

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No:
04/1036

Applicant:
Barratt Manchester

Parish:
Carlisle

Date of Receipt:
21/07/2004

Agent:

Ward:
Harraby

Location:
Watts Storage Depot, London Road, Carlisle

Grid Reference:
341200 555100

Proposal: Residential development comprising 4no. 2 bed houses, 42no. 3 bed houses, 26no. 4 bed houses, 2no. 1 bed flats, and, 16 no. 2 bed flats.

Planning Decision

Withdrawn by Applicant

Item no: 02

Appn Ref No:
05/0196

Applicant:
Mr A Thompson

Parish:
Westlinton

Date of Receipt:
08/03/2005

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Lyne Holme Farm, Westlinton, Carlisle, CA6 6AA

Grid Reference:
339387 564605

Proposal: Change of use of redundant building to breeding kennels (revised proposal)

Planning Decision

Grant Permission

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.

2. No development shall commence until details of the design, including materials, of the building, and the sound insulation and ventilation to be incorporated in the structure, have been submitted to, and approved by, the local planning authority.

Reason: To ensure that (1) the materials are acceptable and (2) noise which may emanate from the development does not lead to undue disturbance to adjoining occupiers, in accordance with Policy SP 25 of the Cumbria and Lake District Joint Structure Plan and Policy H17 of the Carlisle District Local Plan.

3. The development shall not be brought into use until the four parking spaces and associated turning space shown on the approved plan have been brought into use.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the high way in accordance with Policy T7 of the Carlisle District Local Plan

4. Within one month of the date of this permission the applicant shall submit details of a notice to be affixed to the farm gate indicating the name of the business and the availability of parking spaces within the yard.

Reason: To minimise the possibility of disruption to neighbouring occupiers in accordance with Policy H17 of the Carlisle District Local Plan.

5. The existing kennels and exercise pens within the yard and garden of the farmhouse shall be removed within one month of the date of occupation of the kennels hereby approved and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no kennel or enclosure for the purpose of accommodating dogs shall be erected within the yard fronting the farmhouse or within the other curtilage of the farmhouse without the prior approval 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 amenities of residents in close proximity to the site in accordance with Policy H17 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

It is considered that the proposed re-arrangement of accommodation for the dogs, with most of the non-working dogs being housed in a properly constructed kennel, will result in an improvement in the existing situation provided that (1) the kennels

are appropriately designed ,insulated and ventilated and (2) the open runs are visually separated from persons involved in legitimate adjacent commercial activities.

With regard to access and parking arrangements Highways are satisfied with the four parking spaces to be formed within the yard and do not consider that additional traffic is an issue from a road capacity viewpoint. As the number of breeding dogs on the premises will not increase, and taking account of the fact that it is a farm access road, I do not consider that there will be an increase in the number of additional vehicles using the access to the extent that it will affect the amenity of residential properties in the area.

In conclusion it is considered that the proposed change of could operate without significant detriment to the amenity of the adjacent residential properties.

Relevant Development Plan Policies

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Employment - Proposal EM11

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or

the surrounding landscape.

Cumbria & Lake District Joint Structure Plan Policy 38

In rural areas, the development or conversion of premises for small scale employment uses will normally be permitted, except where there is a damaging impact on the local environment or in the case of new development where the proposal is in the undeveloped open countryside.

Carlisle District Plan Transport - Proposal T7

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Item no: 03

Appn Ref No:
04/1648

Applicant:
NTL

Parish:
Carlisle

Date of Receipt:
21/12/2004

Agent:
NTL

Ward:
Belah

Location:
NTL transmitter station, Wakefield Road, Kingstown
Industrial Estate, Carlisle

Grid Reference:
339343 558800

Proposal: Extend existing structure 3.5m in height and installation of 3no. dual band dual polar sector antenna, 3no. sector antenna and 1no. equipment cabin

Planning Decision

Refuse Permission

1. **Reason:** The proposed increase in height of the mast and additional antenna would be visually intrusive to the detriment of the

character of the area contrary to Policies E51 and H17 of the Carlisle District Local Plan.

Item no: 04

Appn Ref No:
03/0838

Applicant:
Mrs J Hedley

Parish:
Kirklington Middle

Date of Receipt:
25/07/2003

Agent:

Ward:
Lyne

Location:
4 Alstonby Court, Westlinton, Carlisle, CA6 6AF

Grid Reference:
340850 565150

Proposal: To increase the height of part of the boundary wall by two blocks (0.43m) with facing brick outer leaf to match existing

Planning Decision

Members resolved to defer consideration of the proposal in order to await the receipt of accurate plans based upon which a reasoned judgement can be made, and, to await a further report on the application at a future meeting of the Committee.

Item no: 05

Appn Ref No:
05/0130

Applicant:
Martin Stothart

Parish:
St Cuthberts Without

Date of Receipt:
16/02/2005

Agent:

Ward:
Dalston

Location:
39 Dalesman Drive, Carleton Grange, Carlisle, CA1
3TH

Grid Reference:
342781 553799

Proposal: Extension over garage to form 1no. en-suite bedroom

Planning Decision

Grant Permission

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.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the Local Planning Authority.

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

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

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H14 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

In relation to the particular circumstances, the details of the proposed extension are considered to be in accordance with the objectives of Policy H14 of the Carlisle District Local Plan and Policy SP25 of the Cumbria and Lake District Joint Structure plan.

Relevant Development Plan Policies

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and

setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Item no: 06

Appn Ref No:
05/0125

Applicant:
Persimmon Homes
(Lancashire) Limited

Parish:
Brampton

Date of Receipt:
16/02/2005

Agent:

Ward:
Brampton

Location:
Land at Saw Mill, Sawmill Lane, Brampton

Grid Reference:
353177 561505

Proposal: Residential development to provide 17no. dwellings (reserved matters application pursuant to outline approval 02/0424)

Planning Decision

Members resolved to defer consideration of the proposal in order to receive amended highway plans relating to Sawmill Lane access and allow reconsultation and to await a further report on the application at a future meeting of the Committee.

Item no: 07

Appn Ref No:
05/0136

Applicant:
Border Homes

Parish:
Carlisle

Date of Receipt:
18/02/2005

Agent:
Taylor & Hardy

Ward:
Denton Holme

Location:
L/A Milbourne Street, Carlisle, CA2 5UZ

Grid Reference:
339625 555790

Proposal: Erection of a residential apartment block - 32no. units

Planning Decision

Members resolved to give authority to the Head of Planning Services to issue approval for the proposal subject to the imposition of an additional condition (as recommended by the Highway Authority) and to clarification of the requirements of

English Nature in relation to restrictions on the hours of operation for construction purposes to minimise disturbance to others.

Item no: 08

Appn Ref No:
05/0268

Applicant:
Mr G Heslop

Parish:
Bewcastle

Date of Receipt:
29/03/2005

Agent:
Tsada Building Design
Services

Ward:
Lyne

Location:
Land adjacent to Four Seasons, Plot 6, Sleetbeck,
Roadhead

Grid Reference:
350328 576809

Proposal: New dormer bungalow with double garage

Planning Decision

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by conditions 2 (part) attached to the outline planning consent to develop the site.

Members resolved to give authority to the Head of Planning Services to issue approval for the proposal subject to the satisfactory expiration of the consultation period.

Item no: 09

Appn Ref No:
04/1315

Applicant:
Mr N Wallace & Miss J A
Clarke

Parish:
Wetheral

Date of Receipt:
28/09/2004

Agent:
Johnston & Wright

Ward:
Great Corby & Geltsdale

Location:
Elmlea, Great Corby, Carlisle, CA4 8LL

Grid Reference:
347170 554710

Proposal: Construction of a driveway

Planning Decision

Grant Permission

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.

2. Before the commencement of development details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved in writing by the Local Planning Authority.
approved.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy E43 of the Carlisle District Local Plan.

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

Reason: In the interests of highway safety and to support Local transport Plan Policies S3, LD9 and LD11.

4. The whole of the access area bounded by the carriageway edge, including the lowering of kerbs, 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 highway safety and in accordance with Policies S4, S3 and LS10 of the Local Transport Plan.

Summary of Reasons for the Decision

In considering this application it is felt that the main issue is the impact on the character of the building and Great Corby Conservation Area. As such it is felt that the following matters need to be kept in mind:

- a) Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed. This situation is re-iterated in the advice contained in PPG 15 "Planning and the Historic Environment".

b) Neighbouring properties (such as Wood Villa, Wentworth House, Bulkeley House, Fern Bank) are already served by vehicular accesses which, with the exception of Wood Villa, lead to parking by the side or "rear" of the properties. In the case of Wood Villa there is a two storey side extension which incorporates a garage on the ground floor. The current proposal will, nevertheless, not only involve the removal of a section of existing walling but also a Yew tree.

c) There is an apparent difference of opinion between the Conservation Area Advisory Committee and the Parish Council. It is evident that the revision does not involve the use of the adjoining lane/drive leading to Woodbrae as preferred by the Parish Council. The revised scheme does, however, provide the potential for vehicles to be parked off the road and not necessarily in the "front" garden.

It is considered that the balance now falls in favour of the applicants.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Plan Housing - Proposal H14

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

Item no: 10

Appn Ref No:
04/1590

Applicant:
McKnight Builders

Parish:
Carlisle

Date of Receipt:
07/12/2004

Agent:
Green Design Group

Ward:
Castle

Location:
Land at Former School Canteen Site Murrell Hill,
Dalston Road, Carlisle

Grid Reference:
339345 555600

Proposal: Erection of 37no. flats and houses (in substitution for application 03/0872)

Planning Decision

Members resolved to defer consideration of the proposal in order to undertake a Site Visit to consider the impact of the proposed height on surrounding development and to await a further report on the application at a future meeting of the Committee.

Item no: 11

Appn Ref No:
04/1653

Applicant:
Tesco Stores Ltd

Parish:
Carlisle

Date of Receipt:
21/12/2004

Agent:
Development Planning
Partnership

Ward:
Castle

Location:
L/A bounded by Upper Viaduct Car Park-River
Caldew -, Harper & Hebson & Viaduct Estate Road,
Carlisle

Grid Reference:
339950 555600

Proposal: Section 73 application to vary condition one of outline permission 99/0842 (to allow reserved matters to be submitted by 10/05/05)

Planning Decision

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.

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

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

- 3. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented.

- 5. No development shall take place until a scheme for the treatment of the boundary of the site adjacent to the River Caldew has been approved by the Local Planning Authority. Such a scheme shall be completed in accordance with the approved details.

Reason: To conform with Policy E21 (River Corridors) of the Carlisle District Local Plan.

- 6. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority

to investigate and produce an assessment of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation shall be carried out to establish the degree and nature of the contamination present, and to determine its' potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: The site is known to have been previously used as a gas works and railway sidings, both of which can lead to contamination of the land, and it is known from intrusive surveys carried out on the site of the present County Council car park that it is heavily contaminated with coal tar residues, etc. The condition is therefore necessary to ensure that the development can be carried out in an appropriate manner that poses no unacceptable risk of pollution of the water environment.

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

Reason: To prevent pollution of the water environment and ensure an adequate means of drainage.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from vehicle parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of water resources.

9. All facilities for the storage of fuels, oils, or chemicals shall be sited on impermeable bases and surrounded by bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent water pollution.

10. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of remains of archaeological interest within the site and for the preservation, examination or recording of such remains.

11. The detailed plans and particulars required by condition 02 shall be in respect of a food superstore with a gross floor area (GFA) not greater than 3715 square metres and such plans and particulars shall include the proposed finished floor levels of the foodstore. The development shall be carried out in accordance with the approved floor levels.

Reason: For the avoidance of doubt and to protect people and property from the effects of flooding.

12. Before development commences, the applicant shall submit to the Local Planning Authority for approval, the means by which the structural integrity of the existing flood defence wall along the River Caldwew will be protected/reinforced from the effect of the proposed development and the wall shall be protected/reinforced in accordance with the approved details. These works shall include the repointing and removal of vegetation from the jointing of the flood defence wall as identified in Cumbria County Council's Design Services Report entitled "Structural Report on the Stability of the Existing Boundary Wall" dated March 2000 (Ref SS20148/MB).

Reason: To protect and maintain the structural integrity and stability of the existing flood defence wall.

13. The proposed superstore shall not commence trading until such times as the major junction improvements at James Street/Victoria Viaduct and Denton Street/Charlotte Street, together with localised road widening at Nelson Bridge, the provision of a footbridge adjacent to Nelson Bridge, the entry improvements to Victoria Viaduct from Castle Way, the related contra flow cycle lane, widening of Viaduct Estate Road, the provision of additional pedestrian /cycle links from the Caldwew Cycle Way and the provision of additional bus facilities within the site and related public transport links, have been completed in accordance with the details set out in the Traffic Impact Assessment and such related drawings that form part of an Agreement with the Highway Authority under S278 of the Highway Act 1980, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a proper means of access to serve the development and to accommodate within the local highway system the traffic associated with it.

14. Detailed design proposals submitted in accordance with planning condition numbers 2 and 11 (above), shall have regard to the recommendations contained in the following documents submitted with the associated planning application reference 04/0235:

- the Flood Risk Assessment (FRA) prepared by Dr John Riddell (dated September 2004); and
- the 'Addendum Report to Flood Risk Assessment' prepared by Goodson Associates Limited (Reference 9893 Revision 'A' dated 8 March 2005)

The development shall be constructed in accordance with the advice contained in the aforementioned documents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that due regard is given to flood risk in accordance plan policies:
Policy ER8 - Regional Planning Guidance 13 (RPG13)
Policy 24 - Cumbria & Lake District Joint Structure Plan
Policy E20 - Carlisle District Local Plan.

15. Details showing the Crown Street/Currock Street junction improvements shall be submitted to the Local Planning Authority for approval. The development shall not commence trading until the improvements have been approved and are completed in accordance the approved details that form part of an Agreement with the Highway Authority under S278 of the Highway Act 1980, unless otherwise agreed in writing by the LPA.

Reason: To ensure that the local highway infrastructure can accommodate the traffic associated with the proposal.
To support Local Transport Plan Policy: LD7

Summary of Reasons for the Decision

The application seeks an extension of time within which the submission of a Reserved Matters application should be made, extending the consent beyond the current expiry date of 10th May 2005.

The site area, details of proposals and technical considerations are unaltered from the original grant of Outline Planning Permission and there have been no material changes in planning policies pertaining to the proposed development or the site since that consent was obtained.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Item no: 12

Appn Ref No:
05/0157

Applicant:
Mr & Mrs MacDermott

Parish:
Carlisle

Date of Receipt:
25/02/2005

Agent:
Tsada Building Design
Services

Ward:
Stanwix Urban

Location:
107 Scotland Road, Carlisle, CA3 9HH

Grid Reference:
339970 557440

Proposal: Two storey extension to provide garage and utility with 2no. bedrooms above

Planning Decision

Members resolved to give authority to the Head of Planning Services to issue approval for the proposal subject to no objections being received before the expiration of the consultation period on 5th May 2005.

Item no: 13

Appn Ref No:
05/0177

Applicant:
Mr & Mrs J Westhuizen

Parish:
Irthington

Date of Receipt:
02/03/2005

Agent:
Mr Stacy Mark Barron

Ward:
Stanwix Rural

Location:
Bleatarn Croft, Irthington, Carlisle, CA6 4ND

Grid Reference:
346680 561141

Proposal: Creation of terraced garden from existing slope

Planning Decision

Grant Permission

Summary of Reasons for the Decision

The application seeks full planning permission for engineering operations to create a terraced area with railway sleepers within the garden area of a domestic property. The works are not permitted as householder operations due to their scale. The removal of the trees does not require permission.

The works have partially been carried out. They are intended to stabilise the bank which, the applicant asserts, was slipping. Photographs were supplied which show the inner fence bowing out which would indicate some land slippage.

Given the level of disturbance which has occurred since the Roman period, English Heritage have not requested an archaeological report neither has such been requested from the County Archaeologist.

In respect of the impact on the area and in particular the adjacent scheduled monument, the area of land is domestic curtilage. The works will tidy up this area. English Heritage does not raise an objection to the works on the impact of the setting of the scheduled monument. Given that the works will result in the tidying up of the previously overgrown nature of the landscaping, it is considered that the works are appropriate in this location.

In conclusion, the scheme represents the tidying up of this area of overgrown domestic land. The terracing requires planning permission as an engineering operation. It is considered that the works are appropriate within the domestic setting and would not have a detrimental impact on the setting of the adjacent Hadrian's Wall. The proposal is considered to accord with Policy E25 and E26 of the adopted Local Plan and Policy CP9 and LE7 of the Deposit Local Plan.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E25

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

Carlisle District Plan Environment - Policy E26

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as

defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Item no: 14

Appn Ref No:
05/0227

Applicant:
Stephen Irwin Jackson

Parish:
Walton

Date of Receipt:
15/03/2005

Agent:

Ward:
Irthing

Location:
Methodist Chapel, Walton, Brampton

Grid Reference:
352082 564625

Proposal: Conversion of chapel to a two bedroom dwelling (revised proposal)
(retrospective)

Planning Decision

Grant Permission

1. 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 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 to satisfy the objectives of Policy H12 of the Carlisle District Local Plan.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the

curtilage of the dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting in accordance with the objectives of Policy H12 of the Carlisle District Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the windows on the north and east elevations, with the exception of the rooflights, shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies H2 and H16 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

The principle of the development of this chapel has been established through the granting of planning consent in 2001 and the subsequent implementation of that permission.

Policy 12 of the Structure Plan and Policy E4 of the Local Plan are applicable. These policies require that development proposals do not adversely affect the character or setting of the distinctive landscape character. The chapel is located within the built confines of the settlement and is surrounded on three sides by residential development. In this context, it is not considered that there is any conflict with these planning policies.

These Policies, along with Policy 25 of the Structure Plan and Policy H16 of the Local Plan require that development proposals should be of a high standard of design and should not adversely affect the character of the area. The proposed conversion utilises the existing openings within the building with the only addition being the insertion of roof lights to provide additional light to the living accommodation on the first floor.

Policy H12 of the Local Plan requires that development proposals for the conversion of non residential accommodation to provide residential accommodation are acceptable subject to consideration against a number of criteria. These include the building being of permanent construction; the ability of the building to be converted without major alteration or extension that would destroy its character; the details of the proposed conversion respecting the building's character; and adequate access and car parking provision being provided.

The site is located within the Hadrian's Wall Buffer Zone and Policy E26 of the Local Plan states that proposals for development which would have an unacceptable adverse impact on the character and/ or setting of the World Heritage Site will not be permitted. The site is well related to the existing development within the village and there are no physical extensions or groundworks associated with the conversion of the building.

Policy T7 of the Local Plan requires that adequate access arrangements and sufficient car parking are provided as part of any development proposal. Provision has been made for off street parking provision within the curtilage of the property adjacent to the north facing gable. The Highway Authority have responded and have no objection to this application.

Policy E22 of the Local Plan requires that new development proposals will be permitted if sewage treatment works of adequate capacity and design are available. The applicant has indicated that the proposed accommodation would connect into the existing foul drainage system for the dwellinghouse which consist of a septic tank and soakaway.

Relevant Development Plan Policies

Cumbria & Lake District Joint Structure Plan Policy 12

Development and other land use changes detrimental to the distinctive character of designated County Landscapes, will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high standards of design.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Environment - Policy E4

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Carlisle District Plan Housing - Proposal H12

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Environment - Policy E22

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan
Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Plan
Environment - Policy E26**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

Item no: 15

Appn Ref No:
05/0290

Applicant:
Mr & Mrs N Elgey

Parish:
Hayton

Date of Receipt:
31/03/2005

Agent:
John Lyon Associates

Ward:
Hayton

Location:
Plot 5, The Gardens, Hayton, Carlisle

Grid Reference:
351150 557860

Proposal: Erection of two storey detached dwelling (Reserved Matters)

Planning Decision

Members resolved to give authority to the Head of Planning Services to issue approval for the proposal subject to satisfactory confirmation on the nature of the proposed obscure glazing.

Item no: 16

Appn Ref No:
04/0853

Applicant:
Mr & Mrs Smith

Parish:
Cumrew

Date of Receipt:
16/06/2004

Agent:
David Parr

Ward:
Great Corby & Geltsdale

Location:
Cumrew Farm, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355090 550370

Proposal: Change of use from and alterations to redundant barns and other agricultural buildings to form a mixed development of holiday accommodation, 1no. live/work unit, 1no. affordable home and 3no. houses.

Planning Decision

Members agreed to grant the application subject to (1) the satisfactory completion of a Section 106 Agreement relating to the affordable dwelling unit, the holiday letting unit and the live/work unit and (2) specified conditions.

Item no: 17

Appn Ref No:
04/0852

Applicant:
Mr & Mrs Smith

Parish:
Cumrew

Date of Receipt:
16/06/2004

Agent:
David Parr

Ward:
Great Corby & Geltsdale

Location:
Cumrew Farm, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355090 550370

Proposal: Alterations to barns and other agricultural buildings to form a mixed development of holiday accommodation, 1no. live/work unit, 1no.

affordable home and 3no. houses.LBC)

Planning Decision

Members agreed to grant the application subject to (1) the satisfactory completion of a Section 106 Agreement relating to the affordable dwelling unit, the holiday letting unit and the live/work unit and (2) specified conditions.

Item no: 18

Appn Ref No:
05/0185

Applicant:
Senator Homes Ltd

Parish:
Carlisle

Date of Receipt:
07/03/2005

Agent:
Swarbrick Associates

Ward:
St Aidans

Location:
149-159 Botchergate, 1 Rydal Street and 1 & 2
South Henry Street, Carlisle, CA1 1RZ

Grid Reference:
340600 555380

Proposal: Demolition of existing buildings and erection of 3no. retail units and 23no. apartments

Planning Decision

Members resolved to defer consideration of the proposal in order to:

1. Allow Members to undertake a site visit; and
2. Allow further negotiations to take place between the applicant and Officers with regard to design issues;

and to await a further report on the application at a future meeting of the Committee.

Item no: 19

Appn Ref No:
05/0186

Applicant:
Senator Homes Ltd

Parish:
Carlisle

Date of Receipt:
07/03/2005

Agent:
Swarbrick Associates

Ward:
St Aidans

Location:
149-159 Botchergate, 1 Rydal Street & 1 & 2 South
Henry Street, Carlisle, CA1 1RZ

Grid Reference:
340600 555380

Proposal: Demolition of existing buildings prior to site redevelopment (CAC)

Planning Decision

Members resolved to defer consideration of the proposal in order to:

1. Allow Members to undertake a site visit; and
2. Allow further negotiations to take place between the applicant and Officers with regard to design issues;

and to await a further report on the application at a future meeting of the Committee.

Item no: 20

Appn Ref No:
05/0237

Applicant:
J J Lattimer

Parish:
Dalston

Date of Receipt:
16/03/2005

Agent:
Architects Plus (UK) Ltd

Ward:
Dalston

Location:
Land Adjacent to Pincushion Barn, Dalston

Grid Reference:
336988 548417

Proposal: Provision of new field access

Planning Decision

Grant Permission

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.

2. Before the commencement of development the existing access to the highway shall be permanently closed and the highway crossing and boundary reinstated in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard the visual amenity of the area in accordance with Policy E19 of the Carlisle District Local Plan.

3. The portion of the proposed access lying within highway limits shall be constructed, drained and surfaced in accordance with details submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety in support of Local Transport Plan Policies S3, LD7 and LD11.

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

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

5. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of development.

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

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

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

Summary of Reasons for the Decision

In considering this application the three main issues revolve around highway safety, impact on the amenities of the neighbours, and, the impact on the character of the area.

In relation to highway safety it is apparent that the Highways Authority have not raised any objections.

In regard to the amenity of the neighbours and character of the area Members should be aware that further information has been sought from the applicant on why a further field access is required; the intended surfacing; intended landscaping/boundary treatment; and, anticipated type and frequency of traffic.

Relevant Development Plan Policies

Carlisle District Plan Environment - Policy E1

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless;

1. There is a overriding need for the development; and
2. There is insufficient land of a lower grade available; or
3. Available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Carlisle District Plan Environment - Policy E2

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

Carlisle District Plan Environment - Policy E18

Trees which contribute to amenity, and are under threat, will in appropriate cases, be protected by means of Tree Preservation Orders, or conditions attached to planning permissions.

Carlisle District Plan Environment - Policy E9

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Carlisle District Plan Housing - Proposal H5

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilmland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

**Carlisle District Plan
Housing - Proposal H12**

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
- 4 Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be permitted.

**Carlisle District Plan
Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Plan
Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

**Carlisle District Plan
Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

Item no: 21

Appn Ref No:
04/1203

Applicant:
Kingswood Learning &
Leisure Group Ltd

Parish:
Dalston

Date of Receipt:
01/09/2004

Agent:
Geoffrey Searle

Ward:
Dalston

Location:
Kingswood Educational Study Centre, Greensyke,
Cumdivock, Dalston, Carlisle, CA5 7JW

Grid Reference:
335369 548364

Proposal: Operational development comprising:

a. Retention of dining/function hall and teacher's common room; underground caving system and proposed shelter; boundary fence; souvenir shop; air handling plant room; and, drainage layout;

b. Formation of challenge course; quad bike track and shelter; low ropes and nightline course; archery enclosure and shelter; new access road and parking layout; planted soil bund; and, a climbing wall; and,

c. Installation of external lighting system.

Planning Decision

Members resolved to defer consideration of the proposal in order to allow further consideration over the contents of the proposed Section 106 Agreement and suggested conditions and to await a further report on the application at the next meeting of the Committee.

Item no: 22

Appn Ref No:
04/9019

Applicant:
The Governors

Parish:
Carlisle

Date of Receipt:
19/07/2004

Agent:
Swarbrick Associates

Ward:
Stanwix Urban

Location:
Stanwix Primary School, Mulcaster Crescent,
Carlisle, CA3 9DW

Grid Reference:
340100 557137

Proposal: Internal alterations to school and extension to form staff room

Planning Decision

Decision: City Council Observation - Observations

Date: 11/08/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 01/04/2005

Item no: 23

Appn Ref No:
04/9024

Applicant:
Story Construction Ltd

Parish:
St Cuthberts Without

Date of Receipt:
04/11/2004

Agent:
Cumbria County Council

Ward:
Dalston

Location:
L/A, Garlands, Garlands Hospital, Carlisle

Grid Reference:
343249 553870

Proposal: Variation of condition 1 of permission 02/9014 to allow the processing of material arising from construction sites to continue for a further 12 months

Planning Decision

Decision: City Council Observation - Raise No Objection

Date: 01/12/2004

Decision of: Cumbria County Council

Decision Type: Withdrawn by Applicant/or by default

Date: 15/03/2005

Item no: 24

Appn Ref No:
04/9025

Applicant:
Cumbria Waste
Management Ltd

Parish:
Rockcliffe

Date of Receipt:
10/11/2004

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Hespin Wood Landfill Site, Todhills, Carlisle

Grid Reference:
336300 563300

Proposal: Erection of accommodation building

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 26/11/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 22/12/2004

Item no: 25

Appn Ref No:
04/9033

Applicant:
William Sinclair
Horticulture

Parish:
Hethersgill

Date of Receipt:
09/11/2004

Agent:
Cumbria County Council

Ward:
Lyne

Location:
L/A Bolton Fell Peat Works, Hethersgill

Grid Reference:
348669 569820

Proposal: Erection of green waste building and extension of external concrete apron

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 26/11/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 22/12/2004

Item no: 26

Appn Ref No:
04/9037

Applicant:
Cumbria Contract Services Dalston

Parish:
Dalston

Date of Receipt:
25/11/2004

Agent:
Cumbria County Council

Ward:
Dalston

Location:
Dalston Highways Depot, Barras Lane, Dalston,
CA5 7ND

Grid Reference:
336393 550805

Proposal: New building for storage of winter road salt and portable building to provide office accommodation for Fleet Management

Planning Decision

Decision: City Council Observation - Observations

Date: 17/12/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 23/12/2004

Item no: 27

Appn Ref No:
04/9038

Applicant:
Cumbria Waste
Management

Parish:
Rockcliffe

Date of Receipt:
30/11/2004

Agent:
Cumbria County Council

Ward:
Longtown & Rockcliffe

Location:
Hespin Wood Landfill Site, Todhills, Rockcliffe,
Carlisle

Grid Reference:
336300 563300

Proposal: Erection of garage and stores

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 09/12/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 22/12/2004

Item no: 28

Appn Ref No:
04/9039

Applicant:
Client Services and
Property Unit

Parish:
Carlisle

Date of Receipt:
15/12/2004

Agent:
Cumbria County Council

Ward:
Currock

Location:
Cumbria Records Centre, Lord Street, Carlisle

Grid Reference:
340572 555242

Proposal: Internal alterations to form new storage area internally, forming new external canopy and ramped loading bay. Change of use from existing retail outlet to archive storage.

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 30/12/2004

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 26/01/2005

Item no: 29

Appn Ref No:
04/9041

Applicant:
The School Governors

Parish:
Carlisle

Date of Receipt:
07/01/2005

Agent:
Capita Symonds Limited

Ward:
Morton

Location:
Newlaithes Junior School, Langrigg Road, Carlisle,
CA2 6DX

Grid Reference:
338415 554605

Proposal: Erection of 2.4metre high steel mesh fencing around rear elevation of

building

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 03/03/2005

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 24/02/2005

Item no: 30

Appn Ref No: 05/9001 **Applicant:** Client Services & Property Unit **Parish:** Askerton

Date of Receipt: 13/01/2005 **Agent:** Cumbria County Council **Ward:** Irthing

Location: Lees Hill C of E School, Lees Hill, Bewcastle, CA8 2BB **Grid Reference:** 355358 567903

Proposal: Single storey sports hall with pitched roof covered with concrete tiles

Planning Decision

Decision: City Council Observation - Observations **Date:**

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 23/02/2005

Item no: 31

Appn Ref No: 05/9002 **Applicant:** CSPU **Parish:** Carlisle

Date of Receipt: 19/01/2005 **Agent:** Cumbria County Council **Ward:** Belle Vue

Location: Newtown Primary School, Raffles Avenue, Carlisle, CA2 7LW **Grid Reference:** 338300 555932

Proposal: Partial removal of existing shelter to form admin with new entrance and car parking to entrance

Planning Decision

Decision: City Council Observation - Raise No Objection **Date:** 02/02/2005

Decision of: Cumbria County Council

Decision Type: Grant Permission **Date:** 24/02/2005

Item no: 32

Appn Ref No:
04/0148

Applicant:
Mr Colin Ainsworth

Parish:
Carlisle

Date of Receipt:
03/02/2004

Agent:

Ward:
Currock

Location:
L/Adj to 3 Mayson Street, Currock, Carlisle, CA2
4DU

Grid Reference:
340348 555331

Proposal: Erection of 5no. 2no. bed terrace houses

Planning Decision

Decision: Refuse Permission **Date:** 07/06/2004

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed **Date:** 01/04/2005

Item no: 33

Appn Ref No:
04/1108

Applicant:
Mr W Mark-Bell

Parish:
Dalston

Date of Receipt:
04/08/2004

Agent:
HTGL Architects Ltd

Ward:
Dalston

Location:
Hallfield, The Forge, Dalston, CA5 7QH

Grid Reference:
337136 549130

Members will recall at Committee meeting held on 8th October 2004 that authority was given to the Head of Planning Services to issue approval subject to the satisfactory completion of a Section 106 Agreement under which the applicant covenants not to seek to implement the permission granted under application number 03/1105. The Section 106 Agreement has now been entered into and the decision notice issued on 1st April 2005.

Planning Decision

Granted Subject to Legal 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.

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

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

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

Reason: To preserve sight lines in accordance with Policy H2 of the Carlisle District Local Plan.

4. The access drive shall be surfaced in bituminous or cement bound materials, or

otherwise bound and shall be constructed and completed before the development is occupied.

Reason: In the interests of highway safety in accordance with Policy H2 of the Carlisle District Local Plan.

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

Reason: To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

6. The vehicular crossing over the footway, including the lowering of kerbs, shall be carried out in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of highway safety in accordance with Policy H2 of the Carlisle District Local Plan.

7. Before the occupation of any dwelling two passing places shall be provided along the proposed access in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy H2 of the Carlisle District Local Plan.

8. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works safeguard the character of the area in accordance with Policies H2, H11 and H16 of the Carlisle District Local Plan.

9. 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 fully implemented before any of the dwellings are occupied.

Reason: To ensure that materials to be used safeguard the character of the area in accordance with Policies H2 and H16 of the Carlisle District

Local Plan.

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

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner in accordance with Policies H2, H11 and H16 of the Carlisle District Local Plan.

11. No tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

Reason: The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible in accordance with Policy E19 of the Carlisle District Local Plan.

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

Reason: To protect trees and hedges during development works in accordance with Policy E19 of the Carlisle District Local Plan.

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

Reason: To ensure that adequate drainage facilities are available in accordance with Policy E22 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

In considering this application the two main issues are felt to be whether there has been a change in circumstances since the previous approval, and, if the proposed changes are detrimental to the character of the area.

In relation to the former issue a temporary moratorium on new rural housing

permission has been imposed from the 17th July 2004. An exception to the moratorium is, however, applicable when revised applications are received concerning an extant planning permission providing there is no increase in dwelling numbers is proposed. When considering this issue it is apparent that the outline permission granted under 03/1105 showed the two plots parallel to one another in a west/east axis. The current application shows the proposed plots in a north/south axis. In order to avoid any confusion, and the possibility of someone advancing the argument that both permissions could be implemented (and thus lead to the total provision of three houses), the applicant could covenant by way of a Section 106 Agreement not to seek to implement the earlier permission.

When considering the impact on the character of the area it is apparent that the proposed plots are part of an extensive garden which includes semi-mature and mature trees. The loss of certain trees will be inevitable although any losses could be minimised and would be set within the context of the trees and copse which would be retained. Although the site is adjacent to an open field, which is an Area of Local Landscape Significance, it is generally secluded from view.

Relevant Development Plan Policies

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Cumbria & Lake District Joint Structure Plan Policy 27

Areas of public and private open space or other amenity land which contribute to the quality of the built environment will normally be protected from development.

Cumbria & Lake District Joint Structure Plan Policy 30

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

Cumbria & Lake District Joint Structure Plan Policy 31

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

Carlisle District Plan Environment - Policy E5

Within Areas of Local Landscape Significance, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

Carlisle District Plan Environment - Policy E19

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan
Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan
Environment - Policy E50**

The loss to built development of significant public and private open spaces within settlements will not be permitted.

**Carlisle District Plan
Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan

Housing - Proposal H11

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Item no: 34

Appn Ref No:

04/1196

Applicant:

Rol Design Ltd

Parish:

Carlisle

Date of Receipt:

26/08/2004

Agent:**Ward:**

Denton Holme

Location:

Prince of Wales Public House, 104 and 102 Denton Street, Carlisle, CA2 5HB

Grid Reference:

339733 555038

Proposal: Demolition of existing property, construction of 17no. apartments and 1no. commercial unit with secure parking, change of use of dwelling to form commercial unit at ground floor and apartment at first floor, and provision of parking and servicing lay-by to Denton Street frontage

Members will recall at Committee meeting held on 1st April 2005 that authority was given to the Head of Planning Services to issue approval subject to additional conditions regarding noise insulation, obscure glazing and use of 102 Denton Street, and to no additional material planning objections to those already submitted being received in the remainder of the consultation period. The additional conditions have

been added and no further objections were received, therefore, the decision was issued on 11th April 2005.

Planning Decision

Grant Permission

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.

2. This permission relates to the application as revised by the amended plans 0416/02 revision F, received on 2nd March 2005, 0416/03 revision C, and additional plan 0406/04 revision A, received on 11 February 2005.

Reason: To define the permission.

3. None of the development hereby approved shall be occupied unless and until the on-street parking/servicing facilities to the Denton Street frontage, as shown on the additional plan reference 0416/04 revision A, or such similar scheme following any necessary amendment through the Highway Safety Audit and/or Section 278 Agreement under the Highways Act, have been provided.

Reason: To ensure the additional parking and servicing facilities are available when the development is brought into use.

4. The development hereby approved shall not be occupied until the off-street car parking, servicing, refuse disposal facilities and the means of access to serve them, as shown on amended plan 0416/02 revision F, have been provided. Once provided, the car parking, servicing and access facilities shall be retained as such.

Reason: To ensure that sufficient parking and servicing facilities are retained to serve the development in accordance with Policy T7 of the Carlisle District Local Plan.

5. Notwithstanding any description of materials in the application no development shall be commenced until samples and a full schedule of materials to be used externally on the building have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials, along with the proposals for the heads, jambs and cills of all door and window openings, and the location and mechanics of ground floor

opening lights. The development shall thereafter be carried out in accordance with such approval.

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

6. 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 the objectives of Policy 25 of the Cumbria and Lake District Joint Structure Plan.

7. Finished floor levels for both the residential and commercial components of the scheme shall be set at not less than 16.45m AOD.

Reason: To reduce the danger to intended occupants from the risk of flooding in accordance with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E20 of the Carlisle District Local Plan.

8. The buildings hereby permitted shall be constructed in materials which would be resistant to damage from the ingress of flood water, including weatherproof doors, with services protected and located at an appropriate level, and electric sockets supplied from above and located at a minimum height of 900mm above the ground finished floor level.

Reason: To protect the occupants from additional risk associated with the ingress of flood water in accordance with Policy 24 of the Cumbria and Lake District Joint Structure Plan and Policy E20 of the Carlisle District Local Plan.

9. 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 scheme shall be constructed and completed in accordance with the approved plans and thereafter retained.

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

10. Commercial unit 1 hereby approved shall not be used other than for purposes falling within Class A3, Food and Drink, 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 S15, H17 and T7 of the Carlisle District Local Plan.

12. The proposed commercial unit 1 hereby approved shall not be open for trading except between 0800 hours and 23.00 hours Mondays to Sundays.

Reason: To prevent disturbance to nearby residential occupiers in accordance with Policy H17 of the Carlisle District Local Plan.

13. The proposed commercial unit 2 hereby approved shall not be open for trading except between 0800 hours and 18.00 hours Mondays to Sundays.

Reason: To prevent disturbance to nearby residential occupiers in accordance with Policy H17 of the Carlisle District Local Plan.

14. The first floor party wall to the north eastern elevation of the development hereby permitted, where it adjoins number 100 Denton Street, shall be sound-proofed in accordance with a scheme to be submitted to and approved in writing by the local planning authority before the proposed apartment to the first floor of number 102 Denton Street is occupied.

Reason: To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers.

15. The first and second floor windows to the access corridors to the apartments on the north eastern elevation of the proposed development shall be obscure glazed only and thereafter retained as such.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policy H16 of the Carlisle District Local Plan.

16. The implementation of this planning permission for the new build proposals on the site of the Prince of Wales Public House shall not be exercised other than contemporaneously with the proposals for 102 Denton Street hereby approved.

Reason: To ensure that the development does not have an unacceptable effect on the amenities of the residents of 102 Denton Street.

Summary of Reasons for the Decision

The development site comprises the former Prince of Wales public house and 102 Denton Street situated in a Primary Residential Area under Policy H2 and a Neighbourhood Shopping Centre under Policy S10 of the Carlisle District Local Plan. In those contexts the principle of the mixed residential and commercial (bistro/retail/financial and professional/office) uses are not at issue. The scheme has been variously amended to:-

- i) provide a two way access road to one for one parking facilities to the rear of the apartments, which now satisfies highways' requirements;
- ii) to increase finished floor levels to reduce flood risk following the recent floods, which addresses the Environment Agency's requirements;
- iii) to reduce the floor area to the balconies to obviate overlooking;
- iv) to include the site frontage to Denton Street within the application site in order to facilitate a Council mooted scheme for on-street parking, thereby redressing concerns expressed by Members regarding the level of parking and servicing provision; and,
- v) to include 102 Denton Street within the development.

The design of the scheme accords with Policy 25 of the Cumbria and Lake District Joint Structure Plan and Policy H16 of the Carlisle District Local Plan and the proposed bistro use accords with Policy S15 of the Carlisle District Local Plan.

Relevant Development Plan Policies

Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

Cumbria & Lake District Joint Structure Plan Policy 4

The quality of the environment within and around towns will be upgraded for the

benefit of residents, visitors and the local economy by high standards of design for new development, by improvements to existing buildings, ground surfaces and spaces, and by measures to reduce the impact of traffic.

Cumbria & Lake District Joint Structure Plan Policy 6

The City of Carlisle's sub-regional role as a centre of business, commerce, shopping and tourism will be fostered by the modest acceleration of past rates of development.

Cumbria & Lake District Joint Structure Plan Policy 24

The erection of buildings or the raising of land, will not normally be permitted where there would be a direct risk from erosion or flooding, or be likely to increase the risk of flooding elsewhere.

Cumbria & Lake District Joint Structure Plan Policy 25

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

Carlisle District Plan Environment - Policy E20

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Carlisle District Plan Environment - Policy E56

When considering proposals for new development including changes of use where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to , from and within buildings. In addition the

City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and others with mobility problems.

Carlisle District Plan Housing - Proposal H2

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

Carlisle District Plan Housing - Proposal H16

High standards of design in new housing sites and dwellings will be required.

Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

Carlisle District Plan Housing - Proposal H17

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or

4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Shopping - Proposal S10

Within Denton Holme, other neighbourhood centres and major new housing areas, shopping proposals that serve these areas will be acceptable, provided that:

1. They do not adversely affect the local environment or the amenity of surrounding residential areas; and
2. Satisfactory servicing access can be achieved; and
3. Appropriate parking arrangements can be made; and
4. The scale of development is appropriate to the centre where it is located.

Carlisle District Plan Shopping - Proposal S15

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Carlisle District Plan Shopping - Proposal S16

The City Council will negotiate with developers to ensure that proposals for retail

development take account of the needs of the disabled, the elderly and those with pushchairs in the provision of parking, access to and from the building and adequate circulation within the building.

**Carlisle District Plan
Transport - Proposal T1**

In considering applications for development, account will be taken of the availability of a choice of means of travel to and from the site.

**Carlisle District Plan
Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
 2. The availability of public car parking in the vicinity;
 3. The impact of parking provision on the environment of the surrounding area;
 4. The likely impact on the surrounding road network; and
 5. Accessibility by and availability of other forms of transport.
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