556874

Proposal: Non Material Amendment Of Previously Approved Planning Permission
10/0857

Amendment:

Decision: Amendment Accepted

Date:

SCHEDULE E: Decisions Issued Under Delegated Powers

27/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/9015

Applicant:
Cumbria County Council

Parish:

Date of Receipt:
13/09/2011

Agent:
Cumbria County Council

Ward:
Belle Vue

Location:
Access into Field No. 6100, Sandsfield Road,
Carlisle, CA2 7RD

Grid Reference:
336536 555891

Proposal: Construction Of Vehicle Crossing With Dropped Kerbs Across A Shared Footway/Cycleway To Form A Field Access

Amendment:

Decision: City Council Observation - Raise No Objection

Date: 03/10/2011

Between 17/09/2011 and 28/10/2011

Appn Ref No:
11/9016

Applicant:
United Utilities plc

Parish:
Stanwix Rural

Date of Receipt:
15/09/2011

Agent:
Cumbria County Council

Ward:
Stanwix Rural

Location:
Crosby on Eden Wastewater Pumping Station,
Green Lane, Low Crosby, Carlisle

Grid Reference:
344536 559417

Proposal: Section 73 Application To Amend Condition 2 Of Application 11/9010 In Order To Reposition The Control Kiosk And Access Gate

Amendment:

Decision: City Council Observation - Observations

Date: 04/10/2011
