Development Control Committee

Main Schedule

Schedule of Applications for Planning Permission

CARLISLE CITY COUNCIL

www.carlisle.gov.uk

14th March 2003

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 having regard to material planning considerations pertaining to the specific proposal and in particular 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 28/02/2003 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 05/03/2003.

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.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	02/0196 A	L/A field 3328, Castle Carrock, Cumbria,	AMT	1
02.	02/0422 A	L/A, Townfoot Farm, Cumrew, Carlisle	ARH	209
03.	02/1179 B	L/A Barns, Broadwath Farm, Broadwath, Heads Nook, Carlisle	CJH	240
04.	02/1348 A	L/Adj, Foot House, Hayton, Carlisle	KB	263
05.	02/1350 A	L/A Central Avenue (former Cosmo), Carlisle, Cumbria	ARH	271
06.	03/0007 B	L/ADJ Tarn Lea, Paving Brow, Brampton, Cumbria	KB	293
07.	03/0013 A	L/A to rear of 14 Holme Head Way, Denton Holme, Carlisle, CA2 6AJ	KB	301
08.	03/0022 A	Fosse Way, 38 Houghton Road, Houghton, Carlisle, CA3 0LA	SG	305
09.	03/0040 A	L/ADJ Greenwoodside, Smithfield, Kirklinton, Carlisle	KB	314
10.	03/0076 A	Bramleigh, Tree Road, Brampton, CA8 1TX	KB	328
11.	03/0080 A	17 Glaramara Drive, The Beeches, Carlisle, CA2 6QP	SG	334
12.	03/0104 B	L/A Play Area, Moorville Drive, Lowry Hill, Carlisle	SG	344
13.	03/0120 A	Newfield Grange Hotel, Newfield Drive, Carlisle, Cumbria	RJM	350
14.	03/0131 B	Newfield Grange Hotel, Newfield Drive, Newfield, Carlisle, CA3 0AF	RJM	358
15.	02/0424 B	L/A, Sawmill, Sawmill lane, Brampton	CJH	368

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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.	
16.	02/1044 A	Saughs Farm, Bailey	ARH	385	
17.	02/1151 A	13 Rosebery Road, Stanwix, Carlisle, CA3 9HU	RJM	413	
18.	02/1205 B	Westmoor, Low Crindledyke, Rockcliffe, Carlisle, CA6 4BH	AMT	422	√
19.	02/1227 B	Orton Grange Caravan Park, Orton Grange, Carlisle, CA5 6LA	SG	433	
20.	02/1279 A	Croglin, Greenfield Lane, Brampton, CA8 1AU	SG	442	
21.	02/0785 A	L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle	ARH	449	
22.	02/0920 A	Morrisons, Kingstown Road, Kingstown, Carlisle, CA3 0QZ	KB	468	
23.	02/0934 A	L/A adjoining The Village House, Carlisle Road, Dalston, Carlisle	KB	483	
24.	02/0961 A	L/Adj to, Red House, Scotby Road, Scotby, Carlisle	KB	491	
25.	02/0976 A	53 Townfoot Park, Brampton	SG	500	
26.	02/1029 A	The Hunley, Scaleby, Carlisle, Cumbria	RJM	511	
27.		No report included			
28.	02/1181 A	Aldersyde, Burgh-by-Sands, Carlisle	SG	525	
29.	02/1194 A	Braeside, 18A Brampton Road, Carlisle, CA3 9HS	CJH	536	
30.	02/1301 A	L/A, Houghton Hall, Houghton, Carlisle	AMT	547	√
31.	03/0029	L/A Seefeld, Houghton, Carlisle	AMT	554	

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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.	
	A				
32.	03/0105 B	L/Adj The Far Boot, Townhead, Houghton, Carlisle, Cumbria	CJH	566	
33.	02/1321 A	16 Marlborough Gardens, Stanwix, Carlisle, CA3 9N	RM	576	
34.	02/1324 A	William Howard School, Longtown Road, Brampton, CA8 1AR	CJH	583	
35.	02/1347 A	Classic World of Fitness, Chapel Street, Carlisle, CA1 1JA	CJH	593	
36.	02/1359 A	L/Adj, Stonehouse Farm, Hayton, Carlisle	ARH	599	
37.	03/0010 A	Scotby House, Park Road, Scotby, Carlisle, Cumbria	AMT	640	✓
38.	03/0091 A	Scotby House, Park Road, Scotby, Carlisle, Cumbria	AMT	658	✓
39.	03/0012 A	L/A Plots 100-105, 124-125 and 127-129 Windsor Park, Windsor Way, Carlisle	CJH	673	
40.	03/0019 A	1 The Green, Houghton, Carlisle, CA3 0LN	KB	679	
41.	03/0027 A	Lloyd Lawn & Leisure, Grearshill Road, Kingstown Industrial Estate, Carlisle, CA3 0ET	AMT	685	✓
42.	03/0028 A	64 Mallyclose Drive, Carlisle, CA1 3HT	SG	691	
43.	03/0032 A	Linstock Castle, Linstock, Carlisle, CA6 4PZ	RM	699	
44.	03/0033 A	Linstock Castle, Linstock, Carlisle, CA6 4PZ	RM	708	
45.	03/0035 A	L/A Carleton Grange - Plots 270-286 (inc), Garlands Road, Carlisle	AMT	711	✓
46.	03/0048	7 Millrace Road, Willowholme Industrial	CJH	723	

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Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
	A	Estate, Carlisle		
47.	03/0052 A	Northumberland Motors, Upperby Road, Carlisle	KB	731
48.	03/0068 A	Golden Fleece Services, Carleton, Carlisle, CA4 0AN	CJH	739
49.	03/0075 A	Golden Fleece Services, Carleton, Carlisle, CA4 0AN	CJH	744
50.	03/0118 A	Pirelli (UK) Tyres Limited, Dalston Road, Carlisle, CA2 6AR	AMT	751 ✓
51.	03/0130 A	Lloyds Pharmacy, 74-76 Warwick Road, Carlisle, CA1 1ED	RJM	762
52.	03/0149 A	L/A 12 - 18 Howe Street, 27-29 Edward Street, Carlisle	ARH	770
53.	03/0150 A	School House, Wetheral, Carlisle, CA4 8HE	RJM	781
54.	02/1290 B	Birkshill, Raughton Head, Dalston, Carlisle, CA5 7DH	RJM	788
55.	02/1333 B	13 Lingmoor Way, Harraby, Carlisle, CA1 3LW	ARH	798
56.	02/1346 B	L/A, Union Lane, Brampton	CJH	813
57.	02/1362 B	Former Highgrove Dairy, Harraby Green, Carlisle	ARH	819
58.	03/0015 B	L/A Part Field 5066 adjacent The Bow Broiler Unit, Bow, Orton, Carlisle, CA5 6EW	RJM	845
59.	03/0077 B	L/A, Townhead House, Irthington, Carlisle, CA6 4NN	CJH	857
60.	03/0106 B	L/A to north of, Garlands Road, Garlands Estate, Carlisle	AMT	866 ✓
61.	03/0124	L/A Barn, Monkhill Hall, Monkhill	CJH	873

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Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
	B			
62.	03/0125 B	L/A Barn, Monkhill Hall, Monkhill	CJH	881
63.	02/9037 C	Stanwix Primary School, Mulcaster Crescent, Stanwix, Carlisle, CA3 9DW	RJM	891
64.	01/0201 D	Bendalls Engineering, London Road, Carlisle, Cumbria	AMT	894
65.	01/0659 D	Atlas Works, Nelson Street, Denton Holme, Carlisle, Cumbria	ARH	900
66.	01/0867 D	L/A part field 7900, Brocklewath Farm, Great Corby,, Carlisle, Cumbria	RJM	901
67.	02/0953 D	St Joseph's Home, Banks Lane, Carlisle, CA1 2UD	CJH	904
68.	02/1234 D	9 - 9A Fisher Street, Carlisle, CA3 8RF	CJH	906
69.	02/1247 D	L/A Union Lane, Brampton, Cumbria	CJH	908
70.	02/1310 D	5 Near Park, Scotby, Carlisle	RJM	910

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

02/0196

Item No: 01 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0196	Montgomery Housing	Castle Carrock
Date of Receipt:	**Agent:**	**Ward:**
22/02/2002	Green Design Group	Great Corby & Geltsdale

Location:
L/A field 3328, Castle Carrock, Cumbria,

Grid Reference:
354350 555270

Proposal: Erection of 12 No. Detached Dwellings and 4 No Linked 2 Bed Houses For Rent For Local Occupancy (Revised proposals)

Amendment:

AMT

Report

Planning 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 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan
Policy 11

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. 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.

Cumbria & Lake District Joint Structure Plan
Policy 41

Housing and employment development within AONBs will normally be permitted provided it is:

i. small in scale and compatible with the needs of local communities, and

ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,

iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

Carlisle District Plan
Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Oustanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enchance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

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 H5

Within the following settlements, large scale residential development will not ber 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, Gilsland, 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, Lyneholmeford, 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.

Public Footpath

The proposal relates to development which affects a public footpath.

Summary of Consultation Responses:

Castle Carrock Parish Council: an open Parish meeting was held in the village on 13th March and 70 parishioners attended. After prolonged debate the proposals was put to the vote and "the proposed development was overwhelmingly turned down".

The Parish Council separately carried out a questionnaire survey distributed to 126 households in the Parish of Castle Carrock. It sought the considered opinion on the application. The Parish Council received 66 replies with opinions expressed as follows:

11% were in favour of the proposal for 11 dwellings;
35% were in favour of no development; and
54% were in favour of 4-8 houses, but some respondents commented that some should be suitable for first time buyers .

Following the receipt of the revised application, including the strip of land previously omitted, and changing one dwelling plot to a terrace of low cost homes for rent, the Parish Council has been re-consulted on these amendments. Their response, dated 14th December 2002, is printed in full following this Report. The salient points of that reply are:

- the Chairman of the Parish Council convened an Extraordinary Meeting of the Parish Council to discuss the modified submission
- a further open forum was organised at the Village Hall at which the revised plans were displayed and all residents were invited to view them
- following both that Extraordinary Meeting and the open forum the Parish Council vigorously opposes the application in every respect
- the Parish Council further resolved to seek to buy the field at agricultural land value and has now written to the Chief Executive of Cumbria County Council expressing that wish
- in the event that approach is not successful and the land is sold for development, the Parish Council would continue to oppose the current submission but consider a development of not more than 4 houses constructed in local stone, roofed with slate and designed to blend with the surrounding Listed Buildings would be more appropriate
- extracts from the visitors book on the day of the open forum are provided;

Cumbria County Council (as Strategic Planning Authority): as initially submitted the application was not considerd to raise any issues of material importance to the Structure Plan and was therefore not reported to the County Committee. Officer advice was that the City Council should take into account PPG3 when assessing whether to grant planning permission.

Subsequent to the recent modification of the application, resulting in the proposals increasing to a development of 16 units, the revised submission was forwarded to the County Council which took the view that the application should be considered as a "strategic" application upon which the County Council would wish to comment. The amended proposals were initially expected to be considered at their Committee meeting on 19th December. However, the Committee resolved to defer the application to await a Landscape Assessment and to carry out an unaccompanied site visit.

The application was duly considered on 29th January and Members resolved to raise a strategic objection on the grounds that the scale and character of this development would beout of keeping with surrounding land uses and harm the character of the village. It was thus concluded that the proposal conflicts with Structure Plan Policies 11, 27 and 41. Members will note that a complete copy of the County Council's Committee Report including the Landscape Impact Assessment follows in the Schedule;

Highway Authority: as Members will recall from previous reports, the Highway Authority have set out requirements in relation to the design and layout, lighting, etc. in accordance with their normal criteria when dealing with housing developments. Some of the measures that were sought are not, however, conducive to the attainment of a sensitive or suitable small housing scheme in a village like Castle Carrock e.g. footway along the site frontage, street lighting, increased radius at the access, reduction in the height of the proposed dry stone boundary walls, etc. and were thus subject to further discussions with the Highway Authority. The intitial response was to continue to insist on the imposition of design standards that would have resulted in a layout dominated by its road system but more recent discussions have been more sympathetic and indicate that they Highway Authority would be prepared to acknowledge the local circumstances agree a more sensitive approach. That has now been confirmed in correspondence from the Highway Authority;

The Ramblers: provided the development does not interfere with the adjacent Public Footpath, the Ramblers Association has no objection to the proposal;

The Countryside Agency: the Countryside Agency does not have any comment. We would stress that the absence of comment or direct involvement in individual proposals is simply an expression of our priorities. It should not be take as implying a lack of interest or indicating either support for, or objection to, any proposal;

Cumbria County Council (Archaeological Services): the site is within an area of archaeological interest. A moated site survives as an earthwork a little to the east of the Church at Castle Carrock. This is likely to represent the remains of a medieval manor house. Elsewhere in Castle Carrock further remains have been recorded that appear to relate to medieval occupation. Similar earthworks have been observed within the development site during a site appraisal. There is, therefore, good reason to believe that this site has archaeological interest.

Subsequently, an archaeological evaluation involving fieldwork carried out in mid-April has been undertaken by the North Pennines Heritage Trust in accord with a brief prepared by the County Archaeologist. The results of the desk- based assessment and fieldwork demonstrate that the earthworks observed were the result of 19th century agricultural practice and do not represent the remains of a shrunken medieval settlement. These features are of limited archaeological interest and the evaluation provides an adequate record of them. Consequently there are no further archaeological requirements to be met;

Environment Agency: the Agency has no objections but recommends that the development should incorporate some form of Sustainable UrbanDrainage System to mitigate the impact that the creation of a large impermeable area would have on

the local surface water drainage system. Alternatively, the Agency requests that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates in order that the development does not contribute to an increased risk of flooding. It is recommended that 2 planning conditions are attached to any consent that may be granted;

Head Of Design (Drainage Services): there are foul sewers to the north and west of the site with sufficient spare capacity to accept foul flows though the sewer to the north may not be connectable by gravity. The applicant will need to show by means of satisfactory porosity tests that the proposed soakaway system for dealing with surface water is a viable option. If they are shown to be unsuitable it should be noted that there are no surface water sewers in the vicinity of the development;

Council For The Preservation Of Rural England: contends that the proposal would be contrary to the terms of PPG3 as it would result in the development of an unallocated, greenfield site and would add to the over- provision of housing supply in the District up until the end of the Plan period 2006. There is no evidence of housing "need" over and above the existing housing supply for the District as required by the Local Plan. The scale and layout of the development would also cause harm to the visual amenities, setting and character of Castle Carrock. It is recommended that planning permission be refused. A full copy of the 13 page response from CPRE is reproduced.

In common with other consultees, the CPRE has been re-consulted on the revised proposals and their response was received on 12th December. It is a lengthy reply and is printed in full, together with its' Appendix (Copy of the Housing Need Survey carried out by Cumbria Rural Housing Trust). In summary, the CPRE comments on the application proposals maintain their opposition to the development of the field on the grounds that:

- approval of the amended proposal for 16 units in total would exacerbate the over provision of rural housing in the District
- the development would not maximise the re-use of previously developed land and the conversion and re-use of existing buildings
- it would not focus development on the higher order settlements of Carlisle, Brampton, Longtown or Dalston
- there is no assessment of the application against the urban housing capacity study
- the sequential test has not been applied
- the site does not accord with advice in PPG3 regarding windfall sites
- there is no attempt to assess the environmental capacity of Castle Carrock
- despite lack of need it is suggestd that the site could be phased but there is no detail as to how much and when
- there is no attempt to to provide the higher level density of development now sought by Central Government.

Two days prior to the last Committee meeting a further 6 page letter, and related copy of the County Council Report/Landscape Assessment, was submitted by FLD. It is reproduced in full;

Head of Environmental Protection Services- Housing Strategy Services

Officer: comments on the "local need" element of the revised proposals were requested on 6th December but have only just been received (16 January). However, having regard to the research commissioned through the Cumbria Rural Housing Trust it is not considered that sufficient current need for social housing in the village has been identified. Although there are issues about the need to take a long term view, it is advised that it is not practical to pursue social housing in Castle Carrock at this point in time.

Summary of Representations:

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Peter Miles, Briar Cottage				Objection	RESP
The Occupier, Fairfield House,					AMND
The Occupier, Garth House Farm					AMND
The Occupier, West View					AMND
The Occupier, Shepherds View					AMND
Helen Hutchinson, Ralph Cottage				Objection	RESP
Mr Richard Johnstone, Town Foot Farm				Objection	RESP
Mr M Richards, Low Hynam				Objection	RESP
Mr S Fisher, 5 Cleveleys Ave				Objection	AMND
Mr J Lewis, Cornerstones				Objection	RESP
Ms S Hammond, 1 Coach Flats				Objection	AMND
Ms F Kemp, 3 Rectory Road				Objection	RESP
Miss E Spratley, Garth Marr				Objection	RESP
Jan Miles, Briar Cottage				Objection	AMND
J W Lamb, 1 Burnside Terrace				Objection	RESP
Dr M H W & Mrs D M Roberts, The Swifts				Objection	RESP
Ms Irene Moan, 'Geltsgarth'				Objection	RESP
Mrs F C Rawsthorn, Moor House				Objection	RESP
Mr & Mrs Hollings, Bag End				Objection	AMND
Mr F Moran, Shireburn House				Objection	AMND
Ms C Barnfather, Lonning Foot				Petition	RESP
Mrs A Moran, Shireburn House				Objection	RESP
Mrs D M Roberts, The Swifts				Objection	RESP
Mr & Mrs Leary, Holly				Objection	RESP

Cottage		
Ms Lindsay Willis, Fell View	Objection	RESP
Mrs L A Chapman, Garth House	Objection	RESP
Mr Chapman, Garth House	Objection	RESP
Mr B Edmundson, Raysdale	Objection	RESP
Ms H Titterington, 14 Fairview Gardens	Objection	RESP
Dr R Wagstaff, Croftlands	Objection	RESP
Mr I D Parteous, Shepherds View	Objection	RESP
Mr W H D Summers, Hallsteads	Objection	RESP
G B & U M Widdowson, 10 Rectory Road	Objection	RESP
Sheila Hassall, Forresters House	Objection	RESP
Mr D Hassall, Forresters House	Objection	RESP
Mr & Mrs Fordham, White Garth	Objection	RESP
Mr J Chapman, Garth House	Objection	RESP
H M Barnes, Ralph Cottage	Objection	RESP
Miss Helen Willis, Fell view	Objection	RESP
Ms Helen Richards, Low Hynam	Objection	RESP
Ms W Willis, Fell View	Objection	RESP
Mr & Mrs Potts, Cumberland Cottage	Objection	RESP
Mr & Mrs Thomson, 8 Rectory Road	Objection	RESP
G D Low, Virginia Cottage	Objection	RESP
Mr J March, Forresters House	Objection	RESP
Mrs K M Robinson, 5 Rectory Road	Objection	RESP
Mr P Chapman, Lonning Foot	Objection	RESP
Woollerton Dodwell Associates, 5 Sands Avenue	Objection	RESP
Castle Carrock Pound, Mr David Hassall	Objection	RESP
Mr & Mrs Clark, Garthfoot Cottage	Support	RESP
Mr & Mrs J Lytollis, Garth Hill	Objection	RESP
V Clough, Fell View	Objection	RESP
Friends of the Lake District, Murley Moss	Objection	AMND
G E Armstrong, Castlegate Cottage	Objection	RESP
R W Coward, Lindeth	Objection	RESP

G D Low, Virginia Cottage	Objection	RESP
Mr & Mrs Chapman, Garth Farm	Objection	RESP
The Owner / Occupiers, Jakeyshield	Objection	RESP
Mr C E Barnfather, Lonning Foot	Objection	RESP
S Rushton, Russets	Objection	RESP
Mr & Mrs Brown, Gelt Hall	Objection	RESP
The Owner / Occupier, Stone House	Objection	RESP
Mr & Mrs Howard, Roxboro	Objection	RESP
S E Atkinson, Nook Farm	Objection	RESP
Ms J Allen, 5 Phoenix Park	Objection	RESP
Mr & Mrs Boon, Hynam Shield	Objection	RESP
Ms E Kirk, Jockey Shield Cottage	Objection	RESP
R E Lytollis, Garth Hill	Objection	RESP
Mrs C A Nicholson-Walker, The Lawn	Objection	RESP
Ms A Wilkinson, 5 The Glebe	Objection	RESP
W Stewart, 5 The Glebe	Objection	RESP
Mr & Mrs T J Sessford, 3 The Glebe	Objection	RESP
The Owner / Occupier, Alderbeck	Objection	RESP
The Owner / Occupiers, Victoria Cottage	Objection	RESP
The Owner / Occupiers, Gelt Hall Farm	Objection	RESP
Mr & Mrs Hollins, Bag End	Objection	RESP
Mr & Mrs Bland, Carrock House	Objection	RESP
Mr & Mrs Fordham, White Garth	Objection	RESP
The Owner / Occupiers, 12 Rectory Road	Objection	RESP
The Owner / Occupiers, 6 Rectory Road	Objection	RESP
Mr & Mrs Willis, Fell View	Objection	RESP
Mr & Mrs Wardle, Garth Marr	Objection	RESP
Mr & Mrs Edmundson, Raysdale	Objection	RESP
Mr & Mrs Lindsley, The Barn	Objection	RESP
Miss C Dickinson, 1 Rectory Road	Objection	RESP
Mrs C Dickinson, 1 Rectory Road	Objection	RESP
Ms A Robinson, Gelt	Objection	RESP

Hall Farm		
Mr A Mason, Stone House	Objection	RESP
Mr J R Lytollis, Garth Hill	Objection	RESP
Ms R Wagstaff, Croftlands	Objection	RESP
S E Ward, The Heights	Objection	RESP
Mr & Mrs Postlethwaite, The Birches	Objection	RESP
The Owner / Occupier, Lancaster Cottage	Objection	RESP
The Owner / Occupier, Geltsdale Farm Cottage	Objection	RESP
M Rushton, Russets	Objection	RESP
Mr D D'Esposito, Townfoot Farm	Objection	RESP
Mrs J M Stewart, Fairfield	Objection	RESP

Initial Publicity Measures:

A Site Notice was displayed and Press Notices inserted in the Cumberland News. Additionally, written notification of the receipt of the application was sent to the occupiers of 7 properties which have a boundary with or are in the immediate vicinity of the site. In addition, the Parish Council organised an open parish meeting to discuss the application.

Subsequent to these measures a total of 55 letters were received. That total included instances where households wrote more than once (e.g. two households sent in 4 letters, two other households sent in 3 letters and 4 households wrote twice). It also included two letters where writers did not give addresses and a letter enclosing a petition organised in 2000 to oppose "any building development" on field 3328 known locally as "Sid's Field".

All of the letter writers opposed the development although a minority indicated that they considered a smaller scale scheme on part of the field would be more appropriate to the village. The overwhelming majority of those who commented on the application live within the village or at isolated properties within the Parish but 3 letters were received from addresses outside the District.

With the exception of the latter, the locations of objectors' properties are shown on plans included within the Schedule. These show, not surprisngly, that the greatest concentration of objections come from households living close to the site itself.

The plan of the village also indicates that from the northern limit of the village (Rowanburn) to 14 Rectory Road in the west and Hallsteads in the east the occupiers of 23 households oppose the application but at least 63 households within that same area have expressed no view at all about the planning application.

In addition to the letters received from individual properties, a letter was sent in by "Castle Carrock Pound" a group of villagers who believe the field subject of the application should remain undeveloped and should be sold to the village for £1 by

the County Council. That group further commissioned a landscape appraisal of the application site from a firm of Landscape Architects to support their objection and it is reproduced in full within the Schedule.

One letter was been received in which the writers support the proposed development.

Copies of all of those representations are included in full within the folder placed in the Group rooms.

Publicity for the Revised Proposals:

The amended proposals for 16 dwellings were received at lunchtime on 29th November and that afternoon letters of notification of those amendments were sent to consultees and local residents seeking views within 14 days. Following contact from some village residents who were concerned that they had not received notification, all residents were re-consulted on 9th December.

In response, a total of 102 letters or e-mail responses have been received, all but 3 opposing the development outright. Many writers (70) have responded by signing and returning a pro forma letter that has been compiled and posted through villagers doors, although one is returned from a Penrith address. Some respondents (8) have also returned that pro forma letter but have written additional comments while the other correspondents have written individual letters instead of, and in some cases in addition to, the pro forma letter. A number of those letters refer to their original objection letters to the initial submission and reiterate those objections.

In total, the comments received emanate from 54 addresses in the Castle Carrock area (one not precisely identified but stated to be opposite the site), two are from addresses in Penrith and one is from an address in Heads Nook. It follows that some households have written more than once: 31 households have written 2 letters, 5 households have written 3 times and 3 households have written 4 times. Members should note that 14 households have commented on the revisions but did not make any observations on the original proposals.

Whilst it is now the Committee's normal practice to have all correspondence within the separate "letters" file, in view of the sensitivity of the application and certain remarks within some of the e-mails/letters that have been received, a copy of the "pro forma objection letter" together with all other individual letters or e-mails that have been received in response to consultation on the amendments are printed after this report. Previously received letters and all other copies of the standard objection will be in the ususal letters folders.

Members will note that strong objections have been made and these are almost universally felt by respondents. Only 3 writers, from 2 separate households in the village, support development of the field but would wish a more restricted amount of dwellings.

Prior to the last meeting, and subsequent to the printing of the last Committee Report, one further letter was received from local residents in which the writers refer

to the County Council's stance on this application.

Additionally, Burnetts prepared and sent to Members of the relevant County and City Council Development Control Committees a 10 page submission entitled "Legal Representations on Behalf of Castle Carrock Pound". However, that was only made available to Officers by Burnetts (by e-mail) on the early afternoon of the day prior to Committee. Those submissions appear in full within the Schedule.

In line with the Portolio Holder's request that Members be provided with a schedule of representors names/addresses so that they can identify any potential conflict that may thus warrant a Declaration of Interest, the following list identifies the relevant consultees/respondents on this application:

Peter Miles, Briar Cottage	Objection	RESP
The Occupier, Fairfield House,		AMND
The Occupier, Garth House Farm		AMND
The Occupier, West View		AMND
The Occupier, Shepherds View		AMND
Helen Hutchinson, Ralph Cottage	Objection	RESP
Mr Richard Johnstone, Town Foot Farm	Objection	RESP
Mr M Richards, Low Hynam	Objection	RESP
Mr S Fisher, 5 Cleveleys Ave	Objection	AMND
Mr J Lewis, Cornerstones	Objection	RESP
Ms S Hammond, 1 Coach Flats	Objection	AMND
Ms F Kemp, 3 Rectory Road	Objection	RESP
Miss E Spratley, Garth Marr	Objection	RESP
Jan Miles, Briar Cottage	Objection	AMND
J W Lamb, 1 Burnside Terrace	Objection	RESP
Dr M H W & Mrs D M Roberts, The Swifts	Objection	RESP
Ms Irene Moan, 'Geltsgarth'	Objection	RESP
Mrs F C Rawsthorn, Moor House	Objection	RESP
Mr & Mrs Hollings, Bag End	Objection	AMND
Mr F Moran, Shireburn House	Objection	AMND
Ms C Barnfather, Lonning Foot	Petition	RESP
Mrs A Moran, Shireburn House	Objection	RESP
Mrs D M Roberts, The Swifts	Objection	RESP

Mr & Mrs Leary, Holly Cottage	Objection	RESP
Ms Lindsay Willis, Fell View	Objection	RESP
Mrs L A Chapman, Garth House	Objection	RESP
Mr Chapman, Garth House	Objection	RESP
Mr B Edmundson, Raysdale	Objection	RESP
Ms H Titterington, 14 Fairview Gardens	Objection	RESP
Dr R Wagstaff, Croftlands	Objection	RESP
Mr I D Parteous, Shepherds View	Objection	RESP
Mr W H D Summers, Hallsteads	Objection	RESP
G B & U M Widdowson, 10 Rectory Road	Objection	RESP
Sheila Hassall, Forresters House	Objection	RESP
Mr D Hassall, Forresters House	Objection	RESP
Mr & Mrs Fordham, White Garth	Objection	RESP
Mr J Chapman, Garth House	Objection	RESP
H M Barnes, Ralph Cottage	Objection	RESP
Miss Helen Willis, Fell view	Objection	RESP
Ms Helen Richards, Low Hynam	Objection	RESP
Ms W Willis, Fell View	Objection	RESP
Mr & Mrs Potts, Cumberland Cottage	Objection	RESP
Mr & Mrs Thomson, 8 Rectory Road	Objection	RESP
G D Low, Virginia Cottage	Objection	RESP
Mr J March, Forresters House	Objection	RESP
Mrs K M Robinson, 5 Rectory Road	Objection	RESP
Mr P Chapman, Lonning Foot	Objection	RESP
Woollerton Dodwell Associates, 5 Sands Avenue	Objection	RESP
Castle Carrock Pound, Mr David Hassall	Objection	RESP
Mr & Mrs Clark, Garthfoot Cottage	Support	RESP
Mr & Mrs J Lytollis, Garth Hill	Objection	RESP
V Clough, Fell View	Objection	RESP
Friends of the Lake District, Murley Moss	Objection	AMND
G E Armstrong, Castlegate Cottage	Objection	RESP

R W Coward, Lindeth	Objection	RESP
G D Low, Virginia Cottage	Objection	RESP
Mr & Mrs Chapman, Garth Farm	Objection	RESP
The Owner / Occupiers, Jakeyshield	Objection	RESP
Mr C E Barnfather, Lonning Foot	Objection	RESP
S Rushton, Russets	Objection	RESP
Mr & Mrs Brown, Gelt Hall	Objection	RESP
The Owner / Occupier, Stone House	Objection	RESP
Mr & Mrs Howard, Roxboro	Objection	RESP
S E Atkinson, Nook Farm	Objection	RESP
Ms J Allen, 5 Phoenix Park	Objection	RESP
Mr & Mrs Boon, Hynam Shield	Objection	RESP
Ms E Kirk, Jockey Shield Cottage	Objection	RESP
R E Lytollis, Garth Hill	Objection	RESP
Mrs C A Nicholson-Walker, The Lawn	Objection	RESP
Ms A Wilkinson, 5 The Glebe	Objection	RESP
W Stewart, 5 The Glebe	Objection	RESP
Mr & Mrs T J Sessford, 3 The Glebe	Objection	RESP
The Owner / Occupier, Alderbeck	Objection	RESP
The Owner / Occupiers, Victoria Cottage	Objection	RESP
The Owner / Occupiers, Gelt Hall Farm	Objection	RESP
Mr & Mrs Hollins, Bag End	Objection	RESP
Mr & Mrs Bland, Carrock House	Objection	RESP
Mr & Mrs Fordham, White Garth	Objection	RESP
The Owner / Occupiers, 12 Rectory Road	Objection	RESP
The Owner / Occupiers, 6 Rectory Road	Objection	RESP
Mr & Mrs Willis, Fell View	Objection	RESP
Mr & Mrs Wardle, Garth Marr	Objection	RESP
Mr & Mrs Edmundson, Raysdale	Objection	RESP
Mr & Mrs Lindsley, The Barn	Objection	RESP
Miss C Dickinson, 1 Rectory Road	Objection	RESP
Mrs C Dickinson, 1 Rectory Road	Objection	RESP

Ms A Robinson, Gelt Hall Farm	Objection	RESP
Mr A Mason, Stone House	Objection	RESP
Mr J R Lytollis, Garth Hill	Objection	RESP
Ms R Wagstaff, Croftlands	Objection	RESP
S E Ward, The Heights	Objection	RESP
Mr & Mrs Postlethwaite, The Birches	Objection	RESP
The Owner / Occupier, Lancaster Cottage	Objection	RESP
The Owner / Occupier, Geltsdale Farm Cottage	Objection	RESP
M Rushton, Russets	Objection	RESP
Mr D D'Esposito, Townfoot Farm	Objection	RESP
Mrs J M Stewart, Fairfield	Objection	RESP

Details of Proposal/Officer Appraisal:

Planning History

There have been no previous planning applications for development of the application site.

Details of Proposal:

DETAILS OF THE PROPOSALS

Introduction:

Members will recall that this application was subject of Reports presented at the Committee meetings on 15th March and, after a Site Visit two days previously, on 19th April. At that latter meeting:

"Members resolved to defer consideration of the proposal in order to await the response to consultation from Cumbria County Council (as Strategic Planning Authority), the completion of an archaeological evaluation of the site and related response from the County Archaeological Service, and further advice from Officers in relation to the issue of housing land requirements and the relationship to guidance within PPG3 and for these matters to be incorporated within a further report on the application at a future meeting of the Committee".

The application was subject of a further Report to the Development Control

Committee on 14th June. At that meeting a separate Agenda Report was programmed to be discussed relating to the need to Review Housing Policy in the Rural Area in the light of PPG3 and Members were recommended that it would be inappropriate to determine the proposals since that review was central to any consideration of the application. Moreover, Members attention was directed to correspondence received by Fax that morning from the Government Office North West which directed the Council (under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995) not to grant planning permission for the proposed development without special authorisation. Members accepted Officer advice and recommendation and resolved:

"That, bearing in mind the direction issued by Government Office North West and the need to reach a policy decision on the Review of Rural Housing in Relation to PPG3, consideration of this application be deferred".

A Report was included in the Schedule of Applications at the meeting held on 20th December but the determination was deferred in accordance with the following Minute:

"Members resolved to accept the recommendation from Officers that consideration of the proposal be deferred for the following reasons:

- *To allow the opportunity for residents to comment on the revised application proposals;*
- *To allow those residents who wished to register a "Right to Speak" the opportunity to do so;*
- *To await the County Council's response as "strategic" planning authority and give consideration to issues that may arise from the Landscape Assessment that Authority was undertaking; and*
- *To enable the joint Site Visit that Cumbria County Council wished to undertake to be carried out*

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

NB When reported at the last meeting Officers had understood that the County Site Visit would include an invitation for City Councillors to attend; however, it was later clarified that the County Council's policy for Site Visits excludes all other representation unless it is in respect of an application made by the County Council as applicant.

The application was included within the Committee Schedule and was expected to be discussed and determined at the last meeting held on 31st January. However, Members will recall that detailed legal submissions made by Burnetts, Solicitors on behalf of Castle Carrock Pound, had been sent directly to Members of the Committee in advance of that meeting but had not been made available by the objectors or their solicitors to Officers of the City Council until the day prior to the meeting. Following advice from the City Solicitor it was resolved that:

"The Solicitor advising the Development Control Committee referred to a letter and

detailed legal submissions made by Burnetts on behalf of Castle Carrock Pound. These had been attached with a letter dated 23rd January which Burnetts had sent directly to some or all of the Members of the Committee but which they had not sent to Officers until the afternoon of 30th January (the day prior to the Committee meeting).

Members were advised that due to the aforementioned late submissions, inadequate time had been available for Officers to consider the points raised and be able to advise the Committee accordingly. In accord with the Council's "Right to Speak" Policy such written submissions should have been provided 14 days prior to the meeting so that the applicants and their advisors had the opportunity to address them in their presentation to the Committee.

In the light of these facts Members resolved to defer consideration of the proposal in order to allow a detailed appraisal of that additional material to be undertaken and for that to inform a further report on the application at a future meeting of the Committee."

The Site's Location and Features:

When lodged, and previously reported to Members, the application related to the bulk (0.66 hectares) of a 0.76 hectare field situated within the centre of Castle Carrock and sought full planning permission for a development thereon of 11 dwellings in the form of 7 houses and 4 bungalows. It was identified that the applicant had indicated the excluded area of the field would be subject of an application for a further single dwelling for his own family's occupation in due course.

However, the applicant has acquired another property in the Castle Carrock area which he is renovating as his family home. He has, therefore, amended the application so that it now relates to the entire field i.e. 0.76 hectares. The way in which that modifies the original proposals is described later in this Report.

Those Members who attended the Site Visit will recall that the field is bounded by a drystone wall along its road frontage, by the garden of Fairfield House to the north-west, a public footpath along the south-east boundary and by the field fence and related trees and hedging along its western boundary up to which the site generally rises from the roadside. The site is, therefore, very well contained and the substantial screen of trees which fringe the Castle Carrock reservoir beyond the site to the south-east further reinforce that sense of enclosure and containment such that it is difficult to imagine where any significant views into the site can be secured other than from immediate neighbouring land.

With the exception of a small range of breeze block, space boarding and metal sheet clad modern farm buildings adjacent to the north-western boundary (see photographs), the site is otherwise a fairly unprepossessing field used for grazing.

Background to the Application:

It will be recalled from previous Reports that the field was originally part of the County Council owned Garth Farm which was sub-divided and sold off within the last 3 years. It is understood that most of the farm land was acquired by other local farmers whilst the former farm house and related traditional range of farm buildings situated opposite the field was marketed and acquired by a purchaser as a family home. That has been subject of a scheme of restoration/renovation.

Field 3328 field was retained by the County Council but the principles of its suitability as a housing site have been discussed with Officers and an informal planning brief to identify the broad principles that any development of the site should follow was prepared by the Planning Services Division. It is printed within the Schedule for information together with the property sale particulars.

Members should note that this is not a formal Site Development Brief prepared following consultation with the Parish Council or public consultation but was prepared to ensure that any future development proposals that might arise as a consequence of the land's sale took proper account of the form, character and setting of the site and its position within the village.

The field was marketed by the County Council in late 2001 and the current applicants have an agreement to purchase. Prior to submitting their offer to buy they, like other developers who submitted offers for the purchase of the field, liaised with Officers to establish what planning policy issues and considerations would need to be addressed. It is, perhaps, pertinent that the current applicants' proposals were significantly less intensive, and designed with greater regard for the character of the village, than the other layout plans and related proposals that competing purchasers had prepared and sought planning comments upon.

It is, nonetheless, apparent that any development scheme submitted for this site will, inevitably, in a village like Castle Carrock (where there has been very little development in recent years) require careful thought and sensitivity. It is, moreover, clear that there is significant local concern about the potential scale and impact of development proposals given the village's attractive form, character and location within the North Pennines AONB. Indeed, it is notable that two years ago, even before anyone had prepared any proposals for the site, some villagers organised a petition opposing any development.

Details of the Revised Proposals:

As indicated earlier, the application has been modified since it was last reported to Committee. At that time is sought a full planning permission for a development comprising 2 no. 5 bed houses, 5 no. 4 bed houses, 2 no. 4 bed bungalows and 2 no. 3 bed bungalows. These were proposed to be accessed via a single vehicle access from the site frontage, punctuating the stone boundary wall to the roadside only once, and was proposed to take the form of three distinctive residential clusters, two entered by narrowing of the internal access road between plots to achieve a more informal, and thus less "estate layout" format.

The addition of the strip of land adjacent to the north west boundary, so that the application relates to the field as a whole, has resulted in the layout being modified so that the large single plot on which the applicant wanted to build a dwelling for himself is sub-divided to form 2 dwelling plots. One of these would be accessed via an extension of the courtyard previously enclosed by plots 7-11 inclusive with the other plot, facing onto the public highway, having access via a re-siting and improvement to the existing field gate. The applicant proposes that the "roadside" unit would be a 2 storey 4 bed house with double garaging with the rear plot being a a single storey 3 bed unit.

As well as the modifications brought about by incorporating that area of the field, the applicant has also had regard to a criticism levelled at the original proposals that they provided only for large, and therefore expensive, properties that would be afforded by the affluent and hence would simply be commuter housing that did nothing for the village or its needs. Recognising these criticisms and aware of the feelings expressed by parishioners who responded to the Parish Council questionnaire, the applicant has substituted the 4 bed 2 storey house that had been positioned immediately adjacent to the site entrance and proposes, in its place, a small terrace of 4 no. 2 bed houses. It is proposed that they would be built and managed as rented properties linked to a local occupancy agreement that Montgomery Homes would be willing to enter into under S106 of the Town and Country Planning Act 1990. Members will recall that similar arrangements have occurred in other rural settlements, usually with larger house builders where the dwellings were wholly for sale, but that a small scheme with a local builder retaining some units for rent has been successfully undertaken at Newtown, Irthington. That scheme is linked to a S106 Agreement that covers the definition of the rent to be charged, and has a clause specifying a tiered approach to local occupancy qualification.

In total, the revisions that the present proposals embrace increases the site area (by 0.1 hectare) and the dwelling numbers overall to 16 units from the 11 covered by the original application. The density of the development likewise rises from the 17 per hectare of the original scheme to 21 per hectare in the revised proposals but as Members will observe this is still lower than the current District Plan average of 25/hectare and is significantly below the 30/hectare that PPG3 advocates.

In common with the original submission, the finishes to the proposed dwellings comprise mixtures of stone walling to certain facades e.g. the gable of plots 1 and 11 which face onto the public highway and gables of garages and parts of the bungalows which face onto the road system, but would predominantly be finished in painted render with stone quoins and stone window and door surrounds under natural slate roofs. Similarly the proposed dwellings would have drystone boundary walling to all roadside or other "public" elevations. That palette of finishes is, as Members will remember from the Site Visit, represented within the settlement as a whole.

Planning Policy Considerations:

Objections to the proposals can be assessed under the following broad headings:

Visual and Landscape Impact

Notwithstanding the presumption in favour of development within settlements in AONB's, subject to the criteria set out in Policy 41 of the Structure Plan, or the presumption in favour of residential development that satisfies criteria set out under Policy H5 of the District Plan, a number of objectors, the CPRE and Woollerton Dodswell acting on behalf of Castle Carrock Pound contend that the site is so significant in visual and landscape terms that proposals for development should be refused.

In particular,the CPRE contend that the site is poorly related to the village form and is detrimental to the character and quality of the landscape as it is *"relatively prominent"* from a visual point of view and provides a *"green space (i.e.a lung)"* between dwellings and buildings. No explanation of the term *"relatively prominent"* is provided but the CPRE recognise that the site is at *"the southern edge of the village envelope"* and *"could be described as infilling between existing residential properties and agricultural buildings"* . It is also noted that "t*he landform rises upwards to the south west...with dense hedging forming the boundary to the south west"* . Whilst contending that *"it is pertinent to the consideration of the application that it lies within the AONB"* their analysis of visual impact on the AONB goes onto identify that *"the cul-de-sac layout would be seen from public vantage points (i.e. the road) and would be visually intrusive"* . In short, the only impact they identify the proposals having on the landscape of the AONB is from the street in front of the site.

Nonetheless, the CPRE maintain that the development would be sufficiently intrusive as to warrant rejection under Structure and District Plan policies relating to the AONB. However, whilst Members should carefully evaluate that element of the objections to the proposals it should be noted that the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application, have not expressed any objections to the proposals nor do they wish to offer any assessment or comments upon them or their impact upon a nationally designated area.

The issue of landscape impact has also been raised by the primary objectors and Castle Carrock Pound. That group has appointed landscape consultants (Woolerton Dodwell) to support their objections. Their Report is printed in the Schedule. It is notable that their submission does not identify any landscape intrusion upon the AONB and/or conflict with adopted planning policies that specifically seek to protect the AONB. Instead, their analysis focuses only on the localised impact of the loss of the field as an open space within the settlement and the proposals are assessed solely in relation to the provisions of Structure Plan Policy 27 and the related District Local Plan Policy E50. Both of these policies establish a presumption against the development of significant public or private open spaces that contribute to the quality of the built environment and/or form a valuable local amenity or contribute to the form and character of the settlement, such as providing important views within the settlement or from the settlement to the surrounding open countryside.

In response to that submission the applicants have themselves commissioned a

Chartered Landscape Architect to comment upon the objectors' submission. That document is also printed in full within the Schedule. It concludes that the the major elements which give Castle Carrock its charm and character would not be compromised by the development.

Members will, with these conflicting views, need to make their own judgement of visual/landscape impact of development of the site with the benefit of their recollections of the site visit. That assessment is clearly vital to establishing whether the site is suitable for development or otherwise (regardless of the type or scale of development). This is also a matter which the Strategic Planning Authority, which has commissioned landscape assessments of development proposals for sites that were considered to be sensitively located, has subsequently decided to consider that aspect as part of their "strategic" perspective. That assessment forms part of the County Council's Officer Report that appears in its entirety in the Schedule and has clearly influenced that Authority's strategic objections. It is, however, advised that Members read that element of the Structure Plan Authority's response fully and carefully not least because much weight is placed on parts of it by the CPRE and the Burnetts submission.

In particular Members will need to reconcile the assessment's view that *" in terms of the broader landscape the site is generally well contained by its boundary features and topography.....that the lower part of the site could accept some small-scale development provided that the higher parts remained open.....that when viewed from properties to the south-east the extent of the development is more contained thus the visual impact is lesspronounced...*and that..*viewed from most properties towards the centre of the village the impact will be small"* with the ultimate conclusions reached in paragraph 13 of that Assessment. In that regard, on reading the Landscape Impact Assessment's final paragraph it is somewhat confusing in that it does not mention the requirement to comply with Policy 41 (i), acknowledges that it meets Policy 41(ii) but only concludes that it does not satisfy Policy 41 (iii). Similarly, from the discussion of landscape impact within that Report it is fair to say that the site is not regarded as entirely unsuitable or inappropriate for development because it would be wholly prejudicial to either a Landscape of National Importance (Policy 11) or a site of precious local amenity value (Policy 27).

Design and Detailing

The proposals relate to a field situated within the centre of Castle Carrock, an attractive fellside village situated within the North Pennines Area of Outstanding Natural Beauty. Whilst many objections regard this as amounting to a strong presumption against development, Members will observe that Structure Plan and District Plan policies do not preclude development within settlements in sensitive landscapes such as AONB's, even when they may be smaller and have less developed facilities than Castle Carrock, but the scale of that development is important and higher standards of design, layout and finishes are, clearly, expected.

Guidance on design issues for countryside development has been produced by the City Council to help achieve the highest possible standard of new development within the rural parts of the District as a whole. That is clearly a paramount objective

in a sensitive location like this.

That advice in relation to Design in the Countryside is contained within the Countryside Design Summary, the text of which follows this Report, and has been adopted as Supplementary Planning Guidance. It identifies the importance of ensuring that the pattern of new development reflects the relationship of a settlement to its wider landscape setting. The importance of topography, natural features such as trees and hedges, man made features such as stone walls and the significance of short and long distance views of the settlement from surrounding areas and how well a development integrates with village form are all emphasised.

The Design Summary advocates design approaches that minimise an unnecessarily urban form that has little in common with traditional housing layouts and notes the importance of public and private spaces within villages and views to and from these spaces. Care in the siting and design of dwellings and the layout in general, including ground levels, are key issues as is the form, colour and materials of surrounding roofscape. Selection of suitable materials for buildings and the surfaces of spaces around them and use of design elements that have roots in the character of the area are advocated as is the employment of boundary finishes that mirror the pattern in the locality.

Whilst it is readily apparent that most of the writers who object to this application regard the proposals as unsuitable and out of character with the village, objective examination of the proposals clearly illustrates that the architects have had regard to the advice within the Design Summary and have thought carefully about measures to avoid the development appearing like an urban estate. The building forms are simple and unfussy, detailing is neat and consistent, the range of finishes are reflected within the village, roof forms follow traditional pitches and employ natural slate, and buildings are grouped together and in close proximity to the circulation system rather than set back and "strung out" as is typical of suburban estates. Buildings are linked and plots defined by stone walling, reflecting the strong vernacular pattern of drystone boundaries in this area. Indeed, the only potential discomforting aspect of the submission has been the risk of the Highway Authority imposing more obviously "urban" design requirements in relation to the vehicle access and movement routes within the development. In that regard, it has been helpful in that the Highway Authority has now formally indicated it would be prepared to waive certain design elements in view of the location.

The issue of the impact of the development on the character of the village is also referred to in the County Council's strategic objection but in its discussion, the Officer Report (para 3.8) does not oppose any aspect of the design of the dwellings but focusses solely on the layout of buildings which it regards would contrast with the existing village form. The Report observes that this is the product, to a large extent, of the number of units and goes onto discuss in more detail that Authority's objections on that aspect.

Scale of Development and Local Housing Policy

Structure Plan policy guidance identifies the strategic requirements for housing land within the county, dis-aggregated to each District which must identify, within their

Local Plans, the overall disposition of housing within their areas and the detailed policy criteria against which applications will be assessed. This "plan-led" approach also includes a requirement within the Structure Plan that there must be *"at least a 5 year supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the requirement for each District"*.

Within this Council's area, the Carlisle District Local Plan sets out the adopted plans and policies which the Council will observe in considering proposals for development. Its Housing policies place major emphasis upon the bulk of new housing being provided in the urban area, primarily the allocation at Morton, but with additional development allocations directed to the District's next largest settlements of Brampton, Longtown and Dalston. Outside these settlements, proposals for new residential development require to be assessed against Policies H5-H7.

Policy H5 deals with village development and lists the criteria against which development proposals in the specific settlements to which its provisions relate should be evaluated. Castle Carrock is included within those settlements grouped under Policy H5 of the District Plan and, when compared with other villages included in the villages listed within that policy overall, it is apparent that Castle Carrock, due to its size and relatively highly developed level of social and community facilities e.g. primary school, shop/post office, church, village hall and two public houses (one currently not trading), is amongst the higher order.

Indeed, it is notable that the former Carlisle Settlement Policy, which guided planning policy for new residential development in the District from 1978 until the present local plan regime was adopted, included the village within its Category III villages defined as *"smaller villages with a significant service role where the extent of new development will depend on village character, size and suitability. There is a presumption against large scale estate development"*. Similar villages among those included in that village classification were Burgh by Sands, Cotehill, Cumwhinton, Gilsland, Great Corby, Hayton, Rockcliffe and Smithfield. Members will need no prompting to recall that in a number of these settlements there has been residential development of a scale comparable to that now before the Committee in relation to Castle Carrock.

Policy H5 seeks to resist development which is of a scale greater than 20 units within any of the villages that are listed. Both the Structure Plan (para 4.10) and the Reasons/Explanations of Policy H5 define "large scale" as being developments of 20 or more dwellings. It is evident, therefore, that even the increase from 11 to 16 dwellings (as now proposed) is not to be generally considered as "large scale". Moreover, the number of dwellings that are proposed is comparable to, and in some instances less, than permitted at housing developments that have been built in recent years in villages e.g. Burgh by Sands, Cumwhinton, Cotehill, and Hayton with a similar service role and is less than has been built recently in other villages with less highly developed services such as Durdar or Linstock.

Members will be aware that both the Structure Plan (Policy 32) and the District Local Plan (Policy H8) contain policies that seek to secure affordable housing although that is generally expected to be achieved through the setting aside of land or construction of specific units within *"large sites"* or *"larger housing developments"*.

The District Plan also includes a policy that allows for Rural Exception Sites (Policy H9), where presumptions against development contained in other policies may be set aside where defined circumstances (including low-cost housing to meet an identified need) so permit.

Whilst there is no strict requirement for the applicants to make provision for an element of affordable housing, since the development is of a smaller scale than the thresholds identified in relation to Policy 32 and Policy H8 and it is not an exception site to which Policy H9 applies, the applicants are prepared to make provision for smaller homes, for rent, and with a local occupancy obligation.

That is clearly a factor that must be taken into account in terms of assessing the overall merits of these proposals. Indeed, the CPRE's objections to the intial proposals are highly critical of that submission (pages 11/12 of their letter of 12th March 2002) because the development as proposed was for *"large, detached three to five bedroomed units with associated car parking....to satisfy general market demand rather than the affordable needs of local people"* rather than, as PPG3 advocates *"villages will only be suitable locations for accommodating significant additional housing where...additional housing will support local services such as schools or shops...particularly where the village has been identified as a local service centre in the development plan...additional houses are to meet local needs such as affordable housing..... will help secure a mixed and balanced community and can be designed sympathetically in character with the village using such techniques as village design statements"*

Prior to the last Committee meeting the Director of Housing (as was), was asked to comment on the application from the perspective of local housing need. Due to staff absence and hospitalisation that reply was not received until mid-January. It is referred to under the Summary of Consultation Responses but Members will wish to note that the conclusion reached is twofold: first, no *current* need for social housing has been identified in the Village Need Survey; and secondly, that although there may be issues that require a long term view, *the pursuit of social housing is not practical at this point in time.*

Members need to consider the Castle Carrock Housing Needs Survey in its entirety, including the responses received and levels and timescales of need that emerged from it. In essence of the 127 households to whom the initial Survey was sent, 69 responses were received. Of those, 8 households identified requirements, (Part 2 of the Survey) or 11.5% of those who returned forms, for local housing either now or in the near future. Those needs were evaluated and identified one immediate need for ground floor accommodation due to problems with stairs and two households identified a need within 3 years to set up a first independent home or have a home with more space. The remaining 5 households' re-housing needs were over a 5 year period and reasons cited were difficulties in managing an existing home through old age; two households were living in tied agricultural dwellings and need more security; one household has left the area and wishes to return; and one needs a more easily managable home.

Notwithstanding the above, *for the purposes of the Survey* the conclusion reached is that there is only one current household to be in housing need.

Members should be aware that the remit of the Housing Need survey is to accurately assess housing need matched to availability. The Cumbria Rural Housing Trust are, however, currently completing some research that looks at the effect of social housing on rural communities and Castle Carrock has been included in that work. That work looks at issues concerned with the overall sustainability of settlements and evaluates issues such as population change and structure; social amenities; transport; inward and outward migration; and employment opportunities. It is anticipated that further particulars of that research will be available for the Committee meeting.

Relationship to National Policy

Notwithstanding the changes to the application site, the related changes in numbers, mix and tenure of dwellings that are proposed, and the issue of landscape intrusion/impact, Members should also have particular regard, when considering the application, to the provisions of the *Interim Housing Policy Statement* (Report EN. 120/02) that the Executive approved on 28th October and this Committee adopted at the meeting held on 15th November.

It will be recalled that the *Interim Statement* was prepared as a policy tool to guide the Committee when dealing with applications for housing development, particularly in respect of rural sites, and sought to integrate the adopted provisions of the District Local Plan with the more recent advice contained within PPG3: Housing which, it will be recalled, advocates greater concentration in urban centres including a higher dependence on re-cycled land i.e. brownfield sites.

That issue, in general, was referred to extensively in the observations made by the CPRE in response to consultation on the application when first received. In essence, CPRE contend that the applicants have not demonstrated a "need" for the development such as to warrant the release of an unallocated greenfield site given the urban emphasis within the PPG and current housing land supply within the District. They believe that sites for development need to be justified under the local plan regime and that windfall sites should be on previously developed (brownfield) land with no allowance for greenfield windfall sites. Their assessment of housing land requirements and supply lead them to conclude that the development should not be permitted and they maintain that there is an over-supply of housing land within the rural area.

That initial response also drew attention to the need for LPA's, as required by PPG3, to review their land allocations within adopted Local Plans in the light of the PPG note. This had, hitherto, not been done in respect of the District Local Plan and its provisions.

The CPRE pointed out that such reviews should facilitate the attainment of higher density development (to make better use of land) than the District Plan currently expects. Thus, there would be, in the CPRE view, even greater use able to be made of allocated sites with much less justification being able to be made for release of greenfield sites. The CPRE refer to support from Appeal decisions in relation to housing applications elsewhere in the country where issues of local plan review

(having regard to PPG3) were material factors in dismissing the proposals.

It will be recalled that the assessment carried out as part of the statement is a response to that need as identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it has allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

The review has confirmed that the latter factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which 73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and those will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3, that it is important to maintain a supply of housing in the District.This should obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that a policy mechanism is adopted to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilites upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased

vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would range from a village shop and/or post office, public house, school, village hall, church, garage/filling station, perhaps a local employment centre together with public transport connections. Clearly, in an essentially rural District like Carlisle not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed. While it is unlikely that these villages would contain a significant element of brownfield land, their service level would over-ride the need for all sites to be brownfield. The corollary to that, of course, is that if *only* brownfield land was to be utilised, there would be very little housing land in the rural area.

That approach is advocated within the revised PPG3. The GONW response to consultation on the *Interim Housing Policy Statement* supports the principle of identifying *"settlements where development is considered to be more sustainable"* in the interests of clarity and certainty but observes that it will be increasingly necessary to monitor how the policy is implemented and what might be done if the level of demand becomes problematic.

There is, of course, also a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and is contained by establish and well defined boundaries such that there is no opportunity for its extension beyond those boundaries. There is no question that Castle Carrock continues to fulfill the service role the Carlisle Settlement Policy identified almost 25 years ago since it possesses a school, church, village shop/post office, two public houses, a village hall and has a bus service.

Development within Castle Carrock is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role. Nonetheless, Members will recognise that given the overall housing land provision, where in District terms the Council is achieving Structure Plan targets but in rural area terms has a current over supply, the scale and pace of release of additional housing sites in the rural area must be controlled, even where it is proposed in the rural service centre villages.

The adopted Interim Housing Policy Statement with regard to Policy H5 advocates:

"In implementing this policy, Officers will take into account the principles of PPG3

and references to rural housing in paragraphs 69-71. In order to reduce the rate of rural development and provide the urban emphasis of PPG3 proposals for small scale housing will be considered in settlements that have public transport and local facilities. Proposals for housing in settlements that have no public transport services will be considered to be inconsistent with the approach contained in PPG3. Proposals for significant rural housing development are not consistent with this policy. Renewal of outline planning permission will be considered against paragraph 40 of PPG3 in light of the implementation of this policy".

To assist Members in making a judgement on this particular proposal, the pertinent sections of PPG3 referred to above are reproduced in the Schedule. Para 69 identifies that in overall i.e national housing terms only a limited amount of housing can be accommodated in expanded villages. While there may be a case in exceptional circumstances for a new settlement based on an existing village, most proposals for housing in villages will involve infill or peripheral expansion. The proposed site is clearly the first and not the second of those.

Specific guidance on assessing the suitability of villages for *significant* additional housing is set out in para 70 and 3 "key" requirements are expected to be satisfied:

- it will support local services which could otherwise become unviable, particularly where the village fulfils a local service centre role;

- additional housing is required to meet local needs such as affordable housing and help secure a mixed and balanced community; and

- the development can be designed sympathetically and laid out in keeping with the character of the village using techniques such as village design statements

The word **significant** is emphasised above because that is a judgement that Members will have to make about the proposals before they should be assessing them against the above criteria. Regretably, the PPG offers no guidance on what is or is not *significant*. As Members know, both the Structure Plan and the District Local Plan make it clear that generally, in the context of housing proposals, *"20 dwellings or more will be considered large scale"*. The Reasons/Explanations to Policy H5 nonetheless recognises that what constitutes large and small scale will vary from settlement to settlement and there is, consequently, an issue of subjective judgement to be applied.

In their letter of 27th January, criticising the Report expected to be considered on 31st January, FLD draw attention to the reference in that Report to the use of the number **129 households** being used to assess impact. Both they and Burnetts rely on a figure of 80 dwellings provided by village residents. As a matter of record, the previous Report contained a typographical error and should have said *126 households* since the comparison that was being made was in relation to the number of households that the Parish Council had identified in its own survey of local opinion would be affected by, and thus had a right to comment upon, the proposals. In that regard, it should also be pointed out that both FLD and Burnetts are happy to cite the conclusions of the Village Housing Needs Survey to support their objections yet Cumbria Rural Housing Trust use a figure of 127 households for

the purposes of their research.

The reality is that in terms of a *social impact* i.e. schools, services, amenity, choice, size, tenure and availability of housing on the community as a whole the larger figure is appropriate; however, in terms of *physical impact* upon only the village, including its size and setting, the comparison should be made with the actual number of dwellings within what would be agreed as the village envelope.

The judgement that Officers have made is that in terms of the overall community 16 dwellings delivered in a phased manner over a period of time is not excessive. Similarly, even in physical terms the execution of a phased development within a site that *lies within the historic envelope of the village and is generally well contained by its boundary features and by topography* (Cumbria County Council Report) is acceptable given the village's level of service role. That is, nonetheless, a matter of judgement that others may not share.

Clearly if Members take the view that the proposals are "large scale" in the context of the village, the application must regarded as one of *significant additional housing* (PPG3 para 70) and then the 3 tests above are applied. In that different context it is apparent that whatever the value judgement that individuals make of merits of the design, layout, finishes, landscale impact, etc. (criterion 3) the other two criteria must also be met.

Criterion 1 expects proposals to demonstrate that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. That is clearly not the case: indeed, on the basis of information supplied on behalf of the Education Authority there is no issue of failing school rolls:

"Currently Castle Carrock Primary School is full with 91 pupils on roll (plus 11 part time nursery age pupils) and an assessed capacity of 91. The school is popular and likely to remain so. Even without taking in children from outside its catchment area, the pupil numbers (excluding the nursery) are likely to stay above 85 in the next few years. That prediction is based on detailed knowledge of pupils living in the area under school age and I would be highly surprised if it is too far from the actual in due course with the probability of it being higher rather than lower. The next nearest primary schools are at Brampton, Hayton and Hallbankgate all some distance (all over 3 miles) from Castle Carrock School.

The area is served by William Howard Secondary School which is currently full but recent building work means there are available places for those living in the school's catchment area including Castle Carrock".

There is no information to suggest that any other local services are under threat although the reasons for current closure of one village pub are unknown.

In conclusion, Criterion 1 of para 70 cannot support the proposals.

In the light of the response of the Council's Strategic Housing unit to the issue of the proposed social housing, however, it is evident that a case is not able to be made for

the development on the basis of meeting a *need* as none is supported. Thus criterion 2 is also not satisfied.

Even if Members support the view that the proposals are not *significant* and judgement falls back on the criteria set out in Policy H5, there is clearly an issue of assessing the 7 relevant criteria under that policy. Some of those require a subjective assessment to be made and it is inevitable that a difference of view may be taken concerning compliance or non-compliance with those criteria e.g. 2, 3 and 6 (and related Policy E50).

In conclusion, Officers have made a recommendation that the proposals currently before the Committee could be approved (subject to the attainment of an Agreement under S106) on the grounds that H5, as modified by the Interim Policy Statement, continues to place emphasis on small scale new rural housing in suitable villages with a service role. That is indisputable. The policy does not place an embargo on rural housing per se whether others think it should or shouldn't. No definition of *significant* has been provided to help LPA's so all that we have to help us is the definition in the District Plan and Structure Plan. Despite a search carried out by a national firm of planning specialists who monitor and produce particulars of planning appeals, Officers endeavours to provide Members a tangible, documented and authoritative definition of what is to be regarded as *significant* yielded only the observation from the Research Officer who conducted that search (140 Appeal decisions since PPG3 was issued) that the reference in the PPG was somewhat *fluffy!*

Even locally, experience of the most recent sizeable housing Appeal, conducted under the current PPG3 regime, gives no assistance other to confirm that in dealing with the appeal at Scotby House the Inspector did not dimiss the appeal for new housing because of para 70 of PPG3's 3 criteria: she did not even consider the application against them. That was for a development of 30 housing units in a village with a school under great pressure where specific objections were placed before the Inquiry on the grounds of effect on the school. Had the Inspector thought that paras 69-71 were applicable, she could have dismissed the Appeal on ther grounds of criteria 1 of para 70 of the PPG (as well as other grounds) but her failure to even address that advice suggests that even though it was in relation to a larger village **that** level of development was not regarded in PPG3 terms as *significant*.

Similarly, Officers do not regard the field as constituting such an important amenity space as to warrant conservation from development e.g. it is not a *village green, orchard or mature garden which make a significant contribution to the character of the settlement"* as referred to in para 4.43 of the District Plan or any of the other examples refrred to under the Reasons/Explanations to Policy E50. Moreover, it is apparent from reading all of the County Landscape Assessment (including the paragraphs omitted in commentary on that Report submitted since it was made available to the public) there is no absolute objection to development of the application site but there is a concern about development of the highest section of it.

It is, therefore, recommended that if Members concur with this view the application is approved but that prior to the release of planning permission the applicant is required to enter into a S106 Agreement that would cover the following matters:

1. The provision of the 4 no. 2 bed houses as *local need, low cost units*
2. The basis on which an *affordable* rent would be established and protected
3. The definition of *qualification as occupants to ensure these units met local need.* In that regard Members will recall that this would initially be residents or dependents of residents of the Parish; the next tranche (if not all units were let) would extend to the adjacent Parishes; and finally (if still not all let) the whole of the Council's administrative area
4 The *phasing of the development of the site* over a period of time so that it did not result in the whole of the site being developed at the outset but progressively released it in stages consistent with rural housing land targets.

The Article 14 Direction

Members will recall that when the application was reported to Committee in June, Officers advised that the GONW had issued an Article 14 Direction. The effect of such a Direction is that the Local Planning Authority is precluded from granting planning permission for a development to which the Direction relates *without special authorisation.*

Consequently, if the City Council accepts the above recommendation it is necessary for the application to be referred to GONW with the indication that *the Council is minded to grant planning permission.* GONW will then consider the basis on which the Council wishes to take that action and may either decide to return the application to the Council for determination or may *call-in* the application for consideration at a Public Inquiry.

Informative Notes to Committee:

1. **Section 106 contents to be agreed by Committee**

   In view of the nature of the proposal and the planning issues raised, it is recommended that Officers be authorised to discuss with the applicant(s) the possibility of securing a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, to ensure that relevant matters, unable to be dealt simply by way of planning conditions, can be addressed and linked with the planning application. It is advised that the form and content of such legal agreement as may be able to be secured is brought back before the Committee for formal consideration prior to the determination of the planning application.

Human Rights Act 1998

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

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

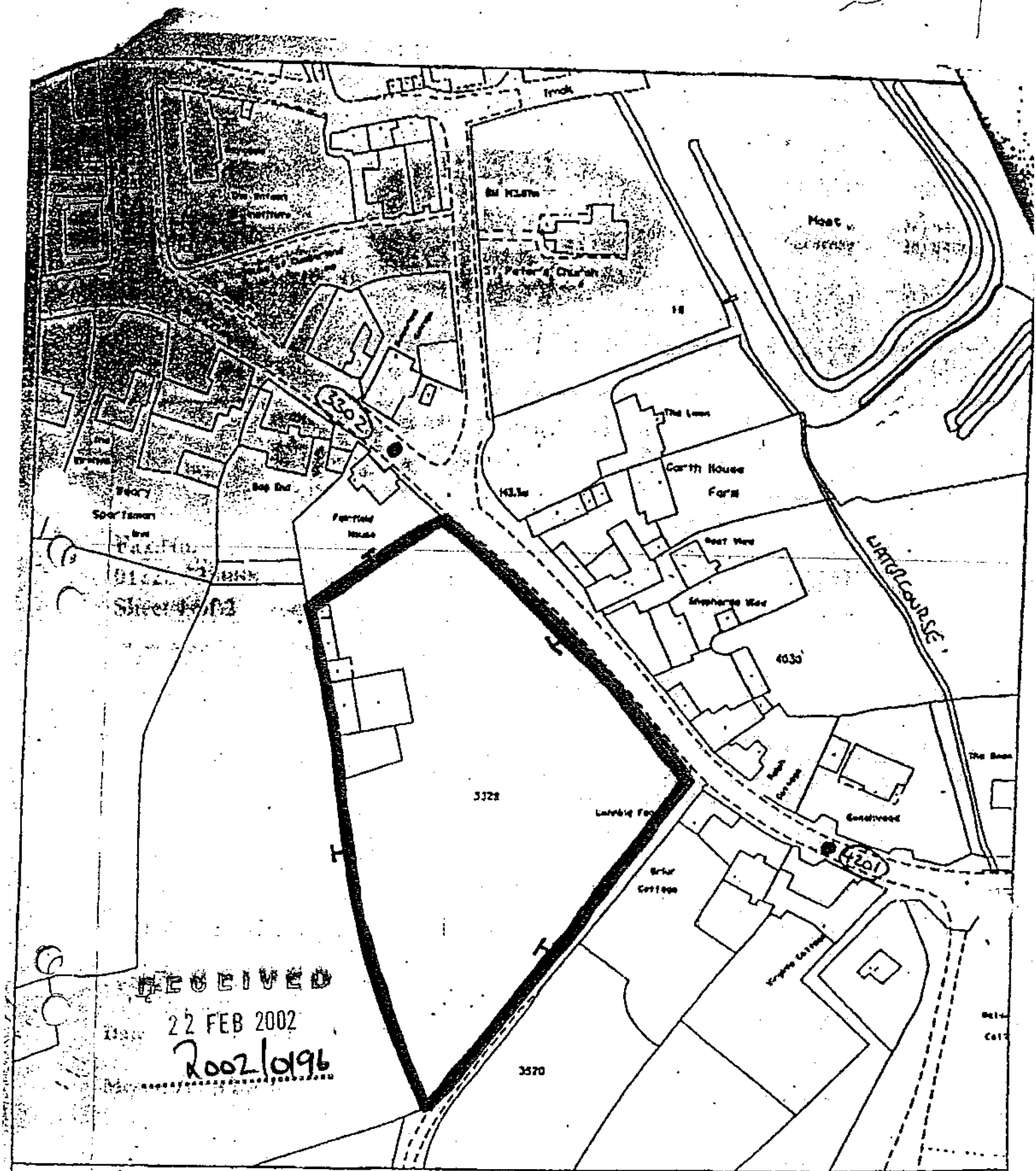
Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual or family's rights under the provisions of the Act.

Recommendation: Grant Permission



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Cumbria County Council
The Map Room

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Building & Design
15 Portland Square
Carlisle
CA1 1PQ
Tel: 01228 606118
Fax: 01228 606066

POTENTIAL RESIDENTIAL DEVELOPMENT SITE

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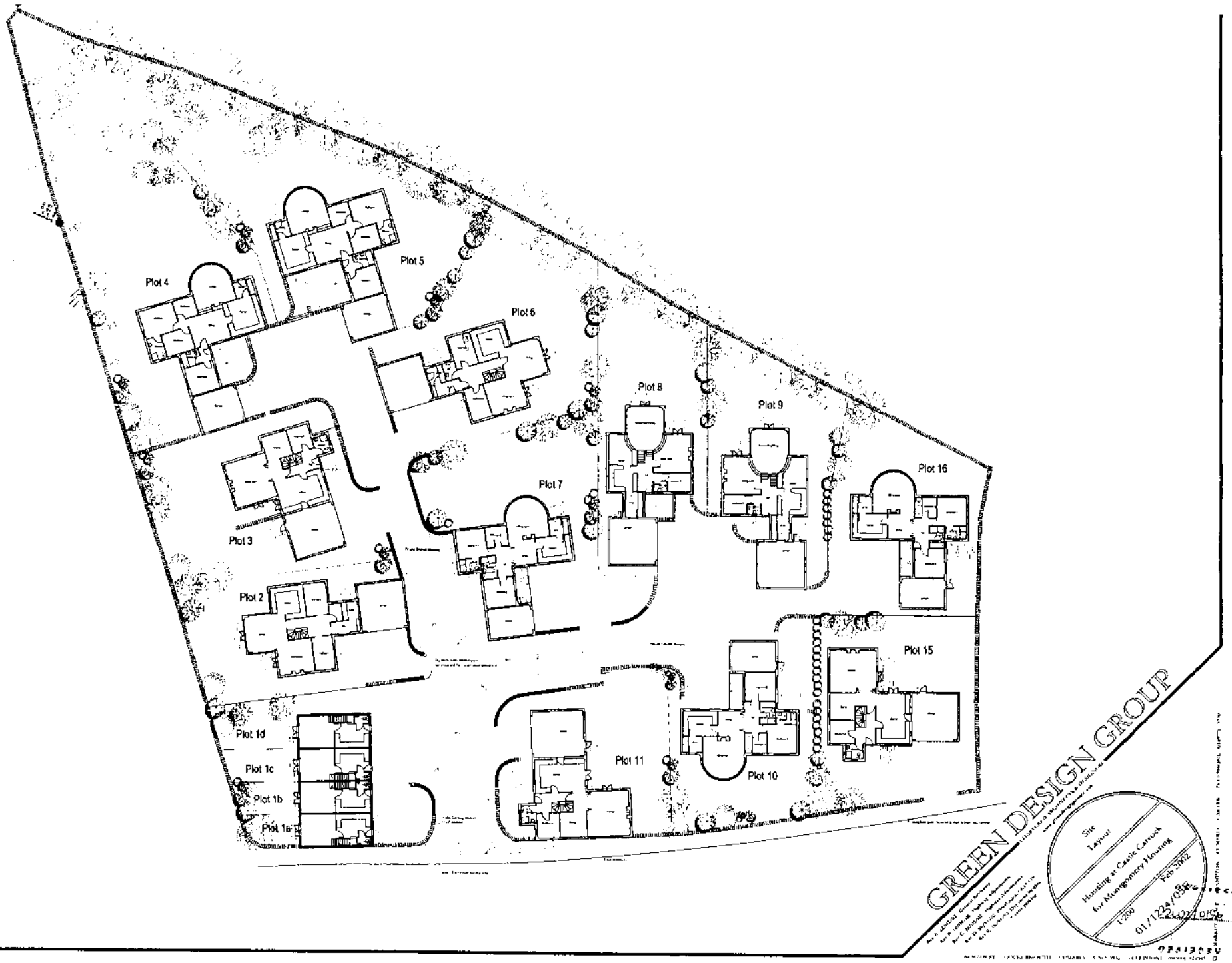
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Housing at Castle Carrock for Montgomery Housing
Feb 2002
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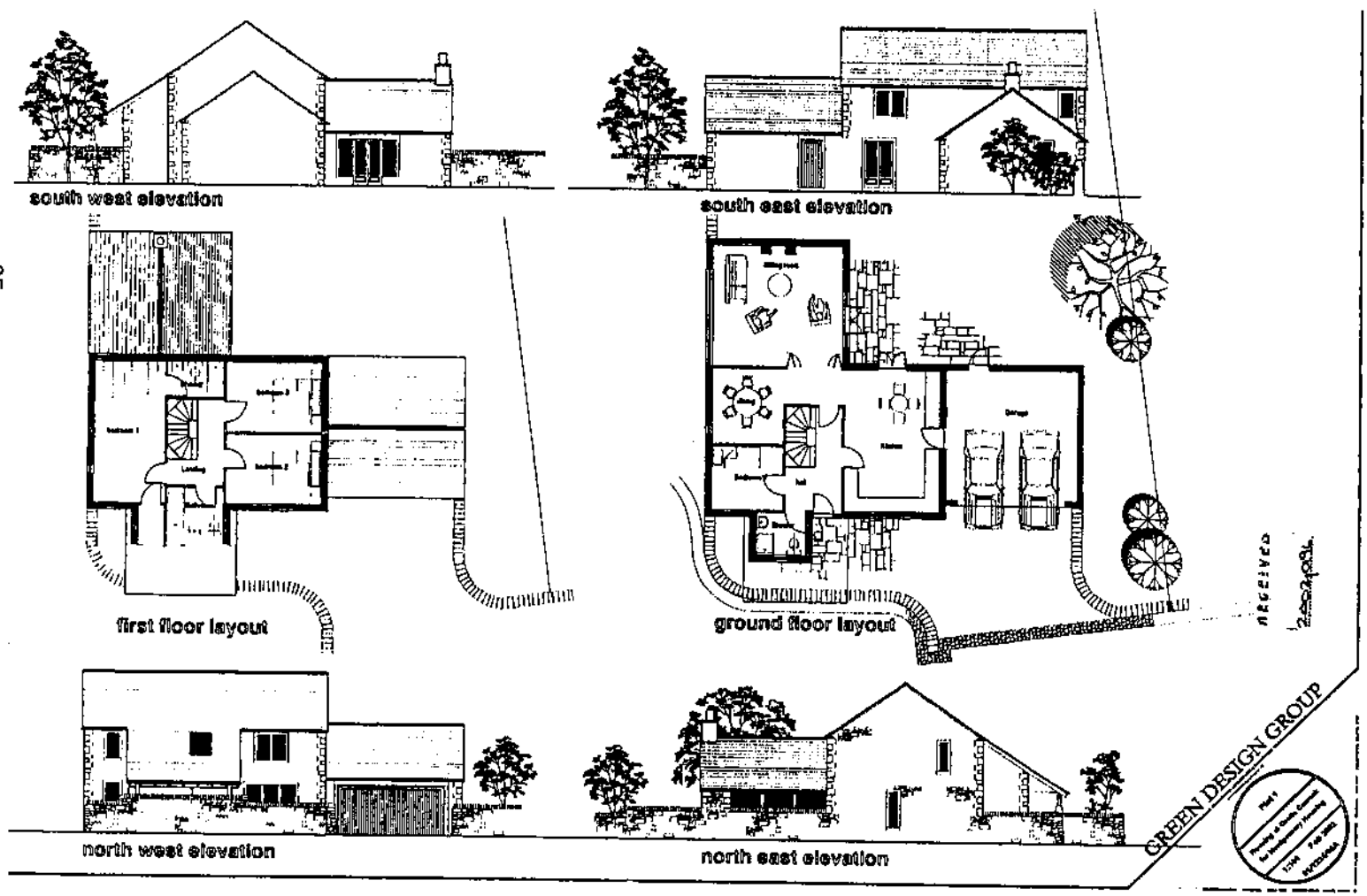
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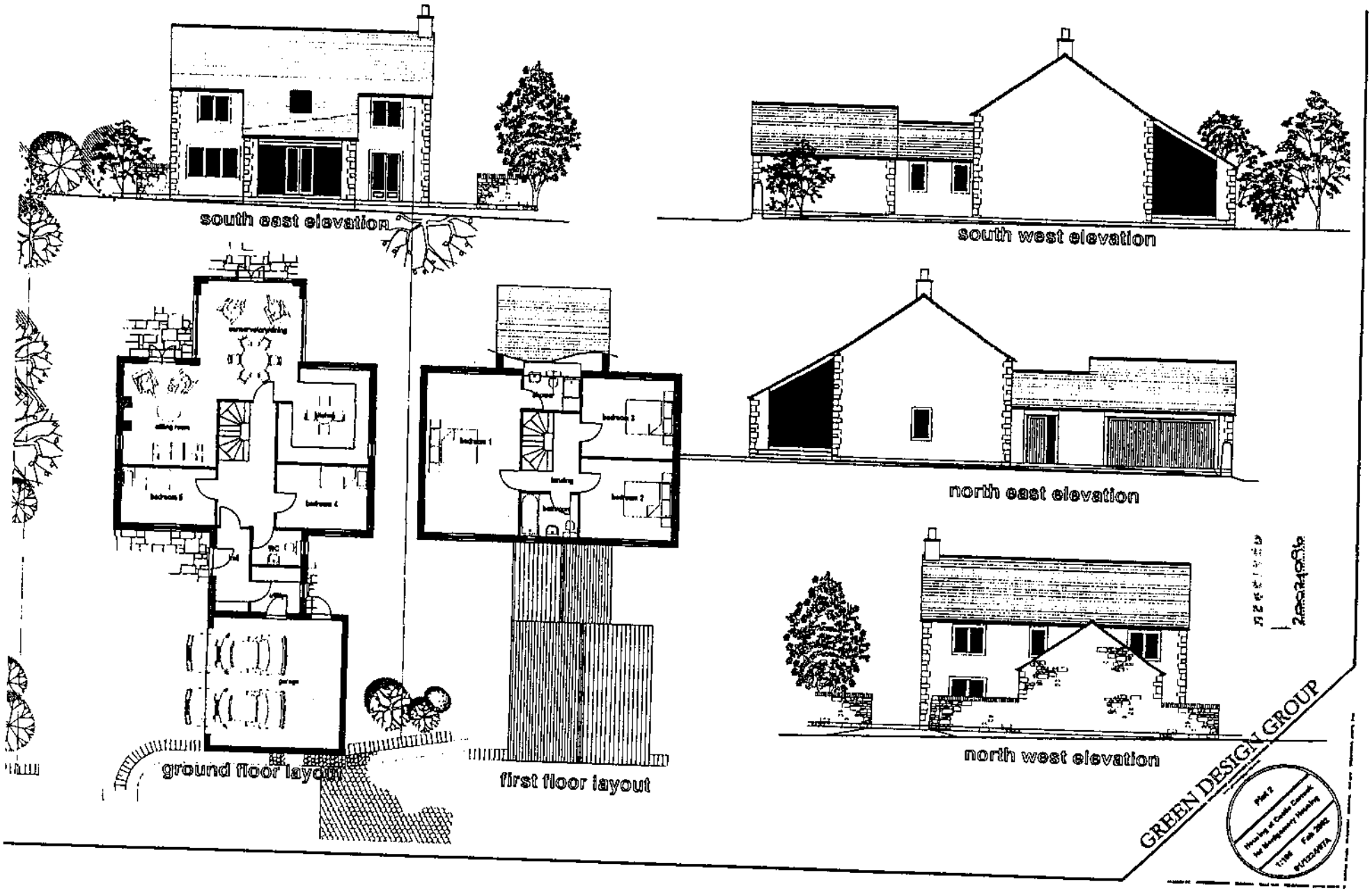
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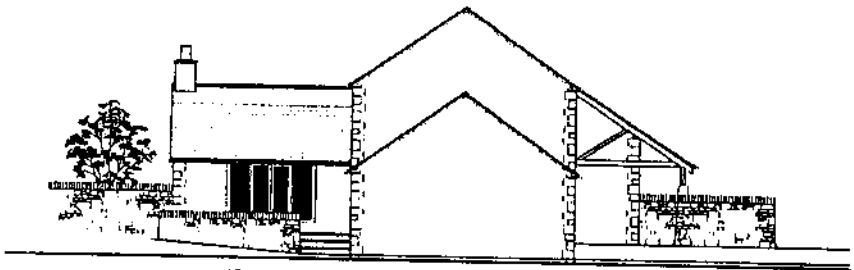

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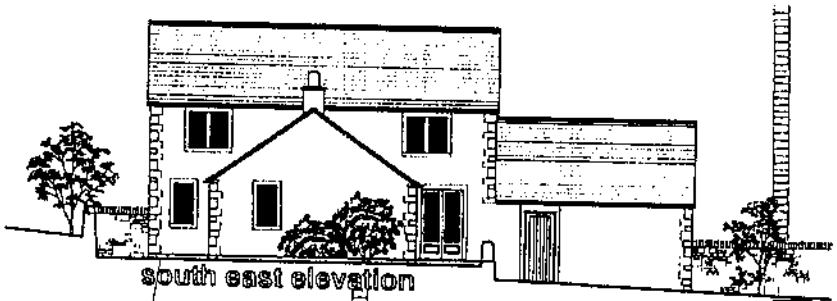

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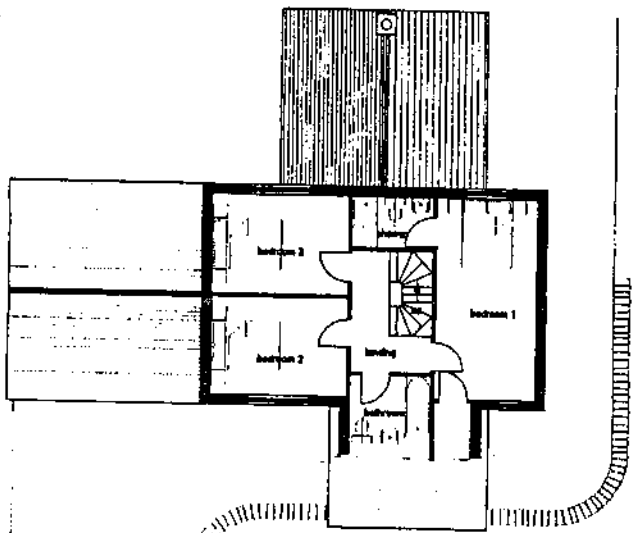

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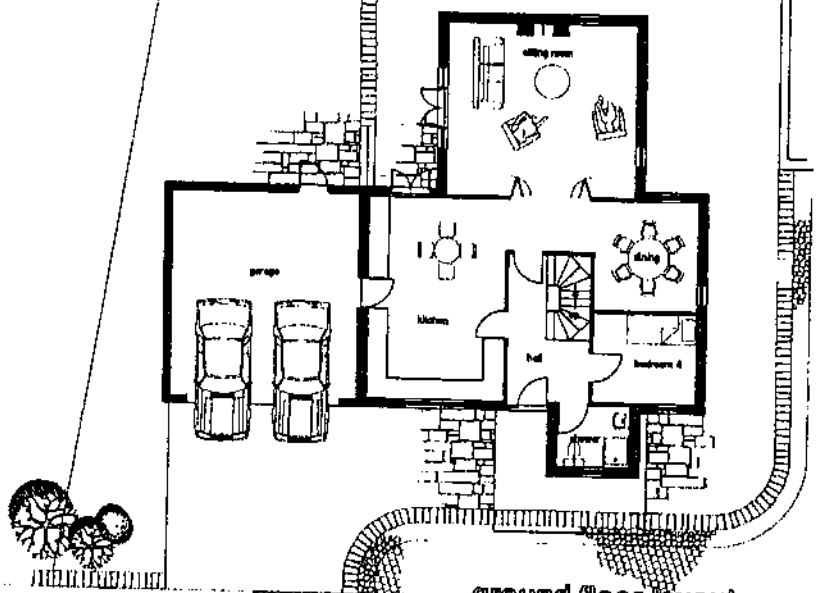

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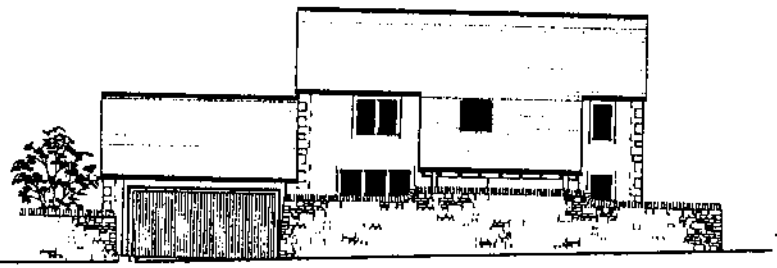

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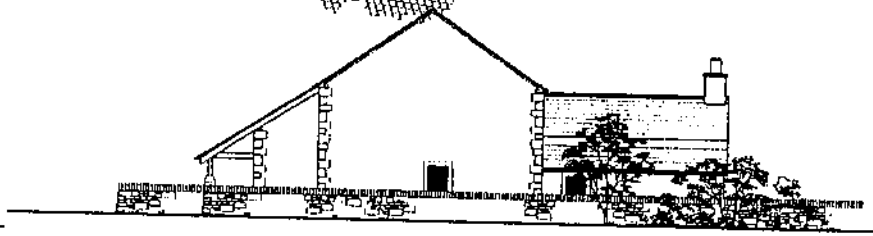

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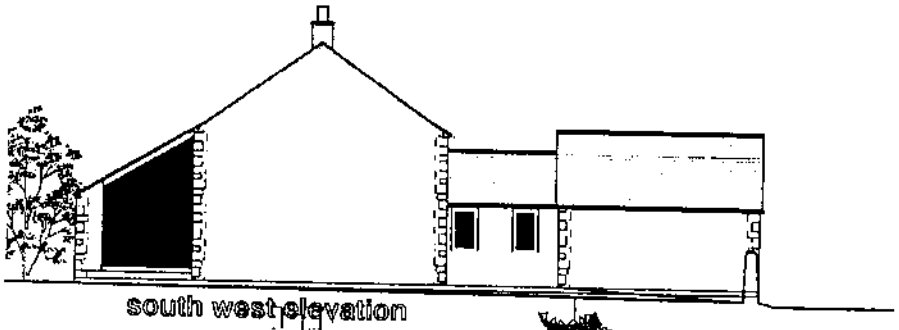

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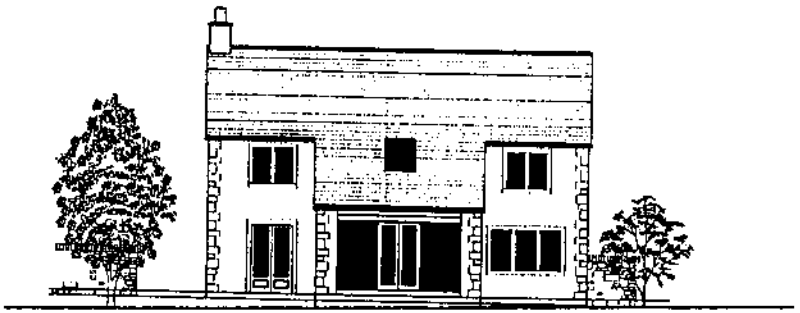

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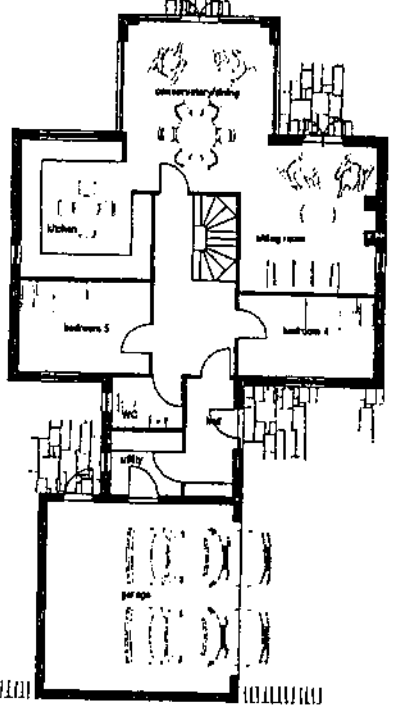

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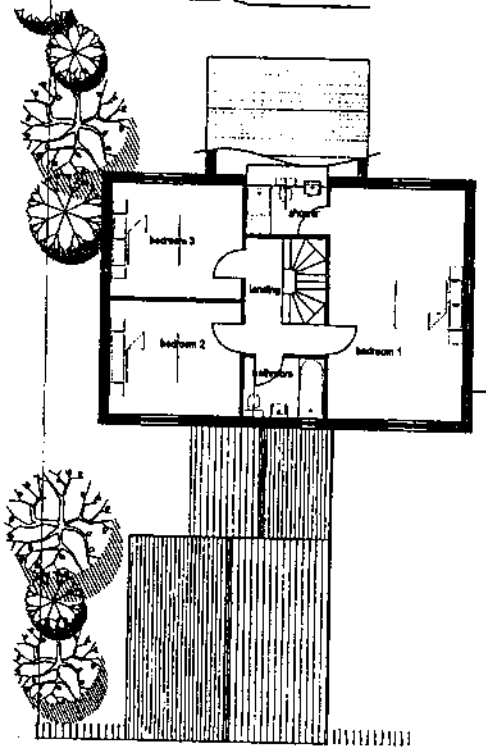

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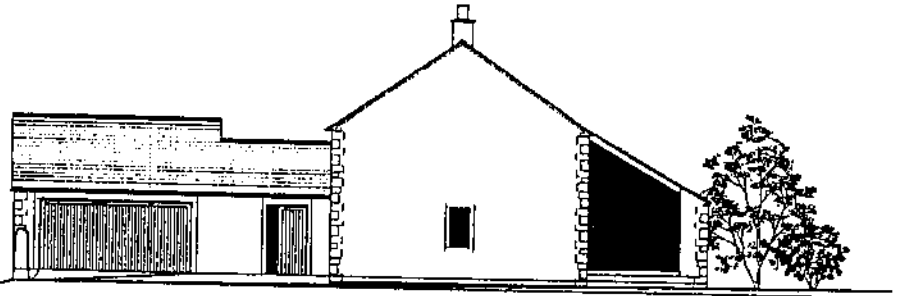

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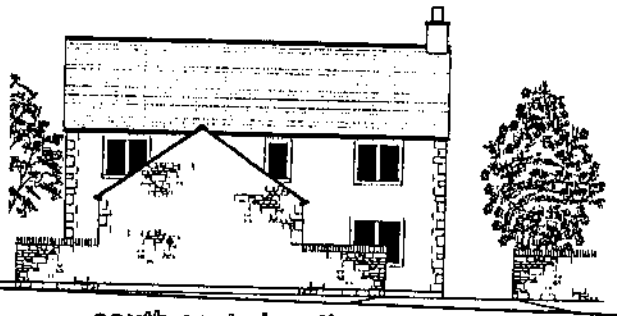

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Housing at Castle Caereinion for Montgomery Housing
1:100 Feb 2022
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GARDEN DESIGN GROUP
layout
north west elevation
north east elevation
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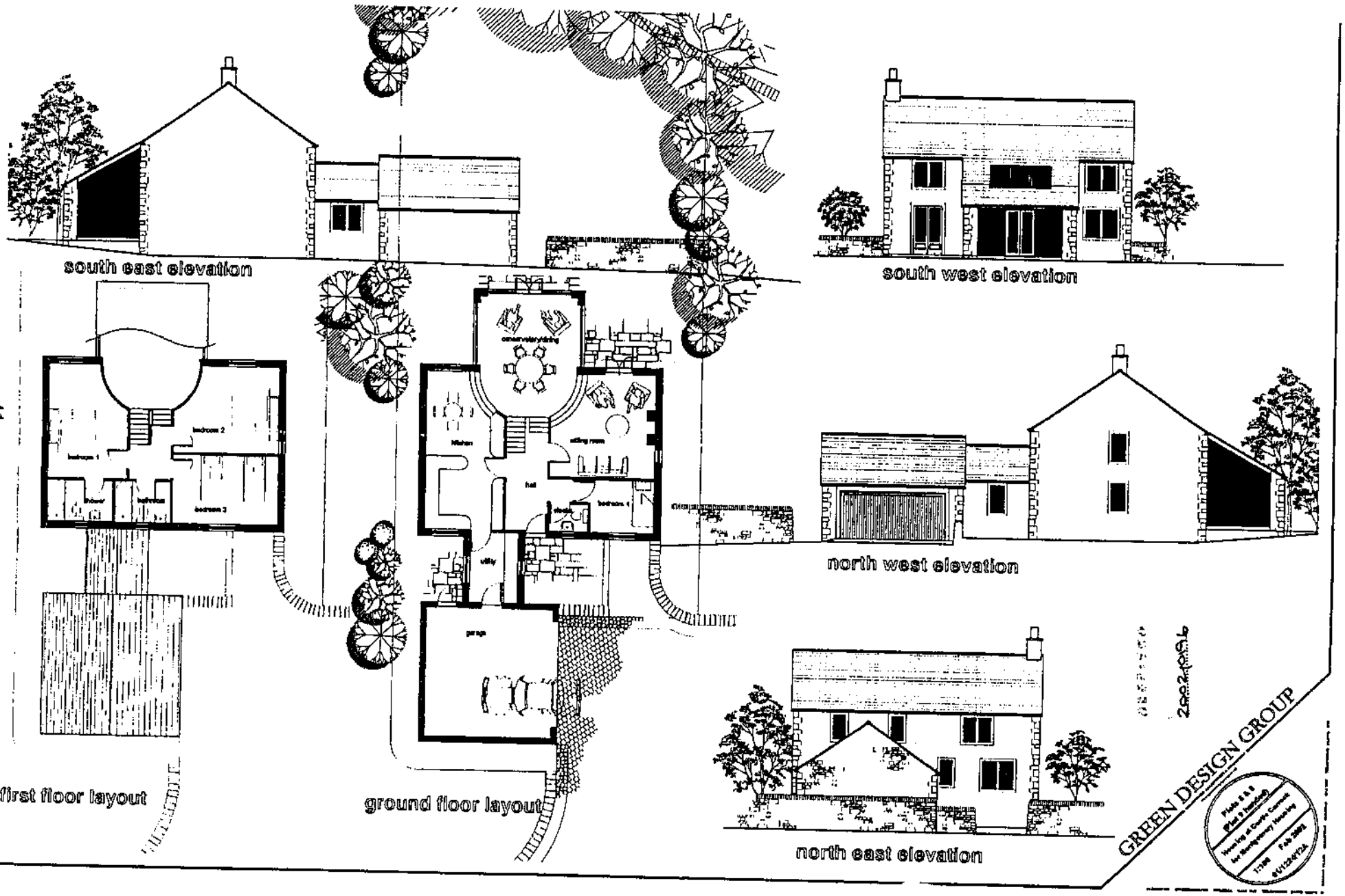
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GREEN DESIGN GROUP

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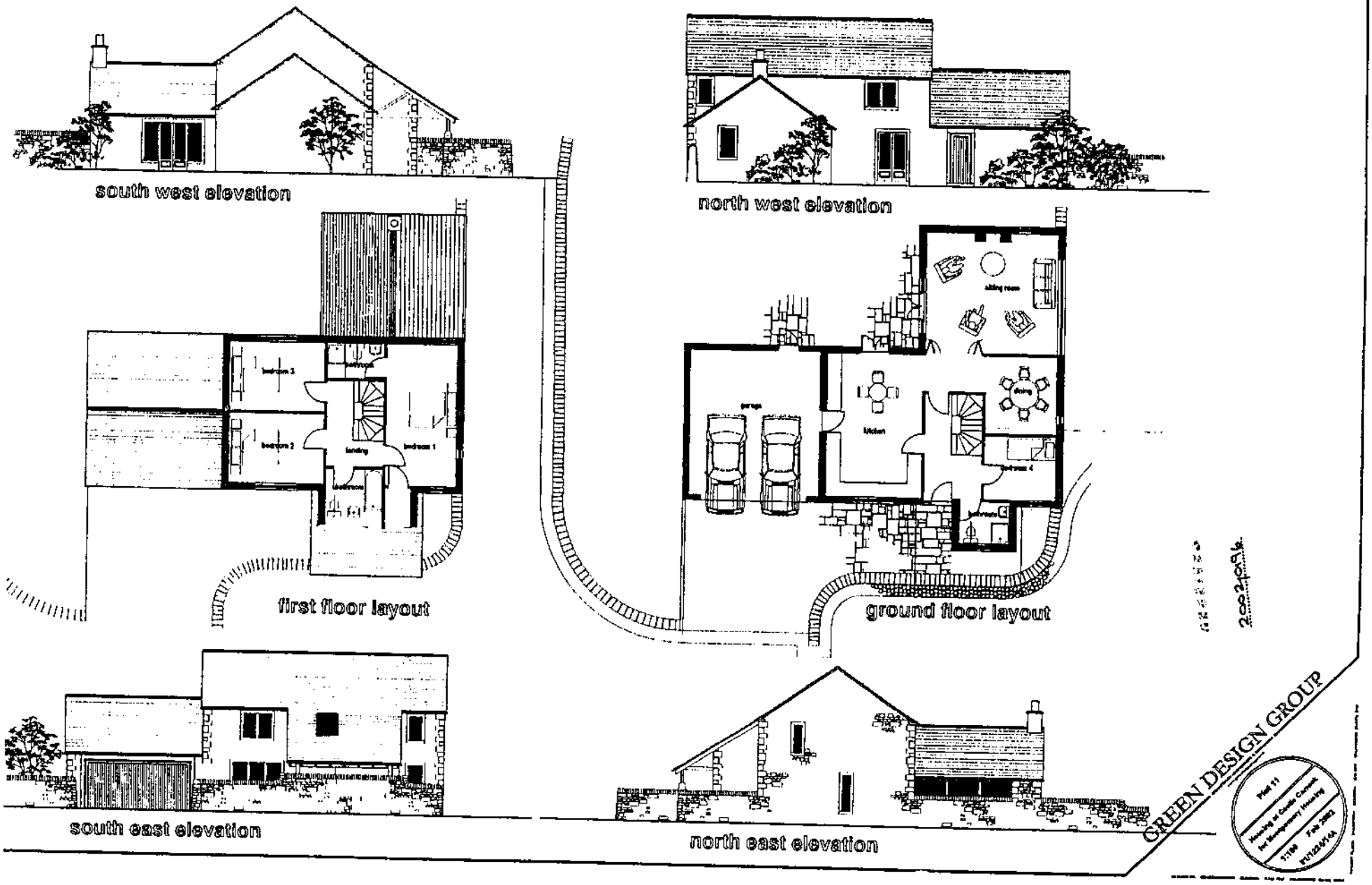
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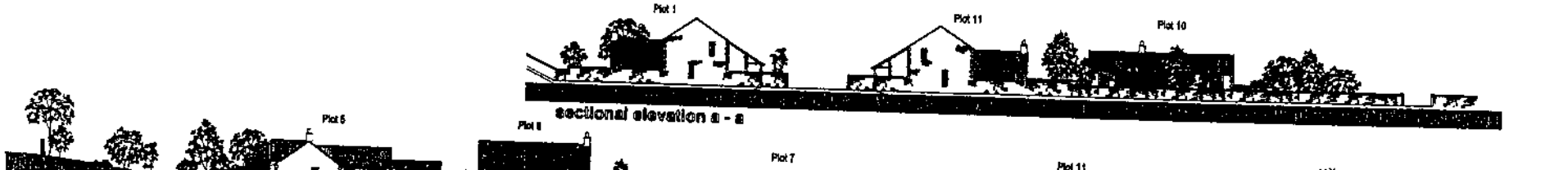

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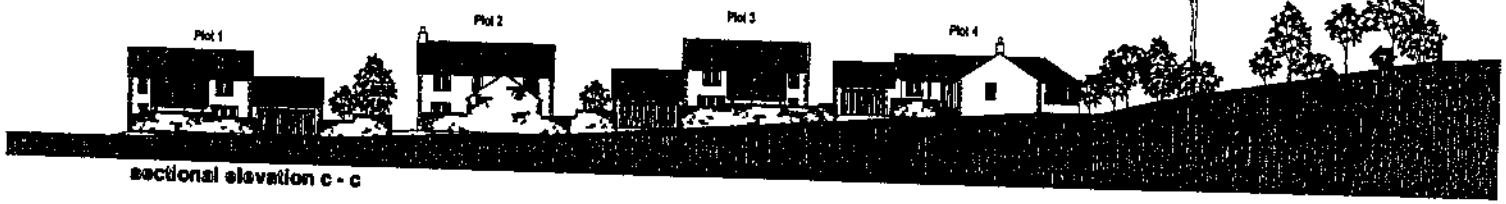
sectional elevation b - b



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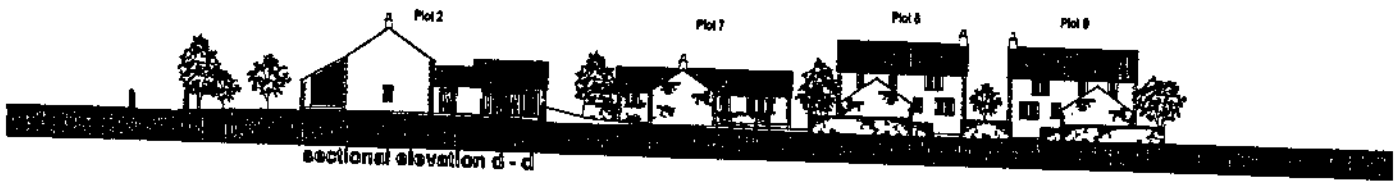

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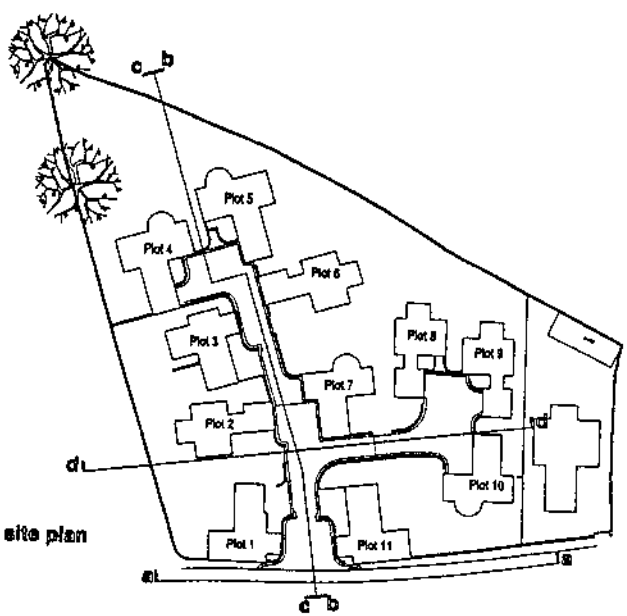


site plan

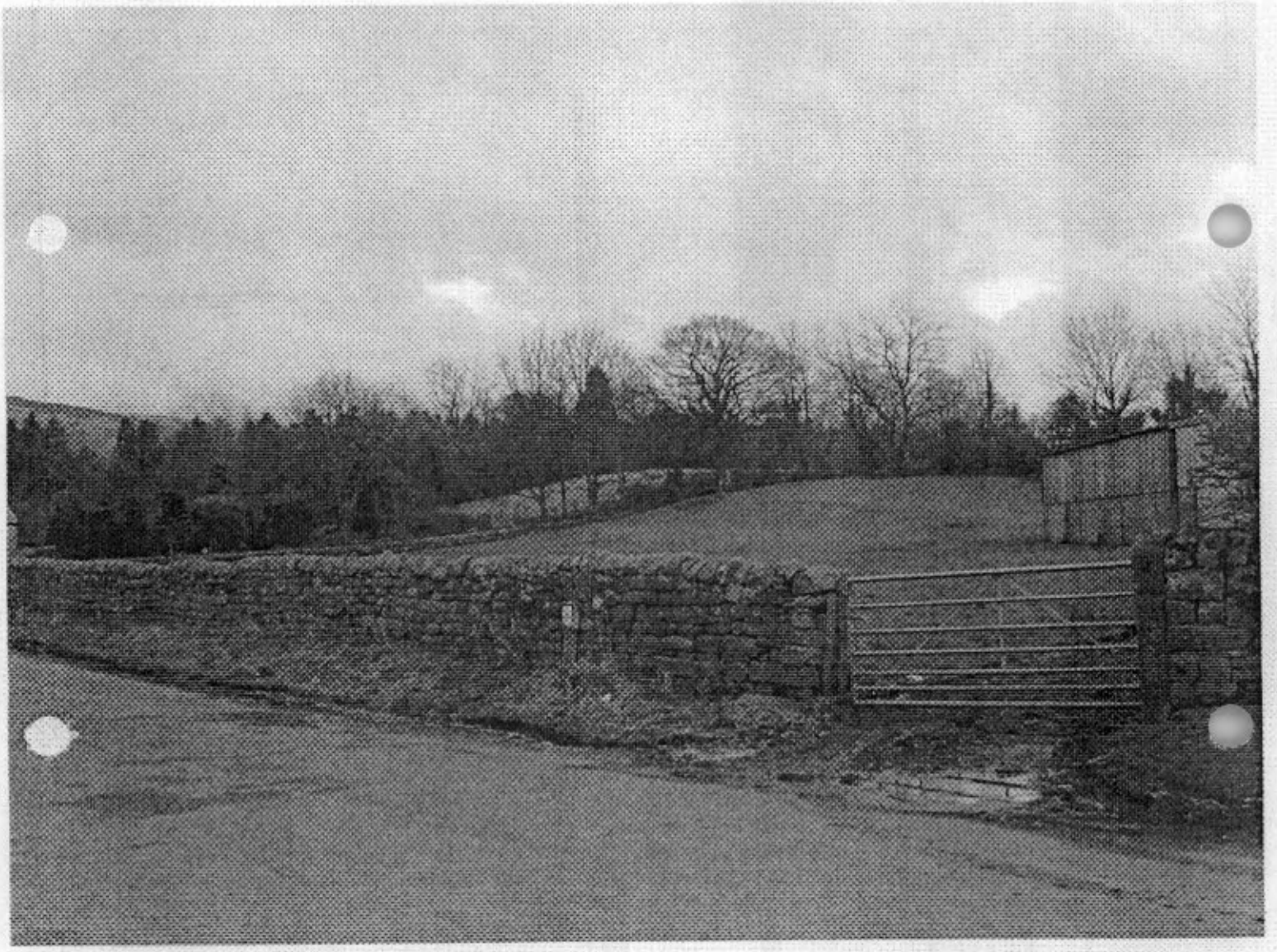
GREEN DESIGN GROUP

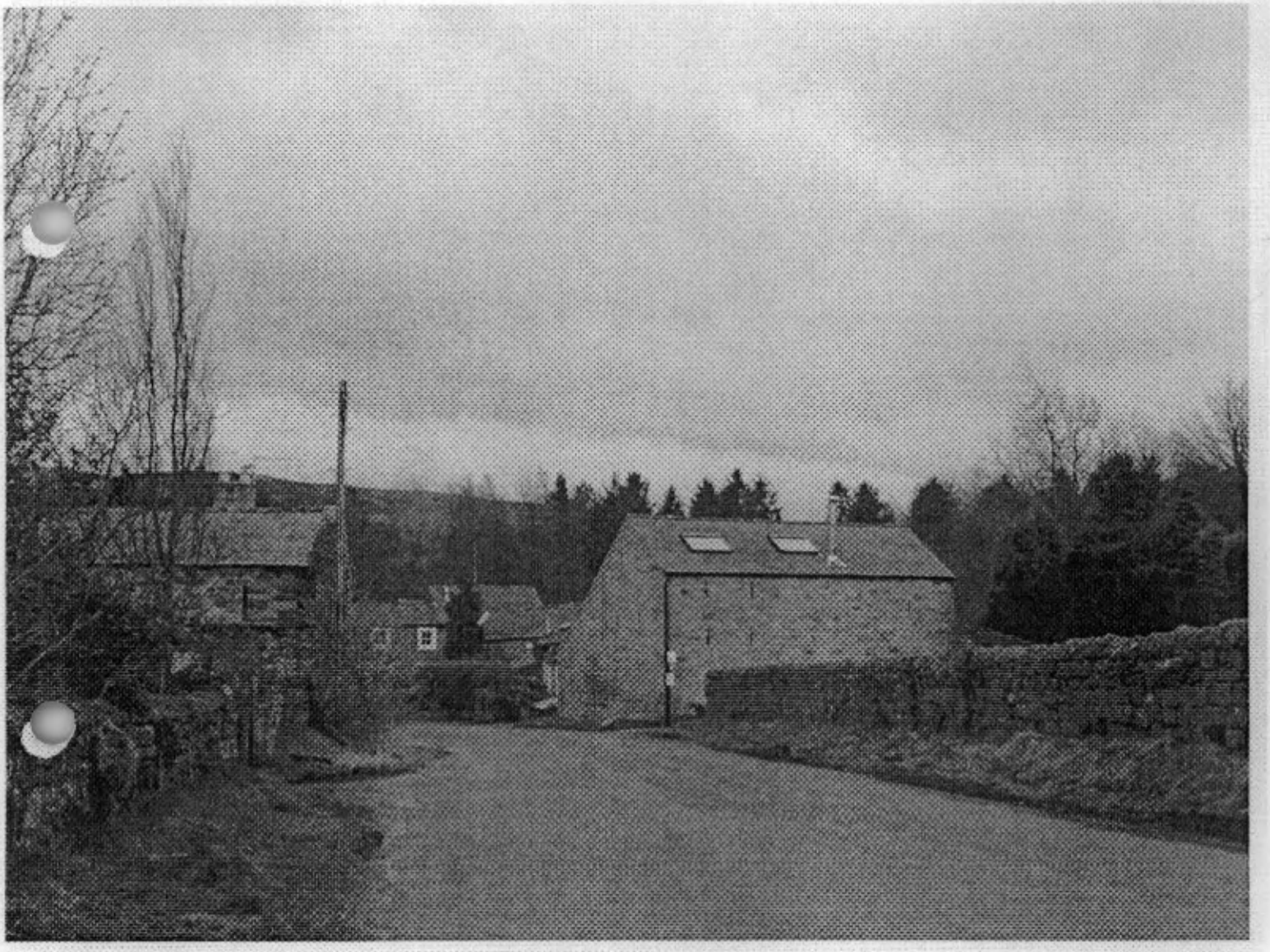
Sectional Elevations & Site Plan

Housing at Castle Carrock for Montgomery Housing

1:200 & 1:500 Feb 2002

01/1224/15



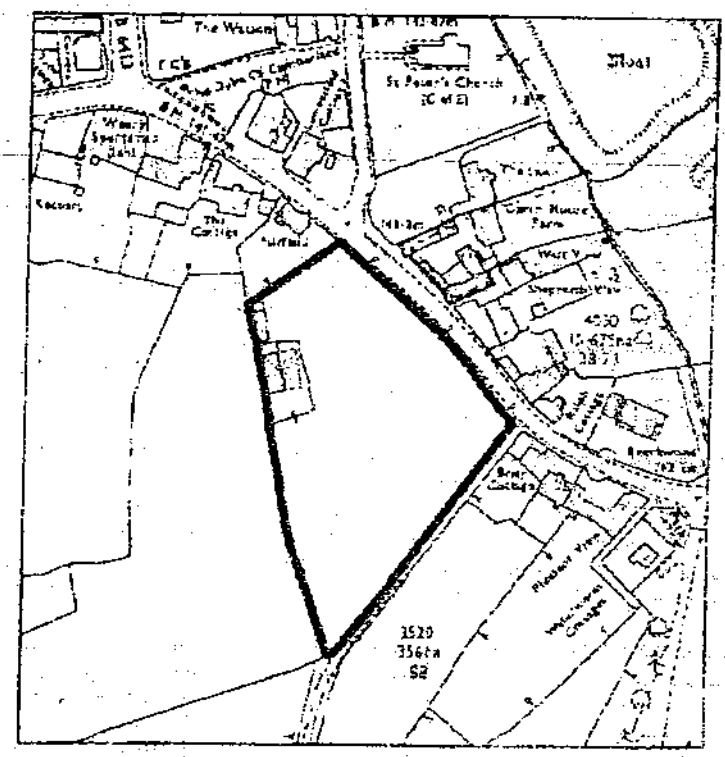


for sale

PROPERTY

FOR SALE BY SEALED OFFER

Land at Castle Carrock, Carlisle
0.761 Hectares (1.88 Acres) or therabouts



Potential residential development site
(subject to formal approval)

- Exceptional site near village centre
- Public road frontage
- Popular village with Primary School, Church, Public Houses
- Approximately 10 miles east of Carlisle and 4 miles south of Brampton
- **Offers invited in the region of £300,000**
- **Closing date for receipt of offers 12 noon Wednesday 19 December 2001**

Capita DBS
Director: David Cox
Clint Mill, Cornmarket,
Penrith CA11 7HP
Tel: (01768) 242312
Fax: (01768) 242321
Minicom (01228) 606336

POTENTIAL RESIDENTIAL DEVELOPMENT SITE
CASTLE CARROCK, CARLISLE

Situation

Castle Carrock Village is situated on the B6413 road about 4 miles south of Brampton and about 10 miles east of Carlisle.

It is a popular village within commuting distance from Carlisle, and with a Primary School, Post Office, Church and two Public Houses. There are secondary schools in Carlisle and Brampton, together with shopping and leisure facilities.

Description

The land offered for sale comprises OS 3328 extending to 1.88 acres (0.761 hectares) or thereabouts. It is shown edged by a thick black line on the attached plan and is located adjacent to the public road just to the south east of the centre of the village.

The land is bounded by dry stone walls on the north east and south east boundaries (to the public road and an unmade track respectively), by a hedge with trees and then open fields to the west and by a private house garden to the north west. The responsibility for boundary maintenance is shown by the usual inverted 'T' marks on the plan.

OS 3328 was formerly part of Garth House Farm, opposite, now no longer a working farm.

Existing Buildings

The existing buildings on the land comprise a small steel framed bay barn with a lean-to. The vendor reserves the right to remove this building. There is an additional disused small timber building adjacent.

Tenure

Freehold with the benefit of vacant possession on completion.

Vendor

The land is offered for sale on behalf of Cumbria County Council.

Planning

The Planning Services Division of Carlisle City Council, Civic Centre, Carlisle, CA3 8QG has advised that any proposed residential development of part of field OS 3328 should take account of the main points in terms of planning policy as set out on the attached Appendix to these particulars.

The details in the Appendix are given without prejudice and is the opinion of the officers and although given in good faith, cannot be held binding on Members of the City Council's Planning and Land Use Sub Committee should a planning application be submitted for consideration. Any submitted planning application will be judged on its merits in accordance with the policies in the development plan and with regard to any relevant material considerations. Further advice on planning can be obtained from Chris Hardman at Carlisle City Council Planning Services – Tel 01228 817190.

From the information provided by Carlisle City Planning Services it appears that the shortfall of open spaces within the village may be around 0.11 hectares (0.27 acres).

This is the area calculated by CAPITA*dbs* on the information provided but potential purchasers are advised to clarify the actual requirement with Carlisle City Council Planning Services.

Services

It is understood that mains water, electricity and foul drainage are available in the vicinity of the site. Prospective purchasers should make their own enquiries of the relevant statutory undertakers as to the availability, capacity and cost of providing services prior to submitting an offer.
It is understood there is a manhole to the main foul sewer in the public highway at the north of the site near Fairfield and a natural watercourse crosses the public highway to the east of the site.

Further enquiries should be directed to

Surface Water Drainage	Environment Agency Penrith 40 Business Park Penrith Tel 08459 333111
Foul Drainage	Carlisle City Council Civic Centre Carlisle CA3 8QL Tel 01228 817000
Electricity	United Utilities Drawing Office Nelson Street Denton Holme Carlisle CA2 5BJ Tel 01228 616419
Water	United Utilities Dawson House Liverpool Road Great Sankey Warrington Tel 01925 234000

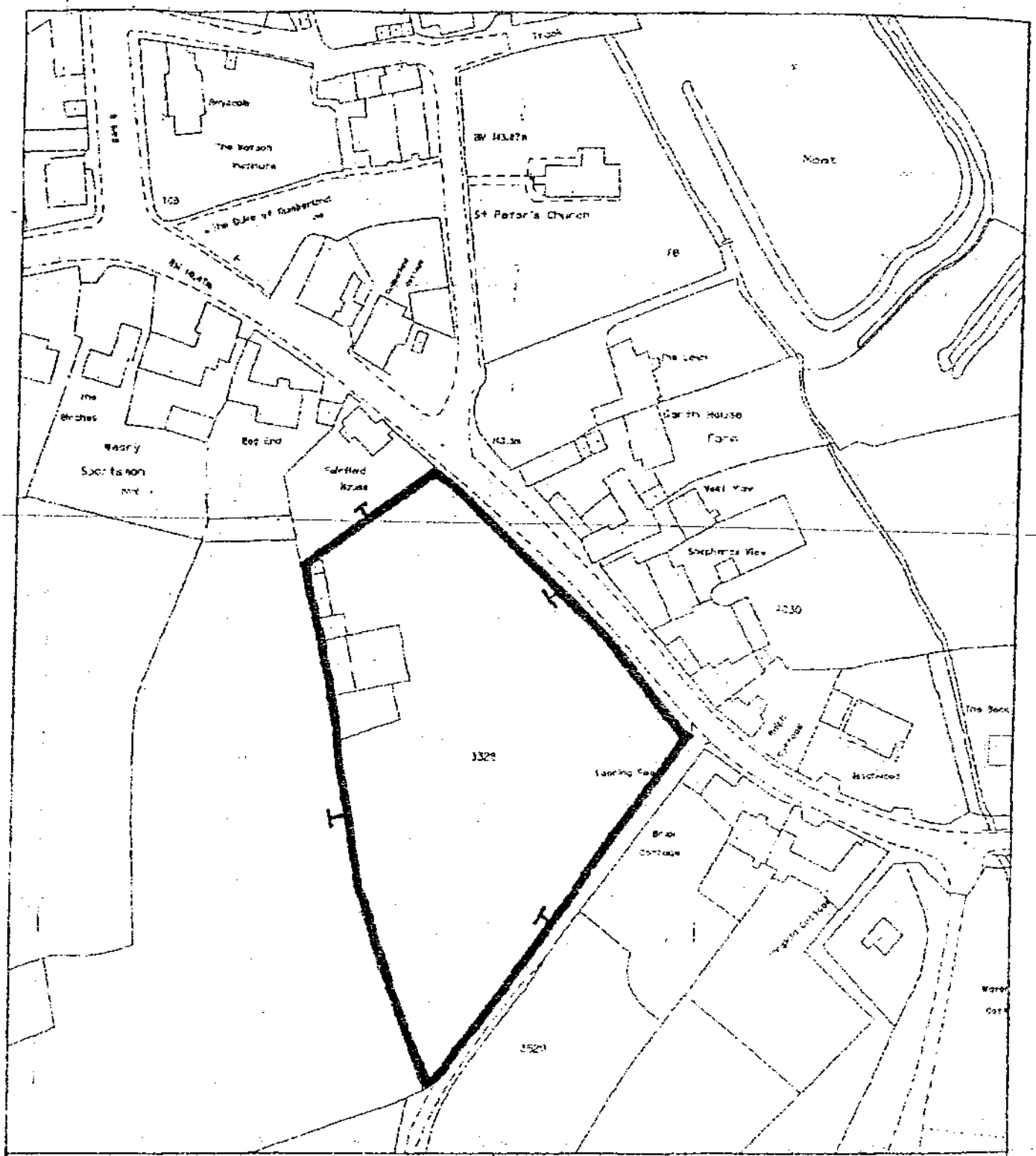
Highways

It is understood accesses to the site will have to comply with the local Highway Authority's requirements. Enquiries can be made of:-

Geoff Cameron
Development Control Technician
Community Economy & Environment
Citadel Chambers
Carlisle
CA3 8SG
Tel 01228 606110

Viewing

The site may be viewed from the highway.



Cumbria County Council
The Map Room

Scale 1:1250 E:354220 Date:15-11-2001
O.S.:NY5455 N:555180 Operator:DF

Building & Design
15 Portland Square
Carlisle
CA1 1PD
Tel: 01228 606111
Fax: 01228 606066

POTENTIAL RESIDENTIAL DEVELOPMENT SITE

CASTLE CARROCK, CARLISLE

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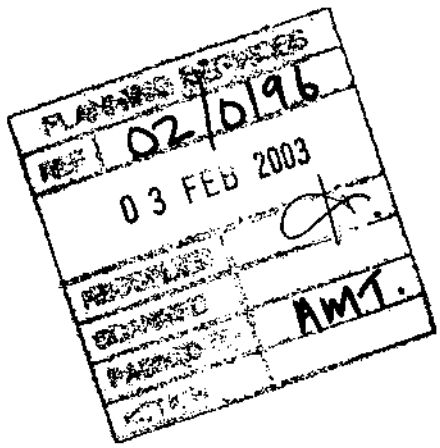
COUNTY COUNCIL

Community Economy and Environment

County Offices, Kendal
Cumbria LA9 4RQ
Fax: (01539) 773439
Telephone: (01539) 773414

Your ref: AT/1/02/0196
Our ref: JLC/1/02/0196/JEF



29 January 2003

Mr Alan Taylor
Development Control Manager
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

URGENT – BY FAX

Dear Mr Taylor

TOWN AND COUNTRY PLANNING ACT 1990, SCHEDULE 1, PARAGRAPH 7
CONSULTATION ON PLANNING APPLICATION

The County Council's Development Control and Regulation Committee considered the following application at its meeting on 29 January 2003:

Reference No:	1/02/0196
Description :	16 dwellings
Location :	Land adjacent field No. 3328, Castle Carrock
Applicant :	Montgomery Housing

The Committee resolved that **a strategic objection** be raised. Members are concerned that the scale and character of this development would be out of keeping with the surrounding land uses and harm the character of the village. The proposal, therefore, conflicts with Structure Plan policies 11, 27 and 41.

A copy of my report to that meeting is enclosed and I would be grateful if you could draw the contents of this to the attention of your members.

If this application is subsequently the subject of an appeal I should be grateful if you would keep me informed.

Yours sincerely

Jane Corry

Jane Corry
Senior Planning Officer
(County Council & Strategic Developments)

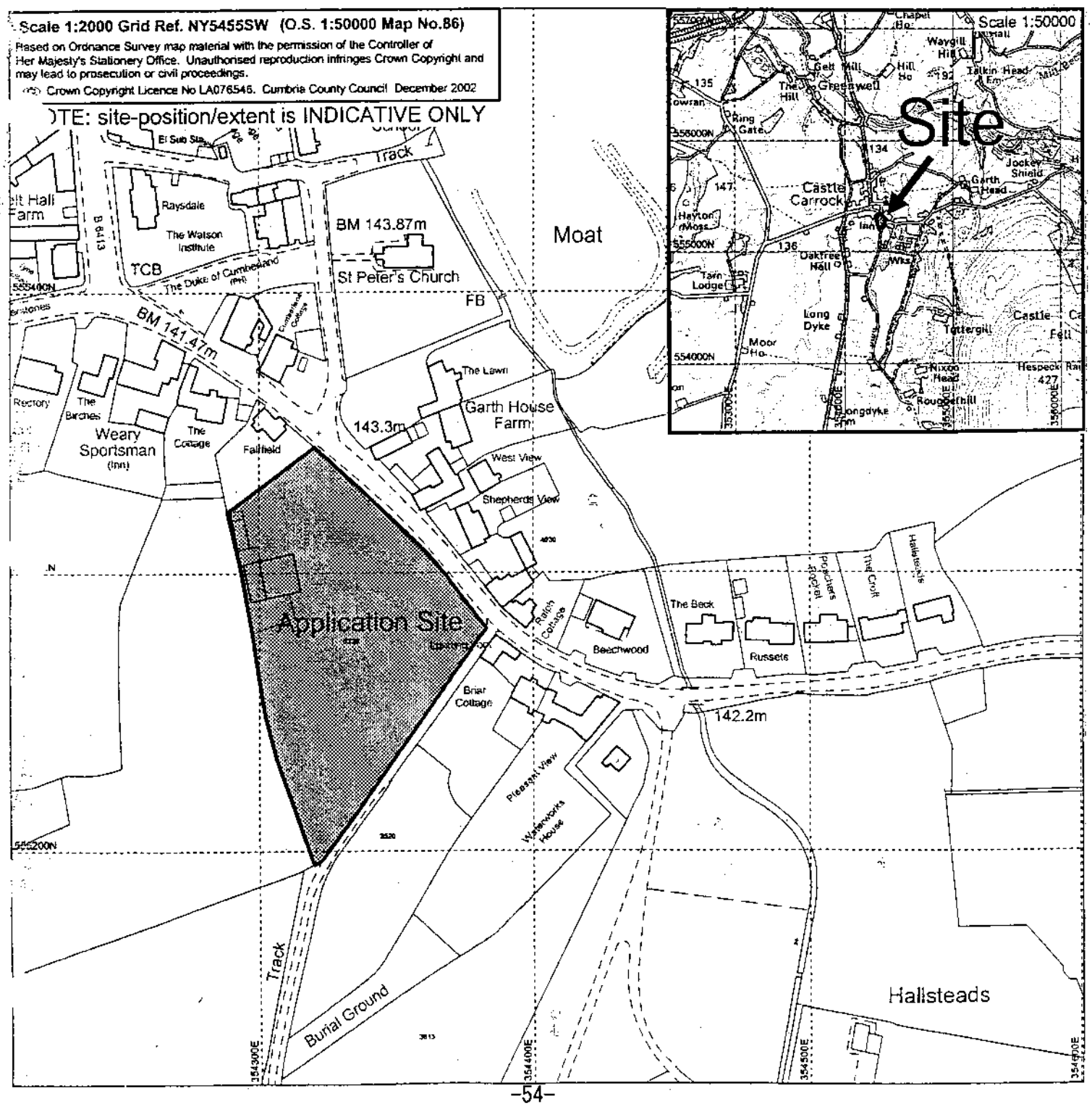
Email: jane.corry@cumbriacc.gov.uk

Printed on recycled paper

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
29 January 2003

A Report by the Assistant Director (Development Control)

District	Carlisle
Application No	1/02/0196
Applicant	Montgomery Housing
PROPOSAL	Erection of 12 detached dwellings and 4 linked houses (for rent for local occupancy) Land adjacent field no. 3328, Castle Carrock, Carlisle



1 RECOMMENDATION

1.1 That a strategic objection be raised for the reasons set out in paragraph 4.2.

2 THE PROPOSAL

2.1 The County Council has been consulted by Carlisle City Council on an application to build a total of 16 dwellings on a 0.76ha field, currently in agricultural use, within Castle Carrock village.

2.2 The proposal comprises 12 detached dwellings and a small terrace of four two-bedroom houses. The latter would be rented properties, offered at a fair rent, under a local occupancy requirement.

2.3 The detailed layout plans show a new highway access into the site, with the terrace adjacent to it and the other houses and bungalows grouped around two access roads. The existing gated farm access will be widened to provide access to a single dwelling.

3 STRATEGIC ISSUES

3.1 The remit of the County Council as strategic planning authority is to consider whether this application would materially conflict with or prejudice the implementation of any policy contained in the adopted Structure Plan.

3.2 It is considered that the main strategic issues raised by this application are:

(i) whether there is sufficient land for housing in the area (Structure Plan policies 30 and 31) and whether the development will help to sustain the local community (Structure Plan policy 3).

(ii) whether the development is in keeping with the local character of the settlement and landscape, whether this private open space should be protected from development and whether the proposal will have a detrimental impact on a designated landscape of national importance (Structure Plan policies 11, 27 and 41).

Housing Provision

3.3 Structure Plan policies 30 and 31 specify how much housing development and housing land should be made available. In Carlisle District there is a net surplus of land available for housing, both with planning permission and on allocated sites, and this site is not therefore required to ensure this provision is met. However, these figures are not prescribed ceilings and so the proposal does not conflict with these policies.

3.4 National planning policy guidance emanating from PPG3 promotes more sustainable patterns of development by using previously developed land and locating most additional housing in existing towns and cities. In particular in rural areas PPG3 states that it should be demonstrated that new housing will support local services which could become unviable without some modest growth and the housing is needed to meet local needs. This policy guidance has been considered in the City Council's recently adopted Interim Housing Policy statement which has reviewed implementation of existing local plan housing policies. This statement is in line with adopted Structure Plan policies. Policy H5 of the Carlisle and District Local Plan identifies Castle Carrock as a settlement which can accommodate small scale residential development. Nevertheless, the City Council should carefully consider whether this site is needed at the present time and is, on balance, consistent with PPG3.

3.5 Whilst the low cost housing element of the proposal would provide a valuable contribution to the housing stock for rented accommodation it is likely the open market housing would satisfy demand from outside the area. The development could help to sustain local services, however, the village has limited facilities which consist of a primary/nursery school, village shop and two public houses (one of which is not currently operating). It is likely therefore that the proposal would increase car borne commuting to larger service centres for shopping, employment and leisure such as Brampton.

Protection of the built environment and landscape

3.6 Both the site and village lie within the North Pennines Area of Outstanding Natural Beauty. Structure Plan policy 41 states that housing development will normally be permitted provided it meets specified tests.

These are that it is small in scale and compatible with the needs of local communities, within or immediately adjacent to existing settlements and in sympathy with the character of the settlement and that it maintains the natural beauty of the landscape.

3.7 The site lies within the historic envelope of the village and is generally well contained by its boundary features and by topography.

3.8 The principle issue relating to this development is whether the scale, form and design is in sympathy with the character of the settlement. The site lies within the older part of the village which is characterised by an attractive mixture of vernacular buildings alongside the road. Whilst the design of the proposed development incorporates elements of the existing built form, including the use of traditional materials, it is the layout of the buildings which would contrast with the existing village form. The layout is dictated, to a large extent, by the number of units on the site.

3.9 Given the sensitive location of this site a landscape assessment has been carried out by the County Council's landscape advisor which is attached to this report (Appendix 1). The development has been assessed having regard to the follow:

- its impact on the broader AONB landscape
- its impact on the character of the setting of the village
- and its visual impact on local views.

The assessment finds that in terms of the broader landscape any development of the higher parts of the site are likely to impact on the wider landscape and will dominate views into the site. In terms of the impact of the proposal on the character of this part of the village it finds that the development, due to its scale, would have a detrimental effect. The assessment concludes that whilst some small scale development could be appropriate for this site this proposal is unacceptable in terms of it's effect on the character of the village and local views. I would agree with that assessment. The depth of development back from the road, on a partially sloping site will, in my opinion, be out of keeping with the local character of this part of the village. For these reasons the proposal conflicts with policy 41.

3.10 Considering the proposal against Structure Plan policy 11, which prevents development that would be detrimental to the characteristics and qualities of the landscape of the AONB. I agree with the assessment that the site is well contained by the local topography and does not harm the qualities of the AONB in the wider landscape. However, the village is part of the AONB and it is the scale of the development which would have a harmful impact on the character and qualities of the landscape.

3.11 Structure Plan policy 27 protects areas of public and private open space which contribute to the quality of the built environment from development. The site lies within the existing settlement and whilst it provides a green visual break in the village I do not believe the field is of such high amenity value to justify a presumption against development of the site. I do however have concerns about the scale of the development which I believe would be out of keeping with the local character of the settlement. However, provided there was a demonstrable need for additional housing in the village, a carefully designed smaller development may be acceptable.

4 CONCLUSION

4.1 The proposal does not conflict with existing adopted Structure Plan policies relating to housing provision (Structure Plan policies 30 and 31). However, the City Council should be aware that these policies are dated and should consider carefully if this sensitive site is needed to sustain the local community and is, on balance, consistent with PPG3.

4.2 Structure Plan policy emphasises the importance of housing within AONBs being in sympathy with the character of the settlement. The County Council is concerned that the scale and character of this development would be out of keeping with the surrounding land uses and harm the character of the village. This proposal therefore conflicts with policies 11, 27 and 41 of the adopted Cumbria and Lake District Joint Structure Plan.

Shaun Gorman
Assistant Director (Development Control)

Contact

Jane Corry, Kendal, tel. 01539 773414

Background Papers

Planning Application File Reference No. 1/02/0196

Electoral Division Identification

Mr J Robinson, Wetheral

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APPENDIX 1
DC&R 29/01/03
File ref 1/02/0196

PROPOSED HOUSING DEVELOPMENT AT CASTLE CARROCK

Landscape Impact Assessment

1. According to the Cumbria Landscape Classification Castle Carrock is located on the western edge of the landscape sub type 11a "Foothills". Further west of the site the landscape sub type 7c "Sandy Knolls and Ridges" is also of equal relevance. The area is within the North Pennines Area of Outstanding Natural Beauty.

2. The landscape around Castle Carrock is a transition between predominantly small to medium scale pasture land and the rolling foothills of the Pennines with irregular field patterns and small woodlands. Within the older part of the village development is generally of a vernacular character with most buildings juxtaposed and enclosing a series of interesting urban spaces. Later parts are of a more regular, linear character. The arrangement of buildings, topography or mature tree cover generally limits or contains views towards open landscape while nevertheless the open fells form an attractive and immediate backcloth.

3. The site comprises a small grazing field, of some 0.8 ha located in the older part of the village. It is bounded on the north east and south east by neat and well maintained dry stone walls. An attractive narrow lane (and well-used public footpath) follows the latter boundary. The rear or south western boundary is marked by a line of mature trees and remnant hedge. As the ground rises up to the rear of the site these form a strong landscape feature. While the site is further contained on the road side by adjacent residential properties, it retains a rural character. To emphasis this, some timber clad agricultural buildings are located within the northern part of the field. Land adjacent to the site to the southwest is agricultural grazing land on gently rising ground to a horizon averaging some 100m distant. This horizon strictly limits longer distance views in this direction. In summary it is considered that this site forms an attractive green space within the village that contributes to its landscape setting and thus the quality of the whole environment. It must therefore be considered sensitive to any development.

4. Joint Structure Plan Policies 11 and 41 recognise the importance of conserving AONBs as nationally important landscapes and ensuring that development such as housing is small in scale, in character with local settlements and is not detrimental to such landscape. Policy 27 acknowledges the importance of public and private open spaces that contribute to the quality of the built environment and encourages their protection where appropriate.

5. This proposal comprises a development of four terraced and twelve detached homes together with associated gardens, garages and access roads. New stone walls would sub-divide each property and define carriageways. The main area of development would be serviced from a new access point located approximately half way along the northeastern boundary.

6. The development has been assessed for its impact on the broader AONB landscape and character of the village setting as well as its visual impact on local views.

7. In terms of the broader landscape, the site is generally well contained by its boundary features and by topography. From the higher parts of the site and along the south western boundary views open up to the wider landscape. Thus while development on the lower slopes

is unlikely to impact on the wider landscape, this is less true at the higher elevation. While parts of the village have expanded in recent years, this area remains largely untouched by new development. The site is thus an integral part of the setting of the 'older' village. However there is a need to establish whether any development should be permitted if the field is so important to this setting.

8. In my view the lower part of the site could accept some small-scale development provided that the higher parts remained open. It is particularly important that any development is in sympathy with the unspoilt vernacular character. The proposed development however occupies the whole of this site and thus would be detrimental to this setting on the grounds of scale and loss of amenity value. This will be particularly apparent approaching the site from the village centre and from the south. Although little information on proposed earthworks, floor and roof line levels was available, it is thought that roof lines would effectively obscure the boundary features at the rear of the site. The elevation at the rear of the site would also permit the development to intrude upon wider views from open land to the north.

9. An assessment has been made of the site in terms of visual sensitivity to local visual receptors.

10. Properties located opposite and adjacent the development site would experience the greatest and most immediate visual impact as these properties currently directly overlook an unspoilt rural field. This impact could be mitigated if the proposed development was smaller in scale and conserved important features of the site. Viewed from properties to the south-east, the extent of the development is more contained thus the visual impact is less pronounced. Viewed from most properties towards the centre of the village the impact will be small.

11. From Church Lane to the north a more open view of the whole development would be offered. The visual impact from this point would be high in that new roof lines across the site would be more clearly visible. Similarly from the lane along the south east boundary the development would also be very visible, while although the development would be visible from farmland to the west of the site, this area has no public access.

12. In conclusion it is considered that while in principle this site could accept some small scale housing development this particular proposal is unacceptable in terms of scale, its affect on the character of the village and local views.

13. Therefore although within an existing settlement (as required by Structure Plan Policy 41(ii)), it is not in sympathy with the character of the settlement as required by Policy 41(iii). Similarly the development is seen as damaging a nationally important landscape (Policy 11). The development is also seen to compromise Policy 27 by the loss of a valuable green space within the village.

Mike Smith
Landscape and Countryside Officer

Countryside

Design Summary for Carlisle District

Countryside Design Summary for Carlisle District

This document was adopted as Supplementary Planning Guidance by the City Council's Environment committee on 8 June 2000
This followed a period of public consultation in April and May 2000

CARLISLE
CITY COUNCIL

Planning Services
Department of Environment and Development
Carlisle City Council
Civic Centre • Carlisle • CA3 8QG
Telephone 01228 817190 Fax 01228 817199 Typetalk 0800 95 95 98

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Local Plan Policy 3

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Settlement 6

Buildings 8

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Introduction

This design guide gives advice on the design of new development in the countryside, and identifies those features which give different areas of the District their special character. It will be used, together with policies in Carlisle District Local Plan and other supplementary planning guidance, to assess planning applications for new development or conversions of buildings in the rural area.

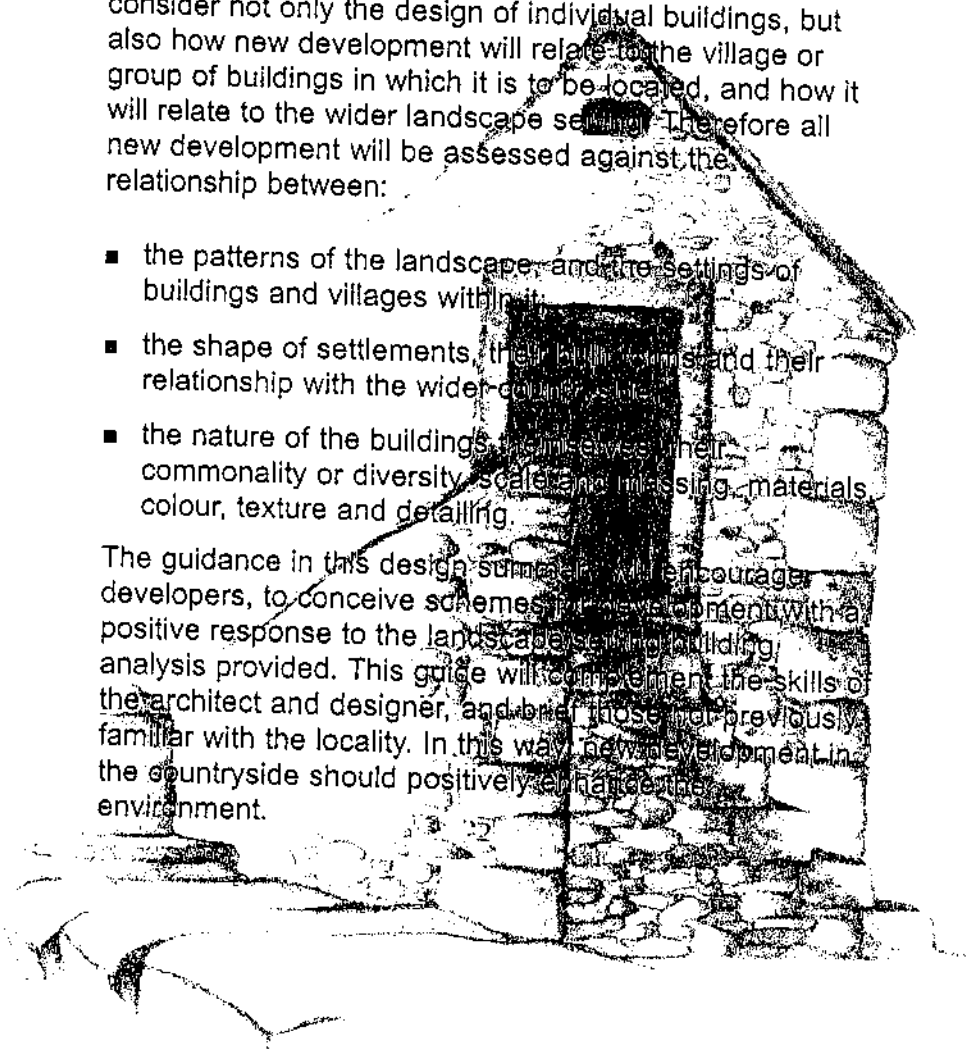
A dynamic and diverse countryside inevitably involves changes and new buildings. Well designed new development can be built within or on the periphery of many villages. New development is needed to provide places in which to live and work, maintain productive and efficient farming methods, boost local services and facilities and bring new life and business into the countryside.

The City Council believes that new development should help safeguard the distinct character and natural beauty of the landscape and villages which make up the countryside. However, achieving this poses special challenges, and the design summary is therefore intended to aid discussions between planners and developers prior to planning applications being submitted.

To achieve high quality design in new development requires a three tiered approach. It is important to consider not only the design of individual buildings, but also how new development will relate to the village or group of buildings in which it is to be located, and how it will relate to the wider landscape setting. Therefore all new development will be assessed against the relationship between:

- the patterns of the landscape, and the settings of buildings and villages within it;
- the shape of settlements, their built forms and their relationship with the wider countryside;
- the nature of the buildings themselves, their commonality or diversity, scale and massing, materials, colour, texture and detailing.

The guidance in this design summary will encourage developers, to conceive schemes for development with a positive response to the landscape setting, building analysis provided. This guide will complement the skills of the architect and designer, and brief those not previously familiar with the locality. In this way, new development in the countryside should positively enhance the environment.



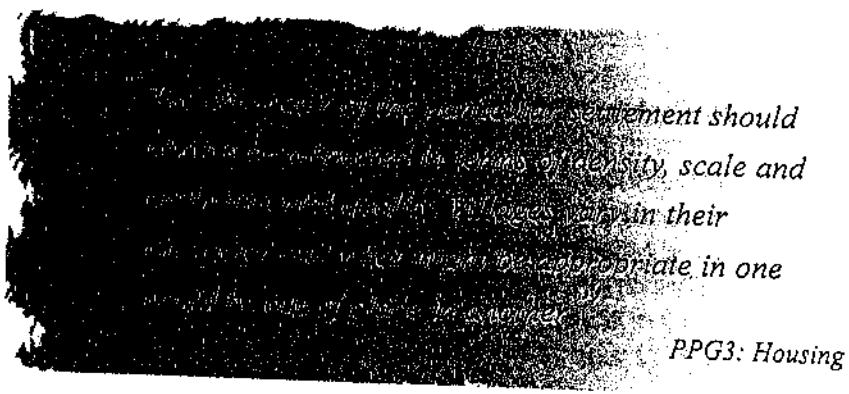
Current Government Guidance on design

Government guidance on the treatment of design issues in the planning system is set out in Planning Policy Guidance notes, (PPGs). These notes set out the Government's policies on different aspects of planning. Local planning authorities must take their content in to account in preparing their development plans. The guidance may also be relevant to decisions on individual planning applications and appeals.

PPG 1 states that the appearance of proposed development and its relationship to its surroundings are material considerations in determining planning applications. The PPG emphasises that good design should be the aim of all involved in the development process, and should be encouraged everywhere.

Annex A of PPG 1 provides more detailed guidance. It states that applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles adopted, as well as illustrative material in plan and elevation. This material should show the wider context and not just the development site and its immediately adjacent buildings.

PPG 3: *Housing,* requires developers to strive for good design, which is defined as having respect for the qualities of the local environment. With reference to rural areas, the PPG states:



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PPG3: Housing

PPG 7: *The Countryside, Environmental Quality and Economic and Social Development,* states that new buildings in rural areas should contribute to a sense of local identity and regional diversity, and be of an appropriate design and scale for the location.

On the question of more modern designs, they should have proper regard to their surroundings in relation to both the immediate setting, and the defining characteristics of the wider local area, including local or traditional building materials and styles.

Local Plan Policy

Carlisle District Local Plan contains a number of policies which relate to development in the rural area. Policy H5, makes provision for new housing within the majority of villages excluding very small hamlets which are subject to Policy H7. Policy H5 states the need to take account of the effect of new development on:

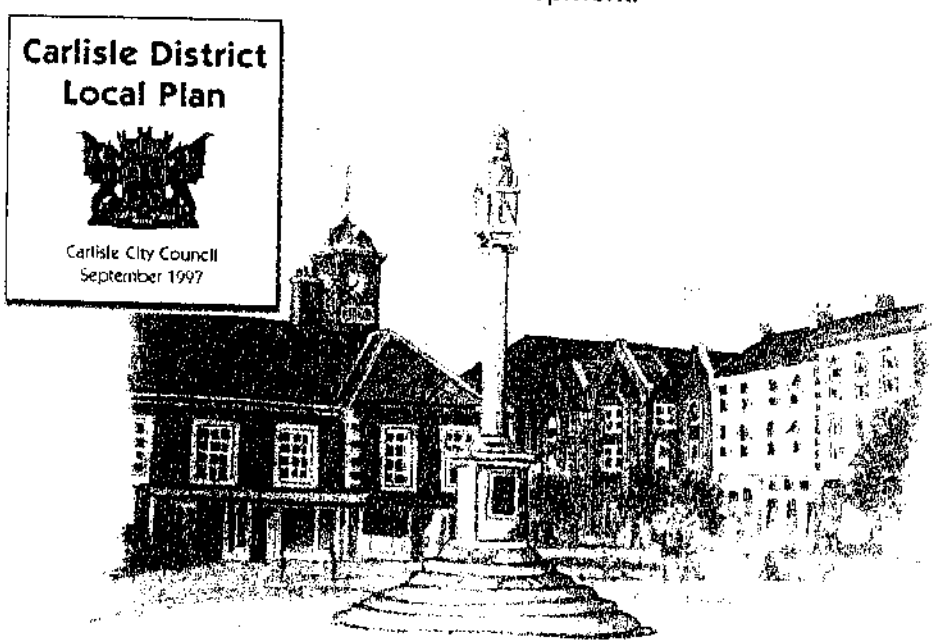
- the landscape of the area;
- the scale, form and character of the village;
- the layout of the site and design of the individual buildings.

The importance of this three dimensional approach is reflected throughout this design summary.

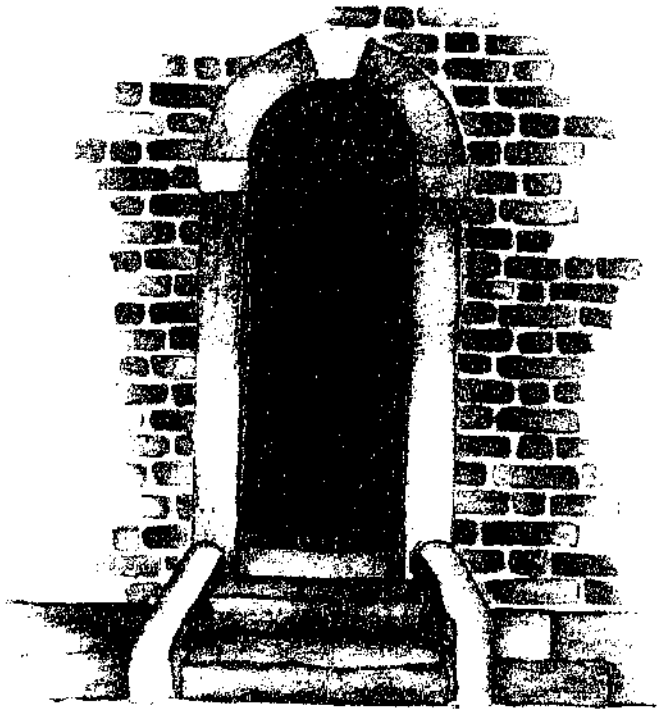
Policy H7 makes provision for housing development in the remote rural area, defined on the Local Plan Proposals Map. This policy echoes the criteria in Policy H5, and recognises that the setting of new dwellings in relation to existing development and the landscape will be crucial factors in determining whether permission will be granted.

Policy H16, *Design Considerations*, is concerned with the design of new housing sites and dwellings, and notes the particular problems in the rural area of ensuring that new development integrates both with the landscape and the village. It also reproduces the advice from PPG1 that applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals.

Policies EM10 and EM11 make provision for employment development in the rural area, including rural diversification schemes. Both policies contain measures which seek to ensure that new buildings for commercial, industrial or recreational uses respect local building styles and materials, and integrate with the surrounding settlement and landscape. The guidance in this SPG gives a more detailed explanation of how to reflect local distinctiveness in new development.



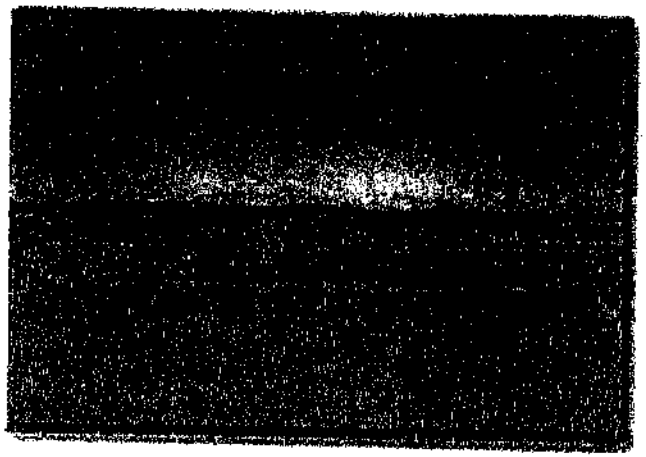
Pre – application advice



Applicants should consult at an early stage with the City Council on design aspects of their development proposal. In return, the Council will respond constructively, giving clear indications of our design expectations. Careful and early consideration of design issues can speed up the planning process by helping to make development proposals acceptable both in Local Plan policy terms, and to local communities.

There are many specialists within the City Council who are able to help and give advice to applicants. These include planning officers, conservation officers and those who can give advice on landscaping of new development. Their names and contact numbers are given on the back of this leaflet. With their help, and also advice from your own architect or professional adviser, you should be able to design a development which will make a positive contribution to the landscape, both now and in the future. The selection of an architect and builder with a good track record of well designed buildings which are sympathetic to the environment is important.

The following pages set out the three main aspects against which proposals for new development will be assessed.



The character of the landscape itself.

1 Landscape

Apart from a few unmanaged and unenclosed areas of moorland and the coastal marshes, agricultural practices have been the biggest influence on shaping the landscape of the District. The countryside is made up of a variety of different elements including villages, farms, agricultural buildings, hedges, walls, roads, fields, woodlands, hills and valleys.

In the countryside, a building, farmstead or village seen from a distance has an impact on a broad landscape setting. The scale of many villages within the district is small enough for their overall shape and patterns to be seen within the wider landscape. By adding to and adapting these patterns, through the addition of new buildings, the relationship of the village with the landscape changes.

Landscape which determines the form of settlements

The relationship between a village and the surrounding landscape requires close examination when considering development proposals. Aspects to consider include:

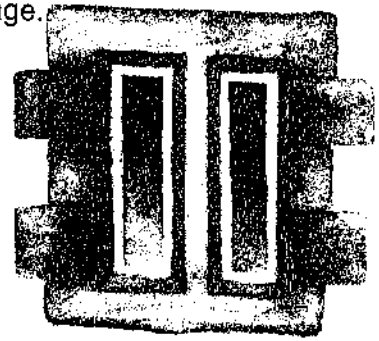
- **topography,** i.e. is the village hidden within the folds of the landscape or visible from a wide surrounding area;
- **natural features** in the landscape such as trees and hedges which could be reflected within the landscaping of the development site;

Impact of settlements on the landscape

Impact of settlements on the landscape

- **man made features** in the landscape such as stone walls, sandstone gate posts, field barns etc, the materials of which could be reflected in any new development;

- when considering edge of village development, account should be taken of **short and long distance views** of the settlement from the surrounding area, taking particular account of the impact on the landscape, and whether the development is likely to integrate well with the edge of the village.



2 Settlement

Villages have evolved in response to the landscape, climate, available building materials, development of communications and economic and social factors. An awareness and understanding of these elements needs to be reflected in the development process. Each village has its own character which requires individual design solutions to ensure that new development appears to belong to the village, and not be a suburban style extension to it.

Settlements ..... dispersed around open green areas

New development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character.

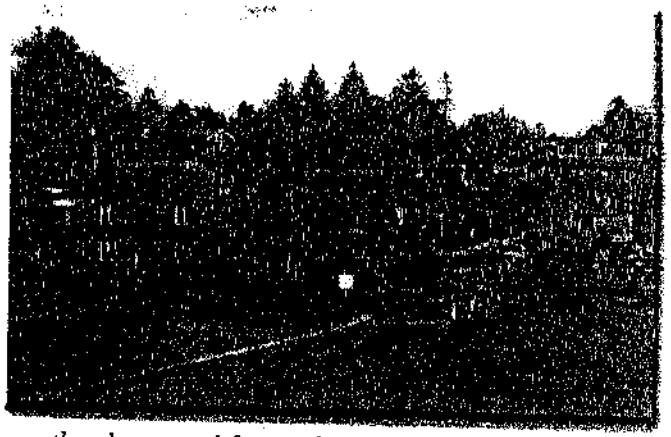
When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of the following:

- the overall form of the village, i.e. is it strongly linear, clustered around a village green, centered on a cross roads, or does it lack cohesive form?

.....the shape and form of settlements .... "linear"

- the width and layout of roads and footpaths;
- the layout of the existing buildings and the spaces between them, looking in particular for any repeated patterns such as orientation of ridge lines, terracing or front gardens;
- the relationship between the edge of the settlement and the countryside beyond;
- ground levels, taking account of the impact of buildings on prominent slopes from a wider area.
- the form, colour and materials of surrounding roofscape.

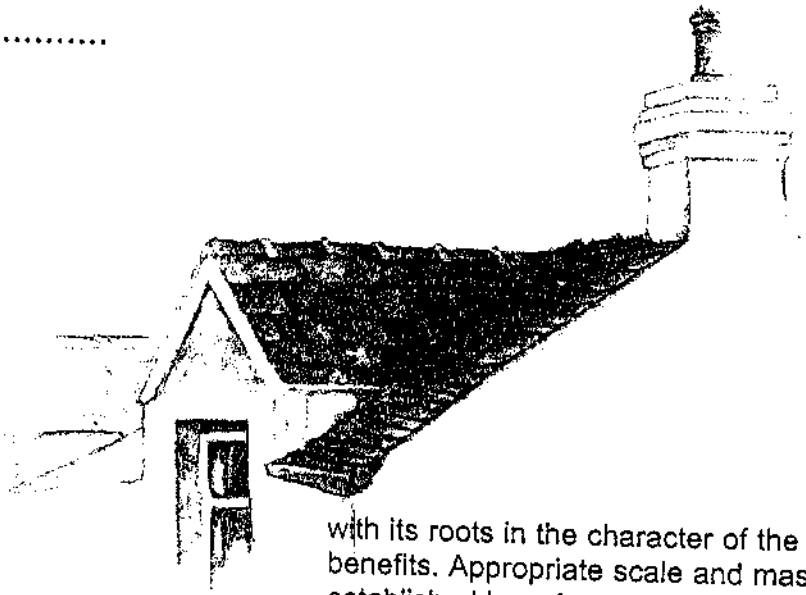
- where a village has a definite form, avoid layouts which would have a jarring effect such as a cul de sac in a village which has a strongly linear form;
- the visual effect of new roads and pavements necessary for larger developments. Avoid an unnecessary urban appearance which will have little in common with traditional housing layouts.
- the quality of public and private open spaces within the village, and views to and from these spaces;
- the presence of any natural features such as trees, hedges, ponds and streams;



.....the shape and form of settlements ... "grouped around a village green"

3 Buildings

River cobbles, red sandstone and render in the Solway area (1890)

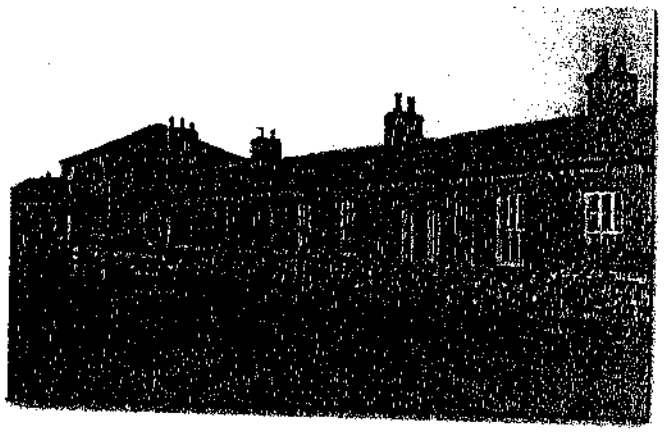


The older buildings in many villages often reflect local materials and cultures. Before transport became widely available, building materials were quarried locally, hence red sandstone in the Eden valley, cobbles obtained from rivers and the boulder clay across the District, the use of clay for walls and render in both the Eden valley and the Solway, and the use of sandstone and slate for roofing materials. In addition, there are a number of cruck framed buildings.

Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity, as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings.

There will be a presumption in favour of natural materials that will mellow with ageing. In many instances, man made materials such as plastics will be inappropriate.



Red sandstone and red brick in the Eden Valley

River cobbles, red sandstone and render in the Solway area (1990s).

There may be many natural features within and around a development site, such as mature trees and hedges, which should be retained. Such features can provide instant landscaping, and help to integrate the site with the surrounding area. For more advice on the protection of trees on development sites, the adopted supplementary planning guidance, *" Trees on Development Sites"* should be referred to.

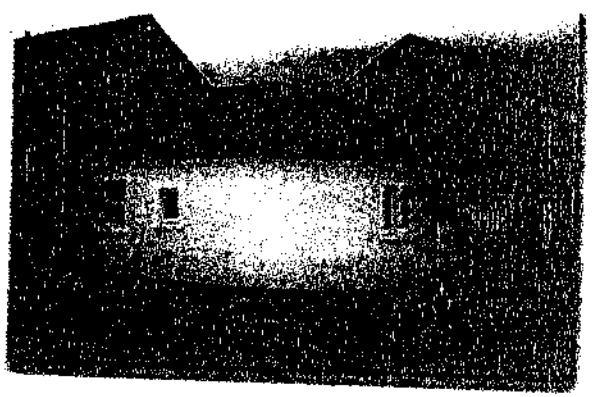
The quality of space around buildings is equally important. Development site boundaries can have a significant impact on a village and also (for edge of village developments) the surrounding countryside. Boundaries are often defined by hedges, although stone walls become more common towards the North Pennines. Well designed boundaries can help to integrate new development both with the village and the wider area. Such boundaries are also important in terms of privacy and security for new and existing development.

Development site boundary with new tree planting

... other features which give a village its character, such as front gardens, boundary walls .....

It is important that local characteristics are reflected in new buildings. The following aspects should therefore be carefully thought about when considering or drawing up proposals for new development:

- the impact of development site boundaries on the village or the surrounding countryside;
- the use of existing and new landscaping to help integrate new development with the surrounding environment;
- the colour and type of materials used and whether they reflect those used in existing buildings;
- good examples of the simple use of natural paving materials that can be found in many villages. Whilst cost will often preclude extensive use of natural paving or walling materials, a careful mix of traditional and modern will often be effective.
- the roof pitch, orientation of ridge lines, use of chimneys and type of roofing materials on adjacent buildings;
- the contribution made by window and door styles, and the use of porches, to local character, in particular whether windows have a vertical or horizontal emphasis;
- the predominance of other features which give a village its character, such as front gardens, boundary walls, repeated use of certain materials etc;
- the provision of garages, either for existing development or as part of new development, has the potential to blend in if built of matching materials. It is important that such garages are built of sufficient size to include some storage space. Garages provide a good opportunity to reduce the visual impact of parked cars on the rural scene;
- landscaping schemes which include the planting of native trees and hedgerows. These will help with the integration of new development and generally improve the surrounding environment. The adopted SPG *'Trees on Development Sites'* should be referred to for more detailed advice.



Garages ..... reduce the impact of parked cars on the rural scene.

Contacts

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Principal Development Control Officer 01228 817172

Angus Hutchinson
Assistant Development Control Officer 01228 817173

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Assistant Development Control Officer 01228 817174

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Peter Messenger
Conservation Officer 01228 817195

Richard McCoy
Assistant Cnservation Officer 01228 817196

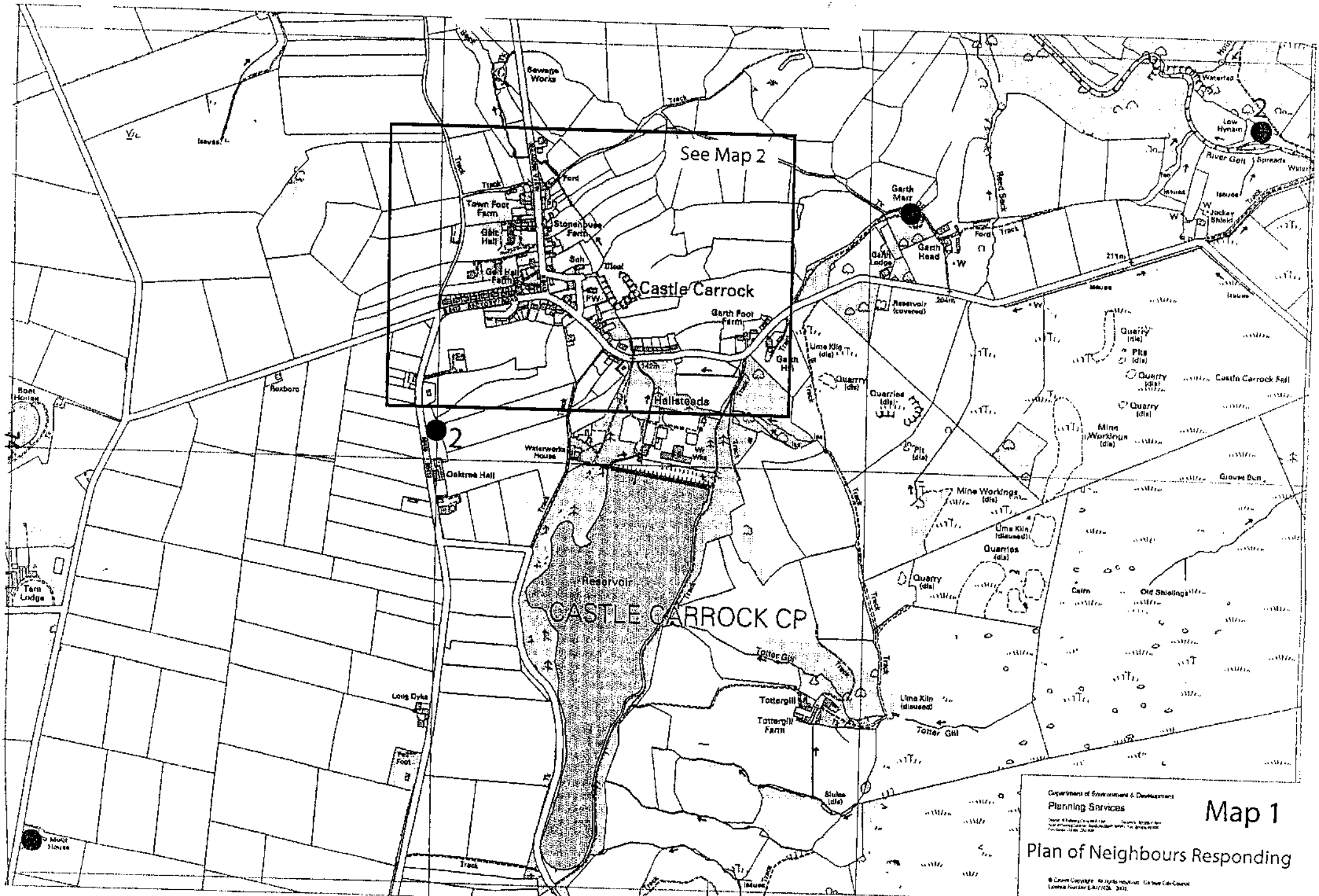
ADVICE ON LANDSCAPING OF NEW DEVELOPMENT

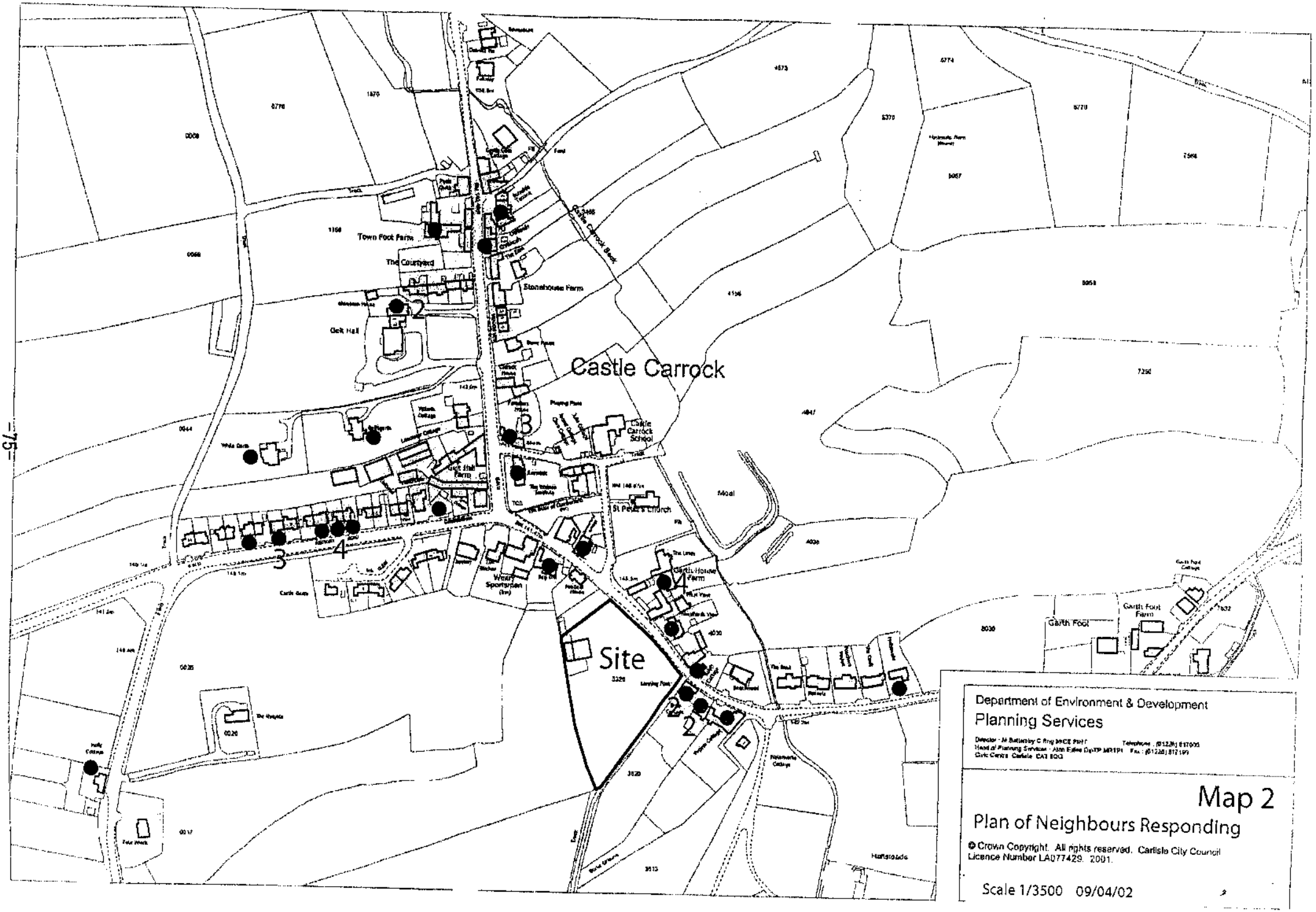
Chris Wright 01228 817364

LOCAL PLAN POLICY ADVICE

Christopher Hardman
Principal Local Plans Officer 01228 817190

Elizabeth Jackson
Assistant Local Plans Officer 01228 817192


See Map 2
Castle Carrock
CASTLE CARROCK CP
Hallsteads
Oaktree Hall
Waterworks House
Reservoir
Town Foot Farm
Gelt Hall
Gelt Hall Farm
Stonehouse Farm
Garth Foot Farm
Garth Mill
Garth Lodge
Garth Head
Reservoir (covered)
Lime Kiln (dis)
Quarry (dis)
Quarries (dis)
Pit (dis)
Mine Workings (dis)
Castle Carrock Fell
Grouse Butt
Lime Kiln (disused)
Cairn
Old Shielings
Tottergill
Tottergill Farm
Totter Gill
Sluice (dis)
Long Dyke
Roxboro
Boat House
Tarn Lodge
Low Hymain
River Gelt
Jockey Shield
Reed Sike
Sewage Works
Waterfall
Ford
Track
Issues
211m
204m
142m
Department of Environment & Development
Planning Services
Map 1
Plan of Neighbours Responding
1:11,000
9/4/2002


Castle Carrock
Site
Town Foot Farm
The Courtyard
Stonehouse Farm
Oak Hall
Castle Carrock School
St Peter's Church
Garth House Farm
Garth Foot
Garth Foot Farm
Department of Environment & Development
Planning Services
Map 2
Plan of Neighbours Responding
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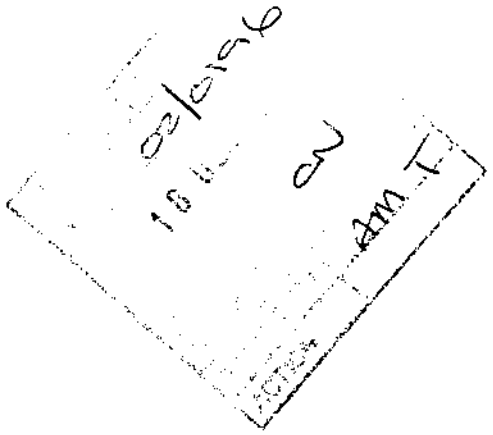
Scale 1/3500 09/04/02



COUNTY COUNCIL

Community Economy and Environment

Carlisle Area Support Office
Lower Gaol Yard
The Courts
Carlisle CA3 8NA
Fax: 01228 606577
Telephone: 01228 606110
geoff.cameron@cumbriacc.gov.uk

Your ref: **AMT/DC/02/0196**
Our ref: **5435/5530/GC/SS**
Enquiries to: Geoff Cameron

16 December 2002

Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear Sirs

CONSULTATIONS WITH PLANNING AUTHORITIES
PROPOSED HOUSING DEVELOPMENT,
FIELD 3328, CASTLE CARROCK

I refer to your letter dated 29th November 2002 concerning the above.

No footway of lighting scheme has been indicated along the frontage of the development site adjacent to the Unclassified road. This footway should also extend into the estate at the junction area.

The access drive serving plot 11 should be sited clear of the future adopted highway area. This will require the setting back of the garage further into the site.

I would consider that a further two parking spaces should be provided to serve plots 1a to d. These should be sited no nearer the junction than those presently proposed.

Visibility at access points serving plots 2, 6, and 7 will be completely restricted due to the close proximity of these properties to the estate road.

All boundary walls should not exceed a height of 0.6m to preserve sight lines from access points.

The 2m-service strip should extend round the turning road and this will necessitate the repositioning of plot 7.

For the reasons stated above, I would not be in favour of the layout of the estate road details indicated on drawing number 01/1224/05D.

I would therefore request that a further plan be submitted for my approval.

Yours faithfully

G. Cameron

Geoff Cameron
Assistant Development Control Engineer

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friends OF THE LAKE DISTRICT

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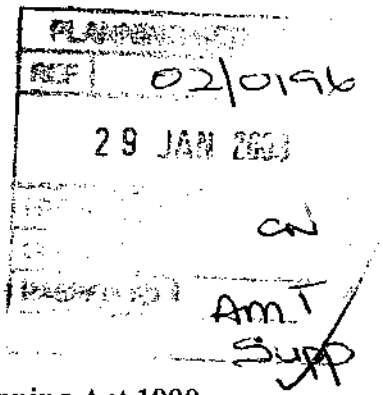
Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

27th January 2003



FAO Mr A Taylor

Dear Sir

Town and Country Planning Act 1990.
Planning Application 02/0196.
Erection of 12 no. detached dwellings, and 4 no. linked two bed houses for rent for local occupancy (revised proposals).
L/A field 3328, Castle Carrock, Carlisle.

We refer to the Planing Officer's report to the 31st January 2003 Planning Committee, and wish to respond as follows.

The City Council Planning Officer has still ***failed*** to assess the application against the ***housing needs of the area***. In this regard, FLD would draw attention to the following:

- Through the ***Interim Housing Policy Statement (November 2002)***, the Council has explicitly declared its aim of providing its ***focus*** for new housing provision in the ***main urban areas of the District*** (see wording on page 11 of the Statement). This revised approach has brought about ***because*** of the ***over-supply*** of new housing in the ***rural part*** of the District during the current Plan period. Despite this Statement, the Council's Planning Officer has still not put forward sufficient ***primary evidence*** nor adequate planning justification to support the release this greenfield site, which lies in a rural part of the District.

- The evidence that has been put forward, in terms of the contribution towards the ***vitality of local schools, shops and facilities*** (i.e. to satisfy paragraph 70 in PPG3), suggests there is ***no need*** for additional housing in the village. The village ***primary school*** is at ***capacity***, and the ***secondary school*** in Brampton is also ***full***, but we note it has spare capacity due to recent building work. However, the Planning Officer accepts that there is "***no issue of falling school roles***" and that "***there is no information to suggest that any other local services are under threat***". So in terms of supporting the viability of local services, there is ***no need*** for this development.

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Martin Varley

CPRE
REPRESENTING CPRE IN CUMBRIA

- In terms of ***local affordable housing***, the Planning Officer again accepts that there is ***no need***, when he states: "***it is evident that a case is not able to be made for the development on the basis of meeting a need as none is supported. Thus criterion 2 is also not satisfied***". FLD has already referred to the findings of the ***Cumbria Rural Housing Trust*** dated 6th September 2002, which also confirmed ***no local affordable need***.

- The LPA has still not provided ***primary evidence*** as to whether or not there is a ***general housing need*** for these large detached dwellings in the village. The Chief Local Plans Officer confirms that work has ***not*** been carried out to assess the level of general need in the rural area. Reference is made to the Interim Housing Policy Statement, which makes an ***assumption*** that in restricting rural housing, the focus should be where "***services exist to provide a more sustainable pattern of development***". But that assumption does ***not*** give for ***justification*** additional new housing here as ***required*** by PPG3 (March 2000). There is ***no evidence*** in this statement that ***assesses the quantitative or qualitative level of existing services*** to support that assumption. In the case of Castle Carrock, all the available evidence indicates ***no need*** as outlined above. Furthermore, no other ***primary evidence*** has been put forward to suggest that Castle Carrock is any more ***sustainable*** than any other rural location in the District.

- Another ***determining factor*** would be to define a ***general housing needs*** in the area. PPG3 (March 2000) sets out a ***methodology*** that requires LPAs to assess the ***composition of current and future households*** in their area, and of the ***existing housing stock*** [see ***paragraphs 9-11 in PPG3*** (March 2000)]. Accordingly, an accurate ***assessment*** must be made of the ***full range of housing needs*** for ***different types and sizes of housing across all tenures*** in Castle Carrock village [see ***paragraphs 3-7, 9-11, 12-13, and 69-71*** in PPG3 (March 2000)]. LPAs are therefore required to secure an ***appropriate mix of dwelling size, type and affordability in new developments*** to meet the changing ***composition*** of households in the area. Furthermore the needs of specific groups is emphasised in PPG3 (March 2000). It would be through this method that the City Council could justify further general housing needs in this rural area. Yet, the Chief Local Plan Officer confirms that this kind of assessment has ***not been carried out***, and so FLD would ***seriously question*** the Development Control Planning Officer's conclusions on this matter.

- Castle Carrock has a relatively ***small housing stock***. According to the Planning Officer's report, there are ***129 households*** in Castle Carrock (see page 20). Whereas local objectors to the application have counted ***80 existing dwellings*** in the village. The current proposal involving ***16 new dwellings***

would therefore ***increase*** the existing housing stock by as much as ***12.4% to 20%*** depending upon the survey adopted. FLD considers this level of increase would be ***significant***, in this village, taking account of the aforementioned evidence of existing services. However, there has been ***no assessment*** or conclusions drawn as to how that level of new housing would ***contribute towards the vitality***, or on the other hand, place ***added pressures*** upon local services.

- Yet the application proposes ***twelve, large, executive style, detached dwellings*** plus a terrace of ***four two bed dwellings*** in this rural location. There has been no justification to indicate that this type of housing would, in fact, satisfy an ***identified need*** set out in PPG3 (March 2000) [see ***paragraph 3-7 and 9-11***]. All the evidence shows there is otherwise ***no need***, because the LPA has ***already*** provided for a sufficient range and choice of housing in the rural area up to ***2006*** and beyond. This is ***evidenced*** by the number of ***outstanding planning permissions***, the ***number of completions*** already taken place between 1991-2002, together with the potential available from remaining ***allocations*** up until 2006 (see FLD letter dated 6th December 2002 page 2). That ***evidence*** has after all been the ***justification*** for the ***Interim Housing Policy Statement***.

- The assertion made by the Chief Local Plans Officer suggesting that it is not possible to relate the ***outstanding allocations to immediate commitments*** is ***not*** accepted by FLD (see page 93 second paragraph of the Officer's report). On the contrary, the LPA ***must*** take account of existing allocations, as this figure gives the LPA a ***clearer picture*** of where it stands in terms of the ***total potential supply of housing land.*** The ***Plan, Monitor and Manage*** approach requires the Council to ***manage the release of all sites*** over the plan period in order to ***control the pattern and speed of growth***. In doing so, the LPA is also required to review the ***likelihood*** of those ***allocations coming*** forward within the Plan. Furthermore, the LPA must also closely ***monitor*** the up-take of ***previously-developed sites and greenfield sites*** and be prepared to ***alter or revise*** their plan policies in the light of the monitoring (see ***paragraphs 32-34*** of PPG3 (March 2000).

- An ***allocation*** however is a legal land-use ***commitment*** in as much as an ***outline planning permission*** is equally a ***commitment***. In planning terms, the ***significance*** of an allocation is that it would have been supported through a ***Local Plan Inquiry*** having undergone ***public scrutiny*** in just the same way as any planning application. Ultimately it would have been also ***supported*** by the ***Secretary of State***, which invariably is ***not*** the case with a planning permission. So, whilst FLD ***accepts*** there can be no guarantee that an outstanding allocation will come forward before 2006, Carlisle City Council

has done as much as it can ***already*** in terms of making sure there is a ***sufficient supply of housing land*** [see ***paragraph 30*** in PPG3 (March 2000)]. Whether or not an allocation is ***implemented*** however depends upon the developer concerned, but that is ***not*** the responsibility of the LPA. But in terms of the ***Plan, Monitor and Manage*** exercise the ***probability*** of those allocations coming forward ***must*** be taken into account to give some degree of ***understanding*** about the ***total supply of land***. That assessment is therefore ***crucial*** in ***determining*** as to whether or not the LPA should release ***further windfall sites*** to ***satisfy*** a demonstrated need.

- It is also ***not acceptable*** to ***defer*** revisions to the ***supply of land*** through the ***Local Plan Review. Government Ministers*** have continually stated that PPG3 (March 2000) ***must be implemented in full now***, and ***not*** at some future stage, when the LPA thinks fit (see FLD letter 12th March 2002 page 7-9).

- Aside from the aforementioned housing figures, as part of the assessment of ***need, no other evidence*** has been put forward to demonstrate that this exclusive proposal would ***create***, or ***contribute*** towards, a ***balanced, inclusive, mixed community*** in Castle Carrock (as required in ***paragraphs 3-7, and 9-11*** in PPG3 (March 2000).

- At ***no*** time has FLD suggested that only Brampton, Longtown and Dalston are acceptable rural locations for new housing development (see Chief Local Plans Officer report 17th January 2003). What FLD has said is that in view of the ***over-supply*** in the rural area, the Authority ought to be ***focusing new development*** in those higher order locations for ***good planning reasons*** i.e. the Council should be giving those locations a ***higher priority*** (see our letter dated 6th December 2002). FLD would question as to how else would the LPA give emphasis towards the urban area in addressing the ***ongoing*** urban/rural ***imbalance***. The ***figures*** shown on page 2 of our letter dated 6th December 2002 merely demonstrate a ***lack*** of any ***substantiated need*** in the rural area, which must include Castle Carrock.

- The Countryside Agency has confirmed to FLD that it does ***not have the capacity to comment*** upon individual planning applications in the manner described in the Officer's report. The Countryside Agency ***does not have the ability to offer detailed assessments of landscape impact*** for individual planning applications, unless that should involve very large scale developments, like that proposed at Morton, or, for example, large-scale wind farm schemes. The Planning Officer's interpretation of the Countryside Agency's response is therefore an ***inaccurate spin*** of the facts, and is ***wholly misleading***. The Planning Officer's reference to his consultation with the

Countryside Agency and their lack of comment on the visual impact of the development should be ***deleted and ignored altogether.***

- FLD is disappointed that our amplifying comments regarding the consideration of ***landscape impact*** as set out in our ***subsequent*** letter dated 12th June 2002 has ***not*** been referred to in the Planning Officer's report. In that letter, FLD had therefore clarified what it means by the term ***"relatively prominent"***. FLD had stated that this term refers to the context of the ***immediate surroundings within the village***, and not necessarily the wider landscape.

- FLD therefore takes heart from the fact that the ***County Council's Landscape Officer*** considers in his report that:

  "the site forms an attractive green space within the village that contributes to its landscape setting and thus the quality of the whole environment. It must therefore be considered sensitive to any development." (paragraph 3)

  He goes on to state:

  "In terms of the broader landscape, the site is generally well contained by its boundary features and by topography. From higher parts of the site and along the south-western boundary views open up to the wider landscape. Thus while the development on the lower slopes is unlikely to impact on the wider landscape, this is less true at the higher elevation. While parts of the village have expanded in recent years, this area remains largely untouched by new development. The site is thus an integral part of the setting of the 'older' village.....In my view the lower part of the site could accept some small-scale development provided that the higher parts remain open. It is particularly important that any development is in sympathy with the unspoilt vernacular character. The proposed development however occupies the whole of the site and thus would be detrimental to this setting on the grounds of scale and loss of amenity value. This would be particularly apparent approaching the site from the village centre and from the south...it is thought that that roof lines would effectively obscure the boundary features at the rear of the site. The elevation at the rear of the site would also permit the development to intrude upon wider views from open land to the north." (paragraphs 7-8)

  "From Church Lane to the north a more open view of the whole development would be offered. The visual impact from this point

would be high in that new roof lines across the site would be more clearly visible." (paragraph 11)

"Therefore although within an existing settlement, it is not in sympathy with the character of the settlement as required by Policy 41 (iii). Similarly, the development is seen as damaging a nationally important landscape (Policy 11). The development is also seen to compromise Policy 27 by the loss of a valuable green space within the village." (paragraph 13)

- FLD is pleased that the County Council's Landscape Officer has come to ***similar opinions*** about the ***landscape impact*** of the proposed scheme (see our representations dated ***12th March 2002 and 12th June 2002***). The ***criticisms*** and ***disparaging remarks*** made by the City Council's Planning Officer in his report of the opinions made by FLD are therefore ***wholly unfounded and unacceptable.***

Please record these comments as those of ***CPRE (Cumbria association)***. **We would be grateful if the full contents of this letter is copied to all members of the Planning Committee before the Committee date scheduled for the 31st January 2003**. We would also be grateful to receive a copy of the decision notice.

Yours faithfully

Graham Hale

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

Cc – Mr Murray Farquhar, Government Office for the North West
Jane Corry, Cumbria Country Council

friends OF THE LAKE DISTRICT

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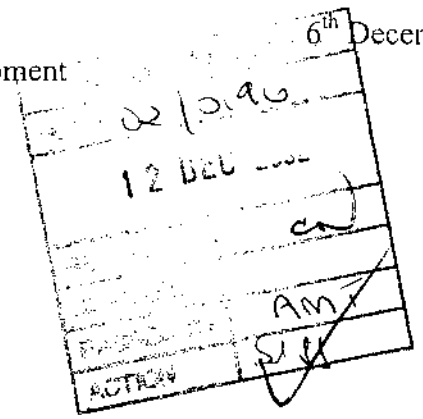
Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

6th December 2002



FAO Mr A Taylor

Dear Sir

Town and Country Planning Act 1990.
Planning Application 02/0196.
Erection of 12 no. detached dwellings, and 4 no. linked two bed houses for rent for local occupancy (revised proposals).
L/A field 3328, Castle Carrock, Carlisle.

President:
Sir John Johnson KCMG

Vice Presidents:
Sir Chris Bonington CBE
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Planning Officer:
Graham Hale

Assistant Policy Officer:
Martin Varley

Thank-you for re-consulting us on the above planning application. We also have a draft copy of the Planning Officer's report to DC Committee dated 20/12/02. We wish to make the following points in response to both.

Introduction

FLD notes that the number of dwellings now proposed has been **increased** from **11 to 16**, and the site now takes up more greenfield land than previously. Of the 16, **one** additional unit would be for general market housing. These involve large detached dwellings. **Four** would be 2 bed low cost housing units for local needs. FLD has set out detailed representations and correspondence with the Head of Local Plans and the Head of Planning Services previously (dated 12th March 2002, 20th May 2002, and 12th June 2002 respectively) as to why this development would, in principle, be contrary to the implementation of PPG3 (March 2000). We do not wish to repeat everything that has already been said, and consider that these previous representations remain equally valid to the above revisions. However, it is clear that the increase in the number of dwellings would **exacerbate** the over-provision of housing in the rural part of the District, where there is no **demonstrated** need. FLD therefore remains **opposed** to this unjustified development.

PPG3(March 2000) and the Council's Interim Housing Policy Statement

In terms of the Planning Officer's DC report, and the implementation of **PPG3 (March 2000)** and the **Interim Housing Policy Statement (November 2002)**,

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REPRESENTI
CPRE IN CUM

FLD would comment as follows. It is widely **accepted** by all Planning Authorities in England and Wales that PPG3 (March 2000) **supersedes** all outdated Local Plan policies, like those contained in the Carlisle City Local Plan (adopted in September 1997). The Interim Housing Policy Statement is a means to ensure that existing Local Plan housing policies are implemented **in accordance** with PPG3 (March 2000). Hence the **methodology** imposed by PPG3 (March 2000) must be adhered to when applying Local Plan policies.

Plan, Monitor and Manage, and over-provision

As a consequence, in carrying out the **Plan, Monitor and Manage** (PMM) approach in PPG3, all Planning Authorities are required to provide for a suitable level of housing that matches the **needs** of the District. In doing so, the PMM methodology requires consideration of the current **supply** of housing land (i.e. allocations, completions and planning permissions) set against the **JSP requirement** up until the end of 2006 (i.e. the end of the Plan period). The Council acknowledges that it currently has an **over-supply** of new housing in the rural area by some **125 units**, and is likely to continue to do so by 2006 with some **130 units** compared against the District requirement (see DC Officer's report 20/12/02).

Utilising the figures in the **Interim Housing Policy Statement** (see page 3), FLD has assessed the level of new housing in the District as follows:

	Total	Urban	Rural
(a) Total with planning permission	1928	1195	733
(b) Completions 1991-2002	4286	2652	1634
(c) TOTAL	6214	3847	2367
(d) LPA Projected total for Plan period (estimate up to 2006)	5751	3560	2191
(e) Outstanding Local Plan Allocations	1092		
(f) Total Local Plan provision	**6858**	**4801**	**2057**

The **JSP requirement** for the Plan period is **6,000 dwellings**. From (c) above, it can be seen that the District has a **current total potential supply** of **6214** new dwellings as at April 2002 (excluding existing outstanding Local Plan allocations). Assuming past build rates the projected total has been estimated down as **5751** [see (d) above]. However, assuming that the current outstanding Local Plan allocations will be granted planning permission before 2006, the District will then have a total housing land supply in the order of **6858** dwellings

[see f) above]. On the other hand, should all the existing outstanding permissions also be implemented, then the **total supply** would be in the region of **7306** (i.e. 6214 (c) + 1092 (e) above). As a minimum and excluding any **new windfall sites** that may come forward before 2006, the total **over-supply** would be in the order of **850** dwellings for the District as a whole. As a consequence, the 16 additional dwellings proposed in this application would **increase** the level of **over-provision** even further, where there is **no planning justification** to do so. Planning Inspectors dealing with appeals elsewhere in the country have held that an **oversupply** within the Plan period is a reason for **refusal** in its own right, in accordance with the PMM approach. Appeals have been dismissed on this basis alone.

The Sequential Test

The over-supply should then be considered against the emphasis in PPG3 towards providing sufficient housing land, but giving priority to re-using previously-developed land **within urban areas**, bringing empty homes back into use and converting existing buildings, in **preference** to the development of greenfield ones. In other words, the focus for new housing development should be **existing towns and cities**. That should imply that given the healthy housing land supply, especially in the rural areas, the Council should be giving highest priority to previously-developed sites within **Carlisle, Brampton, Longtown and Dalston**. These are the correct **higher order settlements**, not rural locations such as **Castle Carrock**, as the DC Planning Officer seems to inappropriately suggest. It is inconceivable to suggest therefore that Castle Carrock should be a priority for new development over other larger, more **sustainable built up areas** like those referred to above. A major criticism is that the Planning Officer has simply **not** made any assessment of the application against the **sequential test** and the higher order settlements where new development should be encouraged for **sustainability reasons**. This is a key test set out in PPG3 (March 2000). Development in rural villages should follow the sequential approach, unless there is a clear justification that new housing is required to meet the **needs of local people,** and where it can be demonstrated that it would support local services and ensure that the community remains viable.

Urban Housing Capacity Study

Should a 'need' exist, then PPG3 (March 2000) also requires consideration of the **Council's Urban Housing Capacity Study** to inform the decision-maker of the level of housing that could be provided on **sustainable previously-developed sites** in the built-up areas, before consideration could be given to greenfield sites. The Council has recently completed a revised UHCS. Yet the DC Planning Officer's report makes **no reference** to it, **nor** made any **consideration** of this

urban capacity study in assessing the appropriateness of the application site in Castle Carrock. The Officer's report and recommendation is therefore **significantly flawed** and fails the **principle test** in PPG3 (March 2000). Once again, Planning Inspector's have dismissed appeals where LPA's have failed to consider an application against an up-to-date UHCS (see Carleton Heights, Penrith appeal decision attached APP/H0928/A/01/1075486)

Local affordable housing need

In terms of justifying a **local housing 'need'**, the DC Planning Officer has not made reference to the recent survey carried out by **Cumbria Rural Housing Trust** (6th September 2002) (see attached). Their report concludes that:

> **"In conclusion, there does not appear to be any significant need for affordable housing provision with in Castle Carrock. One household has been identified as being in need of level access bungalow accommodation, and with the village Anchor Housing Association have four bungalows which would satisfy the needs of this household".**

As a consequence of this recent study, FLD concludes that the provision of a terrace of four, linked, 2 bed properties would make absolutely **no planning sense** at all, as there is simply **no justification**. These additional dwellings would be provided in a rural village location when there is **no need**.

General Market Housing

Even if a **need** were **substantiated** in the first place, FLD would have expected a much more in depth analysis of the **general housing needs** of the village, in accordance with the **Interim Housing Policy Statement** and **paragraphs 69-71 of PPG3** (March 2000),. For example, there is **no** assessment as to whether or not the additional housing will **support** local services, such as schools or shops, which could become **not viable** without some modest growth. Hence, there should otherwise have been a **detailed analysis** as to whether or not, for example, the local school is **over or under subscribed**. For example, should the Planning Authority find it over subscribed, then conclusions could be drawn that there is no need for additional housing capacity as that would exacerbate the existing problem. On the other hand, if the school is found to be under-subscribed, then there might be a reason to suggest there should be an increase in housing provision to ensure viability.

On the same basis, a similar analysis of the existing shops (i.e. the post office and pub) and other services (the village hall, local bus services and church) should also be made to as whether or not they are well used by local patronage. A

balanced judgement should have then be made as to **whether or not** additional housing **should** be required to ensure viability of the community. However, the DC Planning Officer's report dated 20/12/02 has provided **no analysis** of the present situation at all. Instead the report relies on an **old designation** dating back to 1978 to justify the new development, which simply **lists** facilities at that time, but does **not demonstrate** or **justify need** in a **qualitative** or **quantitative** measure. Yet PPG3 requires this up-to-date assessment because circumstances must alter over time.

Moreover, there is no assessment of the existing **level, mix or balance** of housing provision in the village, and therefore whether or not 16 additional dwellings would be **appropriate**. Furthermore, whether or not it would result in a **significant** increase in the total housing stock in the village. In FLD's opinion this proposal would **not** be **'small-scale'** in the **context** of this village. Equally, there is **no** assessment of the **environmental capacity of the village**.

Density

In terms of density, the proposals fail the requirements of PPG3 (March 2000), which requires developments to **avoid** densities of **less than 30 du/ha**. The current proposal manages just 21du/ha, which is well below the District Plan average of 25du/ha. Planning Inspector's have also dismissed proposals that fail to achieve the desired density on the grounds that the development would fail to achieve an efficient use of land. One of the main purposes of PPG3 (March 2000) is to minimise the take up of greenfield sites and to secure urban regeneration and to ensure the efficient use of land. The DC Officer's report makes **no justification** as to why the Government's policy and the Local Plan policy on density should be put aside as an exception in this case.

Conclusions

FLD concludes that:

- the revised proposal **exacerbates** the current **over-provision** in the rural areas;
- the DC Officer's report fails to employ PPG3 (March 2000) in so far as the over-provision in the Plan period is **not** being **Plan, Monitored and Managed**;
- there is **no** assessment of the application against the **five 'sustainability' tests** set out in paragraph 31 of PPG3;
- development of this greenfield site would **not maximise** the re-use of **previously-developed land** and the conversion and re-use of existing buildings;

- it would **not focus** development in the **higher order settlements** of Carlisle, Brampton, Longtown or Dalston;
- there is **no** assessment of the application against the **urban housing capacity study**;
- the **sequential test** has **not** been applied;
- the site does **not** satisfy the advice contained in PPG3 (March 2000) regarding **windfall sites**;
- there is **no** attempt to assess the **environmental capacity** of Castle Carrock;
- despite the lack of 'need', it is suggested that the site could be **phased**, but there is **no detail** as to how much and when; and
- there is **no** attempt to provide the **higher level of density** of development now sought by Central Government.

PPG3 (March 2000) does not exclude development within rural villages. However, the DC Officer's report provides little **detailed analysis** nor **any reasoned justification** as to why this greenfield site should be developed, where there is clearly **no need** for additional **general market housing** or **local affordable housing** in this village, before 2006. This is a fundamental point in implementing PPG3 (March 2000). It would seem that this application is being supported despite the **strong, fundamental, policy objections**, which seemingly have been **put to one side** without adequate policy or reasoned justification.

For the reasons outlined above, FLD would therefore maintain its objection and recommend **refusal** accordingly.

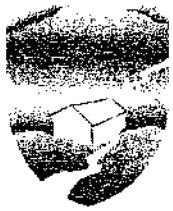
Please record these comments as those of ***CPRE (Cumbria association)***. **We would be grateful if the full contents of this letter is copied to all members of the Planning Committee before the Committee date scheduled for the 20th December 2002**. We would also be grateful to receive a copy of the decision notice.

Yours faithfully

Graham Hale.

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

Cc – Mr Murray Farquhar, Government Office for the North West
Jane Corry, Cumbria Country Council



Cumbria Rural Housing Trust

Unit 4B, Redhills Business Park, Penrith, Cumbria, CA11 0DT

6th September 2002

Mr Bird
Clerk Castle Carrock Parish Council
Greenwell
Castle Carrock
Brampton
Cumbria
CA8 9NH

Dear Mr Bird

Re: Castle Carrock

Please find enclosed the key findings for the above survey completed by Cumbria Rural Housing Trust in August 2002.

Key findings are derived from households who completed Part Two of the forms only, indicating they were in some kind of housing need. I will forward the full survey report, which is an analysis of the housing market within Castle Carrock including responses of Part One and Part Two forms when it is available.

If you have any queries please do not hesitate to contact me. I will be in the office Monday and Tuesday of next week.

Yours sincerely

K P Riding

Kirstine Riding
MANAGER CRHT

T: 01768 242135 E: cumbria@ruralhousing.fslife.co.uk W: ds.dial.pipex.com/cumbria.rural.housing
Data Protection Registration Number Y 3516 014 Company Registration Number 292 0997 Registered Charity Number: 1064136

Cumbria Rural Housing Trust

Unit 4B, Redhills Business Park, Penrith, Cumbria, CA11 0DT

T: 01768 242135 E: cumbria@ruralhousing.fslife.co.uk W: ds.dial.pipex.com/cumbria.rural.housing

Castle Carrock housing needs survey
Key Findings

The survey

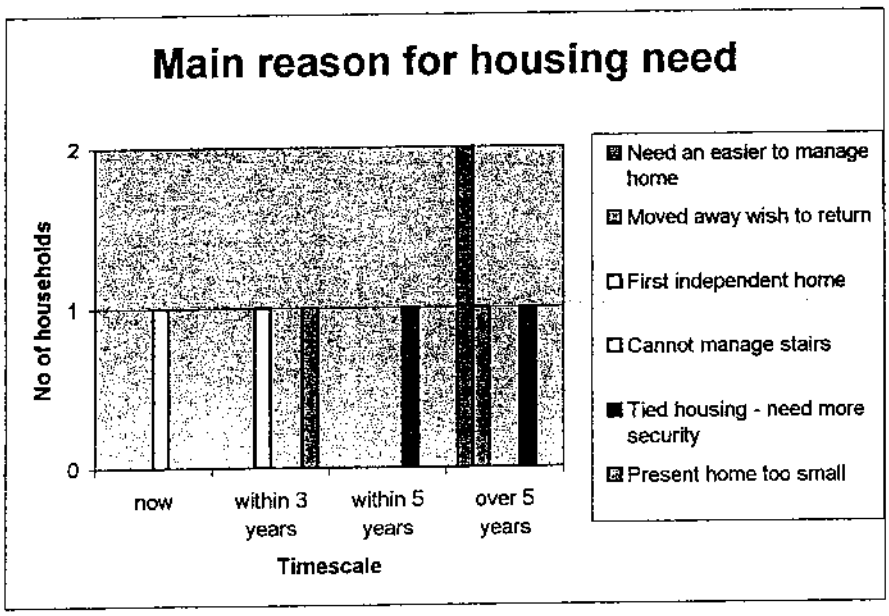
We posted out 127 forms to the parishioners of Castle Carrock. [redacted] households returned their completed Part One, and 8 of these included Part Two, illustrating their requirements for re-housing. A return rate of 47% which is well above the average of 35% return rate for this type of survey.

Of the returned forms, therefore, approximately [redacted] of households made a positive response to the question of whether they had a need for local housing now or in the near future.

This brief report details the information derived from these [redacted] Part Two forms. We asked households whether they were registered with a housing association, local authority or private landlord for re-housing, only one household was registered with a housing association for re-housing.

The Current housing situation

Figure 1: Timescale and Main Reason for Housing Need



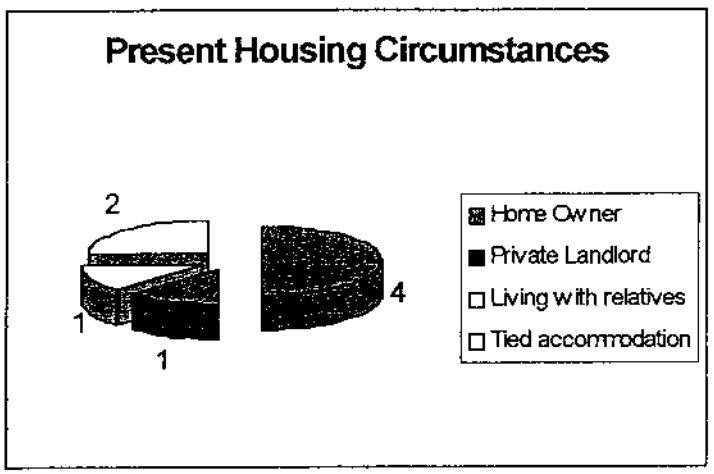
Data Protection Registration Number: Y 3516 014 Company Registration Number: 292 0997 Registered Charity Number: 1064136

As the chart shows, only one household states a need to move now as they have a difficulty with stairs in their current home. Households could give more than one reason to move but were asked to specify one main reason, on which the previous chart is based. Two households state a need to move within three years to set up a first independent home and present home is too small.

The majority of households opted for re-housing over a five year period reasons being difficulty managing in their current home due to old age and currently in agricultural tied accommodation either looking to retire or part ownership of the agricultural home and looking to sell for financial reasons. One household has left the area and wishes to return.

Of the eight households returning Part Two forms, four were homeowners, two were in tied accommodation however one household has part ownership of their property, one was a tenant of a private landlord and one is living parents or relatives. Present Housing Circumstances are detailed in Figure 3.

Figure 3: Present Housing Circumstances



We would normally expect the majority of homeowners to have sufficiently equity to purchase their next home; all four would fall into this category.

Both of the households currently living in tied accommodation require re-housing within a five-year period. Due to the length of time they have chosen for re-housing it does not appear they are in any immediate need of accommodation. One household has part ownership of an agricultural holding, however their property is tied to the farm. The other household is looking to retire within the five-year period. For the purposes of this survey neither of these households are considered to be in housing need.

One household is currently living with parents or relatives, wishing to set up an independent home and in this case this may be an aspiration rather than a realistic intention. They are not looking to move immediately but within a three-year period. For the purposes of this survey they are not considered to be in housing need.

One household is currently renting from a private landlord but requires a property with adaptations and is currently registered with a housing association for re-housing into level access accommodation. This

household commented that there are level access bungalows within the village managed by a housing association, which are not being allocated to persons from Castle Carrock. This household is registered with the housing association for re-housing. We would consider this household to be in housing need.

Anchor Housing Association currently has four bungalows within Castle Carrock. From initial research it does not appear priority is given to householders from the village and vacancies are few.

Evidence of housing need: a summary

In conclusion, there does not appear to be any significant need for affordable housing provision with in Castle Carrock. One household has been identified as being in need of level access bungalow accommodation and within the village, Anchor Housing Association have four bungalows which would satisfy the needs of this household.

Key findings are derived from households who completed Part Two of the survey forms only, who have indicated they have a need for re-housing.

Appeal Decision

Inquiry held on 26, 27 February and 23, 24 May 2002
Site visit made on 24 May 2002

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date
22 JUL 2002

Appeal Ref: APP/H0928/A/01/1075486
Land at Carleton Heights, Penrith

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Alfred McAlpine Homes Cumbria Ltd against the decision of Eden District Council.
- The application (Ref.01/0619), dated 10 August 2001, was refused by notice dated 20 September 2001.
- The proposal is a residential development.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The original application was made in outline with all matters reserved. Drawing 305/100, submitted with the originating application, shows a suggested layout. As confirmed at the Inquiry, this drawing was intended to be illustrative only. I shall treat it accordingly. An amended location plan was submitted during the Inquiry that identifies adjoining land under the control of the appellants. It was agreed that the proposal should be considered on the basis of this revised information.

Main Issues

2. In my view the main issues in this case are:

   1) Whether there is sufficient justification for the development, having regard to the provisions of the development plan and Government advice in Planning Policy Guidance Note 3 – Housing (PPG3).

   2) The effect of the proposal on the character and appearance of the area.

Planning Policy

3. The development plan for the area includes the Cumbria and Lake District Joint Structure Plan 1991 – 2006 'Development for the 1990s', that dates from 1995, and the Eden Local Plan of December 1996.

4. Structure Plan Policy 1 states that development will be provided, mainly in towns, to meet the social and economic needs of the County's population, in a manner that does not diminish environmental quality. Policy 2 seeks to protect the County's scenic beauty, natural resources and the quality of its built environment from inappropriate development. Policy 11 sets out to allow Penrith to develop at a rate that allows local housing and business needs to be satisfied, but in a manner sympathetic to its existing character and rural setting.

5. Policy 13 refers to 'The Rest of the Countryside' (as opposed to Landscapes of National and County Importance dealt with in Policies 11 and 12). In this area, development will normally be permitted that is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance.

6. Local Plan Policy NE1 refers to development in the countryside. This is to be valued for its undeveloped character and to protect this character, development outside settlements and groups of dwelling will only be permitted to meet local infrastructure needs or if a need is established in a specific location that outweighs its environmental cost. For such development to be acceptable a number of criteria need to be satisfied; siting and landscaping should minimise impact; design and materials should be appropriate to the location and an unacceptable level of harm should not be caused to any interests of acknowledged importance.

7. Policy HS1 sets out a list of settlements with allocations for residential development while Policy HS2 sets out those settlements without allocations. Policy HS4 allows for small windfall sites within these settlements, subject to a range of criteria. Policy HS5 seeks to secure a mix of housing types to meet the needs of the community, and where there is evidence of need, affordable housing.

8. PPG3 is of particular relevance to this appeal. Amongst a series of central objectives, PPG3 requires local planning authorities to provide sufficient housing land but to give priority to previously developed land within urban areas and utilising empty homes and conversions, in preference to the development of greenfield sites. Moreover, more sustainable patterns of development should be created by building in ways that exploit and deliver greater accessibility to jobs, education and health facilities, shopping, leisure and local services.

9. As part of this process, paragraph 37 requires development plans to be revised to properly reflect the guidance, as quickly as possible. As part of this process paragraph 24 requires Councils to undertake urban housing capacity studies in order to establish how much additional housing can be accommodated within urban areas. Paragraph 38 requires housing proposals considered in the interim, to treat the guidance as a material consideration that may supersede the development plan. Paragraph 67 deals with the creation of urban extensions and it was agreed that the appeal site falls into this category. It states that these are likely to prove the next most sustainable option for new housing, after building on appropriate sites in urban areas.

10. I have also noted the content of Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development (PPG7) and, in particular, the stipulation therein that the countryside should be protected for its own sake.

Reasons

Whether there is sufficient justification for the development, having regard to the provisions of the development plan and Government advice in Planning Policy Guidance Note 3 – Housing (PPG3).

11. In essence, the appellants contend that, for a variety of reasons, there is a shortfall in housing supply for the period up to 2006 and that, as a result, there is a need to bring forward the appeal site. The Council argues that, on the contrary, the housing sites allocated in the Local Plan are sufficient to meet the projected housing requirements up to 2006.

12. The Council's witness confirmed under cross-examination that the overwhelming majority of the remaining allocated sites in the Local Plan are greenfield sites in outlying settlements that are not blessed with a wide range of facilities like shops or schools, or public transport. Consequently, as highlighted by the appellants, their development would foster the need to travel by car. Leaving aside the marketing and other constraints identified by the appellants it is therefore, difficult to envisage how these sites can meet the central objective of PPG3, to create more sustainable patterns of development. On the basis of this analysis, it seems to me that it is unacceptable for the Council to argue that allocated sites can meet projected housing requirements up to 2006. The effective shortfall is, in my view, even greater than that identified by the appellants.

13. If the Council followed advice in paragraph 37 of PPG3, (and I note it is not the current intention to do so) these housing allocations would be reviewed in the light of the central objectives of this guidance. On the face of it, bearing in mind advice in paragraph 67, any such review would not bring forward these allocated sites before more sustainable options, such as the development of previously developed land in, or urban extensions to, Penrith.

14. Notwithstanding the views put forward to the Inquiry, the Council's assertion that there is no need for a review of its housing allocations in the light of advice in PPG3, is, to my mind, untenable. Given the examples of recent permissions, not compliant with PPG3, tabled by the appellants, such a review is a pressing priority. The Council's admission that publication of an Urban Capacity Study (as required by paragraph 24 of PPG3) is around 12 months distant is an unacceptably slow response to Government advice in this regard.

15. There is no dispute between the parties that the appeal site can be defined as an urban extension. As such, having regard to advice in paragraph 67 of PPG3, it is sequentially superior to the overwhelming majority of the remaining allocated sites. Furthermore, the parties seem to concur that, in accordance with the appellants' study, there is little likelihood that housing on previously developed land in Penrith will be able to meet anything other than a small proportion of housing needs up to 2006. In this context it seems inevitable that urban extensions to Penrith (such as the appeal site) will have to be considered in advance of the less sustainable housing sites allocated in the Local Plan.

16. However, if a review of housing supply is to take place, and it seems to me that this is the only sensible way to proceed, then to bring the appeal site forward, in advance of that review, would serve to prejudice its results. This appeal is, in my view, too narrow in its compass to permit proper consideration of these more wide ranging, strategic matters. For example, without the results of an urban capacity study it is not possible to ascertain the contribution that might be made by new housing on previously developed land in Penrith. As a result, neither is the extent of the necessary contribution from any urban extensions discernible. Moreover, a wider study might well identify urban extensions to Penrith that perform better, in sustainability terms, than the appeal site.

17. With all these points in mind, I do not consider that in the context of the development plan and, more importantly advice in PPG3, there is sufficient justification for the development.

18. The appellant has pointed to the housing supply position in relation to Penrith. I accept that this position is difficult and may well stifle economic growth. However, to my mind that is not an argument in favour of bringing the appeal site forward but an indication of how important it is for the Council to undertake a review of its housing allocations expeditiously.

19. I note that the proposal includes an element of affordable housing, for which there is an acknowledged need, and that this could be secured by condition. However, I do not accept that this factor, albeit favourable, can outweigh my primary conclusion.

The effect of the proposal on the character and appearance of the area.

20. As I have set out the appeal site is an urban extension. Notwithstanding that long-distance views of the site are limited, and that landscaping could, potentially, provide something of a screen, its development for housing would lead to the northerly encroachment of the built form of the settlement into the surrounding countryside. This encroachment would be readily apparent from Beacon Edge, to the north.

21. It may well be that, taken in the round, the impact of this encroachment might be less than the impact of developing some of those greenfield sites, allocated in the Local Plan. If this was the case and there was an identified need, then the proposal could be judged to comply with Local Plan Policy NE1, in that the need could outweigh the environmental cost. However, without the security offered by an overall review of housing supply, it is not possible to conclude that there is an absolute need. A wider review might well, for example, identify urban extensions that have less visual impact.

22. In this context, I consider that, in the absence of an identified need, the encroachment of built form into the surrounding countryside would be harmful to the character and appearance of the area. The proposal would, therefore, be contrary to Local Plan Policy NE1 and advice in PPG7.

Conclusions

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

24. In exercise of the powers transferred to me, I dismiss the appeal.

Information

25. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr M Druce of Counsel		Instructed by Taylor & Hardy
He called		
Mrs S Dodwell	MA(LD) BSc MLI	Woolerton Dodwell Associates
Mr R Taylor	Dip TP MRTPI	Taylor & Hardy
Mr W Sparnon		Alfred McAlpine (Homes) Ltd

FOR THE COUNCIL

Mr I Ponter of Counsel		Instructed by Eden District Council
He called		
Mrs M Kent	BA(Hons) MRTPI	Eden DC
Mr R Hopcraft	DipTP MRTPI	Eden DC

INTERESTED PERSONS

Mr G Hale	Friends of the Lake District/CPRE
Mr S Marsh	10, Carleton Fields, Penrith

DOCUMENTS

Document 1	Lists of those present at the Inquiry
Document 2	Letter of notification of the Appeal
Document 3	Representations on Document 2 (including those put in at Inquiry)
Document 4	Statement of Common Ground
Document 5	Supplementary Statement of Common Ground
Document 6	Appendices to Mrs Kent & Mr Hopcraft's joint Proof of Evidence
Document 7	Appendix to Proof of Evidence of Mrs Dodwell
Document 8	Mr Taylor's Appendices RT1, RT2 & RT3
Document 9	RT4 – Comparitive Completions and Availability
Document 10	RT5 – Committee Report on Eden Local Plan Review
Document 11	RT6 – Committee Report on application at OS 4500, Plumpton
Document 12	RT7 – Report on the Structure Plan Consultation
Document 13	Mr Sparnon's Appendix WS1 – Extract from 'Planning'
Document 14	WS2 – Assessment of outstanding pps in Penrith
Document 15	WS2A – Revised assessment of outstanding pps in Penrith
Document 16	WS3 – Correspondence re affordable housing

Document 17	WS4 – Eden Local Plan – Review of Allocated Sites
Document 18	WS5 – Brownfield Site Investigation
Document 19	WS6 – Eden Local Plan – Review of Allocated Sites (revised)
Document 20	WS7 – The Housebuilders Federation 'Realising Capacity'
Document 21	Chronology and associated correspondence and tables
Document 22	Eden Design Summary
Document 23	Rebuttal Proof to Landscape Evidence – put in by Mrs Kent
Document 24	Comments of Mrs Dodwell on Document 23
Document 25	Comments of Mrs Kent on Document 24
Document 26	Additional photographs submitted by Mrs Dodwell
Document 27	Copy of Mr Hopcraft's notes on marketing
Document 28	Copy of notes on Mr Sparnon's methodology
Document 29	Copy of Cumbria and Lake District Joint Structure Plan
Document 30	'Planning Cumbria' – Providing New Housing
Document 31	Copy of response by Eden DC to Document 30
Document 32	Appeal Decision & Committee Reports on recent pps on allocated sites
Document 33	Itinerary for Site Visit
Document 34	Letter from GONW put in by Mr Hale
Document 35	Copy of correspondence between parties during adjournment

PLANS

Plan A	Location Plan (as submitted to Inquiry)
Plan B	Illustrative Proposals

friends OF THE LAKE DISTRICT

COPY

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Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria CA3 8QG

20th May 2002

FAO Messrs A C Eales and C Hardman

Dear Sirs

Town and Country Planning Act 1990.
Implementation of PPG3.

Further to our previous correspondence concerning the above, please find enclosed a series of relevant planning appeal decisions received from South Holland District Council.

We also received today a copy of the decision notice for planning application 01/0870 LBC, which gives Consent for the erection of 13 dwellings within the walled garden of Holme Eden, Warwick Bridge. We had been very disappointed to see that the respective Planning Officer's report to Committee had stated that our interpretation on a specific point in PPG3 was not correct. This is an unfortunate conclusion, particularly when the Authority itself has clearly not demonstrated that it had considered any of the recent greenfield housing site applications in accordance with PPG3. Instead, Officer's reports confirm that justification as part of the Policy and Assessment appears to have largely been based on the out-dated Local Plan Policy H5. This is clearly a major problem in our judgement, and it is fair to let you know that we have referred our concerns directly on to GONW and the NWRA. The enclosed appeal decisions are therefore pertinent in this respect.

With regard to the specific point previously raised in terms of greenfield windfalls, we would agree that PPG3 is 'silent' on how these applications should be considered. However, Paragraph 38 advises LPAs of the need to have regard to the policies contained in the PPG as material considerations, which may supersede policies in the Local Plan, until such time as the Local Plan has been reviewed. GONW have confirmed this point in their letter to yourselves dated 20th December 2001, and is explicitly confirmed in the enclosed appeal decisions.

President:
Sir John Johnson KCMG

Vice Presidents:
Sir Chris Bonington CBE
K S Himsworth CBE
Lord Chorley
Graham Watson MBE

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Hon. Treasurer:
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Director:
Ian Brodie

Policy Officer:
Jan Darrall

Planning Officer:
Graham Hale

Membership Secretary:
Jane Walton

Assistant Policy Officer:
Martin Varley

CPRE
REPRESENTING CPRE IN CUMBRIA

In one of our letters of representation (dated 8th November 2001) concerning application 01/0573 (Residential development at Hayton Gardens, Hayton), we had stated in the third paragraph the following:

> **"Consequently, in our judgement there can be no planning justification for any Planning Authority to grant planning permission for a greenfield, unallocated site for residential development in the light of PPG3."**

Whilst we may not be able to sustain that opinion in terms of what PPG3 actually says - because it is 'silent' - the fact remains that Paragraph 36 *does* state that *no allowance* should be made for greenfield windfalls. It *could* be interpreted that 'no allowance' means that there is *no bar* on windfall greenfield development. We can understand that interpretation, but equally that is *not* what PPG3 actually *states* either. Whatever the arguable case, it would seem the Government envisages that *unallocated* greenfield development can *only* come forward in exceptional circumstances, and it must be fully justified in accordance with the requirements of PPG3.

In view of the apparent confusion by your Officers over our interpretation, we had therefore expanded upon this point more recently in correspondence relating to the application at Castle Carrock (reference 02/0196). It is our view that at the very least PPG3 is saying planning permission should not be granted for windfall development on greenfield sites, where there is *no* demonstrable 'need' in terms of the housing requirements for the District. Only where there is a clear planning case that there is an insufficient supply of housing land available to satisfy existing housing requirements in the Plan period, should additional land be brought forward for development. An Authority is still required to consider such additional windfall land in accordance with the five tests in paragraph 31 of PPG3, the sequential approach and the results of the Urban Housing Capacity Study (UHCS), together with the advice contained in 'Tapping the Potential'. In the absence of any housing 'need', however the Council would not be required to go any further in the assessment, and could justifiably refuse permission on that basis alone. At best, we would argue that such additional windfall sites should be justified through the Local Plan process, as an update of the Plan through the plan, monitor and manage approach.

The enclosed appeal decisions would all seem to support the view that 'need' forms the basis of the assessment, before the remaining methodology of PPG3, such as the sequential approach etc, comes into play. PPG3 has a logical approach, which also means that if part of that assessment is either missed out or ignored (ie the UHCS), it is then difficult to draw any proper planning conclusions and recommendations. That fact also comes out of the appeal decisions. An

Authority cannot be selective over which 'bits' of PPG3 they wish to incorporate or ignore. That is why PPG3 brings in a much more comprehensive, technical approach to assessing housing development. The appeal decisions also show that it is no longer acceptable to rely on out-dated Local Plan policies.

As stated, of particular relevance is the various Inspectors' conclusions relating to the importance of whether or not there is a demonstrable housing 'need' to support the development of a greenfield site. The cases invariably involve *allocated* greenfield sites, rather than windfalls. In our opinion, greenfield windfalls would have even less planning justification in the same circumstances, as they do not have the benefit of having been through the Local Plan process. So the Inspector's conclusions on these allocated sites indicates the level of weight that would otherwise be given to greenfield windfalls in those circumstances. In addition, the examples illustrate the importance and emphasis that Government gives to sustainable development in villages, and the otherwise intended focus of development on the towns; ie in this case Spalding. Consequently, we consider there is a direct correlation here with the situation in Carlisle District, and the consideration of recent housing development in the outlying small rural villages, such as Castle Carrock, Hayton, Durdar and Warwick Bridge.

In view of the enclosed, FLD would request the Authority examine the various Inspectors decisions carefully. There is a significant amount of material in these decisions relevant to Carlisle District. Perhaps it may be beneficial if we meet to run through the various issues and concerns we have raised recently. We therfore look forward to hearing from you.

Please record these comments as those of ***CPRE (Cumbria association)***.

Yours faithfully

Graham Hale

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

PLANNING APPLICATION 02/0196 OS 3328 CASTLE CARROCK

COMMENTS ON THE LANDSCAPE ASPECTS OF THE APPRAISAL OF THE SITE AT CASTLE CARROCK UNDERTAKEN BY WOOLERTON DODWELL ASSOCIATES

Gillian Capstick Dip. LA MLI
Chartered Landscape Architect
Townhead
Johnby
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Cumbria
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Telephone: 01768 483423

PROPOSED DEVELOPMENT SITE OS 3328, CASTLE CARROCK

LANDSCAPE APPRAISAL

---

1. I have been requested to comment on the Landscape Aspects of the Appraisal of the above site which has been submitted by Woolerton Dodwell, Chartered Landscape Architects on behalf of the Castle Carrock Pound as a formal objection to Planning Application 02/0196.

2. I am an experienced Landscape Architect having been in practice for 24 years. I have undertaken a wide range of professional work including a large number of housing developments, many in sensitive areas such as National Parks and Conservation Areas.

3. The Appraisal refers in para 8. to the advice contained within the Carlisle City Council **Countryside Design Summary** adopted on 8 June 2000. This states that:

   ' New development should be sited to integrate with the form of the village and should not interrupt the established or historic appearance of the many elements which make up the overall character'

4. How far the proposed development respects this advice and has either negative or positive effects on the landscape character of the village and its surroundings is significant in deciding whether the appraisal undertaken by Woolerton Dodwell fairly represents the potential impact of the residential development which is proposed.

5. Para. 12. emphasises the importance of the spaces between buildings and the opportunities they afford to gain distant views to the surrounding area. Whilst this aspect is certainly important in respect of internal and intimate spaces such as that near to the church, 'The Lawns', the proposed site, Sid's field, is a not such a space being situated on the edge of the village.

6. The significant views out to open countryside from within the village are those as identified in photograph 3. to the dominating landscape of the Pennine scarp and open moorland and to a lesser degree to the surrounding woodlands, especially in the vicinity of the Castle Carrock reservoir.

7. Para 13. and photograph 4. suggest the importance of views from within the settlement over Sid's field to open countryside. Views from this direction are limited to those properties which immediately front the adjoining road. The nature of these properties being barns around courtyards indicate that, even when they

are converted to residential units, not all will have views out over the road towards the site.

8. The topography of the proposed site sloping upwards away from the road results in views to open countryside being truncated by the form of the land and the wooded background. The views are not on a similar scale of significance as those highlighted in para 6. above.

9. The trees surrounding Sid's field are an important landscape and amenity element on the edge of the village. They merge visually in the background into the larger area of woodland which surrounds the reservoir. The proposed residential development will not block the views of these trees, the trees will remain visible from the village either through spaces between the proposed houses or above the single storey dwellings which are proposed towards the rear of the site. Their important contribution to the outlook will not be lost.

The other important landscape element in the field, the attractive local dry stone walls will also be retained largely intact.

10. The views stated in para 18. that the field proposed to be developed for housing is *' within the centre of the village'* and that in paras 19 and 20 that it is *' a very valuable visual amenity' and ' provides a glimpse of the working countryside'* are not accepted. An inspection of the field and its location in relation to adjoining properties would indicate that in fact it lies on the edge of the village. It is the fragmented remains of a former working farm which has been broken up and as such its future will always remain uncertain.

11. Change in the character of the village and permanent obstruction of the existing views of the countryside on the edge of the village are alluded to in paras 22. and 23. The important elements of the internal village character, the intimate open spaces with glimpses of views out to the impressive upland scenery for which the Northern Pennines A.O.N.B. is renowned will remain intact even when the development which is proposed is implemented.

Similarly the shorter range views to trees and woodlands, the significant elements of the landscape nearer to the village will still be maintained.

Para 23, photograph 8 implies that all views from the public footpath which follows the lane to the south east of the site will be lost if the residential development which is proposed is implemented. Whilst it is accepted there will be a substantial interruption to views in the lower section of this path, once it rises following the slope of the hill there will be no such restriction with a clear aspect over the properties on the upper part of the site.

12. **Local Plan Policy LP E50 'Open Spaces within Settlements'** is referred to in para. 27 as being of relevance. This policy identifies aspects of open space and

views within settlements. It indicates a presumption against the loss of *'significant public and private open spaces within settlements'*. It also highlights the importance of *' views within villages or from villages to the open countryside'*.

As stated in the above paragraphs both the open spaces and internal views which are characteristic and important to Castle Carrock will remain intact even if Sid's field is developed for housing. Similarly the essential and important elements of the views outwards from the village will be maintained.

13. Policy E 50 finally advises that not every open space within a settlement will be subject to this policy. The Policy accepts that many areas can be regarded as infill sites suitable for development for which there will be no objection in principle.

Conclusions

14. Any process of survey and evaluation especially in the area of landscape appraisal is inevitably influenced by some degree of subjectivity however rigorous the framework within which it is made is designed.

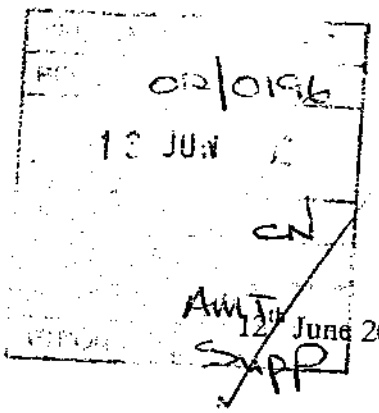
15. From a landscape standpoint a fundamental decision must be made as to whether the proposals would have as stated in para 31. of the appraisal - *' a significant detrimental effect on visual amenity and on both the character and quality of the village'*.

All change in the built environment exerts some degree of change on the landscape. The landscape aspects of both Structure Plan and Local Plans whilst seeking to protect the essential character of settlements do not assume a blanket presumption against any development. They seek to give some measure of protection to those views both internal and to outside which are considered important to individual settlements.

16. In the case of the proposal to develop O.S. field No 3328, Castle Carrock for housing, it is my opinion that the views both within the village and to the countryside and moorland outside which are of overiding significance will be retained. Whilst the development of Sid's field will involve a degree of change to the local landscape the major elements which give the village its charm and character will not be compromised.

Gillian Capstick Dip. LA MLI
Chartered Landscape Architect
20 April 2002

friends OF THE LAKE DISTRICT



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Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

12th June 2002

Dear Sir

Town and Country Planning Act 1990.
Planning Application 02/0196.
Erection of 11 dwellings.
L/A field 3328, Castle Carrock, Carlisle.

We refer to the above planning application, and the two Planning Officers' reports to Committee scheduled for the 14th June.

1) Development Control Report.

We consider that the Development Control report to be flawed, as it has failed to assess the planning application in terms of the requirements of PPG3. Our reasons for coming to this conclusion are set out below:

- the DC report has not made any assessment of the inter-relationship between current supply of housing, and any **additional** 'need' for housing if there is one to meet the Cumbria County Council Joint Structure Plan requirements. Paragraphs 3-7; 9-11 and 12-13 of PPG3 have not been addressed;
- there is also absolutely no evidence or assessment of local housing needs within the village, to determine as to whether or not the development would satisfy a specific local 'need'. Further there is no examination or evidence to suggest that the additional houses would contribute to the vitality of the village, or that it is lacking at present. Are local shops under threat, or is the primary school threatened with closure? The Authority does not rely on or have any evidence, such as a 'local housing needs survey' or any other survey for this purpose. The development comprises a mix of 5, 4 and 3 bed dwellings. There is no indication that these units would be for affordable needs. Instead they will satisfy general market housing, and therefore would be part of the overall JSP requirement of 6,000 dwellings up until 2006. Yet the size of the village, and its provision of social and community services is cited as a justification for additional housing provision in the village. Paragraphs 14-19 of PPG3 have not therefore been addressed;

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CPRE
REPRESENTING CPRE IN CUMBRIA

- the DC report does not assess the development in terms of the five tests in paragraph 31 of PPG3;
- the DC report makes no assessment of the application in terms of the sequential approach and the results of the Council's Urban Housing Capacity Study; (it should be borne in mind that there have been derelict rural sites which have come forward in the recent past). Paragraphs 21-30 of PPG3 have not been addressed;
- the DC report makes no reference to what PPG3 says on rural housing and village expansion and infill as set out in paragraphs 69-71, and relating that back to the assessment of need vis a vis the JSP requirements, the sequential approach and the Urban Housing Capacity Study;
- the DC report makes no reference to the DETR document "Tapping the Potential" nor the higher density requirements. Paragraphs 57-58 are ignored;
- the DC report makes no reference as to how this unallocated, greenfield site fits into the Plan, Monitor and Manage approach required by PPG3. Paragraphs 8 and 32-34 have not been addressed; and
- the planning application involves an unallocated, greenfield site in an outlying rural village within the AONB. In this regard, paragraphs 35-36 and 37-39 of PPG3 are ignored in the Planning Officer's report, and only referred to as CPRE's *opinion* as to what PPG3 says in response to the consultations. **The Planning Authority must surely make its own assessment to justify permission or refusal.**

Given the failure of the Planning Authority to implement PPG3, we have referred the matter onto the Government Office for the North-West (GONW), as they are the policing authority to ensure that Central Government advice is properly implemented.

Examples of other sites that have won approval recently have been cited as justification in favour of the Castle Carrock application. However, those planning applications had also **not been considered in terms of PPG3,** and therefore their suitability cannot be used as a planning precedent in any way at all.

In terms of landscape appraisal, we consider that our assessment of the visual effects of the development have been taken out of context in the DC Officer's report. We openly accept the site lies at the southern edge of the village envelope, and it could be described as infilling between existing residential properties and agricultural buildings. However, the site itself contributes to the character of the settlement, although clearly the setting of the village within the AONB and the County Landscape must be taken into account. The site certainly does therefore act as a 'lung' between existing dwellings and buildings. The site is "relatively prominent" in the context of the immediate surroundings within the village, and we accept it is not necessarily within the wider landscape. The Officer's remarks

in his report towards CPRE's views on this matter are therefore rather disappointing. But, we maintain that it is the form of the modern style cul-de-sac layout, which we consider is not sympathetic to the character of the village. We would therefore be grateful if Committee Members carefully consider our detailed and thoughtful responses on this matter.

2) Local Plan Report.

In terms of the Structure Plan requirements, the separate Local Plans report accepts that given existing allocations, completions and outstanding planning permissions, the District will have a **surplus**, particularly in the **rural area** because of the take up of land so far. The Authority's answer to the problem is ***not*** to assess the current planning application as to whether or not it satisfies PPG3, but rather to suggest alterations to the rural Housing Policy H5, by reducing the number of villages considered suitable for new housing development (the Interim Housing Policy Statement). That scenario could, in our view, open the matter up to an interim public inquiry, given the extent of what is being proposed. Consequently, in our opinion there is **no guarantee** that such a policy solution will achieve the desired outcome of reducing the supply of housing development in the rural areas in the interim period before the Local Plan is reviewed. **That solution also still does not assess the application in terms of the requirements and methodology of PPG3**. Instead the whole issue is disguised to **justify** a planning permission, when there is **no** evidence of need. We provide a copy of recent correspondence with the Planning Authority dated 20th May 2002, which discusses our understanding of PPG3 and the methodological approach therein for Committee Members to consider further.

The Local Plan allocation at Morton, south-west of Carlisle is subject to a 'call-in'. In our judgement, the 'need' for this particular site before the end of the Plan period could be given greater significance, if the Planning Authority were to confirm at the call-in Inquiry that they had maintained a strong line on the development of unallocated, greenfield sites elsewhere. But this has not been the case, and would not be so, especially if the site at Castle Carrock is now approved on the 14th June.

The current housing supply figures to meet the **Joint Structure Plan** requirement of **6,000** dwelling units up until 2006 are shown as follows, and have been taken from the Local Plan Officer's report:

	Total	Urban	Rural
Total with Planning permission	1,958	1,479	479
Completions 1991-2001	3,891	2,409	1,482

Projected total for Plan period (excluding outstanding allocations)	**5,849**	**3,888**	**1,961**
Local Plan Provision	6,858	4,801	2,057

However, the Morton site alone is allocated to provide **1,025 dwellings**. Hence **5,849+1,025=6,874 du.**

We would accept that given the call-in circumstances, the whole of Morton may not come on stream before the end of the Plan period. Indeed, some of it may be phased and could contribute towards the next Plan period 2006-2016, following on from the recent reductions imposed by the RPG figures. However, our point is that the District will easily meet its current JSP requirement, and that Morton will play its role in meeting that target. However, in the light of the apparent overall surplus, there is no planning justification to allow development of an unallocated, greenfield, rural site, just because there might be no guarantee that the allocated site at Morton would be given permission by the Secretary of State. Surely, he would only **not** grant permission if there is no 'need' and the site fails all the other tests in PPG3. Arguably, in the event, there may be no 'need' because the Planning Authority has already let go unallocated greenfield sites like the one at Castle Carrock and elsewhere such as at Hayton, Durdar and Warwick Bridge. Such a planning strategy would therefore only serve to undermine the Council's case at the Morton call-in. If the Authority were really serious about the Morton site, then presumably they would otherwise be doing their utmost to get this allocated site permission, in order meet its JSP targets.

We would also point out that **Lord Falconer** (the then Planning Minister) stated last year at the Planning Summer School (06/09/01):

> **"If there is one message I want to get across it is that local authorities must take PPG3 seriously, implementing the sequential test and removing greenfield land allocations where they are not justified..... Make no mistake. We mean business on the development of brownfield sites before greenfield sites. We will do all in our power to deliver the policies set out in PPG3..... I expect our planning guidance on housing to be implemented now as a whole package – not at some point in the future when greenfield allocations have run dry".**

Conclusions.

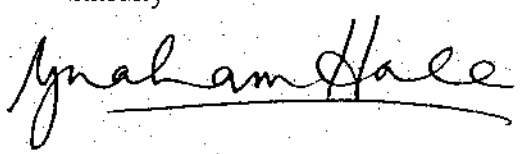
For the reasons set out above, we consider that the Policy solution offered by the Planning Authority would:

- not meet the specific requirements of PPG3 as the Council is required to do;

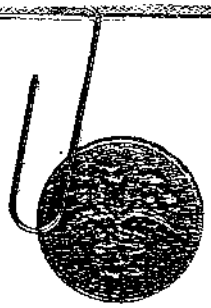
- nor would it provide any guarantee that such a Policy proposal would succeed following a lengthy consultation period and the potential for itself to be subject to an Interim Local Plan Inquiry;
- or that in the time period envisaged it could achieve a realistic reduction in the number of rural housing developments to overcome the over-provision.

Please record these comments as those of ***Council for Protection of Rural England (Cumbria association)***. We would be grateful if the contents of this letter are copied in full to the Planning Committee. We also wish to receive a copy of decision notice.

Yours faithfully



Graham Hale BA (Hons) MSc MRTPI
Planning Officer



PLANNING SERVICES	
REF	02/0196
22 5 MAR 2002	
RECORDED	CN
SCANNED	
PASSED TO	AMT
ACTION	

CASTLE CARROCK POUND

22.3.02

AMT
02/0196

Dear Mr Taylor,

As mentioned in our formal objection we have now received the objective landscape consultancy document which was awaited.

It is appreciated that the date for objections has elapsed however we hope that, as an addendum to our previous document, this further information might be considered.

We feel that the credentials of the specialist architect who has assembled this document make it an important and very helpful piece of evidence.

Many thanks for your attention,

Yours Sincerely

pp David Hassall
Foresters House
Castle Carrock

We do not inherit the earth from our ancestors –
we borrow it from our children

WOOLERTON DODWELL ASSOCIATES

Chartered Landscape Architects
Environmental Planning Consultants

5 Sandes Avenue, Kendal, Cumbria LA9 4LL

Telephone: 01539 741741

Formal Objection to Planning Application 02/0196

AN APPRAISAL OF THE PROPOSED SITE UNDERTAKEN BY R.D.WOOLERTON, MA(LD) BA FLI, CHARTERED LANDSCAPE ARCHITECT

ON BEHALF OF THE CASTLE CARROCK POUND

1. The group of villagers from Castle Carrock opposed to the proposal to development of OS field 3328 for housing. (The Castle Carrock Pound) initially requested advice on whether the grounds for objection that had been prepared could be supported from a professional and technical standpoint.

2. After making a site visit, I concluded that there were significant grounds for objection and I confirmed that I would be able to offer an objective statement in support of the objection which would consider a number of matters of relevance including:

   - the existing form and layout of the village
   - the contribution Sid's field makes to character
   - the effect that development would have on the character of the field and the village
   - Structure Plan and Local Plan Policy

3. I am an experienced Landscape Consultant having been in practice for over 29 years. I have been engaged in a wide range of work including the design of housing layouts and associated open spaces in towns and villages and I have been an expert witness at over 50 Public Inquiries.

4. I have been involved in the development of techniques specifically designed to further the understanding of the character of the built forms and open spaces within villages and I was part of the team that pioneered the work on 'Countryside Design Summaries and Village Design Statements' for The Countryside Commission.

5. This process, which involves harnessing the input of local people in an attempt to understand the special character of their own countryside and local villages, is now acknowledged to constitute 'best practice' and is considered to be of particular relevance to this appraisal.

6. It will be useful to understand that 'Countryside Design Summaries (CDS) and 'Village Design Statements' (VDS) (reference page 3 of CCP 473 design in the Countryside Experiments 1994) are

'local appraisals, led mainly by the local community. These approaches were intended to share similar, design related objectives:

- *defining a 'local setting' to which new design should respond,*
- *describing local diversity and distinctiveness,*
- *providing a common language on design accessible to all parties*
- *informing local plans and subsequent development control decisions.*

7. Carlisle City Council has prepared a **Countryside Design Summary** for the District and this document was adopted as Supplementary Design Guidance on June 8th 2000.

8. The advice contained within the CDS is valuable. In the second paragraph of the Section 2 (page 6) it is clearly stated that:

'New development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of he many elements which make up the overall character.'

9. A Village Design Statement has not, however, been prepared for Castle Carrock. In my view, had a VDS been prepared in consultation with the villagers, Sid's field would have been identified as an important contributor to the quality and character of the village. The comments included below are, in summary, the key outputs that could be expected from a VDS.

The existing form and layout of the village

10. The village is characterised by an informal and low density of built development located along several roads. The buildings are generally of a small, human scale set back off relatively wide roads. Photographs 1 is of Garth House Farm, located directly opposite the application site, which in undergoing renovation.

11. Photograph 2 is of an adjacent property in need of improvement. These photographs both illustrate the scale and character of the local vernacular buildings which provide context for the site and which make a significant contribution to the character of the village.

12. The spaces between buildings are also important. They often provide opportunities to gain distant views towards the surrounding grazing land and the fells of the North Pennines Area of Outstanding Natural Beauty. Photograph 3 shows how views from the centre of the village in the vicinity of the Weary Sportsman public house towards open countryside are important in influencing character.

Formal Objection to Planning Application 02/0196

AN APPRAISAL OF THE PROPOSED SITE UNDERTAKEN BY R.D.WOOLERTON, MA(LD) BA FLI, CHARTERED LANDSCAPE ARCHITECT

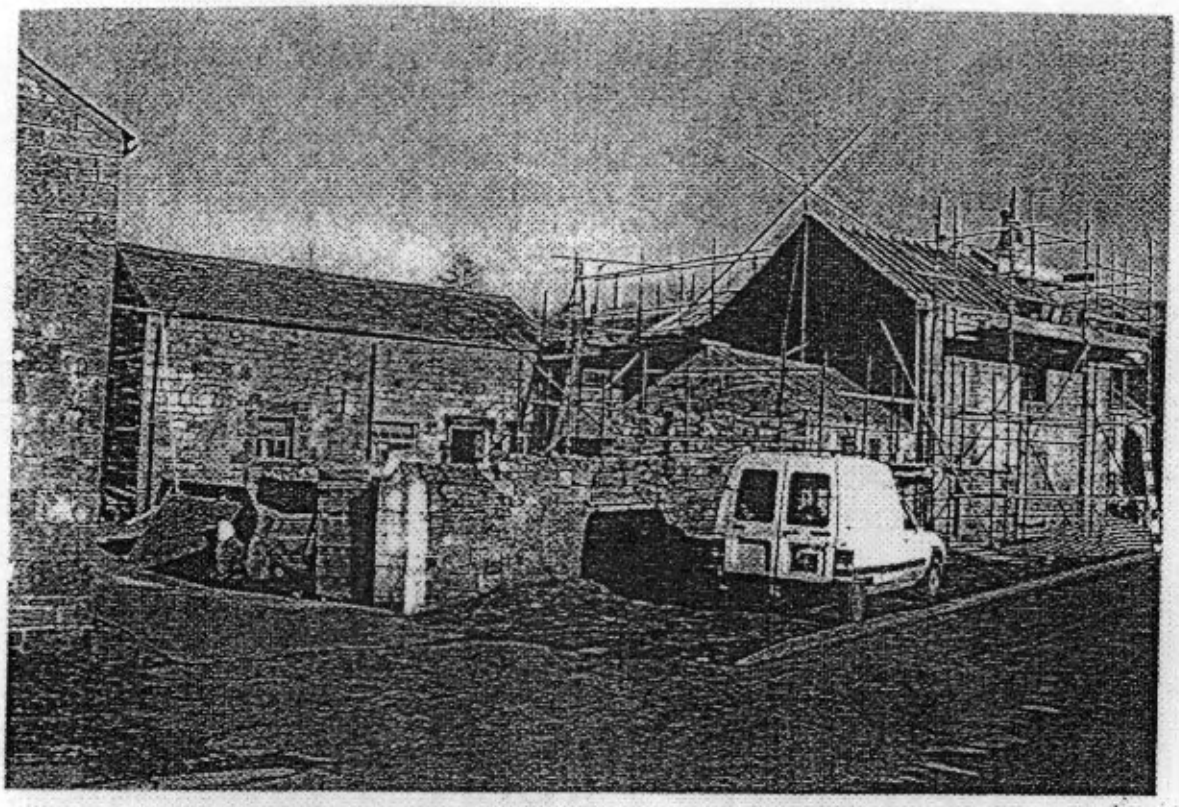
ON BEHALF OF

THE CASTLE CARROCK POUND

WOOLERTON DODWELL ASSOCIATES

Chartered Landscape Architects
Environmental Planning Consultants

5 Sandes Avenue, Kendal, Cumbria LA9 4LL
Telephone: 01539 741741



PHOTOGRAPH 1
Garth House Farm located opposite the Application Site.

PHOTOGRAPH 2
The human scale of vernacular property adjacent to the Application Site .

13. Photograph 4 illustrates the strategic importance of the application site in providing an open view towards open countryside. This view is taken from the lane south west of St Peter's Church looking directly southwards. This is an important characteristic of the village and provides a constant and clear indication of a sense of place, within an unspoilt landscape of National significance.

14. The form of the village is neither 'linear' – concentrated along the roads, nor could it be regarded as 'nucleated' – clustered around a village green or central core or indeed dispersed.

15. In the oldest part of the village however, in the vicinity of the Weary Sportsman and the former Duke of Cumberland public house, St Peter's church and the Village Hall, the buildings tend to front the roadsides and are of a higher density. (Photograph 5) In this part of the village, small areas of grass provide attractive foils to the built forms and the area of open space between the Village Hall and 'The Lawns' is particularly valuable and valued as an amenity space within the village core.(Photograph 6)

The contribution Sid's field makes to the character of the village.

16. Sid's field consists of a quadrilateral of grazing land 0.761 hectares or 1.88 acres in extent. Its south western boundary rises to a minor ridge which supports a former hedgerow and mature trees and shrubs.

17. The north eastern and south eastern boundaries of the field are formed by attractive sandstone walls which are in very good condition. These walls are component parts of the character of the village. Photograph 7 is typical of the site when viewed from the road side.

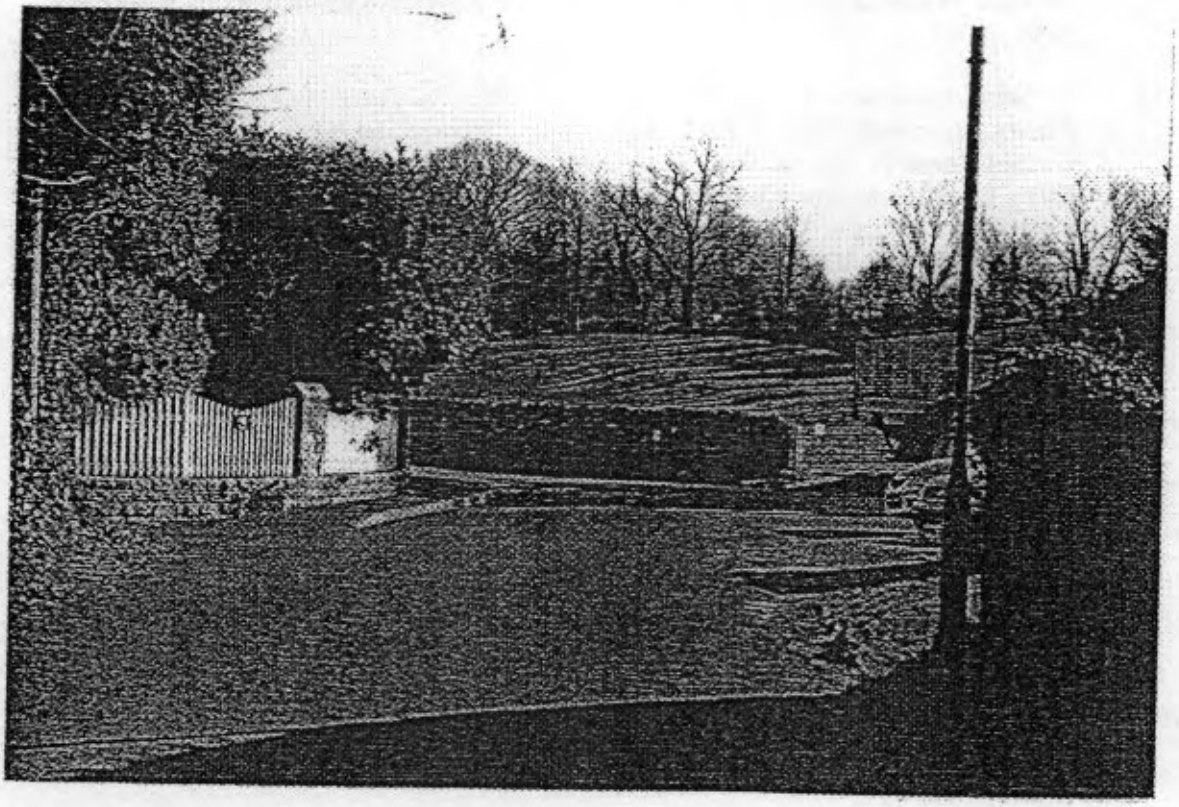
18. A barn complex is located in the north western part of the field. Although constructed of blockwork, corrugated steel sheeting and timber, and is not of any particular architectural merit, its scale and form is entirely appropriate for its purpose as an agricultural building sheltering stock. Is it considered therefore to make a useful contribution to the village scene. The location of a grazing field within the centre of the village is particularly important, as it is a constant reminder of the relationship between the village and the surrounding use of land for farming purposes. This once common feature of villages is disappearing and should be conserved where possible as an attractive aspect of village life.

19. Although Sid's field is not a public open space and is not accessible to the public for recreation, it is one of a number of spaces within the village which provides a very valuable visual amenity.

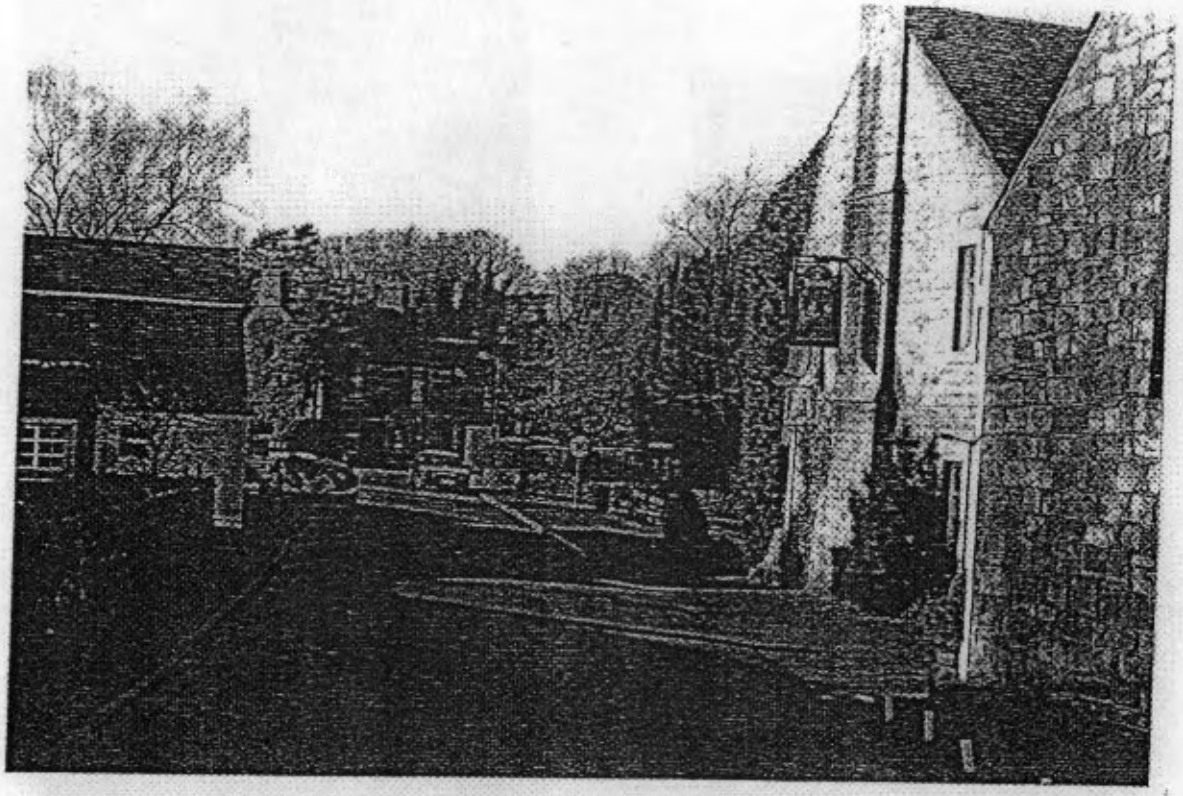
20. At one scale it provides a glimpse of the working countryside where stock graze and animals are managed as part of a farming activity.

21. At another scale, the land provides a lung of green open space that provides a visual link with the surrounding landscape. Both uses are greatly valued within a village.

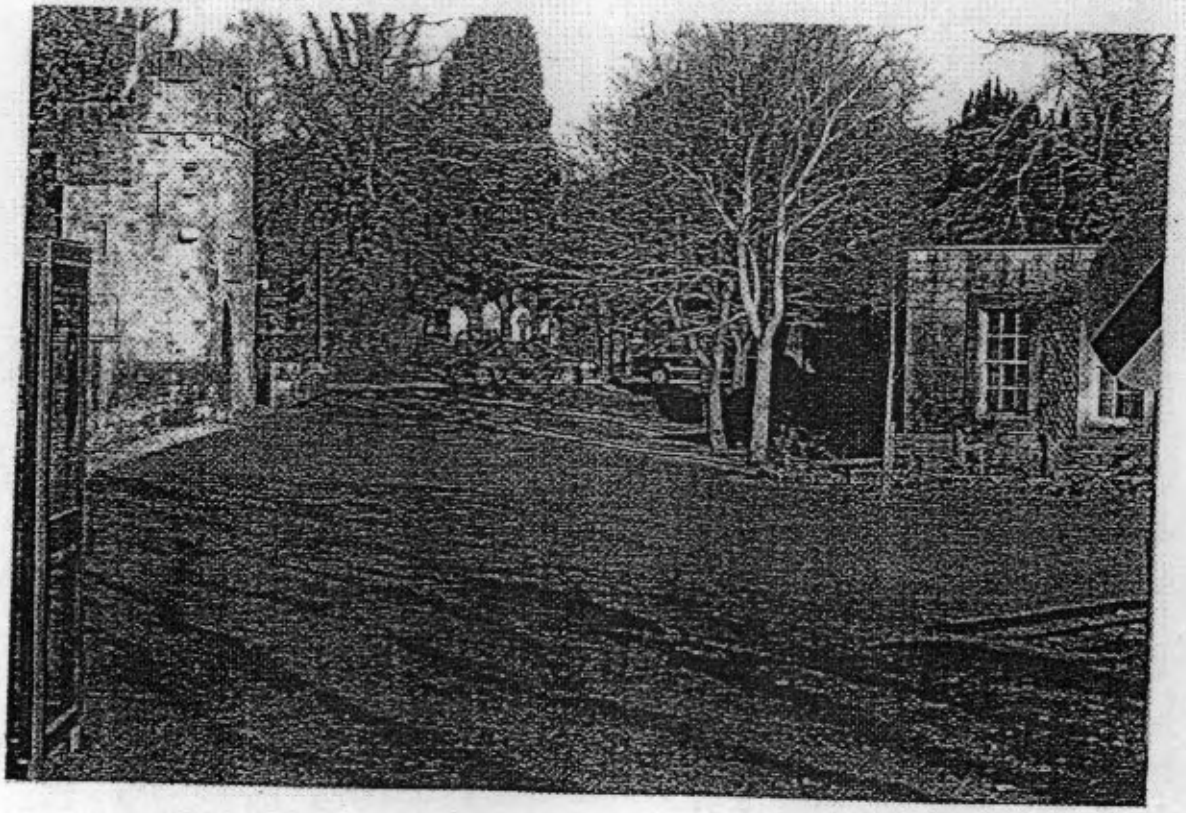
PHOTOGRAPH 3
Open views of the North Pennines AONB are common from within the village and provide an important sense of place for all who live and work and visit the village.



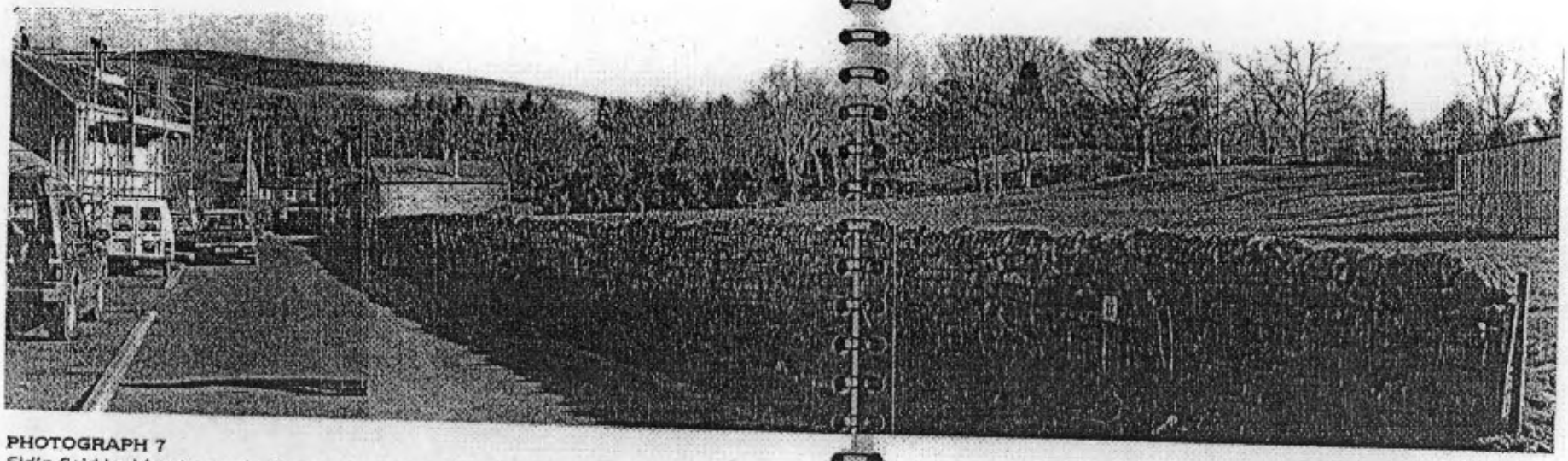
PHOTOGRAPH 4
The view of Sid's field (Application Site) and the countryside from Church Lane' looking southwards.



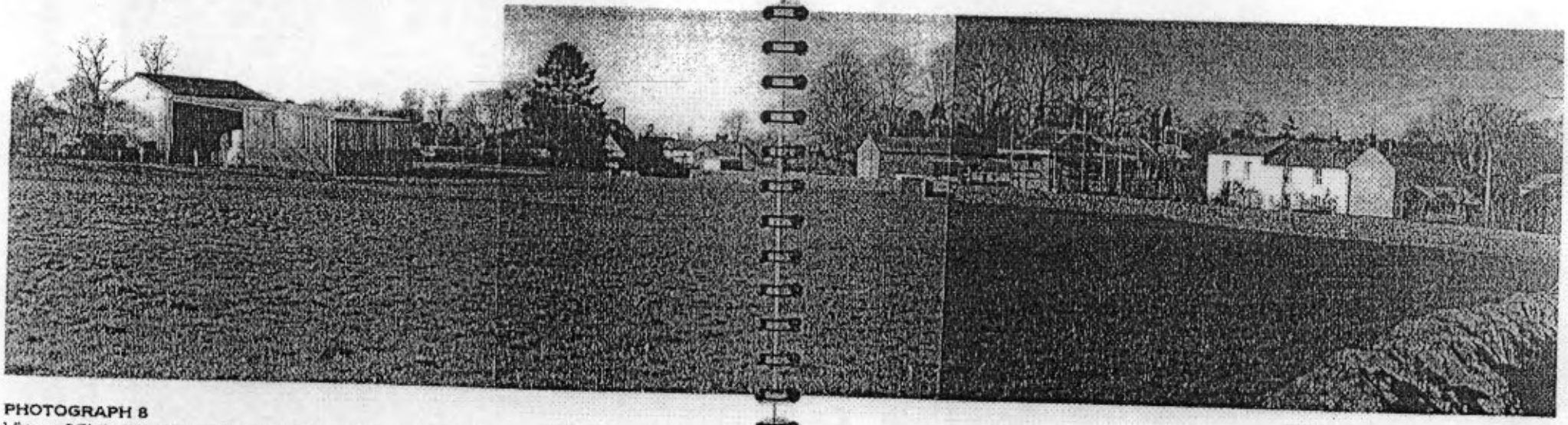
PHOTOGRAPH 5
The oldest part of the village with important open space on right hand side.



PHOTOGRAPH 6
The open space within the village which forms an important amenity.



PHOTOGRAPH 7
Sid's field looking towards the south east and the AONB.
Here the countryside is located right in the centre of the village.



PHOTOGRAPH 8
View of Sid's Field from the Public Footpath on the south eastern boundary

The effect that development would have on the character of the field and the village.

22. The proposal is for 11 detached housing units with integrated or attached garages that would take up the majority of the field. The density cannot be considered to be high, however, it is evident that the field would completely change in character from being completely open to being 'urbanised'. This is considered to be considerably detrimental to the distinctive character of the village.

23. Irrespective of the precise architectural form and style of the individual units, or the types of materials proposed, the effect of buildings constructed on the open pasture would:

- remove all references to the existing agricultural character of the land,
- create an 'infil' of suburban form, indistinguishable from many other developments elsewhere,
- permanently obstruct the existing views of the countryside on the edge of the village.

Photograph 8 illustrates a view of the south western part of the village from the public footpath which is located on the south eastern boundary of the site. This development would not only obstruct this view but also dramatically influence the character of the village

24. The development also fails to reflect the distinctive character of the architectural forms and detailing identified in the village which are important in determining character,

25. It would also set an unfortunate precedent in the village that establishes the 'cul-de sac' as an acceptable form of development. It is my view that the character of the village is considerably enhanced by the fact there are no modern houses in 'cul de sac' developments. This fact distinguishes Castle Carrock from many other villages of a similar size which have been eroded by ubiquitous infil developments that relate poorly to the components that contribute to the character of the locality.

Structure Plan and Local Plan Policy

26. Comments on Planning Policy have been included in the submission by Castle Carrock Pound. I confirm that I support the views made in the submission.

In addition, I refer to the **Structure Plan Policy SP27:**

SP 27 – '*Open spaces within the fabric of towns and villages often form a valuable local amenity*'..... It is '*important that areas that make a significant contribution to the built environment are identified in Local Plans and adequate protection measures taken.*'

I consider that Sid's field does make a valuable contribution to the built environment of the village and should therefore be identified in the Local Plan.

27. In the Local Plan, **Policy LP E50 'Open spaces within Settlements'** is of relevance.

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

2.200 'In other settlements where there are no inset Proposals Maps, open sites which make a significant contribution to the form and character of the settlement will be subject to this policy. Such sites often provide important views within villages or from villages to the open countryside. Other sites such as those with mature trees, gardens or orchards are often important features which contribute to the character of the village.'

2.204 'This does not mean that every open space within a settlement will be subject to Policy E50. Many areas of open land within settlements can be regarded as infil sites, suitable for development and in these cases, there will be no objection in principle to their development.'

I have already stated that I consider that the site is of particular significance and has an important part to play in providing views of the surrounding countryside and in determining the character of the village. I consider this Policy was drafted to protect precisely sites such as Sid's Field that is the subject of the application.

Conclusions

28. Sid's field plays a very important role in determining the character of Castle Carrock.

29. The villagers have, in their own way, identified the special characteristics of the application site and placed a significant value on it as an amenity of the village community.

30. The process of survey and evaluation undertaken by the Castle Carrock Pound is similar to that recommended to communities when carrying out Village Design Statements (VDS). As such, the findings should be highly valued and respected as they represent the people who live and work in the local area.

31. The proposals would permanently change the character of the field and have a significant detrimental effect on visual amenity and on both the character and quality of the village.

32. The layout and detailing of the dwellings do not reflect either the historical form of the village or the characteristics of the buildings and would make a negative contribution to the village.

33. Structure Plan and Local Plan Policies are in place to protect villages from inappropriate development of this nature.

34. In summary I support the formal objection to the application on behalf of Castle Carrock Pound.

R.D.Woolerton MA(LD) BA FLI
Chartered Landscape Architect
March 16th 2002

GOVERNMENT OFFICE
FOR THE NORTH WEST

Planning, Environment
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Head of Planning Services
Department of Environment & Development
Carlisle City Council
Civic Centre
Carlisle
Cumbria CA3 8QG

14 June 2002

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995
HOUSING DEVELOPMENT AT FIELD 3328, CASTLE CARROCK, CARLISLE

1. We have received a number of requests that the planning application currently before your Council in respect of a development of eleven dwellings at Castle Carrock should be called in for determination. These include, in particular, a very detailed letter from Friends of the Lake District in which they express concern about the implementation by your Council of national planning policy guidance on the provision of housing as set out in PPG3.

2. It would be helpful to us in considering whether or not the application should be called in for determination to have your Council's views on the application and on the letter of 12 June from Friends of the Lake District, a copy of which is enclosed.

3. To provide time for you to provide that information and for us to consider it, it has been decided that it would be appropriate to direct your Council not to grant permission on the application in the meantime. Therefore, in exercise of the powers under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 the Secretary of State hereby directs your Council not to grant permission on planning application number 02/0196 without special authorisation.

4. I have sent a copy of this letter to Friends of the Lake District.

Yours faithfully

M Farquhar

INVESTOR IN PEOPLE

POSITIVE ABOUT DISABLED PEOPLE

Clerk to the Castle Carrock Parish Council
The Lawn, Castle Carrock, Brampton, Cumbria, CA8 9LU.
01228 670351

02/0196

8th December, 2002

Mr Alan Taylor
Chief Development Control Officer
Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
CARLISLE
Cumbria
CA3 8QG

Your ref:AMT/DC 02/0196

Dear Mr Taylor

Proposal: Erection of 12 no Detached Dwellings and 4 no 2 Bed Linked Houses for rent for local occupancy

Location: Land Adjacent to field No. 3328, Castle Carrock, Carlisle
Appn No: 02/0196

I acknowledge receipt of your letter dated 29th November, 2002, in relation to a planning application submitted by Montgomery Housing in March, 2002 to develop the above site. I am somewhat confused by the words: 'adjacent to field No: 3328' as my understanding of the word 'adjacent' is ***adjoining*** or ***bordering***. Is Montgomery Housing Company's planning application on field 3328 or another, nearby, field, and if so which ? Please clarify.

On the basis that an error has been made, and that the planning application is for the construction of houses on field no. 3328 itself, I should tell you that I duly submitted the revised plans to the Castle Carrock Parish Council Chairman who convened an Extraordinary Meeting of the CCPC on Wednesday, 4th December, 2002. The Council studied the revised plans carefully and after due consideration of all aspects it was decided to notify all the villagers of Castle Carrock of the development and hold an open forum on Sunday, 8th December, from 10.00 a.m. until 5.00 p.m. with Parish Councillors in attendance to-gether with a full set of the new plans.

The upshot of the Council Meeting on the 4th and the open forum on the 8th December is that the development of Field No. 3328 is to be vigorously opposed in every respect. The unanimous decision of the CCPC was that the Parish Council should purchase field no. 3328 at agricultural land values on behalf of Parishioners to be used, in perpetuity, as a public amenity. To this end a letter has been sent to the Chief Executive of the current owners of the field, The Cumbria County Council.

In the event that this request is denied, and that the field is sold to a third party for housing development the Parish Council take grave exception to the current (revised)

plans as the development is for an excessive number of dwellings on a relatively small green field site. If houses are to be built on the field then the view was expressed that no more than four detached properties should be built, in a strip development fronting the Geltsdale Road. All four houses should be constructed in the local stone and be roofed with slate, preferably from a local slate mine, so as to blend in with houses in the vicinity. This sympathetic development should pay particular attention to landscaping and should be so designed so as to enhance the ambience of the village, and blend with the surrounding listed buildings.

You may care to note the comments of villagers who signed the Visitors Book on the open day, as follows:

'There is no need for these houses. The village and surrounding road infrastructure cannot cope with the extra traffic. The design does not fit well with the existing buildings, design or density. It is in contravention of national and local planning policies. The village did not get the opportunity to purchase the land when they should. It should be opposed at all costs.'

'Too many, inappropriate - please throw it out.'

'Far too dense and insensitive a proposal. The village will change for the worse in all aspects should it go ahead. The design is wholly inappropriate and there has been proven to be no need nor desire for such a proposal. Please throw it out and listen to local concern.'

'Too many for school, sewerage and too overpowering, get back to 10 maximum.'

'Four to five properties would be more appropriate, the proposed estate would completely change the look and feel of our local village for ever.'

'Resist this County pillage against our village ! Fight for the Parish Council's right to buy the field for posterity. The end game can still be won.'

'There is no justification for this development whatsoever, it will spoil the character of the village for all time.'

'Not only is this development unnecessary and unwanted, it is completely out of character with the lovely rural village of Castle Carrock and the surrounding properties, many of them listed. The developer has made no effort whatsoever to design the 16 (on 1.8 acres - you must be joking) in the Cumbrian style, no doubt he is more interested in building cheaply rather than using traditional materials of local stone and slate. I would have

thought that you, and your committee, as planners, have a duty to make sure that this development is small and built in the vernacular style, so that future generations won't think of you all as greedy and environmentally ignorant.'

As I understand you plan to discuss this matter on the 20th December, 2002, I would be pleased if you let me know the precise time and venue, and kindly note that a Parish Councillor, or Council Officer, would wish to be in attendance in order to address the Committee before any decisions are made.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

Hugh Nicholson-Walker
Parish Clerk.

City of Carlisle

INTERNAL MEMORANDUM

From:	Local Plans and Conservation Manager	**Please ask for:**	Christopher Hardman
To:	Development Control Manager	**Extension:**	7190
FAO:	Alan Taylor	**E-mail:**	Christopher Hardman
		Your ref:	
		Our ref:	CH/VMDS/02/0196
			17 January 2003

02/0196 L/A 3328, Castle Carrock Objection by FOLD/CPRE (Cumbria Association)

Plan, Monitor and Manage and Over Provision

Through the plan, monitor and manage process and production of the Interim Housing Policy Statement, Officers are attempting to redress the balance between rural and urban areas putting greater emphasis on urban area. Looking at the current plan period the projected totals fall short of the Structure Plan requirement. The Interim Statement does not alter plan policies (it is not able to), but takes into account PPG3 in the context of local circumstances and existing policies. It, therefore, seeks to reduce the number of permissions granted in rural areas, but not put a moratorium on development.

It is not possible to relate the outstanding allocations to immediate commitments as FLD have done. If Morton gets planning permission the development will be phased over the next plan period as well as existing.

Revisions to supply will be addressed through Local Plan review, but under existing policies it would be unreasonable to argue sites coming forward in well-serviced settlements should be refused when the Interim Statement seeks to guide development to the more sustainable locations in the existing H5.

The Sequential Test

Whilst the sequential test is recognised and some hierarchy of order of location exists FOLD appear to consider only Brampton, Longtown and Dalston are acceptable rural locations for development. Those higher order settlements have been the main focus for housing and employment, including development of allocated sites of greater number of dwellings than those proposed in Castle Carrock. Sequential must mean that there is a sequence and as the existing policies focus on Carlisle then Brampton, Longtown and Dalston existing policies reflect a sequential approach followed by provision for rural areas. The provision in the remainder of the rural area is that requiring greater focus on location.

Urban Housing Capacity Study

The Council has reviewed its UCS with a base date of 2001. This will inform review of the Local Plan. It identifies the scope to look to the urban area for the focus of Local Plan review, but Urban Capacity Studies consider potential. The results need to be considered against a number of policy objectives and not treat housing in isolation. The capacity in the rural area has not been studied, however sites in larger settlements already have permission and reduce that supply. The future requirement for housing will not be entirely satisfied by sites identified in the UCS and additional sites in the rural area will be needed to ensure rural housing supply is addressed.

Local Affordable Housing Need

I understand you have consulted Housing Services on need and results of a survey. There are two issues to address in rural housing need. The need of the immediate location and surrounding parishes. A more focussed approach on well-serviced centres would be appropriate for housing development, especially for affordable housing to provide opportunities for social and educational need as well. The results of the local parish survey need to be taken into account in determining the need. The site brief explains that there may be a need (no survey had been conducted at the time of preparation) and this should be considered in any proposals. If there is no affordable housing required it would be considered that the four two bed properties proposed need not be a requirement of any development. There is no survey for the surrounding parishes to determine need and whether this development could help satisfy that need to avoid development in settlements with no facilities.

General Market Housing

Reference is made to the support required for local circumstances. Additional work has not been undertaken to assess this level of need is the rural area. The Interim Housing Statement makes an assumption that in restricting rural housing the focus should be where services exist to provide a more sustainable pattern of development. PPG3 does relate to the unviable services. Local Plan review will seek to identify particular concerns and provide additional focus by allocating sites if required. Given existing policies and the interim context the general housing supply is focussed on all well serviced settlements.

As to the level of scale in relation to the existing level, mix or balance our existing policies still consider about twenty houses as large scale. Given the high level of services the proposal would not be considered to be excessive in scale although there is a judgement in relation to the extent of the existing built development and its relationship to the location of the site. In this instance the site's location near the centre of the settlement appears to integrate well.

Density

With regard to density it is correct that PPG3 seeks densities of no lower than 30dph. In rural areas it is always difficult to integrate new housing, and density should be appropriate to the location, achieving higher density where possible. This would indicate that higher density of 16 on site rather than 11 would be more acceptable. This conflicts with the issue of affordable housing that, although not needed, by its size increases density. This is a conflict that can only be addressed by considering the site locations and surrounding setting and consider density appropriate to the site.

Christopher Hardman
Chief Local Plans Officer

INTERNAL MEMORANDUM

From:	HEAD OF ENVIRONMENTAL PROTECTION SERVICES	**Please ask for:**	Kamla Pattni
To:	HEAD OF PLANNING	**Extension:**	7323
FAO:	ALAN TAYLOR - CHEIF BUILDING CONTROL OFFICER	**E-mail:**	Kamla Pattni
		Your ref:	
		Our ref:	KP/DH
			16 January 2003

HOUSING NEED IN CASTLE CARROCK

Further to your e-mail in December and our discussion this week, I apologise for the delay in responding.

The research commissioned through the Cumbria Rural Housing Trust has not identified sufficient current need for social housing.

Although there are issues about the need to take a long term view, it is not practical to pursue social housing in Castle Carrock at the point in time.

Please let me know if you need further information.

K Pattni
Housing Strategy Services Officer

PPG 3

DETR
ENVIRONMENT
TRANSPORT
REGIONS

Planning Policy Guidance Note 3: Housing

66. Any substantial new development, whether a town extension, village expansion or new settlement should not consist exclusively of housing but must be planned as a community with a mix of land uses, including adequate shops, employment and services.

CREATING URBAN EXTENSIONS

67. Planned extensions to existing urban areas are likely to prove the next most sustainable option after building on appropriate sites within urban areas, especially where it is possible to utilise existing physical and social infrastructure, there is good access to public transport (or where new public transport provision can be planned into the development), and there is good access to jobs, schools, shopping and leisure facilities.

68. The Government is strongly in favour of maintaining the Green Belt. There may be occasions however, where Green Belt boundaries have been tightly drawn and there may be a case for reviewing these boundaries and planning for development where this would be the most sustainable of the available options. An extension of an urban area into the Green Belt may, for example, be preferable to new development taking place on a greenfield in a less sustainable location. Nonetheless, the Government regards this as an exceptional policy that should not compromise the objectives for which Green Belts were designated.

RURAL HOUSING – VILLAGE EXPANSION AND INFILL

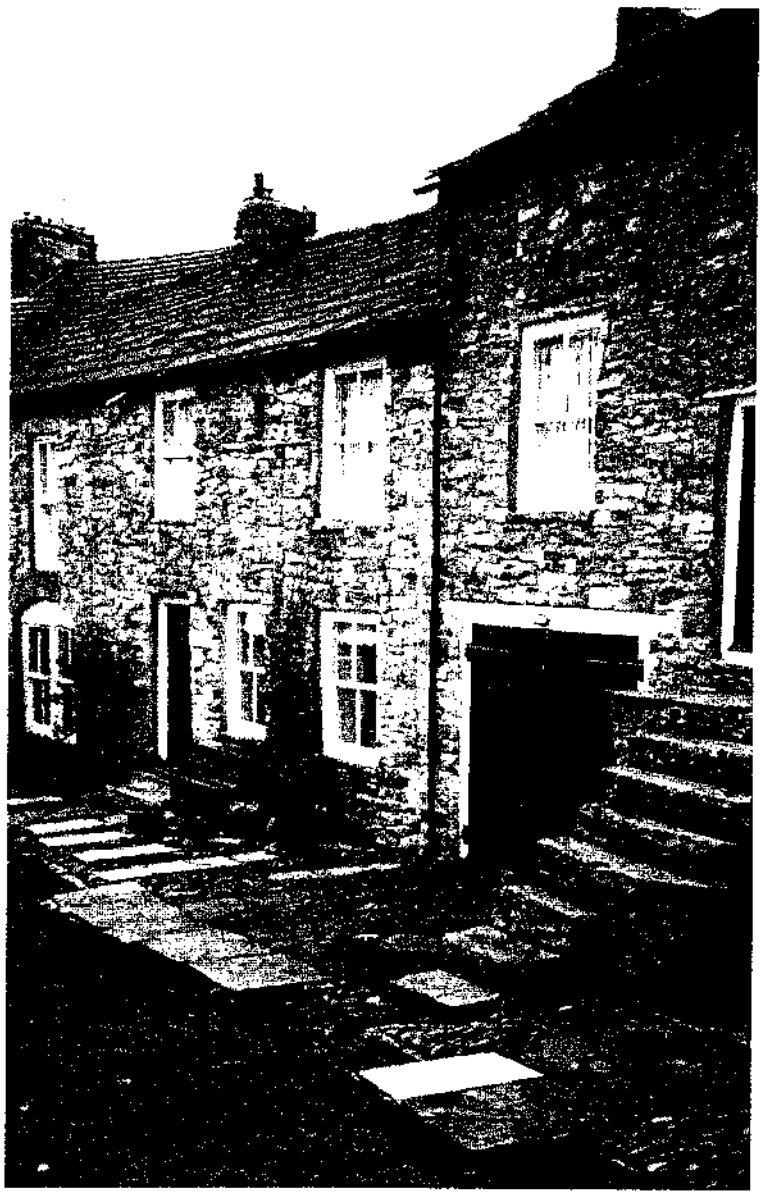
69. In terms of overall housing provision, only a limited amount of housing can be expected to be accommodated in expanded villages. Whilst occasionally a village could be the basis for a new settlement where, for example, the development accords with the policy of developing around major nodes in transport corridors, most proposals for additional housing will involve infill development or peripheral expansion.

70. Villages will only be suitable locations for accommodating significant additional housing where:

- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan;
- additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community (see Annex B); and
- the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.

71. The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy (see paragraph 18 and Annex B).

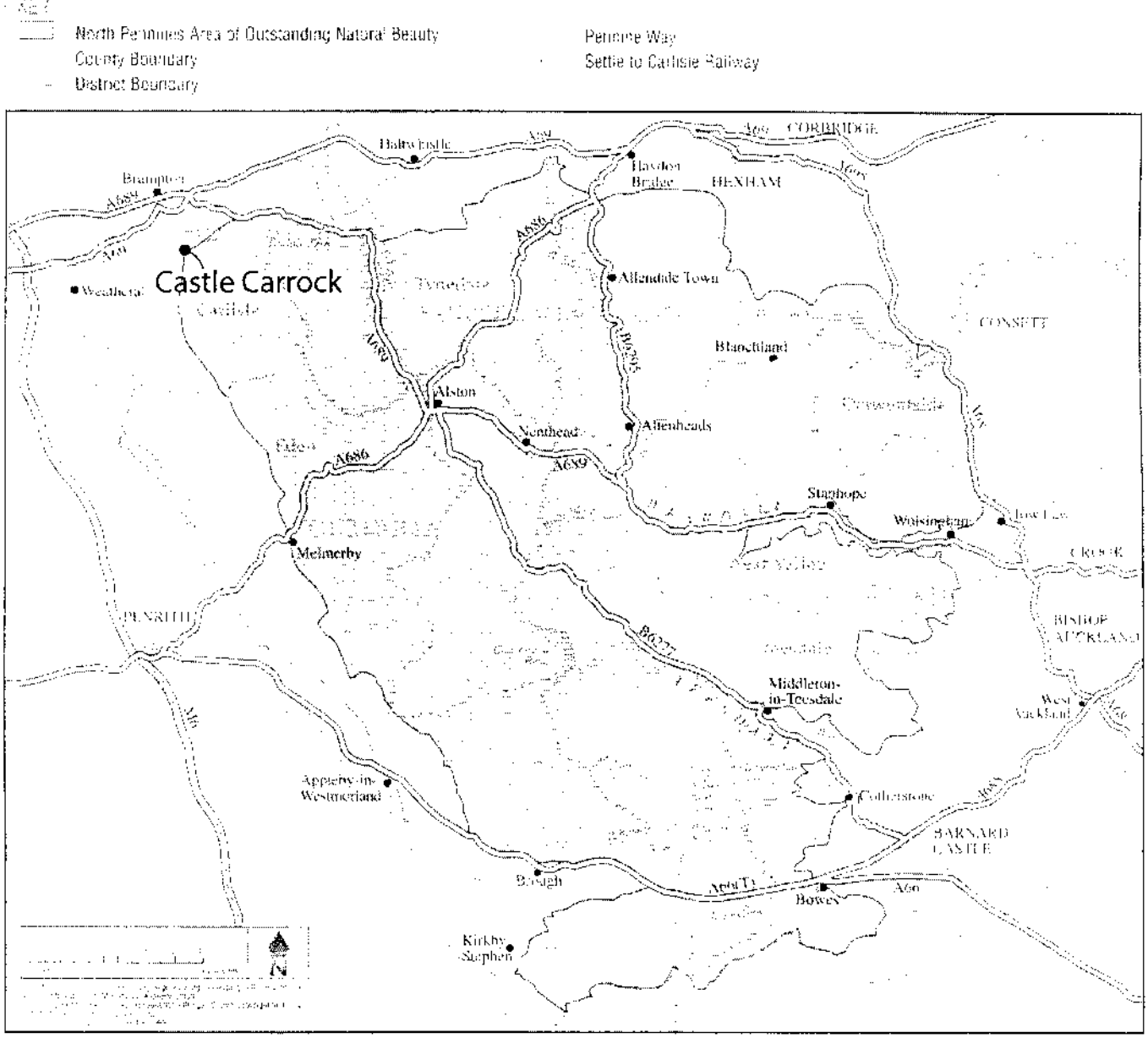
The North Pennines Area of Outstanding Natural Beauty



Good Practice in the Design, Adaptation and Maintenance of Buildings

Location of Castle Carrock in relation to North Pennines Area of Outstanding Natural Beauty

North Pennines AONB



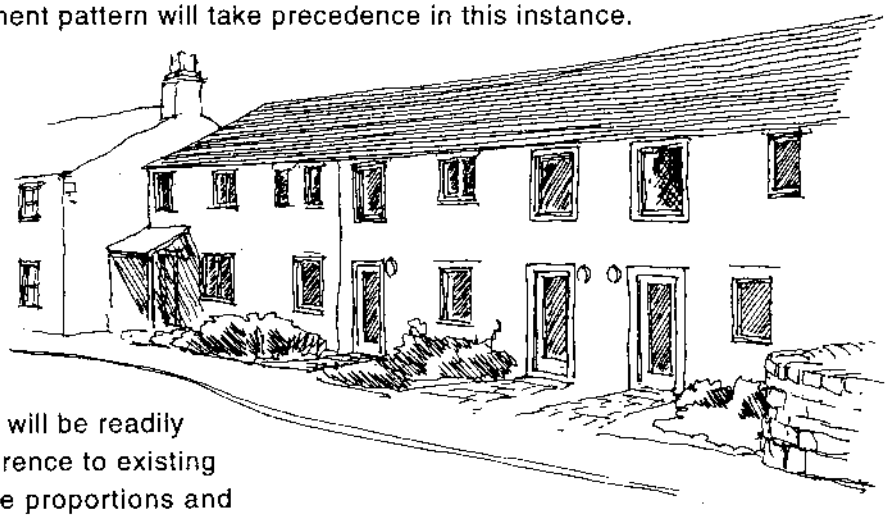
This Guide has been produced by the North Pennines Partnership. The success of the Partnership in protecting and enhancing the landscape and heritage of the North Pennines depends on the input of its Partners - local authorities, organisations, local groups and individuals. Particular thanks for the production of this document are due to staff from the following organisations:
Northumberland, Cumbria and Durham County Councils;
Tynedale, Eden, Carlisle, Derwentside, Teesdale and Wear Valley District Councils;
the Countryside Agency and English Heritage;
and especially to Graham Coggins who chaired the Built Heritage Working Group and was the driving force behind the production of this guide.

The District Councils' Local Plans identify where new development can be accommodated, but it takes a skilful architect to integrate new buildings successfully into a sensitive environment. Settlements in the North Pennines are a product of landscape, climate, building materials, and communications as well as economic and social factors. An awareness and understanding of these elements needs to be reflected in the development process. **Each settlement has a unique character which calls for individual design solutions to ensure that new development appears to be part of that place and not a suburban-style extension to it.** The reproduction of 18th and 19th century building styles is not necessary but an evolutionary approach to design rooted in the character of the area has much to commend it.

25

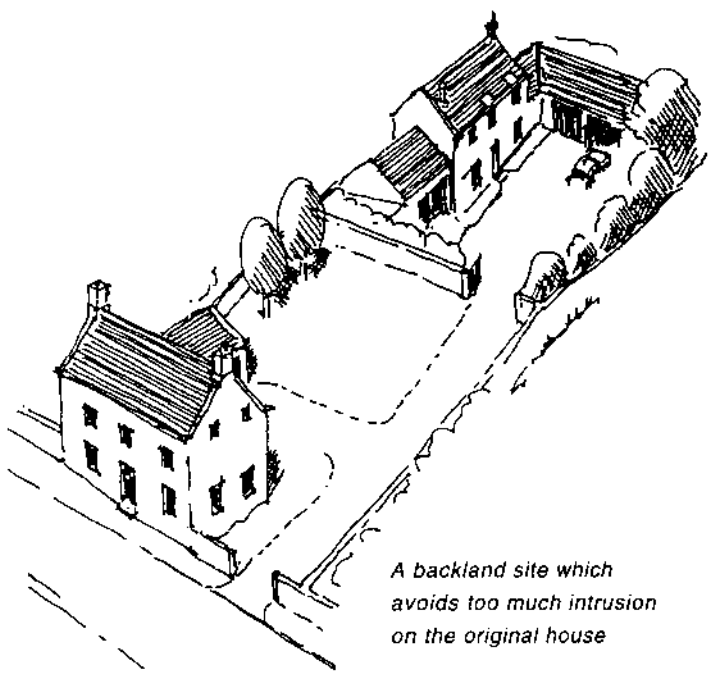
Accommodating New Development

The siting of new buildings will need to take account of the established settlement pattern and reinforce it. Frontage sites are particularly sensitive and new buildings must relate to the established pattern of neighbouring buildings. A long frontage and narrow roof span will be expected here. Backland sites will often be developed with buildings placed at right angles to the frontage to maximise privacy. Where open field sites are available it will not necessarily be appropriate for all of the field to be developed. Settlement pattern will take precedence in this instance.



Frontage maintained in this row of cottages at Milburn. The painted surrounds to doors and windows is typical of the Eden Valley

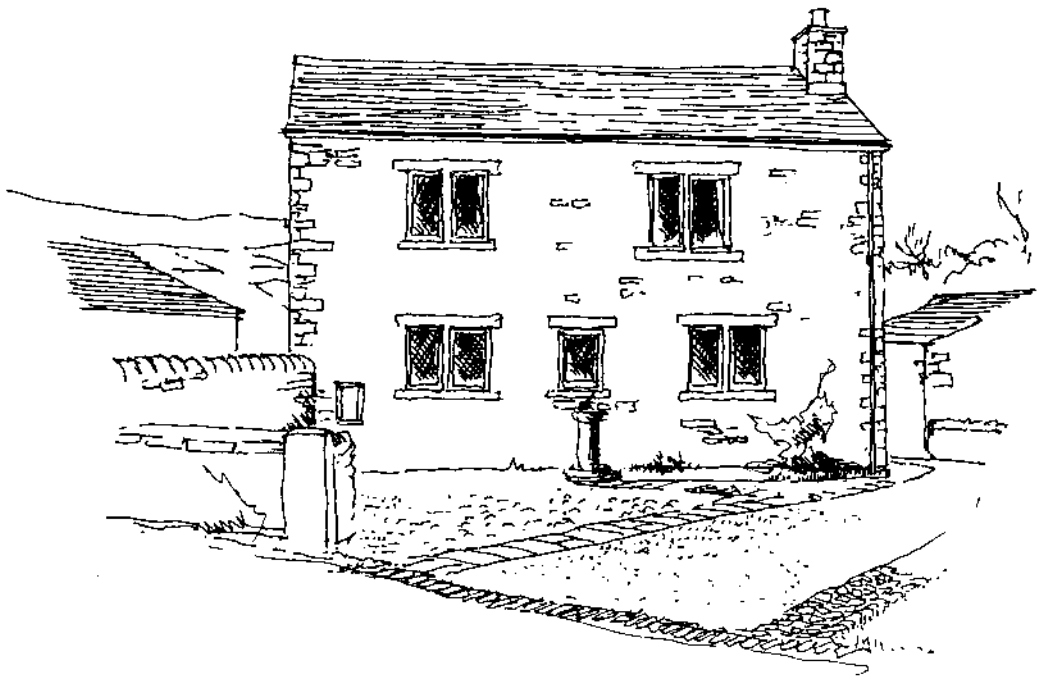
Scale and massing will be readily established by reference to existing buildings as will the proportions and arrangement of window and door openings. The use of traditional building materials, for instance limestone or brown or red sandstones in the areas where they occur, will be encouraged. A skilled stonemason will be needed to reproduce local coursing or bedding of the stones in a convincing manner. Unskilled attempts at this specialist work will produce results with more than a passing likeness to vertical crazy paving! Roofs will usually be of sandstone, Welsh or Westmorland slate, often laid in diminishing courses with large slates at the eaves reducing in size towards the ridge. Imitation or substitute materials are rarely convincing and the satisfactory integration of new development is highly dependent upon the continued usage of traditional materials despite the cost implications.



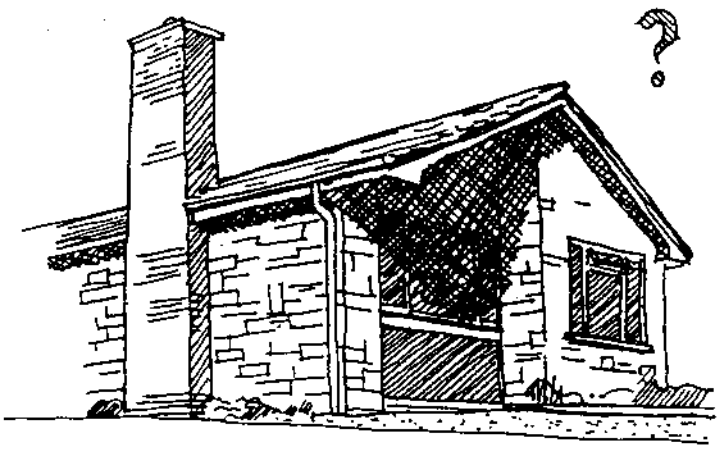
A backland site which avoids too much intrusion on the original house

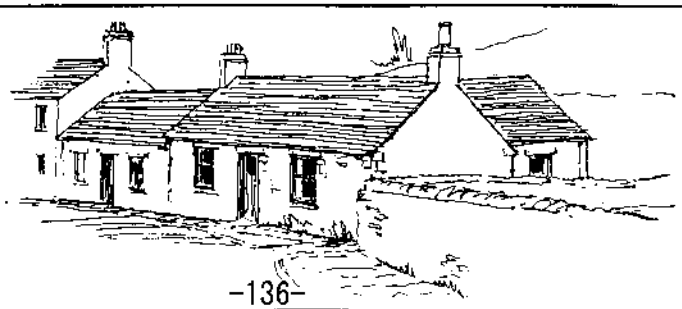
26

The inclusion of local traditional features such as chimneys (to vent fires/provide an outlet for soil and vent pipes or improve roof ventilation), water tabling, kneelers, quoins, eaves detailing and cast iron or aluminium gutters supported by spiked brackets will help new development fit into the village scene. 'Features' to be avoided include ventilators placed on roof slopes, fascia and barge boards.

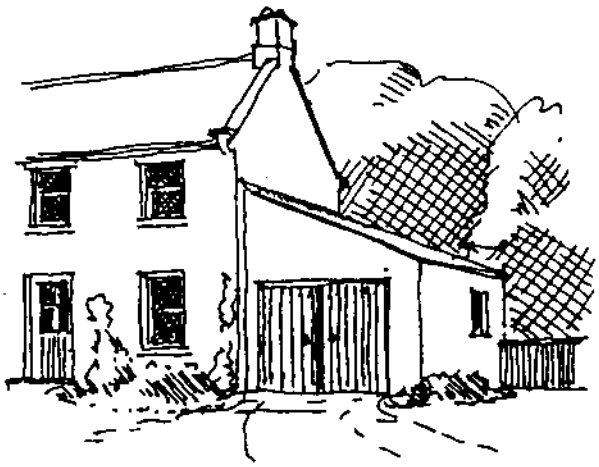


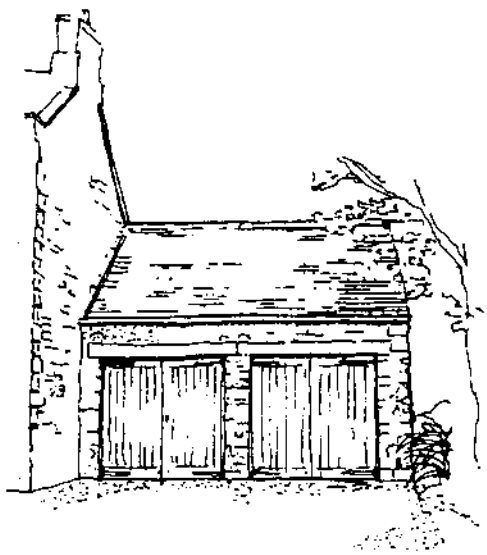
The bungalow, with its shallow pitched roof over a large floor area and big picture windows will always look out of place in the North Pennines. Some provision for single storey living is desirable but design references need to be taken from the traditional cottage. New single-storey buildings will have a roof span determined by reference to local roof pitches, while additional floorspace requirements can be met by means of rear outshoots.



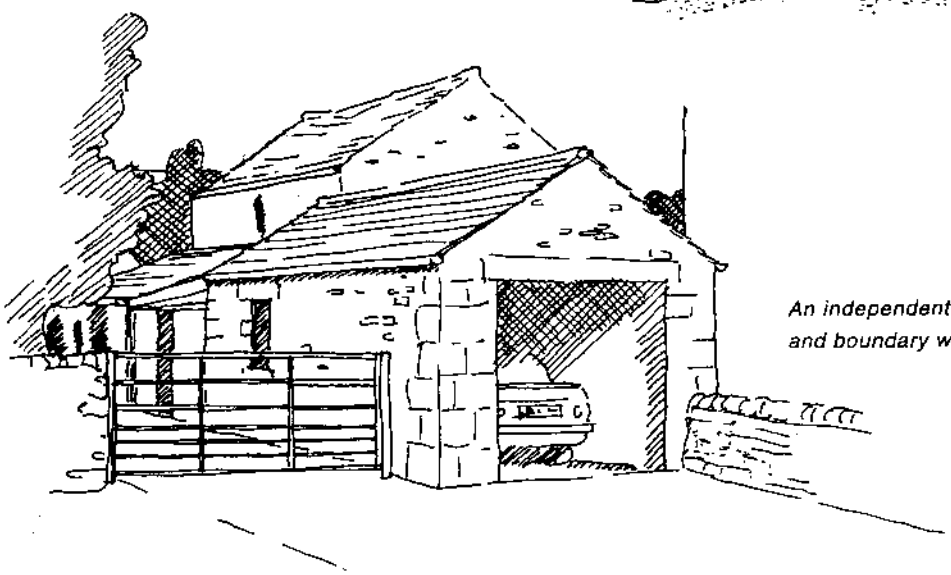


New garages, should, where possible, be located where they will be well screened from public view. They can sometimes be used to positive effect if built of materials to match the development and surrounding area, and can often form part of the boundary enclosures. In some developments integral garages may be possible, and if well designed can produce a very satisfactory effect. Some provision to accommodate the car is inevitable and it should be borne in mind that parking spaces themselves are not particularly attractive, therefore effort should normally be made to disperse and screen them, in order to reduce the visual impact of parked vehicles.





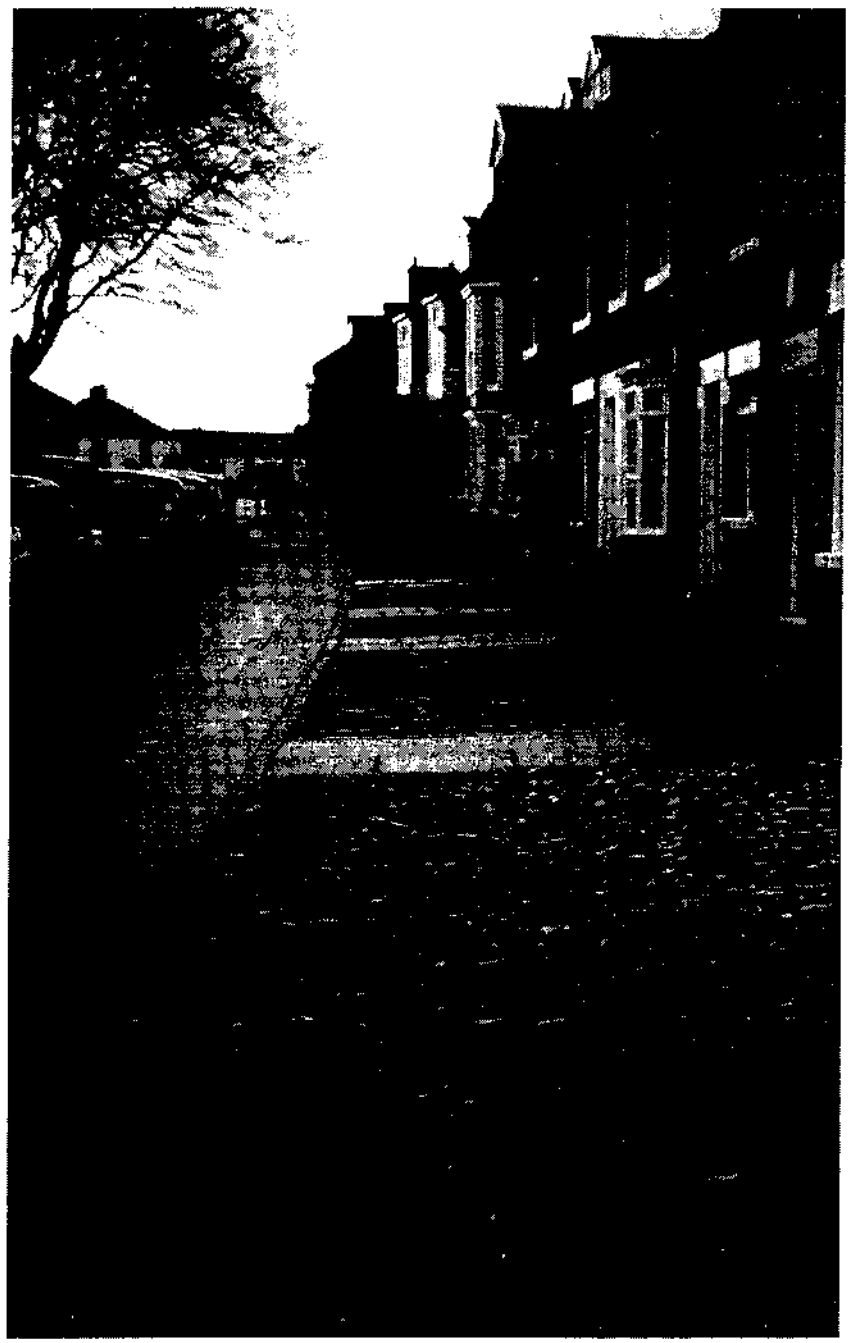
Two forms of garage added to a gable end of house



An independent garage and boundary wall

28

Applications for planning permission should usually include drawings which clearly indicate how proposed new development relates to the buildings and spaces around it. New agricultural development will be expected to be integrated with its surroundings. Advice on the siting and design of such buildings is in the North Pennines AONB Agricultural Buildings Design Guide obtainable free from any of the authorities listed in Appendix 2.

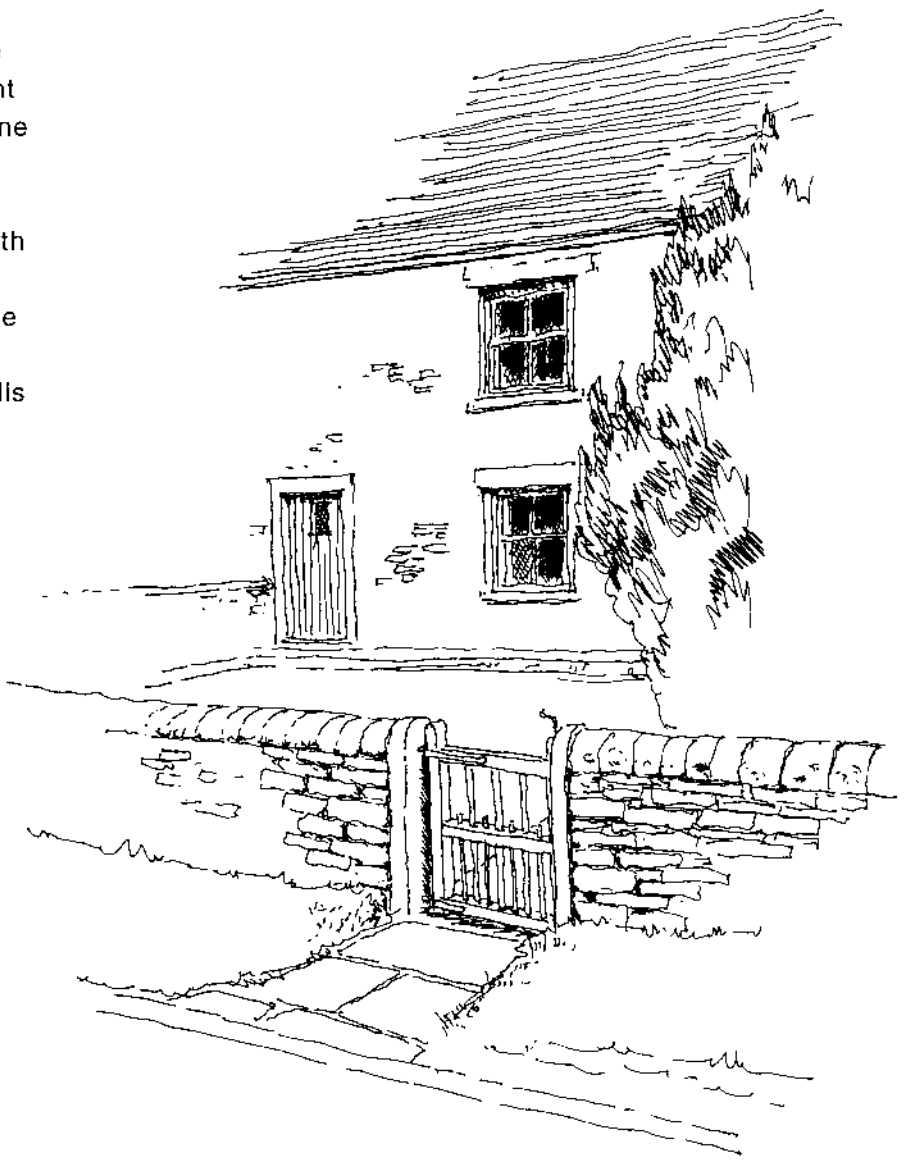


It is not just the design of new developments which is important but also the quality of the spaces which surround them. Careful consideration of the grouping of new buildings will help to create new spaces of quality.

29

Spaces within Villages, Landscape & External Details

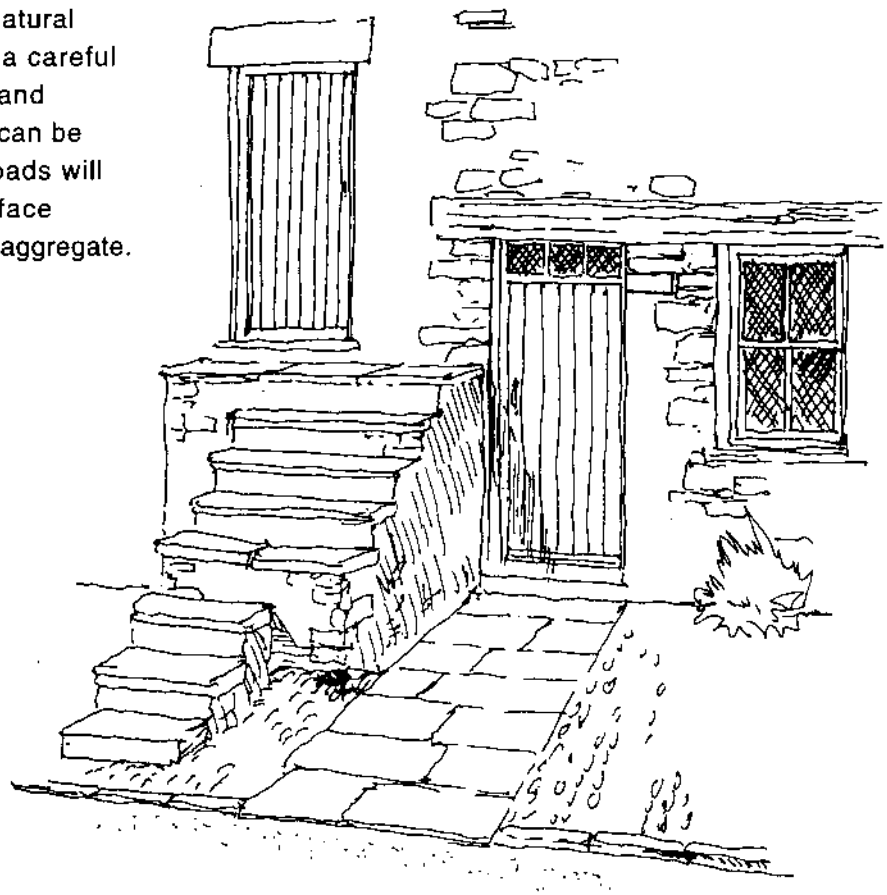
The site boundary is the meeting point between the building and the settlement in which it is located. Stone walls and hedges are the defining boundary characteristics of the North Pennines and help to integrate buildings into the landscape. The use of new and existing boundary walls can be important in providing privacy and security for both new development and existing properties. They can also help to screen the less attractive features of new development, such as bin stores and drying areas.



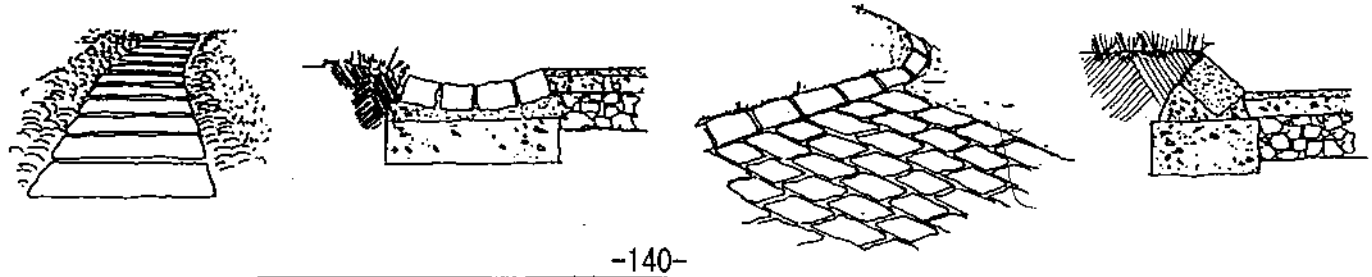
The planting of native trees and hedgerows will soften the edge around new buildings and generally improve their setting. Where there are existing mature trees or hedges on the site it will normally be necessary to accommodate them within the development. It is often tempting to use fast growing conifers to achieve screening and shelter in a short space of time, however these normally look out of place in the North Pennines and should be avoided. Native species which would be appropriate, depending on the ground conditions and the space available, would be Ash, Sessile Oak, Birch, Alder, Bird Cherry, Rowan, Holly, Hawthorn, Blackthorn and Hazel. **Important trees may be protected by tree preservation orders, while similar restrictions apply to trees in conservation areas. Before undertaking any works to trees, seek advice from the local planning authority.**

30 *Drystone walls feature across all the dales of the North Pennines*

Good examples of the simple use of natural paving materials can be found in many settlements. Often this will take the form of stone-flagged footways with cobbled margins. While cost may sometimes preclude extensive use of natural paving materials, a careful mix of traditional and modern materials can be very effective. Roads will benefit from a surface dressing of coarse aggregate.



New roads and pavements tend to be governed by standards designed for urban areas. When applied rigidly in a rural context they constrain traditional housing layouts. Elements such as culs-de-sac, geometric turning heads, regulation pavements and kerbs appear incongruous. Where possible, proposals should follow and respect the traditional layout of settlements. A flexible approach to the application of highway standards and innovative new solutions responsive to the character of the area are needed. On some sites it may be necessary to accommodate existing rights of way within the development, or seek an acceptable diversion.



Where street lighting is required discussions should take place with local authority lighting engineers and planning officers. Depending upon the particular location either traditional or modern fittings can be appropriate, provided they are of good design and quality. Where practical the use of wall mounted lanterns will avoid the need for cluttering the street with lampposts. Good lighting will be energy efficient and address the quality rather than quantity of light. By directing light only to where it is needed energy costs will be reduced and light pollution minimised. High pressure sodium light with its golden white colour will be sympathetic for most public and private lighting throughout the AONB.

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(1) Cumbria County Council: Development Control and Regulation Committee
(2) Carlisle City Council: Economic and Development Control Sub-Committee

PLANNING APPLICATION 02/0196: MONTGOMERY HOUSING

LEGAL REPRESENTATIONS ON BEHALF OF "THE CASTLE CARROCK POUND"

Introduction

1. Montgomery is a developer who seeks permission to build 16 new dwellings on an open space of less than 2 acres in the picturesque 80-dwelling village of Castle Carrock situated in an Area of Outstanding Natural Beauty. Members have the heavy responsibility of deciding whether this lucrative property development should be allowed irreversibly to change the character of this sensitive a location, or whether to stand up to the developer and say a robust "no".

2. Relevant planning policies reflect an overall multi-faceted imperative, which can be summarised in this way:

> ***It is essential properly to protect the rural environment against property development, especially affecting (a) sensitive countryside or (b) villages or (c) open spaces. At minimum, such development must be both (i) sensitive in nature and scale; and (ii) necessary to meet a demonstrable local need and rural demand.***

3. The problem in this particular case is serious. The development is directly contrary to this planning imperative. It would need to satisfy all of the various components. In fact, it cannot satisfy any of them. There is no sound case for granting planning permission, and a very clear case for refusing it. Indeed, the County Council's Assistant Director of Development Control has recently reported, expressly recognising strategic planning objections on the grounds that the application "would materially conflict with or prejudice the implementation of [policies] contained in the adopted [Joint] Structure Plan".

4. These "Legal Representations" seek, alongside the other representations lodged and made, to assist Members of the relevant Committees at both the County Council and City Council. Were Members to decline to approve planning permission they would faithfully have followed the provisions of the relevant planning policies and protected the countryside and the character of the village. On the other hand, were Members to approve

a grant of planning permission, they would be failing in their democratic and legal responsibilities, and opening themselves to a clear case for judicial review.

The importance of planning policy

5. There are a number of relevant and interrelated planning policies, local (the Joint Structure Plan and Local Plan) and national (PPG3 and PPG7). Planning policies are important, being "an essential element in securing the coherent and consistent performance of administrative functions"[1]. Alongside their general duty to act reasonably (and proportionately) in making planning decisions, planning authorities owe a legal duty to pay proper regard to planning policies, properly to understand them, and not to depart from them other than in an exceptional case and for a very good (and clear) reason[2]. A deviation from these duties will mean that the authority is acting illegally.

The need to protect environment, countryside and landscape

6. Protection of the countryside is a crucial aspect of planning control. The Joint Structure Plan begins with the general recognition (in Policy 1) that new development should not "diminish the quality of the environment within the County ... for future generations"; continues by promising (in Policy 2) to protect the "County's scenic beauty"; and insists (in Policy 25) that the siting of "all new development" should aim to "enhance the quality of the existing environment", part of which includes the "landscape". In the same way, the Local Plan begins by identifying the "Environment Strategy" which is "a basis for the Policies relating to the environment" and "the basis for the allocation of land for housing", and which says the aim is "to protect areas where development would not be appropriate; for example, areas of high landscape value". PPG7 describes it as a key objective (para 1.4) to "maintain or enhance the character of the countryside and conserve its natural resources, including safeguarding the distinctiveness of its landscapes"; since (para 2.14) "the countryside should be safeguarded for its own sake". PPG3 has a deliberate emphasis on "urban" in preference to "rural" development, with a minimisation of the use of "greenfield sites".

7. In addition, there are enhanced protections which arise from land being within "landscapes of County Importance": the Joint Structure Plan contains (in Policy 23) a

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[1] *R (on the application of Alconbury Developments Ltd) v Secretary of State for the Environment Transport and the Regions* [2001] UKHL 23 [2001] 2 WLR 1389 at [143] (Lord Clyde).

[2] *Gransden v Secretary of State for the Environment* (1985) 54 P&CR 86, 94 (Woolf J).

presumption against any development "detrimental to the distinctive character of designated County Landscapes". In the Local Plan, "County Landscapes" are similarly protected (under Policy E4), so that "permission will not be given for development ... which would have an unacceptable effect on their distinctive landscape character".

8. Even stronger are the protections against any development within or affecting an "Area of Outstanding Natural Beauty". The Joint Structure Plan again contains (in Policy 11) a presumption against any development "detrimental to the present characteristics and qualities of the landscape of ... AONBs"; as well as identifying (in Policy 41) a criterion for permitted housing development in an AONB that it "maintains the natural beauty of the landscape". AONBs also have special protection in the Local Plan (under Policy E3), so that "within and adjacent to" the North Pennines AONB "permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape", insisting that developments be sited "to conserve or enhance the present character and quality of the landscape". PPG7 makes the point by recognising (at para 4.8) as a general rule that "development control decisions affecting AONBs should favour conservation of the natural beauty of the landscape".

9. The field in question is a greenfield site in a rural area. More than that, it falls within the description of a "County Landscape", in terms of both Classification 11a (Upland Fringe) and 7c (Sandy Knolls and Ridges), thereby deserving enhanced protection. More important still, it falls within the North Pennines AONB. It is in precisely the sort of countryside where planning authorities should be looking to refuse, rather than to grant, permission for the sort of lucrative property development where it has the potential to threaten countryside which is so precious a legacy for future generations. The recent County Council report recognises in clear terms that: "This proposal ... conflicts with policies 11, 27 and 41 of the ... Joint Structure Plan". Attention is also drawn there to the County Council's landscape advisor having appraised the proposal as one which is "likely to impact on the wider landscape" and "will dominate views into the site".

10. City Council Officers have seen fit (report for 20.12.00) to invite Members to note that "the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application have not expressed any objections to the proposals". That is a breathtaking "spin", and just one example raising real concerns as to the balance with which the matter is being presented overall. Once it is remembered that the Countryside Agency does not

become involved in individual proposals and in so doing is expressing neither support nor objection. It would therefore be equally true to say that "the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application have not expressed any support for or contentment with the proposals".

The need to protect a village

11. The Joint Structure Plan begins by recognising (in Policy 1) that new development should be "mainly in the towns"; while PPG3 (for example) makes as the priority the use of appropriate opportunities in "urban areas". Beyond that general approach there are within the Local Plan (at Policy H5) the listed "settlements", within which "small scale" residential development is measured against 7 specified criteria, including that "the site is well related to the landscape of the area", and additionally that it "does not intrude into open countryside", and that the "scale" and "layout" being sensitive (see below). It is wrong to refer to this as a presumption in favour of development. It could equally (and fairly) be said that there is a presumption against development, absent demonstrable satisfaction of the stated criteria. Castle Carrock is of course a village, and one of those listed settlements designated for special protection, to which the criteria apply. For this reason too a development like the present should face robust and most rigorous scrutiny.

The importance of preserving an open space

12. Within a village, the planning policies seek to protect any relevant open space. The Joint Structure Plan (in Policy 27) protects any area of "public or private open space" by a presumption against development, provided that the space "contribute[s] to the quality of the built environment". The Local Plan too is robust (in Policy E50) in ensuring that built development "will not be permitted" in the case of any open space which is "significant" in the sense (paras 2.198, 2.200) of "contribut[ing] to the character of the settlement", making "a significant contribution to the form or character of the settlement". That is alongside the need (Policy H5 para 4.43) to protect village "open areas" which provide "important views ... out into open countryside".

13. The recent County Council report recognises that this is a space which "provides a green visual break in the village". The report by a Chartered Landscape Architect (Woolerton Dodwell Associates, 16 March 2002) goes further, explaining that the field "provides a lung of green open space that provides a visual link within the surrounding landscape", being "greatly valued within a village" (para 21), and which "provides a very valuable

visual amenity" (para 19). Such spaces need careful protection.

The need for sensitivity as to nature and scale

14. If there were to be any case at all for a rural development, in a village, and using an open space, and located in an AONB, there would be a number of minimum prerequisites. These include, first, the appropriateness of the nature and scale of the development. For example, the general criteria for "all new developments" (in Joint Structure Plan Policy 25) require them to be "in keeping with the local character" of settlement or landscape; the criteria for acceptable housing development within an AONB include (in Joint Structure Plan Policy 41) a development "small in scale" and "in sympathy with the character of the settlement"; and for acceptable development within a listed village (in Local Plan Policy H5), "small scale" development, whose "scale ... is well related to the scale, form and character of the existing settlement". National guidance requires that any "significant" additional housing in a village should meet criteria which include that the development is "in keeping with the character of the village" (PPG3 para 70), so that villages are only expected to accommodate "modest development", and then only when this can be done "without damage to their character or to the countryside" (PPG7 para 3.19).

15. Context is everything. The acceptability of the scale and nature of a development will of course depend on the scale and nature of the settlement in which it is proposed. That is why, for example, (in Local Plan Policy H5) "scale" is deliberately a relative concept: "related" to the "existing settlement". There is no magic in the reference to "20 dwellings" (Local Plan Policy H5 para 4.40), since that is merely a statement of a upper number which is always large scale. The point is that "what constitutes large and small scale will vary considerably from settlement to settlement", so that in "the smallest villages" anything more than "one or two dwellings" may be unacceptable in scale (para 4.40) and what matters is "the scale of development in relation to the size of the existing village" (para 4.42).

16. In a village of some 80 dwellings a housing development of 16 new houses, 12 of them detached executive houses, concentrated in both place and time, is obviously highly significant in terms of scale and change to the character of the settlement. It is, in the context of this village, demonstrably disproportionate. This, of itself, is a serious objection. It is to be doubted whether even the most cogent justification for such a development could warrant planning permission for such a change. This is not a "modest"

development, nor one which can be accommodated without damage to the character of either the village or the countryside. Under this topic there are no fewer than three reasons to refuse permission, any one of which would suffice.

17. The reaction of villagers to this development is testimony to the threat which the development poses to the character of the village. The Parish Council reported to the County Council back in 1998 that more than 90% of those who had attended an open meeting were opposed to development of the field; and another open meeting (13 March 2002) was attended by some 60 villagers who voted overwhelmingly to oppose the proposed development. Since then, the proposed development has grown in size.

18. This is endorsed by the expert appraisal of the Chartered Landscape Architect (Woolerton Dodwell Associates, 16 March 2002) which explains that (paras 31-33): "The proposals would permanently change the character of the field and have a significant detrimental effect on visual amenity and on both the character and quality of the village"; "The layout and detailing of the dwellings do not reflect either the historical form of the village or the characteristics of the buildings and would make a negative contribution to the village"; "Structure Plan and Local Plan Policies are in place to protect villages from inappropriate development of this nature".

19. It is also strongly endorsed by the recent report of the County Council Assistant Director of Development Control. Having pointed to the recent appraisal that the development would, due to its scale, have a detrimental affect on the character of the village, he goes on to explain why "the scale of the development" would "have a harmful impact on the character and qualities of the landscape" and "be out of keeping with the local character of the settlement"; "the development, due to its scale, would have a detrimental effect", being "out of keeping with the local character of this part of the village".

The requirement of demonstrable local need

20. Independently of questions of sensitivity of nature and scale of the development, there is a remaining, crucial requirement: the developer is required to have demonstrated that there is an identifiable need for the housing. Moreover, it must be a local need. Even in general terms (Joint Structure Plan, Policy 1), new development is supposed "to meet the social and economic needs of the County's population". More particularly:

    (1) For Landscapes of County Importance, permissible development must be "required to meet local infrastructure needs" (Joint Structure Plan, Policy 12;

Local Plan, Policy E4).

(2) In relation to an AONB, the development must be "required to meet local infrastructure needs" (Joint Structure Plan, Policy 11); "to meet the social and economic needs of local communities" (Local Plan, Policy E3 para 2.46). Reference is therefore made to "local needs housing" (para 2.46).

(3) In the context of housing development in a village, national policy emphasises, as one of the criteria for acceptable housing development (PPG3 para 70), the following requirement, that "additional houses are needed to meet local needs, such as affordable housing"; "to meet the needs of local people" (para 71).

21. Very importantly, national policy guidance (PPG3) provides a systematic and structured methodology for approaching the critical question of local housing needs. The "plan, monitor and manage" approach (para 8) provides for an orderly and transparent mechanism for "assessing local housing needs" (paras 12-13), and then "monitoring and review" (para 77).

22. In the present application, the case of a demonstrable local need for this 16-dwelling development has not remotely been established. This point, even if it stood alone, but especially in conjunction with the other points (raised above), is fatal to the application. Further, the PPG3 methodology has not been honoured so as to demonstrate such local needs. Indeed, an objective consideration of the rigours of PPG3 in this local context shows that, far from there being a demonstrable need which this development is required to meet, there is if anything an oversupply. This has been cogently demonstrated by the Council for the Protection of Rural England (Cumbria Association), which has lodged powerfully reasoned objections to the development (12 March 2002, 12 June 2002). As that body has pointed out, this development has simply not met the requirements of PPG3. Indeed, it is these very serious concerns which has led to the Secretary of State's Article 14 direction, posing the threat of this application be called in (14 June 2002).

23. The CPRE's complaints are demonstrably well-founded. Having set the scale of need (Joint Structure Plan Policy 30) and the need for sufficient land for adequate supply (Policy 31), the position is this. In the words of the City Council's own Interim Housing Policy Statement (November 2002) there is "an oversupply of 125 units throughout the rural area", while "[a]n increasing number of consents in the rural area and a shortage of

supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3". The recent County Council report also acknowledges that there is "a net surplus of land available for housing", and "this site is not ... required to ensure [housing] provision is met"; hence the serious concerns raised there as to consistency with PPG3.

24. This is a startling context in which to grant permission for this 16-dwelling in the oversupplied rural area, adding to the distortion or rural and urban balance which is already infringing the approach in national policy guidance.

25. The developer has seized on the concept of including an element of "affordable housing", by adding to the scheme four smaller dwellings "for local occupancy". This is the developer's attempt to demonstrate a link with "local housing needs". But it fails. If local needs housing was the purpose of the development, it would have been needs-led. The very late addition of four lower-cost small dwellings cannot disguise, and cannot begin to address, the lack of a local needs justification for the large number of high-priced executive houses (originally 11, now 12) which remain. If there had been a local needs justification for the 11 executive houses, it would not have been necessary to add-in the 4 smaller dwellings. If there is not a local housing needs justification for the 11 executive houses, adding in the 4 smaller dwellings cannot provide it. In fact, the 4 smaller dwellings provide a contrast which gives the lie to any suggestion that 11 or 12 executive houses are required for local housing needs. They are not.

26. An independent housing survey commissioned by the City Council in the summer of 2002 concludes that there is zero local need for affordable housing. The recent County Council report points out that, far from there being local need, the likelihood is that the 12 units of "the open market housing would satisfy demand from outside the area". The report recognises that even "a carefully designed smaller development" could not be "acceptable" unless there were shown to be (as presently there is not) "a demonstrable need for additional housing in the village".

Developer aspirations

27. The law requires that Members take a robust approach is taken to any suggestion (express or unspoken) that this developer acquired the land in anticipation of development. No amount of anticipation on the developer's part that he would be permitted to develop this land for housing can influence the proper application of planning policy or weaken the requirements (discussed above). It is important, especially given the regrettable secrecy

which shrouds the liaison with planning officers in the context of the land deal, that Members recognise that nothing said by any officer could bind or influence the ultimate exercise of planning judgment. The developer has no legitimate expectation beyond the planning policies being properly applied. Whatever may be the developer's hopes or intentions, a developer can have no greater expectation than that planning policies will be properly and rigorously applied. In the nature of property development, land deals may have a speculative element, with the developer taking a chance given the profits which stand to be made if it comes off. The action of the developer (and for that matter the County Council) in entering into the "agreement to purchase", and planning officers in engaging in any "informal" act of "liaising" with the parties, cannot in law have any legitimate influence on the proper application of planning policy[3]. Whatever informal indication may have been volunteered to the developer, local authorities remain under "a public duty to apply the planning law and also a public duty to exercise their judgment and discretion in the general public interest", so that a developer's "private interest ... cannot be allowed to override the interests of the public at large in the proper performance of the planning process"[4].

28. It is noteworthy that a letter from the City Council's planning department to villager Mrs Moan explained to her that even a single bungalow adjacent to her house would be unlikely to obtain planning permission as it would be out of character and would intensify development which the Council wished to halt. For officers to support approval for a 16-dwelling development is, in the light of this alone, baffling.

Conclusion

29. To approve planning permission in this case would be very seriously out of line in a number of related respects with the letter and spirit of both local and national planning policies. Members (and officers) have a heavy responsibility in their function under democratic accountability and the rule of law[5], and should take a robust position, standing up to this commercial development in the interests of the environment and the rural and village community, threatened as each is with an impairment which would be both serious and irreversible, and without any demonstrable need. There is wholly insufficient merit in this development proposal. Moreover, to allow it could be neither a reasonable and

[3] Cf. *South Bucks DC v Flanagan* [2002] EWCA Civ 690 [2002] 1 WLR 2601 at [16]-[18] (Keene LJ).

[4] *Tidman v Reading Borough Council* [1994] 3 PLR 72, 92G-H (Buxton J).

[5] *Alconbury* [2001] 2 WLR 1389 at [69], [73] (Lord Hoffmann).

proportionate, nor a lawful, exercise of planning judgment. For permission to be granted for this development would be to invite a well-founded application for judicial review.

22 January 2003 **"THE CASTLE CARROCK POUND"**

(1) Cumbria County Council: Development Control and Regulation Committee

(2) Carlisle City Council: Economic and Development Control Sub-Committee

PLANNING APPLICATION 02/0196: MONTGOMERY HOUSING

LEGAL REPRESENTATIONS ON BEHALF OF "THE CASTLE CARROCK POUND"

"THE CASTLE CARROCK POUND"

22 January 2003

Mark Richards

Alan Taylor,
Chief Development Control Officer,
Carlisle City Council,
Civic Centre.
CARLISLE CA3 8QG

10th December 2002

Application Ref: 02/0196 L/A field 3328 in Castle Carrock

Dear Mr Taylor,

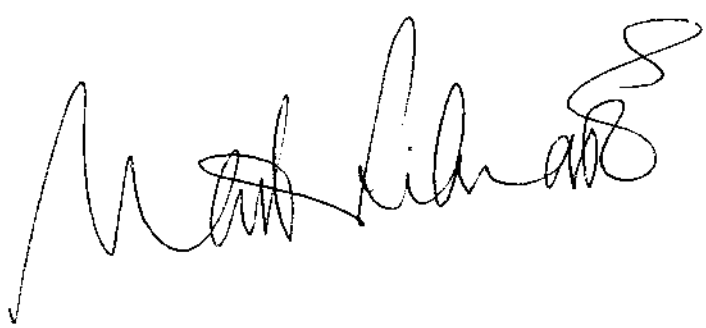
This is to acknowledge receipt of your 'Notification of Planning Proposal: Amended Plans' dated 09 December 2002.

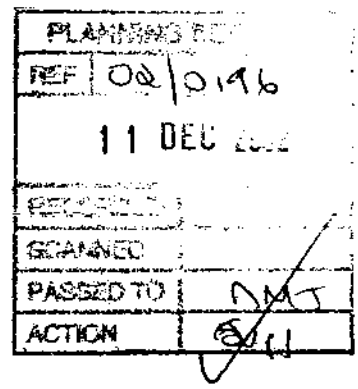
As you have a legally binding obligation to give a full fourteen days notice for any application and you acknowledge your own technical error, this application **MUST BE DEFERRED**!

You state "It seems that my letter of 29 November has not been received by all intended recipients". The date that now applies is 09 December, The Development Control meeting of 20 December is illegal by three days.

Minded that you have a remarkable facility for flexibility in the application of your own rules and guidelines, so for all the lateness of my request, I reserve my right to speak direct to the committee.

Yours sincerely,

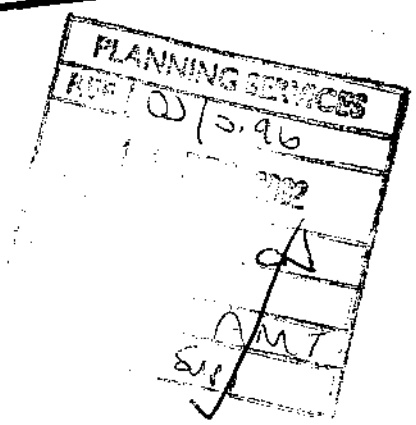




Low Hynam, Castle Carrock, Carlisle, Cumbria CA8 9NF
01228 670549 markrichards.walkfree@virgin.net VAT Reg 630 7040 78

MEMBER OF THE OUTDOOR WRITERS' GUILD

9/12/02



Virginia Cottage
Castle Carrock
Cumbria

Dear Sir,

I write to express my dismay that the Development Control Committee are being asked to approve a development proposal for "Sid's Field" in Castle Carrock.

The details relating to design and density are irrelevant as apparently subject to personal opinion.

This is a Greenfield site in an Area of Outstanding Natural Beauty. There has been a new housing needs survey which has demonstrated no local need, and recent statistical evidence supports a view that there has been an oversupply of new development in rural areas locally.

The village has inadequate local services to support further development beyond the brown-field sites currently undergoing redevelopment. Local opinion has, repeatedly, been recorded and reported to the City Council as overwhelmingly opposed to development of this site.

The people of Castle Carrock and the Parish Council have done everything in their power to persuade the Committee of their horror at this proposed development. As logic, reason, statute and outrage have failed to sway the opinion of the Planning Officer I am pleading with the Committee to study the documents in front of them rather than relying on the hopelessly inadequate Planning Officers Report. This development will destroy the present village and transform it forever into a suburban clone. We love this place, my children love their school, and my wife loves her community. We cannot endure the thought of losing what we have for the sake of some faceless developers profit margin.

We are at your mercy,

Yours sincerely,

G D Low

ACKNOWLEDGED
10 DEC 2002
1

Castlegate Cottage
Castle Carrock
Brampton
Cumbria
CA8 9LT

9th.December 2002

Mr. Alan Taylor
Planning Chief
Carlisle City Council
The Civic Centre
Carlisle
CA3 8QG

Dear Mr. Taylor

PLANNING PERMISSION APPLICATION FOR FIELD No. OS 0388

We wish to oppose the sale and any developement of this land, except for the use as a Public Amenity for the local Population.

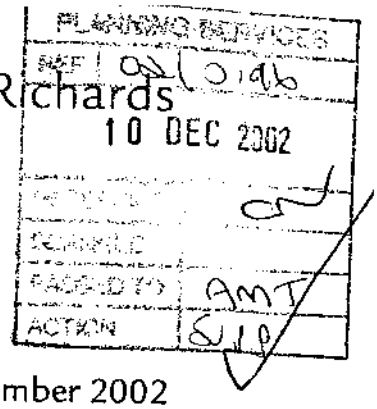
We believe that before any decision is made, the people of the village should be consulted at a meeting in the Village Hall.

Yours faithfully

G.E.Armstrong

PLANNING SERVICES
REF 02/0946
10 DEC 2002
PASSED TO AMT
ACTION SLP

Mark Richards



Mr A.M.Taylor,
Chief Development Control Officer,
Carlisle City Council, Civic Centre,
CARLISLE CA3 8QG

7th December 2002

Re : Planning Application in Sid's Field, Castle Carrock

Dear Mr Taylor,

We look to you to resist this outrageous scheme by taking a strong lead in defence of your own planning guidelines.

To be 'minded' to accede would be to condone 'rape'.

From the outset, some four years ago, the Parish Council sought to buy the field to secure this precious green amenity space for all time.

Yet the County Council have brushed aside our Parish Council
putting pillage... before village!

On every count this application defies planning guidelines. Even your own recent Interim Housing Policy Statement gives no succour to large-scale development, the policy actually specifiying Castle Carrock as a village to protect. This same policy confers that ONLY small-scale development can be condoned and then only if it meets strict rules.

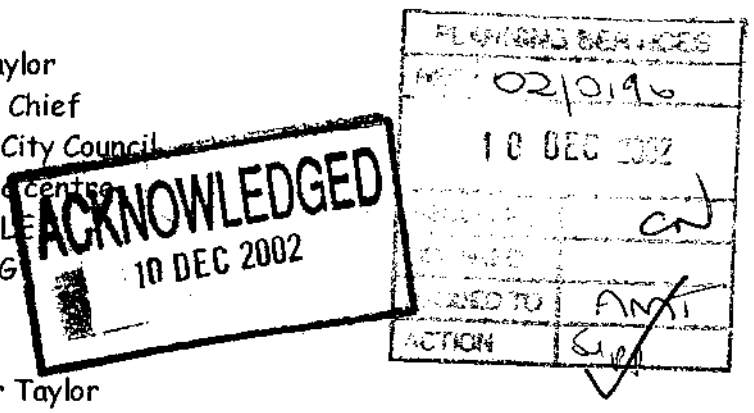
Fundamental among your guidelines is proven need. With local rural housing in over supply where is the need? Indeed, this need is specifically refuted by the independent survey, you commissioned from the Cumbria Rural Housing Trust this summer, which confirmed that there is 'no significant need for affordable housing' in Castle Carrock.

As our public servant we look to you to stand tall and recommend that the Development Control Committee throws out this rude application.

Yours sincerely,

Low Hynam, Castle Carrock, Carlisle, Cumbria CA8 9NF
01228 670549 markrichards.walkfree@virgin.net

Mr A Taylor
Planning Chief
Carlisle City Council
The Civic centre
CARLISLE
CA3 8QG



The Swifts
Castle Carrock
BRAMPTON
Cumbria
CA8 9NA

9 December 2002

Dear Mr Taylor

Planning Application for Field OS 3328, known as Sid's Field, Castle Carrock

I would like to endorse the points raised against this application by the letter drafted by the Castle Carrock Pound, and which my husband has signed (enclosed). In addition I wish to make the following points:

- The number of houses has actually risen since the last planning application. There is a nod to affordable housing by squeezing a terrace of four into the corner of the field, but these are not suitable for the elderly or physically disabled.
- The style of architecture is deeply unsympathetic and would be an eyesore in the heart of the village. In addition the boundary wall involves the destruction of a major feature of this road, a striking dry stone wall.
- One charm of the village is its relatively low-density street lighting. What would be the effect of a brightly lit estate in the centre of the village?
- There would be grave implications for traffic density and also for the village school if even only a proportion of these houses had two cars and children.
- This housing estate would increase the population of the core of the village by an unacceptable percentage (15 to 20%) in one leap. If you allow this application, what is to stop every field in the village from disappearing under tarmac?

You have the opportunity to help preserve or destroy the character of an ancient village in an area of outstanding natural beauty. A number of residents have bed and breakfast businesses to supplement farm incomes and such a development in the village can only serve to put people off coming here. I can think of no economic benefits to the village and the recent survey of housing need identified NO need for housing in Castle Carrock. I strongly urge you to reject this planning application outright.

Yours sincerely

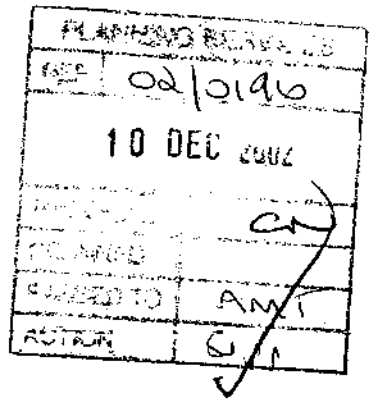
Daphne M Roberts

DM Roberts

cc Mr L Victory, CE Cumbria County Council; David MacLean MP

ACKNOWLEDGED
11 DEC 2002

Ralph Cottage
Castle Carrock
C arlisle
CA8 9NB



Mr A. Taylor
Chief Development Control Officer,
Planning Services Division,
Carlisle City Council
Civic Centre
Carlisle CA3 8QG

8th December 02

Dear Mr Taylor,

Amended Plans for L/A Field 3328, Castle Carrock Ref 02/0196

I write to register strong opposition to the amended plans as set out in your letter to me of 29th November. I objected to the original plans, for 11 houses, because I felt that to cram so many dwellings onto the field all at once would constitute a quite unacceptable level of development in this rural community. In other words, it would be like suddenly building a piece of suburbia into a place where, in the past, development has been small scale and piecemeal. To increase the number of dwellings to 16 is frankly horrifying and will simply compound the problem.

I note that this amended plan includes 4 houses for rent. Whilst supporting so called social housing in principal I am wary of these extra four dwellings being included in the application at this stage, particularly when a recent Local Housing Needs survey showed no appreciable demand.

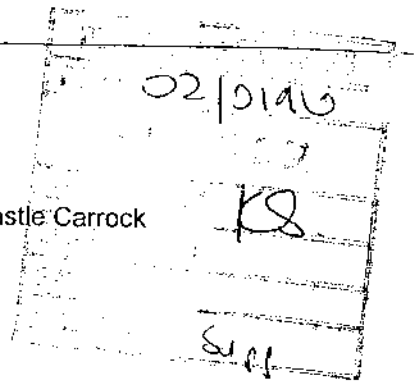
I would be very grateful if you would pass these comments on to the Development Control Committee, whom I urge strongly to reject the application. I would also like to register my wish to speak at the committee meeting which I understand is on December 20th. NB

Copy to Steve Hellew

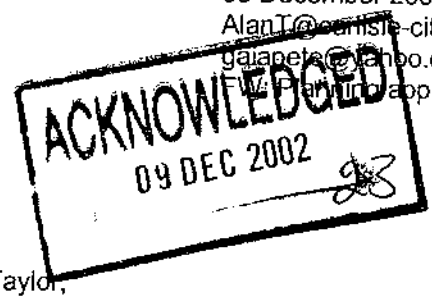
Yours sincerely,

Helen Hutchinson

Alan Taylor



From: Ann [ann@shireburn.freeserve.co.uk]
Sent: 08 December 2002 23:38
To: AlanT@carlisle-city.gov.uk
Cc: gaiapete@yahoo.co.uk
Subject: FW: Planning application For Field 3328, Sid's Field Castle Carrock



Dear Mr Taylor,

What a disgraceful performance from your office once again. As someone who has registered my objection against this proposed development in the past I would have expected to have been informed by your office of any future revised applications that might follow from the applicant. However I now find along with others who have previously objected to this development and receivedno notification from your office, that there is now a new application being put forward by the applicant. I am also informed that this new application is for a substantial greater number of houses than previously applied for, an alarming 46% infact!!

also am informed that the applicant has insisted that this latest application should be presented for the Committee i a meeting due to take place on the 20th of this month. What a clever move on your part,(1) Fail to notify the serious objectors of this new increased application, (2) Rush it through a Committee meeting due to take place on Friday the 20th Decemberthe last working day before Christmas!!On this date, a lot of people will have started their Christmas Holidays, some will have travelled away and others will be engrossed in their preparations for Christmas.

There can be little doubt that your ambitionsare to obtain approval for the applicant. It is also abundantly clear that you are not concerned about the feelingsexpressed by the majority of the residents of Castle Carrock who do not support this kind of commercial development in our Village.

It is also alarming and highly suspicious that whilst it is stated that this developer has bought this field, he bought it whilst it was classified as agricultural land with a value possibly in the region of £7,000 and yet I understand that he paid in the region of £350,000 for it. What would posses a successful business man to take such a risk unless he was confident that your office would succeed in obtaining planning approval? It all becomes painfully clear why your office is following the route that it is in order to achieve planning consent for this developer.

It is also quite despicable that no one that I have asked, has seen evidence of any formal contract relating to the sale of this field. Further no one has been able to find out whether or not the so called buyer has in fact paid over his money for the purchase of the field.

The whole matter is disgraceful and requires an investigation to be carried out by an independent appropriate body.

Please register my objection to this most recent application.

Yours Faithfully

Ann Moran

Shireburn House
Gelt Hall
Castle Carrock
Brampton
CA8 9LT

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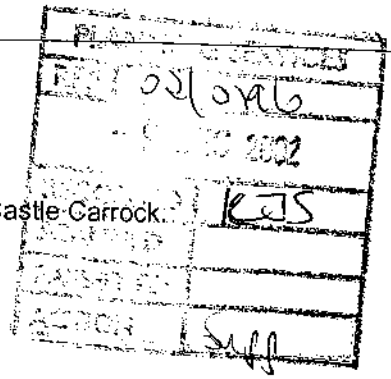
Alan Taylor



From: Frank W Moran [fwm@bordersecurity.com]
Sent: 07 December 2002 10:44
To: AlanT@carlisle-city.gov.uk
Cc: gaiapete@yahoo.co.uk
Subject: Re: Planning Application For Field 3328, Sid's Field Castle Carrock.

Subject: Planning Application For Field 3328, Sid's Field CastleCarrock.
Dear Mr Taylor,

How predictable your office functions in its well practised course of achieving your desired results. Results thatwhen approved will bear little to no consideration for the people who will be directly effected by this .development.

Sid's Field is amodel example of your conduct, itis abundantly clear where your endeavours are leading and they are not in any way,taking into consideration the feelings of the substantial majority of our village. Clearly the fact that the previous development for eleven houses was fiercely opposed by the majority of the residents of Castle Carrock, one would have expected that any alternative proposal would be for less houses! Few if any would expect more houses, however for those who have had the misfortune of having dealings with your office in the past it comes as no shock. Indeed the fact that this new proposal I understand isnow for sixteen houses a staggering 46% increase on the previous application is in itself, another example of Dare ToOppose The Desires Of The Planning Office At Your Peril. Further, I am informed that the developer has insisted that this new application should be laid before the Planning Committee on the 20th of this month, a bit of good planning on somebody's part,a time when most people will be busy preparing for Christmas with some having travelled on holiday.Yourdesire to obtain approval with the least resistance is also evident by the fact that you havefailed to notify all the parties who objected to the previous applications, about this new application. .

Clearly your loyalties lie withthe developer, a company who felt confident enough to buy Sid's Field whilst it was still classified as agricultural land, possibly worth in the region £7,000 and pay as I understand it, circa £350,000 for it. I wonder how this developer had sufficient confidence to proceed with the purchase of this field, unless he was confident that your office would find a way of granting planning approval after the purchase?

I for one, and I know that there is a lot of others who feel the same way, would like to see a government investigation into the operation and conduct of your establishment. I expect that you will likely retort, that this application will be decided by the Development Control Committee, however again as one who has had previous dealings with your office I know that the committee in most cases will endorse your recommendations.

Please ensure that the Development Control Committee are aware of my total objection to this application being approved.

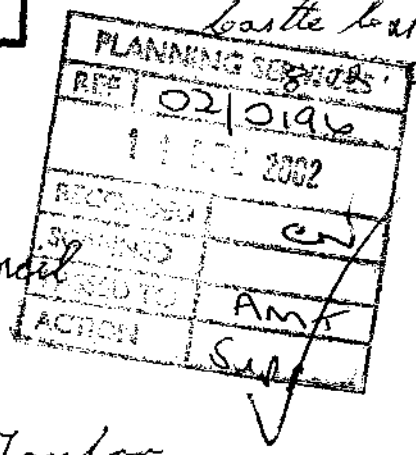
Yours faithfully,

Frank W Moran

Shireburn House,
Gelt Hall,
Castle Carrock,
Brampton,
CA8 9LT

!

Lindeth
Rectory Rd.
Castle Carrock



Mr A. Taylor
Planning Office
Carlisle City Council
CA3 8QG

Dear Mr Taylor,

Reference planning application for field 3328 ('Syds Field') at Castle Carrock.

I am writing personally although I am currently vice-chairman of the Parish Council (I was Chairman for several years). I know this village extremely well. I was posted here in 1954 as a Police Constable. A Parish Councillor for the past 15 years.

a referendum carried out by the Parish Council earlier this year showed only 11% of the Parish were in favour of full development of the field

The remaining 89% wanted

(a) To leave the field undeveloped

or

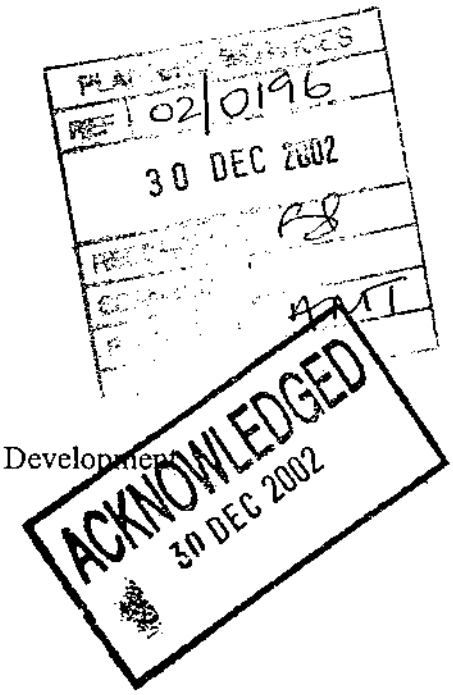
(b) Build (4) (6) or (8) houses only

I understand a recent survey by the Cumbria Rural Housing Trust said there was, no housing need.

I personally am horrified at the number of houses on this application. If passed it will, I'm sure, cause a lot of ill feeling and antagonism towards both local authorities

Yours faithfully,

R.W. Coward



Briar Cottage
Castle Carrock
Brampton
Cumbria
CA8 9NB

16 December 2002

Mr Alan Taylor
Planning Officer
Dept of Environment and Development
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Taylor

Planning Application 02/0196. Land Adj. To Field 3328, Castle Carrock

Thankyou for your consultation on the above proposal and draft report to the committee. I am disappointed beyond words at your complete failure to either acknowledge any of the points raised in my previous letter of objection within your report and your continuing and undemocratic attempt to undermine that opinion due to my proximity to the field and the fact that my wife has also voiced an opinion. This application and your report are deeply flawed for the following reasons:

- As an authority you are already over your housing limits for this plan period, especially in the rural area. There is therefore no need for these houses.
- A local needs survey, commissioned by you this summer, concluded there was no local need. You avoid all mention of this in your report.
- Interim Policy H5 is still not being followed as the application satisfies none of the requirements contained therein to protect the village from out of character development. This development is precisely what Sids Field needs protecting from and you are failing both the village and your own policies in your attempt to force the decision.
- This application is against national planning guidance given in PPG3 and your report is both shamefully selective in the elements of PPG3 it quotes and is factually incorrect in the assumptions and justifications it makes.
- Castle Carrock is not one of the larger settlements as referred to in your report and it is therefore wrong to attempt to justify development on those grounds. Also, your "precedents" cited in the report are nonsense. Where is your policy that says "if a similar village has had an out of character development built within it, any other village must also suffer a similarly uncharacteristic housing estate"?
- It is ridiculous to attempt to justify 12 new houses by claiming to build 4 for local needs rent. There is no local need. If there were, then the required houses should be built without "for profit" houses being part of the deal, at the expense of the environment and local wishes.

There are many other inadequacies but my time is valuable and I cannot list them all now. I would hope the above would be enough to cause you some unrest but have no

confidence whatsoever that you are interested in the concerns of local residents. I refer you to my previous letter of objection, as little in principle has changed with this application or your opinion and my original objections still stand.

How you can recommend approval for this application is, frankly, beyond belief. I am copying this letter to the Government Office for the North West to request they call this application in, along with the Audit Commission to investigate why we have to go to such lengths to have published policies followed by you.

Yours sincerely

PMiles

Pete Miles

Cc Mr M Farquhar, GONW
Mr Thomas, Audit Commission

MRS C RAWSTHORN
MOOR HOUSE
HEADS NOOK
BRAMPTON
CARLISLE
CA8 9BX
9th January 2003

PLANS
REF 02/0196
14
FILE CN
SCANNED
PASSED AMT
ACTION

Mr A Taylor
Carlisle City Council
Dept. of Environment and Development
The Civic Centre
Carlisle CA3 8QG

Your ref: AMT/DC/02/0196

Dear Mr Taylor

Notification of planning proposal:Amended plans
Proposal: Erection of 12 Detached Dwellings and 4 linked 2-bed houses for rent for local occupancy
Location: L/A field 3328, Castle Carrock, Cumbria
Appn ref: 02/0196

I enclose my letter of objection to the revised proposals.

I am hampered without a copy of:

1 Your report to the Committee when prepared;

2 A copy of Policy H5.

May I ask if you could please let me have copies of both.

May I add that work and other commitments mean that to attend at the Civic Centre to look through papers is very difficult.

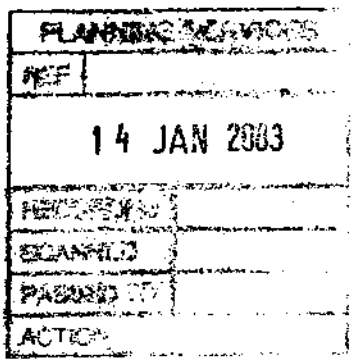
Thank you in advance.

Yours sincerely

Chris Rawsthorn

Mrs C Rawsthorn

MRS C RAWSTHORN
MOOR HOUSE
HEADS NOOK
BRAMPTON
CARLISLE
CA8 9BX
9th January 2003



Mr A Taylor
Carlisle City Council
Dept. of Environment and Development
The Civic Centre
Carlisle CA3 8QG

Your ref.: AMT/DC/02/0196

Dear Mr Taylor

Notification of planning proposal: Amended plans
Proposal: Erection of 12 Detached Dwellings and 4 linked 2-bed houses for rent for local occupancy
Location: L/A field 3328, Castle Carrock, Cumbria
Appn ref: 02/0196

I refer to your letter of 9 December and the revised proposals. My letter of 17 December objecting to the application was necesarily rushed, given the lack of time before the date set for the Development Control Committee on 20th December. I should be grateful if you could please put this letter before Members in addition to the earlier letter.

I write to put forward my strong objection to the application.

To grant this application would be to conflict with a number of established policies and guidance:

1 Cumbria and Lake District Joint Structure Plan - Policy 1
This states that new development will be provided, mainly in the towns, to meet the social and economic needs of the County's population in a manner, through appropriate location, scale, design or use, does not diminish the quality of the environment. The proposals contravene Policy 1:

Location
The site is a windfall greenfield site;
which is itself an open amenity space for the village;
the village is in an Area of Outstanding Natural Beauty;

Scale
the scale of the proposals are significant compared to the size of Castle Carrock;

Design
the design is urban, both in the cul-de-sac lay-out of the estate and the style of the units;
the units would be visually prominent;
the building materials inappropriate;
the designs are ostentatious, devoid of the quiet quality of the rest of the village;

Use
the units are largely commuter houses;
with an anticipated 2 cars per unit, 32 cars would travel the local narrow lanes, adding to congestion and noise;

Social and economic needs

there is no need for new housing in the village, whether low cost rented or expensive executive units ("Local Housing Needs Study for Castle Carrock", Cumbria Rural Housing Trust);

the bus service is poor and infrequent, but would not be bolstered by commuters to Carlisle, there being no employment in the village;

the small village shop is not in danger of closing; it stocks basics only and villagers rely on Tesco and other Carlisle supermarkets;

the village primary school is already over-subscribed;

To meet social and economic needs of the County

There would be no logic in siting housing units to satisfy a County need in a fell-side village which itself has no such need, and where residents are dependent on their cars for mobility and to access all services bar a small shop and primary education (a service which is of interest only to a relatively small section of the population). This would be contrary to legislation requiring that precedence is given to other locations, including brownfield sites. There would be no justification for such siting.

Diminish the quality of the environment

urban-style development in an AONB inevitably impacts negatively and permanently on the environment;

especially on the scale envisaged by this application;

32 cars with their exhaust pollution, noise and increased danger to village children cannot be said to do other than diminish the quality of the environment.

2 Cumbria and Lake District Joint Structure Plan - Policy 2

This Policy protects Cumbria's scenic beauty, natural resources and the quality of its built environment from inappropriate development, especially those areas and features of ...national conservation importance where harmful development will not be permitted. The proposals contravene Policy 2:

Quality of its built environment

The village is largely made of stone cottages and houses, which mirror the colours and textures of the surrounding country. Development in the last century continues the ribbon development. The tone of all housing in the village is quiet and modest. In contrast, the proposals are ostentatious, for pretentious units shouting their expense;

National conservation importance

Castle Carrock is not a conservation area, though its B road leads on to Cumrew which is, but it is, of course, in an Area of Outstanding Natural Beauty. The village is of national conservation importance, with the Geltsdale RSPB Reserve and the new Cycle Route along the fell side. Visitors to the village will only increase with Open Access to the fells;

Harmful development will not be permitted

The proposals are for inappropriate development which would be harmful and is the very type of development which this Policy prohibits.

3 Cumbria and Lake District Joint Structure Plan - Policy 11

Under this Policy, development detrimental to the present characteristics and qualities of the landscape of AONB's will not normally be permitted. What is permitted, as exception only, is development to meet local infrastructure needs provided firstly, they cannot be met elsewhere; secondly, development is sited to minimise environmental impacts; and thirdly, meets high standards of design.

.....

Policy 11 would be contravened if the application were granted:

Development detrimental to the present characteristics and qualities of the landscape of this AONB

The design of the estate cul-de-sac is completely out of keeping with the rest of the village;

The appearance of the units themselves jars with the understated character of the surrounding homes including current conversions which are in sympathy with the historic building materials and styles of the village;

The units would be visually prominent - by the roadside and built deep onto an incline, with a raw and obtrusive design, primarily block and render (for reasons of profit only, not to be in harmony with the vernacular tradition of the village).

Policy 11, therefore, does not permit this application unless it is development to meet local infrastructure needs complying with the three conditions, which is not the case:

Development meeting local infrastructure needs

As stated above (Policy 1), this is not, and does not genuinely claim to be, development to meet the social and economic needs of the county never mind of the village and its surrounding area.

The 12 detached units are the ubiquitous "executive houses" priced accordingly to attract the town-dweller who would like a town-style house in the country and commute by car to work;

The amended application squeezes onto one plot 4 2-bed link houses (in keeping with Lowry Hill). There is a presumption that those on lower incomes would prefer to rent while those on high incomes will only wish to buy. Some may find that distinction offensive.

Again as quoted above ("Local Housing Needs Study for Castle Carrock", Cumbria Rural Housing Trust) there is no housing need in the community, low-cost or high-priced.

The application falls at this first hurdle. For the sake of completeness only, I set out the three conditions and the appliction's failure to satisfy each:

Development to satisfy local infrastructure needs which cannot be located elsewhere

Should there have been a need for housing in the locality, which of course there is not, the over-provision of development in the rural areas under applications already passed by this Committee would answer that need. Locally is the development at Netherton Farm just outside Castle Carrock. There has also been substantial new housing at Brampton, at under ten minutes' drive, with facilities including shops, schools, doctors' and dental surgeries, cottage hospital and public transport.

Development to satisfy local infrastructure needs sited to minimise environmental impacts

Sid's field is situated in the middle of the village. It is highly visible from the church, as well as on the road itself for those passing along it to houses on the Geltsdale road or continuing along to the valley of Geltsdale itself. It is cherished by the village as an open amenity space, a taste of the freshness of Geltdale and the hills beyond. Children have enjoyed and benefited from seeing cows and calves pastured in the field. They and the community feel and experience a working, real, living environment; this is precious when many villages are losing working farms at their heart.

The development would stick out like the sore thumb of suburbia that it is. Each unit is large in size and the site is on a gradient. The units would stand proud of the site and be highly visible.

Minimising environmental impacts has not been addressed by the application.

4 Cumbria and Lake District Joint Structure Plan - Policy 25

Policy 25 requires the siting, appearance and landscaping of all new development 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 be in keeping with local vernacular tradition.

Granting this application would be in conflict with Policy 25:

Enhance the quality of the existing environment

This requirement underlines the requirement in Policy 1, which states that a development should not diminish the quality of the environment. Here, however, the condition is more stringent: there must be positive enhancement.

It would be impossible to show how this condition might be satisfied with these proposals: the development would be detrimental to the quality of the environment with large scale inappropriate housing lifted from a suburban estate.

In keeping with local character

The cul-de-sac lay-out is urban and suited to Brampton or Carlisle but not a fell-side village in an AONB;

The designs of the individual units are not in keeping with the stone buildings surrounding. This is in marked contrast to the current developments on the opposite side of the road. Large, ugly slabs of render would shout at the original stone walls. Stone corners are a curt nod to the village stonework; the character and nature of the units is in reality unaffected.

In keeping with existing pattern of surrounding land uses

As I have already stated, the village is a ribbon development. Houses are one-deep. The one exception to this is at the other end of the village on a development which would contravene this Policy (and others) and was passed and built in times less aware of and sensitive to our heritage and our responsibilities to future generations; policies and guidance both local and central government have been significantly strengthened to protect the environment since those houses were built.

A cul-de-sac is plainly not in keeping with the surrounding land uses.

In keeping with local vernacular tradition

There is no attempt in the plans to satisfy this condition. Local vernacular tradition is for non-pretentious stone-built dwellings, in harmony with local geology, the feel of the valley and the fells. Modern-design executive units and link-houses have no sense of history, no sense of place, no individuality.

5 Cumbria and District Joint Structure Plan - Policy 41

This Policy stipulates that for development to be permitted in an AONB, it must be satisfy all of the following: it must be

i. small in scale and compatible with the needs of local communities, and

ii. within or immediately adjacent to existing settlements, and

iii. in sympathy with the character of the settlement and must maintain the natural beauty of the landscape.

.....

Granting this application would be in contravention of Policy 41:

Development small in scale and compatible with the needs of local communities

16 units is not small in scale for Castle Carrock: it would be a 22% increase in the number of dwellings. An application to increase the number of dwellings in Carlisle by 22% would be met with a stunned response. It is incontravertible that such a development would have a significant, detrimental and irreversible impact on the village;

The local communities have no need for new housing. I have already mentioned the development at Netherton which would have absorbed any need, but no need has been demonstrated in any event - quite the contrary.

Policy 1 also stipulates that new development is to meet the needs of the County and I have demonstrated under that head how these proposals do not comply.

In sympathy with the character of the settlement

This requirement underlines the same condition in Policy 25, discussed above. That the condition is repeated here is in emphasis that design which is out-of-keeping with its proposed surroundings should not and will not be allowed. Local character is important. Difference is to be understood and cherished. "One-size" does not fit all.

Indeed, implicit also in Policies 1,2,11 and 25, is that development which is not in sympathy with the character of a settlement, despoils that settlement for all time. Inappropriate development does not cease to be visually offensive with the passage of time; it does not cease to be detrimental to the quality and character of a landscape and a built environment. Amenity space once lost is never regained.

These proposals are not in sympathy with the character of Castle Carrock, despite a veneer of pretence that stone/stone-dressed quoins are all that is required, and the application demonstrates a total failure to appreciate that the cul-de-sac is an urban intruder.

Maintain the natural beauty of the landscape

Units which are not built from local materials but rely on block and render cannot in honesty be said to maintain the natural beauty of the landscape.

Castle Carrock is rural. The feel of a farming community and of the fells is at the heart of the village. There is a continuity from field to dwelling, which is totally absent from the Applicant's proposals. Those units are not designed to complement this village.

6 Carlisle District Plan Environment - Policy E3

Castle Carrock being within the North Pennines AONB, Policy E3 repeats and emphasises the requirements of Cumbria and Lake District Joint Structure Plan Policies 1, 2, 11 and 25:

permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape;

development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping;

additionally, large scale development will only be permitted where there is proven national need and lack of an alternative site.

To grant this application would be in contradiction of Policy E3:

.....

Development unacceptably detrimental to the present character and quality of the landscape

This is in parallel with the requirements of Policy 11 (page 3 above). The whole philosophy of this (and other Policies) is to protect the relatively unspoilt nature of this village for the future; to promote and support understanding and appreciation of the uniqueness of Castle Carrock - and, in their own way, of the villages in the locality.

These proposals are for development unacceptably detrimental to the character and quality of the landscape and the Policy anticipates and requires their refusal.

Development should conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping

Policy E3 shares the aims of Policies 1 and 25 of the Joint Structure Plan discussed on pages 1,2 and 4 above. It follows that proposals which are detrimental to the character and quality of a landscape will fail to conserve or enhance that landscape.

This Policy, however, goes further than Policy 1. Like Policy 25, it lays down a higher test: a proposed development must preserve - protect, safeguard - a landscape or indeed contribute positively to the character and quality of that landscape. It would be impossible to demonstrate how these proposals would make a positive contribution to the landscape of Castle Carrock.

The observations on pages 1, 2 and 4 above are pertinent here.

Large scale development will only be permitted where there is proven national need and lack of an alternative site

As stated above, 16 units is significant for Castle Carrock. This application is for a large scale development and, as such, can not comply with the conditions of this Policy: the absence of proven national need and the lack of alternative site are further hurdles which cannot be cleared.

7 Carlisle District Plan Environment E50

Sid's Field is an open, undeveloped space within the village. It makes a valuable contribution to the form and character of the village.

What does it mean to me? Walking up the road towards the field, I find pleasure in the open aspect; I appreciate the space opening before me; the feel of fresh air sweeping down from Geltsdale; indeed, the promise of Geltsdale beyond. I love the fact that there is green actually in the village, that it is *not* built on, but is farmed; I find security and pleasure in the continuation of farming down the centuries. I appreciate the old, mellow local stone walls and the trees; the thought of birds hunting over the field.

The view is honest, unassuming, invaluable - significant.

8 Carlisle District Plan Housing H5

I have not seen the Policy which the Council will have adopted following its review of rural housing allocation.

I have seen parts of Proposal H5. From that, I see that large scale residential development will not be permitted.

It follows that this application must be refused without more: my understanding of the law, is that the definition of "large scale" depends on the facts of the particular application and the size of the settlement to which that application relates.

I would strongly contend that a 22% increase in the number of dwellings in Castle Carrock can only be large scale. I do not see how it could be otherwise.

If the Committee finds otherwise, I presume that the Committee would be able to

defend that finding by reference to case law and would quote that case law with the facts in its reasons.
Given that this is a large scale application, it should be refused under H5 without more. The following consideration of the conditions of Proposal H5 is for completeness only:
Where an application is for small scale development, for permission to be granted, the following provisos must all be satisfied and this would not be the case with this application:

1. *The site is well related to the landscape of the area and does not intrude into open countryside*
The units would be built to a depth not seen in the rest of the village, intruding beyond the rear line of the existing houses. The field rises away from the road. The units would, of course, be highly visible.
2.*The scale of the proposed development is well related to the scale, form and character of the existing settlement*
That this is not the case has been shown above. The proposals are entirely different in scale, form and character.
3.*The layout of the site and the design of the buildings is well related to the existing property in the village*
The cul-de-sac layout is alien to the village, as is the double depth of the units: Castle Carrock is linear in form.
The design grates harshly against the design of the stone cottages and houses. The design is simply not appropriate for a fell-side village in an AONB.
Opposite the site is the former farmhouse relating to this field. It and the adjoining barns are being renovated in traditional style with local materials. Further along the road is a second conversion/renovation, again with local stone and in vernacular style. The designs are mellow and well related to the character of the village. The designs of these proposals are not.
4. *The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property*
The development of a field right opposite existing dwellings inevitably has a negative impact on the outlook and amenity of those dwellings, especially where the proposed units are of a design so ill-suited to the setting. A housing estate can never compare to an undeveloped agricultural field, with grazing stock, new lambs, its openness.
The siting and design are not well related to and do adversely affect the amenity of existing dwellings.
5.*Appropriate access and parking can be achieved*
Access can only be created by knocking down part of the old local stone wall.
Parking to an extent would be accommodated on site, but inevitably and on occasion there would be over-spill parking on the road itself.
Cars detract from the feel and character of a locality.
6.*The proposal wil not lead to the loss of amenity open space within the settlement*
As demonstrated above, amenity open space would be lost.
7.*The proposal will not lead to the loss of the best and most versatile agricultural land*
The quality of this field is on a par with the surrounding agricultural land. The field has been used over the years as a nursery field for young animals; for general grazing; the barns for storage of agricultural machinery and equipment. Loss of the field to the farm unit inevitably entails reorganisation of practice.

9 **PPG3 Housing**

Members are already aware that the Government's aim is to promote more *sustainable patterns of development* than has till now been the case, with *priority to previously developed land within urban areas.*(Paras. 2 and 3)

Allowing development on a greenfield site where no need has been shown, in conflict with local, county and central government policies and guidance, would be counter to this aim and would be indefensible in a Court of law.

This Committee has a duty to ensure that development can deliver accessibility by public transport to:

jobs, education and health facilities, shopping, leisure and local facilities

There is no public transport serving the village which delivers accessibility to jobs or health facilities.

There is a school bus service, but no service for life-long learning.

There is an infrequent bus service to Carlisle, which is poorly used as the fares are high and the journey takes a prohibitively long time; unless you plan little else for the day, the service is useless. The bus service to Brampton can be described in like terms.

To grant this application would be in breach of the duty imposed on this Committee.

This Committeee also is under a duty to seek to reduce car dependence

The occupiers of such a development as proposed here would be 100% dependent on cars.

There is a duty on the Committee to promote good design

These proposals are not good design for a number of reasons:

the cul-de-sac lay-out;

the ubiquitous urban nature of executive housing with a nod at low-cost units for rent;

the urban unimaginative style of each unit with block and render;

a total lack of consideration to green, energy-efficient methods of house building.

No allowance may be made for windfall sites by the Council when assessing how much additional housing can be accommodated in urban areas.

(Paras. 35 and 36)

It follows that windfall greenfield sites will not be included in housing allocations for rural areas. That would be to go against the aim of central government to promote sustainable patterns of development. In addition, thee has already been an over-supply of housing development in rural areas.

Most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: (Paras 69-71)

additional housing will support local services

The village shop is not dependent on new housing.

The primary school is already over-subscribed, serving this village and this large rural parish and which includes Cumrew.

additional houses are required to support local needs, such as affordable housing

It must be repeated under this head also that there is no local need. The applicant has included 4 low-cost units for rent not in answer to a need, but in response to the objections raised by some to his original proposals that there was no provision in the application for affordable houses for local people. There remains no local need to be addressed by this application.

.....

the development cqn be designed sympathetically in keeping with the character of the village using such techniques as village design statements

The proposals are not designed sympathetically in keeping with the character of Castle Carrock as has been shown above. Castle Carrock has a feel, a character totally absent from this application and which this application would destroy.

The Committee has before it the Formal Objection to Planning Application of Woolerton Dodwell Associates, Chartered Landscape Architects and eminent in this area of planning law and practice. The conclusions in that report are unambiguous: to grant the application would be in breach of local and national policies.

The work undertaken by Woolerton Dodwell Associates is very much akin to a Village Design Statement and its conclusions therefore cannot be taken lightly.

10 PPG7 The Countryside - Environmental Quality and Economic and Social Development

Paragraph 1.3 emphasises that *new development should respect, and where possible enhance, the environment in its location, scale and design.*

That this application is in breach of this requirement has already been amply demonstrated above. The repetition of these requiremnents and standards underlines that the treatment of planning applications now must take a new course. These requirements cannot be ignored or brushed over lightly.

Paragraph 2.3 adds that *new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources*

The existing settlement patterns are arrogantly ignored in the proposals; there is no sensitive relationship. This application could be intended for Anywhere Town, but not for this village by the fellside constructed of quiet local stone along the roadside.

11 PPG15 Planning and the Historic Environment

Planning is an important instrument for protecting and enhancing the environment in town and country and preserving the natural and built heritage (Paral.2)

This Committee has a responsibility, for which it is answerable to the inhabitants of Castle Carrock and to the electorate at large, to protect our environment from inappropriate development.

It is not the case that an application should be granted merely because it has been submitted and the developer has spent time in consultation with planners and consultants and money on professional fees. That is an economic reality for which the developer will make provision on his accounts.

The urge to grant the application should and can be resisted in view of the large number of breaches of planning law and guidance which a grant would inescapably entail.

12 Housing Policy

This committee has already been shown figures by your Officers confirming a *development rate greater than planned in rural areas.* This higher rate of development in the rural area, with a lower rate in the urban area, demands management of the supply in line with Plan Strategy and PPG3. *Policy H5* needs to be implemented taking account of the following *three factors from PPG3*:

Good public transport corridors
Availability of local services
Local need

That these are not complied with in this application is obvious.

.....

PPG3 paragraph 70 relates to significant additional housing. Proposals for significant rural housing are contrary to this Policy and it has already been demonstrated that this application is for a large scale development.

13 Supplementary Planning Guidance -
13.1 The North Pennines AONB "Good Practice in the Design, Adaptation and Maintenance of Buildings"

p25: *Each settlement within an AONB has a unique character which calls for individual design solutions to ensure that new development appears to be part of that place and not a suburban-style extension to it.*
The siting of new buildings will need to take account of the established settlement pattern and reinforce it. Frontage sites are particularly sensitive and new buildings must relate to the established pattern of neighbouring buildings

To grant this application would be in contravention of this Guidance:

This Guidance reflects and endorses Policies in the Cumbria and District Joint Structure Plan and the Carlisle District Plan.

The Guidance is in recognition that each settlement stands alone in character and form; that difference, as previously stated, is to be understood, acknowledged and cherished; that homogeneity is inappropriate between settlements.

These proposals are not for an indiviual solution; they could be for absolutely anywhere but principally for an urban area already endowed with cul-de-sacs and the ubiquitous executive-style with the requisite number of ensuites to satisfy an urban purchaser with a large pocket. They utterly fail to appear to be a part of the settlement but imposed on it and would lead to a suburban-style extension to the village, contrary to this Supplementary Guidance.

13.2 "Countryside Design Summary for Carlisle District"
p6: New development should be sited to integrate with the form of the village and should not interrupt the established or historic appearance of the many elements which make up the overall character

This application contravenes this Guidance:

The overall form and the historic appearance of the village is linear, ribbon development. The cul-de-sac form does not and can not integrate with the form of the village; it is alien to it. A cul-de-sac is not an historic form and does not pretend to be: the application is so framed to allow the number of units on it which would satisfy the profit target of the developer and has nothing to do with sensitive integration following assessment of the particular form of Castle Carrock.

Again, the Formal Objection To Planning Application of Woolerton Dodwell Associates referred to above highlighted the fact that the proposals do not conform to established patterns of land use. The work behind the document is akin to a Village Design Statement and carries great weight; it is evidence of the fact that to allow this application would be seriously detrimental to the character and appearance of the village.

In conclusion, to grant this application would be contrary to local, county and national planning policies and guidance and would leave the Council open to referrals to the Court and the Ombudsman. I list those Policies and Guidance which militate against the grant of this application and in the light of which it is impossible to justify the proposals: .....cont

This application is contrary to:

Carlisle and Lake District Joint Structure Plan
Policies 1, 2, 11, 25, 41

Carlisle District Plan
Policies E3, E50, H5

Also
PPG3, PPG7, PPG15

Supplementary Guidance
North Pennines AONB "Good Practice in the Design, Adaptation and Maintenance of Buildings"
Countryside Design Summary for Carlisle District

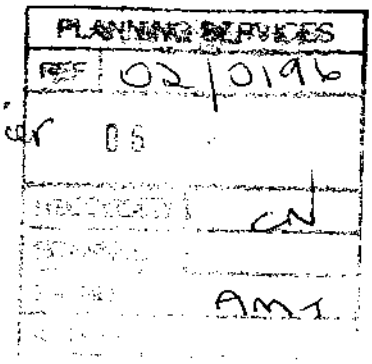
May I thank Members for the time taken to read and absorb the contents of this and other submissions. I apologise for the length of this letter: I, and others, are anxious that the Committee should have available the relevant law so that proper consideration may be given.

Finally, Members have been inundated by objections to the proposals from an unprecedented number of inhabitants and interested parties. Members were not so inundated in relation to the applications for the developments across the road from this site. The difference is clear:
these proposals are wholly inappropriate for Castle Carrock and should be refused under the Policies above.

Yours sincerely

Mrs C Rawsthorn

Mr Alan Taylor
Chief Development Control Officer
Planning Services.
The Civic Centre
Carlisle CA3 8QG.



Fairfield
Castle Carrock
CA8 9LU

1st January 2003.

Dear Mr Taylor

Re: Planning Application for Field 3328, (Sid's Field) Castle Carrock.

I am shocked and absolutely bewildered that the Council should be considering this atrocious proposed development in the heart of our lovely picturesque Village.

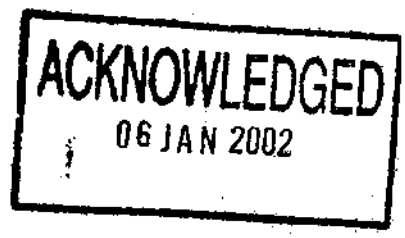
For years we have always been very careful that any alteration to existing property or infill building has been done in a manner conducive to the character of the Village. This of course has been assisted and monitored by the Planning Dept. This application for a housing estate would be completely out of character and unwanted. I understand a recent Local Housing Trust stated there were no more houses wanted following the Housing Needs Study for Castle Carrock. The only person this would benefit would be the developer, without any thought or care for the Village and the people living in it.

Castle Carrock really needs a sports and recreation field and the availability of Sid's Field provides an ideal opportunity for this to be developed for the benefit and enjoyment of all now and future generations. Please do not let this opportunity slip away forever just for the sake of someone wanting to build unwanted houses.

I sincerely hope this Building Application will be totally rejected.

J. M. Stewart

J. M. STEWART (MRS)



Briar Cottage
Castle Carrock
Brampton
Cumbria
CA8 9NB

Mr Alan Taylor
Planning Officer
Dept of Environment and Development
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

16 December 2002

Dear Mr Taylor

Planning Application 02/0196. Land Adj. To Field 3328, Castle Carrock

I believe that the above application has recently been amended and the number of houses proposed has unbelievably increased from 11 to 16.
I am absolutely disgusted that despite all the letters of complaint, the obvious discrepancy between the application and both PPG3 and your local planning policies, the complete lack of justification for so many houses given the recent Local Housing Needs Study and this applications abject failure to adhere to your own planning brief drawn up for this field, you are still considering accepting such an out of character, unwanted, unnecessary, unimaginative and unjustifiable application.
In my last letter I respectfully asked you to apply your planning policies, namely H5 and E50, to this planning application. As a respectful request has fallen on deaf ears I now DEMAND you apply these policies and do your duty as an impartial planning officer to weigh this application against your Local Plan and include the detailed deliberations and conclusions in your report to the committee. There was no evidence of this in your last report and I feel it is crucial, especially as there are still unanswered, fundamental questions such as how you justify classing this field as "infill" in spite of policies that exclude it and why you do not feel that increasing the size of a village nearly 20% is significant.
How would these extra houses help our already stretched school? How will occupants of these houses gain access to places of employment and shopping as the bus service is wholly inadequate? Have you considered any of these issues? I can find no deliberations within your report, presumably because there are no justifications for such an unsustainable development proposal.
Please make my feelings known to the members of the planning committee and I would appreciate you not trying to devalue my opinion by highlighting whereabouts in the village I live or if any other members of my household have written in. Surely my opinion is just as valid regardless of the above?

Yours sincerely

Jan Miles

ACKNOWLEDGED
20 DEC 2002

Holly Cottage
Castle Carrock
Carlisle
CA8 9NA

16.12.02

Dear Mr Taylor

Re: Planning proposal 02/0196

Thank you for your letter dated 9.12.02 regarding the modified planning application for this site. We took the opportunity to go and see the revised plans which were on display in the village hall last Sunday.

We were extremely disappointed to find that although concerns about the need for local use had been addressed slightly, other concerns were ignored. The proposed building plot is in the heart of of this very traditional village, surrounded by centuries old buildings. Opposite this site there are currently two sets of barns being extremely carefully developed to a very high standard, and in keeping with the area.

The designs and dimentions of the houses proposed for this building plot continue to be totally alien to the surrounding buildings. These are modern, mass produced, and totally unimaginative plans, which appear to have been duplicated again and again in surrounding areas. One only has to go to places such as Armathwaite to see the disastrous visual impact such a development would have on the centre of this village.

While there would appear to be slightly more use of sandstone than the previous plans indicated, the finish for the rest of the buildings bears no resemblance to the traditional finishes of buildings in the immediate area, the modern blown finishes lacking the softness of traditional limed or pebble dashed buildings.

It is not necessary for new development to look new, and I refer again the the Prince of Wales' new village development at Poundbury where the buildings have been designed to look centuries old, with a layout in keeping with natural village development.

The villagers of Castle Carrock are not against change as such, witness the new developments in the village over the past few years, but have a wish to allow the village to grow and develop gently and gracefully, and in tune with local needs.

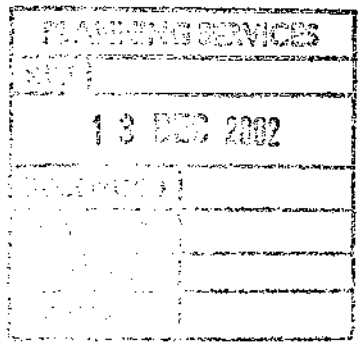
In the light of these arguments therefore our objections to this planning proposal remain as before.

PLANNING SERVICES
02/0196
CN
AM3

Yours sincerely

D.H & C.A. Leary

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



10 December 2002

Dear Mr Taylor

Re: Planning Application for Field 3328 at Castle Carrock

I think that the proposal for 16 Houses on this site is outrageous and totally out of character with our Village.

I have lived in the Village all my life (over 60 years) I have put a lot of effort into helping to make the Village a nice place to live for all that live here and for visitor's I would feel it all to be effort wasted if you allow this proposal to go ahead.

16 Houses will increase the Village by 14%, by far to many,

If this proposal is approved will set a president for any other land for Building which would totally destroy our beautiful rural Village.

Considering the brown field sites that are being developed and could be developed I think this growth would be the way for our Village.

Please do not allow this malignant tumour.

Yours sincerely

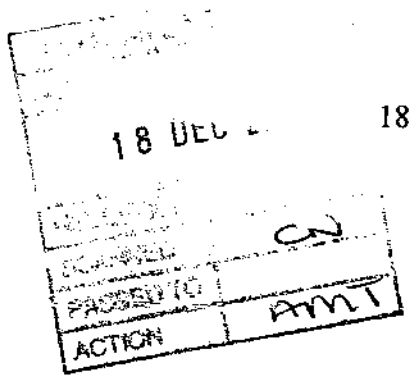
Arthur Mason

'STONE HOUSE'
CASTLE CARROCK

ACKNOWLEDGED
19 DEC 2002

Garth House
Castle Carrock
Brampton
CA8 9NB

Chief Development Control Officer
Department of Environment and Development
Planning Services Division
Carlisle City Council
Civic Centre
CARLISLE



18 December 2002

Your Ref: AMT/DC/02/0196

Dear Sir

Planning Proposal: Erection of 11 Dwellings
Location: Field 3328 Castle Carrock
Application Reference: 02/0196

I write with reference to the application for Approval of Amended Plans in connection with the above.

I still maintain my original objection to the application.

The development as proposed is detrimental to the character and nature of the landscape and of the immediate vicinity.

The developer and his architects show scant regard for the environment. The plans show what is a suburban rendered housing estate. The existing buildings in the immediate area are predominantly stone with rendered surfaces to an absolute minimum.

There are numerous curved features within the proposal none of which fit neatly with the other buildings as existing, or in the village generally.

The development does not meet the criteria which would be expected within an Area of Outstanding Natural Beauty.

Whilst writing I also wish to take the opportunity to express my displeasure at what I feel has been underhand dealings in connection with this application.

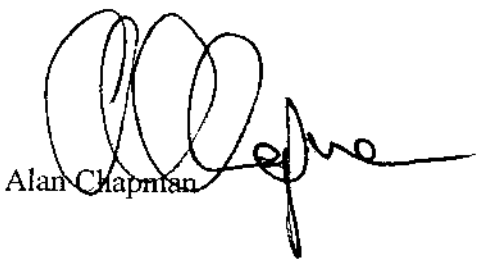
Earlier in the year I was given proper advance notice of meetings. I was given the courtesy of telephone calls to advise as to what was likely to happen at meetings. However, in this instance I was clearly overlooked when it came to informing persons of the application being heard on 20 December with amended plans. As to amended plans themselves, I did not receive details of

those until Saturday 14 December. Please advise of the timescales to which you are required to work in these instances.

I am of the impression that wheels are in motion to slip this application through unnoticed.

Please ensure that this letter is put before the Planning Committee along with my letter of 16 March.

Yours sincerely



Alan Chapman

Alan Taylor

From: Carol Leary [carol_leary@holly-cot.fsnet.co.uk]
Sent: 16 December 2002 22:34
To: AlanT@carlisle-city.gov.uk
Subject: Re:Planning application 02/0196 Sid's Field

02/0196
CN
Anne

Full Name: Mr Alan Taylor
Last Name: Taylor
First Name: Alan
Job Title: Chief Development Control Officer

Business Address: Dept of Environment and Development Planning Services Division
The Civic Centre
Carlisle CA3 8QG

E-mail: T@carlisle-city.gov.uk
E-mail Display As: Alan Taylor (T@carlisle-city.gov.uk)

ACKNOWLEDGED
18 DEC 2002

Holly Cottage
Castle Carrock
Carlis
CA8 9N

16.12.02

Dear Mr Taylor

Re: Planning proposal 02/0196

Thank you for your letter dated 9.12.02 regarding the modified planning application for this site. We took the opportunity to go and see the revised plans which were on display in the village hall last Sunday.

We were extremely disappointed to find that although concerns about the need for local use had been addressed slightly, other concerns were ignored. The proposed building plot is in the heart of of this very traditional village, surrounded by centuries old buildings. Opposite this site there are currently two sets of barns being extremely carefully developed to a very high standard, and in keeping with the area.

The designs and dimentions of the houses proposed for this building plot continue to be totally alien to the surrounding buildings. These are modern, mass produced, and totally unimaginative plans, which appear to have been duplicated again and again in surrounding areas. One only has to go to places such as Armathwaite to see the disastrous visual impact such a development would have on the centre of this village.

While there would appear to be slightly more use of sandstone than the previous plans indicated, the finish for the rest of the buildings bears no resemblance to the traditional finishes of buildings in the immediate area, the modern blown finishes lacking the softness of traditional limed or pebble dashed buildings.

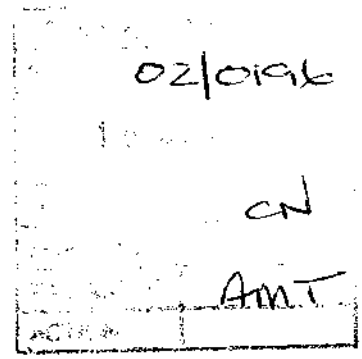
It is not necessary for new development to look new, and I refer again the the Prince of Wales' new village development at Poundbury where the buildings have been designed to look centuries old, with a layout in keeping with natural village development.

The villagers of Castle Carrock are not against change as such, witness the new developments in the village over the past few years, but have a wish to allow the village to grow and develop gently and gracefully, and in tune with local needs.

In the light of these arguments therefore our objections to this planning proposal remain as before.

Yours sincerely

D.H & C.A. Leary



MRS C RAWSTHORN
MOOR HOUSE
HEADS NOOK
BRAMPTON
CARLISLE
CA8 9BX
17th December 2002

Mr A M Taylor
Carlisle City Council
Dept. of Environment and Development
The Civic Centre
Carlisle CA3 8QG

Your ref: AMT/DC/02/0196

Dear Mr Taylor

Notification of planning proposal; Amended plans
Proposal: Erection of 12 Detached Dwellings and 4 Linked 2-bed houses for rent for local occupancy (revised proposals)
Location: L/A field 3328, Castle Carrock Cumbria
Appn ref: 02/0196

I refer to your letter of 9 December and to the revised proposals.

I write to put forward my strong objection to the application.

Development would destroy the unique character this open amenity space affords the village. Development of this "windfall" site would be **contrary to:**

guidance in PPG3;
policies 1 2 11 25 Cumbria and Lake District Joint Structure Plan
policies E3 E50 and H5 Local Plan

A development of 16 units is **significant** for this small village.

Such a development would utterly fail to conserve, improve or enhance the local environment.

The proposed cul-de-sac estate is totally out of keeping with the ribbon development of the village. It represents the sore thumb of suburbia in an Area of Outstanding Natural Beauty.

The units would be visually prominent. The building materials are inappropriate. The designs are ostentatious, devoid of the quiet quality typical of the village.

The amendments are cosmetic and do not touch the character and nature of the proposed development as a whole. They are a nod only to the validity of the mass of objections weighted against that application:
The number of dwellings has been increased, increasing the "significance" to the village. There is a presumption that those on incomes insufficient to purchase expensive "executive-type" units would wish to rent and not to buy; some may find that offensive as if they are second-class citizens in our country's "home-owner society";
Is there a proven need, in any event, for low cost housing for local need? Where is the evidence for that? To the contrary, **the recent Local Housing Needs Study for Castle Carrock, conducted by the Cumbria Rural Housing Trust, stated that there is no housing need in the community.**

The planning application as originally framed did not state that the developer was intending to develop the plot to the side for his own occupation. There would be no obligation on him to develop the plot per this amendment; in time he could seek a second amendment.

I refer to the letter of objection of Mr Alan Chapman dated 16 March. His points of law remain as pertinent to this amended application as to the original. He discusses: E3 E50 H5
H9 E38
Joint Structure Plan Policy 1 2 5 11 25 27 41
PPG7

I agree with and repeat his objections.

I refer to the representations made to the Committee by The Friends of The Lake District. I ask the Committee seriously to consider the points made.

I refer to the Formal Objection to Planning Application of Woolerton Dodwell Associates, Chartered Landscape Architects, an expert in this area. I commend his detailed and careful report to the Committee. I endorse his conclusion - unaffected by the slight amendments to the proposals - that to grant this application would be to contravene a number of local and national policies, ulitmately seriously **diminishing the quality of the environment for future generations; fail to protect the scenic beauty and quality of its built environment from inappropriate development; it would not be development to meet local infrastructure needs; it barely pays lip-service to local vernacular tradition; it is not integrated with the pattern of land use; it is not small in scale.**

I refer to the very large number of letters of objection. There is enormous feeling in the village against the proposals and the strength of feeling is reflected in the large number of letters - how often do so many bother to put pen to paper?

This field with its openness, its feel of the fells, is an integral and much loved part of the village. The village is strongly opposed to its loss - and it would be lost for ever.

I ask the Commitee to listen to the village, to respect the research and dedication of the many - not the few - our anxiety to put before the Committee the *legal* reasons why these proposals are wholly inappropriate for Castle Carrock and to listen to the heartfelt submissions of all who love the village and wish to preserve its uniqueness for visitors to Geltsdale and for those who live here now and for generations to come.

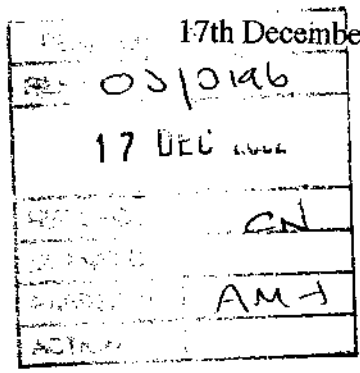
Yours sincerely

Mrs C Rawsthorn

The Lawn
Castle Carrock
Brampton
Cumbria
CA8 9LU

01228 670351

17th December, 2002



Mr Alan Taylor
Chief Development Control Officer
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Dear Mr Taylor

Proposed Development of Sid's Field, OS 3388, Castle Carrock

Thank you for your letter dated 9th December, 2002, inviting views on the proposed erection of 12 detached dwellings and 4 linked two bed houses for rent on the land adjacent to field 3328, Castle Carrock, your reference number; 02/0196.

In the penultimate paragraph you advise that fourteen days notice is required should I wish to speak at the Development Control Committee, and I hereby give you notice of my wish to address the DCC on the appointed date. Kindly notify me of the time and place of such meeting.

You may care to note that I object to the development proposed for the above mentioned land for the following reasons:

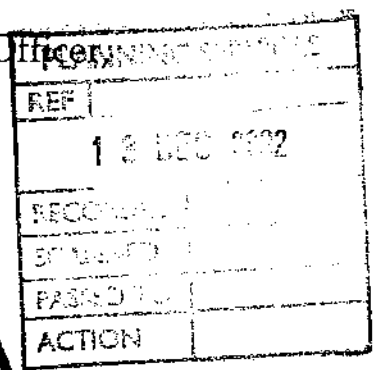
- There is no clear and present need for an housing development on the scale proposed.
- The Cumbria Rural Housing Trust Survey on Castle Carrock Housing Needs revealed no immediate requirement for an estate of the scale proposed in the Montgomery Housing Application.
- The Castle Carrock Parish Council have a mandate to acquire the site as a public amenity for sport and recreational purposes.
- In the event that the Carlisle City Council Development Control Committee persist in defying the views and wishes of the local inhabitants of Castle Carrock, then any resulting housing development should accord with the Cumbria County Council brief, as stated by the Senior Associate in the Building and Design office of Cumbria County Council:
  '.....the planners are looking for a high standard of development that should aim to reflect the character and identity of Castle Carrock....'
  'They are particularly concerned that the scale density layout finishes and landscaping compliments one of the more attractive villages in this area.'
- The proposals put up by Montgomery Housing resemble an urban housing development for a brown field site, not the sympathetic development of a green field area of outstanding natural beauty.

Yours sincerely

C A Nicholson-Walker

C A Nicholson-Walker (Mrs)

A.M. Taylor Esq,
Chief Development Control Officer,
Carlisle City Council,
Civic Centre,
CARLISLE
CA3 8QG



Low Hynam,
Castle Carrock,
Brampton
Cumbria
CA8 9 NF

12th December 2002

Re: Planning Application for 16 dwellings on Sid's Field, Castle Carrock

Dear Mr Taylor,

I wish to object in the strongest terms to this proposed development. The site in question is situated at the gateway to Geltsdale within the North Pennines Area of Outstanding Natural Beauty as well as being an open amenity space. The development would destroy forever the unique character Sid's Field affords the village and would completely alter the balance of the vernacular architecture of the surrounding houses thus despoiling the ambience at the heart of the village.

A development of this size in Castle Carrock would in no way conserve, improve or enhance the local environment – factors embodied as the main thrust of the policies you have to work under - or would it be in line with the wishes of the Parish Council and the villagers.

This development has not arisen from the needs of the village or even the district, indeed the whole idea of housing need in Castle Carrock was addressed by the independent survey undertaken by Cumbria Rural Housing Trust, at the behest of The City Council in August 2002. The survey, completed and returned by 47% of villagers, considerably higher than the average return rate of 35%, concluded that there was no need for low cost housing in the village. The Cumbria & Lake District Joint Structure Plan Policy 1 clearly states that new development will be provided ".. to meet the social and economic needs of the county's population... ." So how can you possibly consider, let alone justify, the

proposed development on this site when its scale is disproportionate to the size of the existing community and would increase the housing by some 20%?

The safety features for a housing estate of this size would surely warrant urban style lighting, therefore increasing light pollution. By dint of the sheer number of extra people noise pollution would increase. In the absence of suitable public transport, vehicle emissions from the thirty extra vehicles the developer envisages would be needed to serve his estate would also ensure increased air pollution. So where is the element of environmental sustainability? Furthermore, in Policy 1, it is stated that any development should not diminish the quality of the environment, this proposal clearly would. PPG7 also seems particularly pertinent especially points 1.3, 2.3, 2.14, 4.1 and 4.7.

From my understanding the development of this 'windfall' site would be still be contrary to guidance in PPG3; policies 1,2,11,25 and 41 of the Cumbria and Lake District Joint Structure Plan; policies E3, E50 and H5 as well as the total thrust and spirit of your own Interim Housing Policy Statement adopted on 15/11/02.

That the City Council could even consider such a housing estate in a rural area, when by your own admission, there is need for building in Carlisle to meet the housing targets for 2006 whereas in rural areas you have already almost met them, is beyond comprehension. Not only that, but you intend to sanction the development of a greenfield site within an Area of Outstanding Natural Beauty! None of this makes sense.

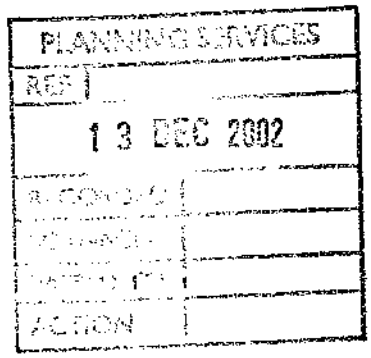
Yours sincerely,

Helen Richards

White Garth
Castle Carrock
Carlisle
Cumbria
CA8 9LT
5th December 2002

Tel: 01228-670547

Mr Alan Taylor
Chief Development Control Officer
Planning Services
The Civic Centre
Carlisle
CA3 8QG



Dear Mr. Taylor,

Re - Planning Application for Field 3328, Sid's Field, Castle Carrock.

I would like to add my voice to those who have expressed a request that the application indicated above, which I understand you are shortly to consider, should be rejected. I trust you will pass this on to the relevant Committee.

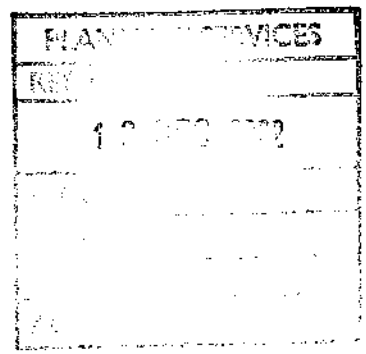
My particular concern at this time is that the original application seems to have been amended to increase the number of houses proposed from eleven to sixteen. Considering our previous requests that the number be reduced before any such consideration be given, this strikes me as a completely insensitive response.

I also understand that discrepancies still exist between the application and your own local plan, even allowing for that having been updated. If it is true that this application does adhere to your own planning brief, already drawn up for this field, I would be grateful for the evidence that would correct my misapprehension.

Yours sincerely

John S Fordham.

JOAN AND RALPH HOWARD
Fornside
Heskett Newmarket
Brampton Cumbria
CA8 2BG
01228 670308
Ralph.Howard@btinternet.com



10 December 2002

Dear Sir,

Planning Application: Sid's Field, Castle Carrock

I saw a display of revised plans submitted for this application in the Village Hall on 8 December. In my view this is not a design which should be approved for this village.

First, I understand that housing targets set for areas such as Castle Carrock in your Local Plan have already been met. Further housing development would surely be premature given the new targets included in the draft Regional Planning Guidance issued by the Government in the summer.

Secondly a number of aspects of the design of the development are incompatible with the existing character of the village. In particular:

- The relationship between the houses and the existing roadway is alien to the existing character of the village, where the pattern in this area is for dwellings to front the roadway but without running to any clear building line;
- The two houses at the southern (highest) end of the field will be overly prominent in a village which is viewed from the fell by walkers and other visitors - this will significantly change the character of the village which is currently notable for only two prominent features: the tower at Gelt Hall and the village Church;
- The layout of the proposed development introduces a new and inappropriate urban design to the village in the access and parking areas in front of the proposed houses through the creation of what I would describe as courtyards.

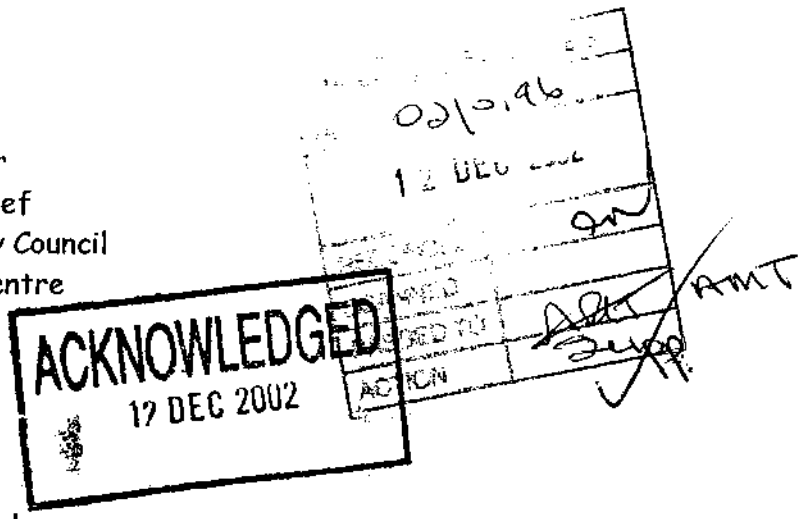
Finally the plans showed no finish details for the proposed dwellings. I hope any development would be required to have external finishes consistent with the existing pattern in this part of the village, i.e. local stone.

Please let me know the decision of the Committee.

Yours Faithfully,

R. P. Howard.

Ralph Howard



Mr A Taylor
Planning Chief
Carlisle City Council
The Civic centre
CARLISLE
CA3 8QG

The Swifts
Castle Carrock
BRAMPTON
Cumbria
CA8 9NA

11 December 2002

Dear Mr Taylor

Planning Application for Field OS 3328, known as Sid's Field, Castle Carrock

Further to my letter of 9 December, before you make a decision about this planning application, I would urge you to do the following, as many visitors to the area do. Walk from the Post Office towards the centre of the village and turn left towards the school, past the picturesque cottages, the Watson Institute and the church, continue left towards Geltsdale, but turn round towards the village near the Waterworks entrance, walk past Sid's Field and look at the boundary walls. Continue past the pub to the Rectory, cross the road and walk back into the village past Gelt Hall and back to the P.O. This is the heart of the village. Apart from the odd garage, the unsympathetic phone box and one or two houses, it is entirely of a piece, with interesting rooflines and harmonious architecture and building materials, an increasingly rare sight in Cumbrian villages. Do this again and imagine the same walk in the early evening, with, instead of Sid's Field, a housing estate with streetlights, up to 32 cars and all the attendant noise. The proposed development would destroy the heart of this village irrevocably, an act of vandalism where there is no demonstrable need for housing.

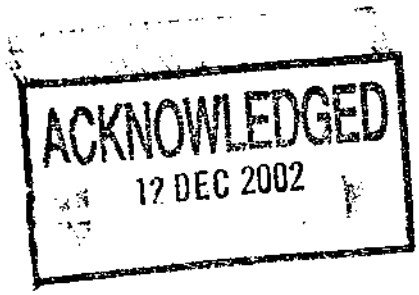
Yours sincerely

Dr MHW Roberts

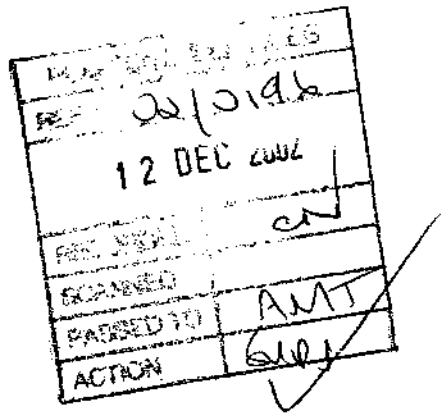
cc Mr L Victory, CE Cumbria County Council
Rt Hon David MacLean MP

Cornerstones
Castle Carrock
Carlisle
Cumbria.

10.12.02



Mr Alan Taylor
Chief Development Control Officer
Planning Services
The Civic Centre
Carlisle.



Dear Mr Taylor

Re planning application for hold 3328, Castle Carrock

I wish to register my objection to the above development on two grounds.

① Even though I objected to the original application and received acknowledgments from yourselves, I have not received notification of the amended application, I have been informed by other sources, which is a breach of the necessary notifications under planning law.

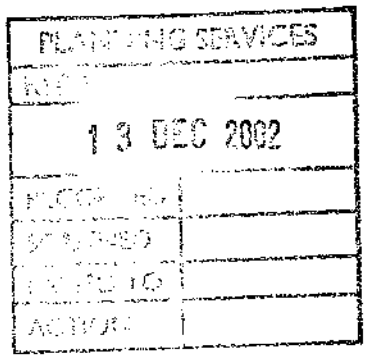
② I resubmit my original objection that this development is out of character, unwanted and unjustified in this village.

Yours sincerely

John Lewis

Bag End
Castle Carrock
Cumbria
CA8 9LU
tel. 01228 670302

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



Dear Mr Taylor

Re: Planning Application for Field 3328, Sid's Field, Castle Carrock

I understand that the above application has recently been amended and that the number of houses proposed has increased from 11 to 16.

I am extremely disappointed that, despite all the letters of complaint, there remain some obvious descrepencies between the application and both PPG3 and your updated local plan, Interim Policy Statement Policy H5. There is complete lack of justification for so many houses given that the recent Local Housing Needs Study for Castle Carrock, conducted by the Cumbria Rural Housing Trust, stated that there was no housing need in the community. This application also fails to adhere to your own planning brief drawn up for this field, you are nsidering accepting an out of character, unwanted and unjustifiable housing estate in the centre of the village.

I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

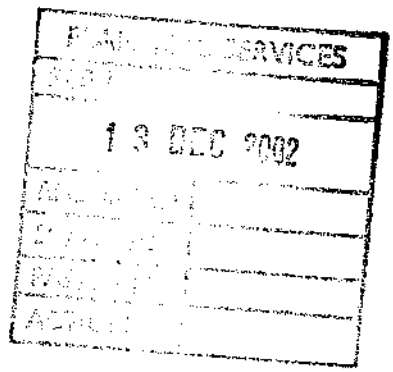
K E Hillings.

In an area of outstanding beauty, such as this, it seems doubly absurd and cruel to consider ~~imposing~~ such a preposterously

Bay End
Castle Carrock
CA8 9LU

Tel 01228 670302

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



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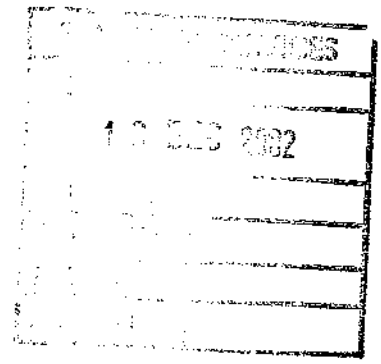
I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

Andrew Hollinas

Local and National Guidelines empower the local population to develop local communities as they see best. This development ignores this. It is especially significant in this area of outstanding

Garth Hill,
Castle Carrock,
CA8 9NE



Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG

Dear Mr Taylor

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I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

Jason Lyttelis

Mr. J. R. Lyttelis.

Re - my previous letter of objection - this revised application would have an even worse effect than the original one

ACKNOWLEDGED
16 DEC 2002

PLANNING SERVICES
REF
17 DEC 2002

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG

MR D. HARRISON
FORRESTERS HOUSE
CASTLE CARROCK
BRAMPTON
CA8 9LT
TEL 01228 670402

9th Dec 2002

Dear Mr Taylor

Re: Planning Application for Field 3328, Sid's Field, Castle Carrock

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I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely D Harrison

whats being proposed is a disgrace, it looks like a 'Barbie Doll estate'. In no way should this estate be built. Dont forget this field is within an Area of Outstanding Natural Beauty. This application has nothing to do with local housing need it about

ACKNOWLEDGED
16 DEC 2002

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG

GARTH FARM
CASTLE CARROCK

9-12-02

PLANNING SERVICES
REF
13 DEC 2002
RECD
SCANNED
PASSED TO
ACTION

Dear Mr Taylor

Re: Planning Application for Field 3328, Sid's Field, Castle Carrock

I understand that the above application has recently been amended and that the number of houses proposed has increased from 11 to 16.

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I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

P.S. Please see attached sheet

P.S

All the objections about the plans from my first letter still stand. I feel the council is behaving in an underhand manner by trying to pass these plans around Christmas when everyone is busy with seasonal activities. I am sure as an objector I should not be expected to hear of amendments to plans second hand from the "Castle Carrock Pound".

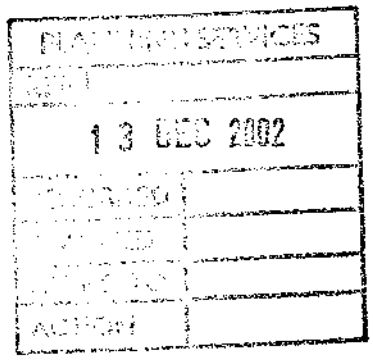
The council planners should have given me at least three weeks notice to view amendments. It may argue that it has behaved properly, but I disagree, I should not be expected to be an expert in planning law to have my very reasonable and real objections dealt with properly.

The "estate" still falls within an area of outstanding natural beauty and should be dealt with accordingly.

CARROCK HSE.
CASTLE CARROCK,
BRAMPTON.
CUMBRIA.
CA8 9LT.

10-12-02.

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



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Re: Planning Application for Field 3328, Sid's Field, Castle Carrock

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I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

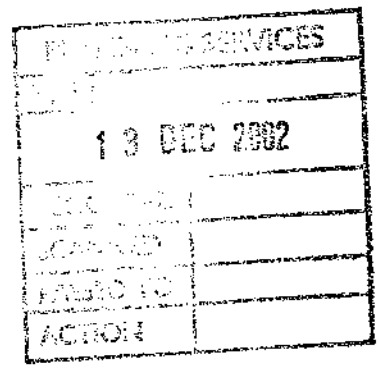
W A. Bland.

I DON'T MIND 6 TO 8 HOUSES.
BUT DON'T LIKE THE PROPOSED 11 TO 16 HOUSES

CARROCK HSE
CASTLE CARROC
BRAMPTON,
CUMBRIA.
CA8 9LT.

10-12-02.

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



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I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

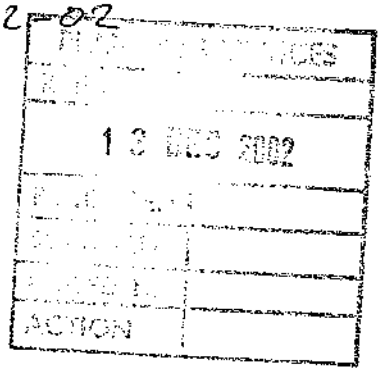
E Bland.

I AM AGAINST THE PROPOSED BUILDING OF 11 TO 16 HOUSES.
A SMALLER AMOUNT MAY BE ACCEPTABLE.

No Address given

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG

7-12-02



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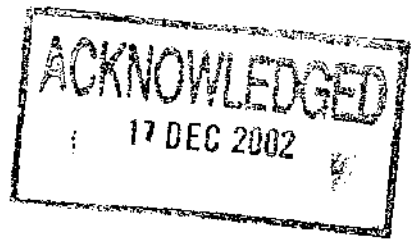
I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

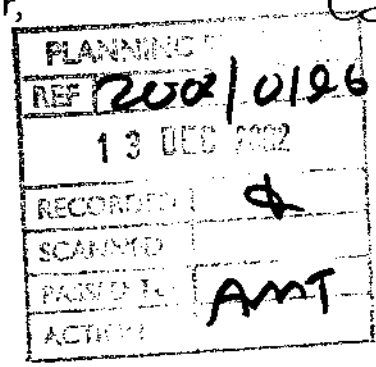
M. Docherty

living directly opposite the field I would like to see it tidied up in some way, e.g. removal of barn etc and a few houses built, say 4-6, but certainly not sixteen.



5, The Glebe,
Castle Carrock,
Brampton
CA8 9LX
9.12.02

Mr Alan Taylor
Chief Development Control Officer,
Planning Services,
The Civic Centre,
Carlisle
CA3 8QG



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Re: Planning Application for Field 3328, Sid's Field, Castle Carrock

I understand that the above application has recently been amended and that the number of houses proposed has increased from 11 to 16.

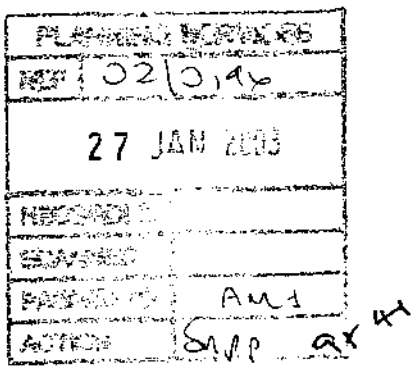
I am extremely disappointed that, despite all the letters of complaint, there remain some obvious descrepencies between the application and both PPG3 and your updated local plan, Interim Policy Statement Policy H5. There is complete lack of justification for so many houses given that the recent Local Housing Needs Study for Castle Carrock, conducted by the Cumbria Rural Housing Trust, stated that there was no housing need in the community. This application also fails to adhere to your own planning brief drawn up for this field, you are considering accepting an out of character, unwanted and unjustifiable housing estate in the centre of the village.

I would like to stress that this application should be rejected for the reasons indicated. Please convey my feelings to the Development Control Committee.

Yours sincerely

Amanda Wilkinson

Mark & Helen Richards



Alan Taylor
Chief Development Control Officer,
Carlisle City Council,
Civic Centre,
CARLISLE
CA3 8QG

22nd January 2003

Application no.1/02/0196 Castle Carrock

Dear Mr Taylor,

In the light of Shaun Gorman's report, which concurs exactly with the long-held stance of the villagers of Castle Carrock, championed by Castle Carrock Pound, the City Council Development Control Office must now reconsider it's current position.

There are no grounds whole-field development. Large-scale development is completely undermined by your own commissioned report into local housing need.

Shaun Gorman's report has various warnings, none more valid than the need to reflect the 'linear' pattern of the village and the character of housing in the immediate vicinity. This portion of the village lies within the boundary of the AONB and present housing, by and large, harmonise and form a visual link with the fells beyond.

The original sales brief must now be brought back into focus, with 0.4 of the virgin 'green' field allocated as amenity space, this is a village landscape need.

It is clear from this report that a corner has been turned. The inhabitants of Castle Carrock will applaud the commissioning of this report and be grateful that proportionality will now be given to any consideration of the field... as a field.

The needs of the village are for this space to be protected, not exploited.

Yours sincerely,

Low Hynam, Castle Carrock, Carlisle, Cumbria CA8 9NF
01228 670549 markrichards.walkfree@virgin.net

The Lawn, Castle Carrock, Brampton, Cumbria, CA8 9LU.
01228 670351
07932 189418

23rd January, 2003

Mr Alan Taylor
Carlisle City Council
Department of Environment & Development
Planning services Division
The Civic Centre
Carlisle
Cumbria CA3 8QG

Your ref: AMT/DC/02/0196

Dear Mr Taylor

Proposal to erect 12 houses/bungalows and 4 Link houses on Field 3328.

I am obliged to you for your acknowledgement of my recent letter objecting to the housing development on Sid's field, Field OS 3328 in Castle Carrock. I have expressed my sincerely held views, but will not be attending the forthcoming meeting of the relevant review committee, whenever that is planned for.

Yours sincerely

ACKNOWLEDGED
27 JAN 2002

C A Nicholson-Walker

C A Nicholson-Walker (Mrs)

02/0196
27 JAN 2003
BJ
AMT

Copy to Mary

CASTLE CARROCK POUND

Councillor Collier
Chairman, Development Control Committee
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Castle Carrock Pound
Forresters House
C astle Carrock
Brampton
Cumbria
CA8 9LT

4th February 2003

Dear Councillor Collier,

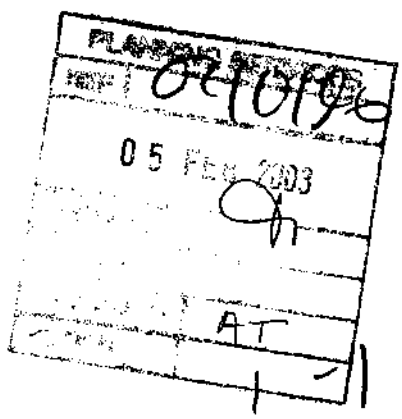
After having attended the Development Control Committee meeting on Friday 31st January, I wish to make clear that the letters sent to members of the committee at their homes were despatched in line with legal advice from a barrister.

As you will appreciate the last thing that Castle Carrock Pound wished to do was to cause upset to your procedures. However, just as we contacted David Maclean our M.P., we wanted to contact our local elected members, in order to fully appraise them of the various issues surrounding the current proposal for the development of Sid's Field. It was unfortunate that our initial legal advice was, due to illness, received later than we had hoped.

Nevertheless, CPRE (Cumbria), Cumbria Development Control and Regulation Committee, two independent firms of Landscape Surveyors (commissioned by Cumbria County Council and Castle Carrock Pound respectively) and the Cumbria Rural Housing Trust's recent survey of affordable housing need (dated 6th September 2002) have all upheld our objections and given sound reasons as to why the proposal for 16 dwellings on the site in question ought not to be granted planning permission.

On examining the most recent report from the Development Control Officer we feel that perhaps more weight ought to be given to the views of the aforementioned bodies.

Yours sincerely,



David Hassall
Chairman, Castle Carrock Pound

Cc Mr Alan Taylor, Chief Development Control Officer
The Rt Hon David Maclean M.P.

We do not inherit the earth from our ancestors –
we borrow it from our children

TEXT OF THE SUBMISSIONS MADE BY MR MILES WHEN ADDRESSING THE COMMITTEE UNDER THE RIGHT TO SPEAK POLICY AT THE MEETING HELD ON 19TH APRIL

1. This committee is the single arbiter for this planning application. It is your responsibility to ensure the right decision is made.
2. If development goes ahead, the greenfield in question will be lost..... **FOREVER.**
3. Because of this finality, the decision to develop should only be made if there is **no uncertainty** about it's appropriateness. NONE! If there is ANY uncertainty, this application should be rejected.
4. The burden of proof here lies not with objectors to show which planning policies would be contravened if development went ahead, but with the developer to **PROVE** that development satisfies **ALL** parts of **ALL** relevant policies. That it is not simply the most lucrative solution for both vendor and developer.
5. There isn't time in 3 minutes to go through all the policies but here are an important few that I would ask the committee to be sure about.
6. The officers report fails completely to cite PPG3. As members will be aware, PPG3 is national guidance that **SUPERSEDES** local plan policy. To paraphrase, it states that there should be **NO** development of unallocated, windfall greenfield sites unless there is **evidence** of a local need. The need issue is similarly not addressed in the officers report. Where is the evidence of need? None can be provided.
7. Structure plan policy 11 states : Development detrimental to the present characteristics and qualities of the National Parks and AONBs will not normally be allowed. What makes **this** application "not normal"? What makes this application "extraordinary"? Being merely **less detrimental** than other proposed schemes is not enough or a reason to grant permission.
8. Local plan policy E50 states that: "Loss to built development of significant public and private open spaces will not be permitted". Experts in landscape character and planning issues, such as Friends of the Lake District, and Mr Woolerton, an expert of over 25 years experience, who helped draft the Countryside Design Summaries, conclude that **this** open space in the heart of Castle Carrock is **SO** valuable, Policy E50 should exclude **any** development. Mr Woolerton even states " I consider this Policy was drafted to protect **precisely** sites such as Sid's Field". If this committees expertise in such matters can justifiably over rule such opinion, then so be it.
9. Policy H5 of the local plan states that within Castle Carrock, large scale development will not be permitted. Scale is subjective to each village. 11 houses in Castle Carrock is an

increase of over 10%. **SIGNIFICANT!** Equivalent to a development of over **1000** houses in Carlisle. **SIGNIFICANT!** If there is ANY uncertainty, this application should be rejected. If there is ANY DOUBT AT ALL that this is a significant increase, that the open space represents a significant amenity, or that this application is **not** extraordinary, the application should be rejected.

10. There is not time to address the other policies but members should be satisfied that policies 1, 2, 11, 25, and 27 of the Structure Plan and Policies E3, E50 and H5 of the Local Plan are not being compromised. Along with PPG3 principles. You must be **CONVINCED!.**
11. Finally, if you are in any doubt that local people do not wish to see their local environment blighted, you must, as elected members, stand up for them. If this application does not positively **improve and enhance** that environment, as it **MUST** under local policies, you must act.
12. A much appreciated open space is not all that is at risk with this decision. Local people **TRUST** you as elected officials to make the right decision, according to the policies you have published. Failing to interpret policy will result not only in the loss of Sid's Field, but the loss of **trust and respect.**
13. To summarise, the decision to develop is **irreversible**. You must be **CONVINCED** that there is a clear **NEED** for these houses, that **ALL** planning guidance and policy has been adhered to, that the development would positively **enhance** the environment and that quality of life in Castle Carrock will **not** be diminished. If you are absolutely certain of these points, if that has been **PROVED TO YOU, BEYOND DOUBT**, so be it. But if there is ***ANY*** **DOUBT,** ***ANY*** **UNCERTAINTY**, you must reject this application.

Item No: 02 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0422	Messrs Metcalfe & Son	Cumrew
Date of Receipt:	**Agent:**	**Ward:**
16/04/2002	Coates Associates	Great Corby & Geltsdale

Location:
L/A, Townfoot Farm, Cumrew, Carlisle

Grid Reference:
354870 550840

Proposal: Erection of 2no. houses

Amendment:

1. Revised plans received 21/06/02 showing reduction in the number of proposed units from 5 to 4.
2. Revised plans received 23/12/02 reducing the number of proposed dwellings from 4 to 2.

AEH

Report

Planning Policies:

Conservation Area

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

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 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

Cumbria & Lake District Joint Structure Plan

Policy 11

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. 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.

Cumbria & Lake District Joint Structure Plan
Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Cumbria & Lake District Joint Structure Plan
Policy 41

Housing and employment development within AONBs will normally be permitted provided it is:

i. small in scale and compatible with the needs of local communities, and

ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,

iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

Carlisle District Plan
Environment - Policy E3

Within and adjacent to the North Pennines and Solway Coast Areas of Oustanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enchance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permisson 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 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, Gilsland, 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, Lyneholmeford, 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.

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.

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): No objections.

Cumrew Parish Council: In relation to the originally submitted plans, and following a Parish Meeting there was a wish to make the following observations. Since villagers consider the two proposals as one development all comments relate to both applications.

The plans were viewed by all those directly affected by the proposal and almost all of the other villagers. The comments below are a summation of points raised.

1. The proposed development will have a dramatic impact on Cumrew village (a small fellside village of approximately 50 residents). It will effectively and immediately double the population.

2. A minority of villagers expressed no objections to the proposal.

3. An equally small number expressed the view that limited redevelopment of the farm buildings could be acceptable if carried out in sympathy with the scale, density and physical characteristics of the rest of the properties in the village.

4. The most commonly held views were those expressing concern that the infrastructure of the village will not be able to cope with such a development.

    - The surface water system will not deal with the run-off from the increase to the paved areas.

    - Proposals for dealing with the sewage from the dwellings is sketchy. The belief, widely held in the village, is that the proposals are inadequate and will lead to sewerage failure in and around the village.

    - The water supply for the village is, for some, of low pressure. Such a development will further exacerbate the problem.

    - Electricity supplies are erratic and despite complaints to the Electricity Supply Company remains so. Once again it is feared that problems, following this proposed development, would be multiplied.

    - Parking proposals for the development are inadequate leading to on street parking in a small rural community.

    - The increase in traffic during and after the development would be both detrimental and dangerous. Representations have been made to the Highway Authority for a limited extension to the existing

kerbing and footway but to no avail.

Particular comments about the proposed development are:

5. Part of the development will be three storeys high and, as such, is at odds with the scale of the rest of the dwellings in the village.

6. Four and five bedroomed dwellings are not in keeping with the housing density of the rest of the village.

At a meeting on Friday 19th July. The Parish Council agreed to re-affirm the original representations on this proposal. It was also noted that this scheme would not go ahead until the City Council had reconsidered their policy on development in villages.

On the 16th November the Parish Council expressed their reservations about the "second phase" of development at Townfoot Farm because the population on the site could notionally expand from, say 6 to 42, if all the dwellings are occupied by four persons per household. The view expressed was that the village infra-structure may not be able to cope with such a large increase on one site in the village. Comments with regard to most recent plans are awaited.

On the 25th January the Parish Council wrote to state their objection in the strongest possible terms to any further development at Townfoot Farm. It is considered that the development contravenes Government guidelines because there is no need for such housing, and, the infrastructure of the village would be stretched to the absolute limit.

English Heritage - (Hist Bldg & Monuments): In relation to the proposal when it involved the erection of four dwellings the following comments were made:

The township of Cumrew relatively unspoilt example of a north Cumbria agricultural community. It sits in the lap of the hills, and its pattern is based on the existing topography and through-road, as opposed to a heavily engineered urban or semi-urban townscape. Buildings tend to be clustered, with important buildings facing the road, and service or agricultural buildings sometimes to the rear or adjacent. A strong hierarchy of building types is thus created.

A number of the existing buildings are redundant, and no objections are raised to their reuse, although the proposed extensions are generally too large and in some cases dominate the parent buildings.

The real difficulty is the number of new buildings proposed and the impact this will have on the conservation area. The amount of new building is very high considering the context, and the location, layout and detailing of the new proposals will, in my opinion, have a detrimental impact on the conservation area. The housing, with its clinical landscaping and pseudo layout, is simply the wrong approach given the character of the conservation area.

In relation to the revised scheme for two dwellings there is no wish to raise any

objections.

Environment Agency (N Area (+ Waste Disp)): The Agency has considered the proposal and wishes to comment as follows:

Surface water run off fro this site should be restricted to existing rates in order that the proposed development does not contribute to an increased risk of flooding. To the end the Agency has requested the Local Planning Authority to include two conditions together with two informative's to any planning approval.

Cumbria County Council - (Archaeological Services): I have checked with the County Sites and Monuments Record and this sites lies within an area of archaeological interest. Documentary references to Cumrew date from the early 13th Century, indicating a settlement within the parish at that time. The field pattern around the village is characteristic of medieval settlement systems. Also, there are features recorded within the proximity of Cumrew village, which indicate prehistoric activity in the area. There is therefore, good reason to believe that this site has an archaeological interest.

Consequently, in accordance with PPG16 and Carlisle District Local Plan (Policy E30), I recommend that further information on the archaeological interest of the site is required before a planning decision is taken. As outlined by PPG16 section 20-22 this information should be obtained by means of an archaeological evaluation. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the development site.

English Nature: In regard to the effects of the development on a crayfish population in an adjacent beck English Nature comments as follows:

Provided the beck in question in not part of, or affecting an adjacent, Site of Special Scientific Interest (such as the River Eden and Tributaries SSSI), then English Nature does not require consultation for discharges that may affect white-clawed crayfish. The Environment Agency will set determinands on the discharge as part of the discharge consent and this should ensure that there is no deterioration in the water quality in the beck.

United Utilities (former Norweb & NWW): United Utilities have no objection in principle.

A water supply can be made available to the proposed development but our water mains will need extending to serve any development on this site. The developer, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act.

Water pressures in the area are known to be generally low and I recommend that the developer provides water storage of 24 hours capacity to guarantee and adequate and constant supply.

A separate metered water supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water

fittings) regulations 1999.

A complete soil survey must be undertaken by the developer, as an when land proposal have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

Conservation Area Advisory Comm: The Committee was very concerned about the over development of the village. This scheme for five new dwellings was felt to be completely inappropriate for the village in terms of its scale, density and materials. The scheme completely overwhelms the village and would be an unacceptable intrusion into the street scene of the conservation area.

Following the receipt of amended plans the Committee have made the following comments. Originally 5 dwellings, this proposal has now been reduced to 2. A vast improvement both in numbers and detail. In the case of the proposed forward most unit it is suggested that there is break in the line of the gable and to slightly reduce the size of the dining area. It would also be an improvement to put an arch or lintel over the French door on the south side.

Summary of Representations:

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
F & D Kemp, Low Fold	17/04/02			Support	RESP
The Occupier / Owner, Low Fold Cottage	17/04/02				AMND
The Occupier / Owner, Oak Tree View	17/04/02				AMND
D M Summer, The Little House	17/04/02			Support	RESP
Paul & Julia Jenner, Copperfield	17/04/02			Support	RESP
The Occupier / Owner, Old Barn Cottage	17/04/02				AMND
The Occupier / Owner, The Croft	17/04/02				AMND
Mr R K Craig, Cairn Cottage	17/04/02			Support	RESP
The Occupier / Owner, Helme Farm	17/04/02				AMND
The Occupier / Owner, The Hollies	17/04/02				AMND
The Owner / Occupier, East Cottage	17/04/02				AMND
J H Scott, West Cottage	17/04/02			Support	RESP
Mr & Mrs Debenham, Violet Cottage	17/04/02			Objectio	AMND
The Occupier / Owner, Rivendell	17/04/02				AMND
Mr & Mrs M P Clough, Fell View				Objection	RESP
Mr & Mrs R.A.B. Duff, Cumrew House				Objection	AMND
P L Robinson, Rose				Objection	AMND

Cottage Lynne Robinson, Rose Cottage	Objection	RESP
Mr P Miles, Briar Cottage	Objection	AMND
Mrs V M Clough, Fell View	Objection	RESP
Mr W J S Ovens, The Old Vicarage	Support	RESP
C Smith, Cumrew Farm	Support	RESP
Mr M Maughan, Kirkdale	Support	RESP
A R Sykes, The Old Forge	Support	RESP
G & J Strong, Barracoomb	Support	RESP

This application was originally advertised in the form of a site notice and the direct notification of the occupiers of 14 neighbouring properties. A total of 15 letters have been received. The issues raised being:

- There is no pavement in front of the proposed five new dwellings and at present the local children play on the road. The proposal would double the size of the population as would the number of cars making it very unsafe for pedestrians.

- The size of these developments makes them out of affordable reach of young people wishing to remain in the village.

- The proposal(s) would destroy the rural nature of the village.

- If the proposal(s) utilises the existing unsatisfactory soakaway the adjoining field will be unworkable as it is now wet and boggy.

- There are owls that feed in and around the site for the proposed houses. Alterations to the hedge will lead to a loss of nesting/roosting sites for a variety of birds.

- The impact on the local wildlife would be great as people would make noise and walk up the lanes around the village causing concern for the habitat of the squirrels, deer, bird population, and, crayfish.

- The sheer size of the combined developments in proportion to the existing village. There would be ten new dwellings in a village of about 18/19 existing properties.

- The density of the proposed buildings.

- Currently there is a poor water supply and an erratic electricity supply.

- The proposed development will cause inconvenience and have a devastating effect on the residents.

- Proposal(s) will destroy the uniqueness of the village of Cumrew.

- Many of the well preserved grass verges will be damaged or destroyed by the heavy machinery required in the development stage.

- The foot and mouth outbreak is not a relevant factor in considering whether to grant the planning application.

- There are numerous listed buildings within the village. Cumrew House depends upon tourism to survive and it is submitted that a building site/housing estate on the scale proposed within the village will have an adverse effect upon business operated there from.

- The proposal(s) will not only damage the linear layout of the village it will also encroach on Heggie Lonning where there will be "tandem" development.

- In land adjacent to Helme Farm there appears to be a build up of raw sewage emanating from Townfoot Farm. Any increase in dwellings will substantially increase that hazard putting the health and well being of local residents at risk.

- PPG7 advises that new development should respect, and where possible enhance, the environment in its location, scale and design. New development needs to be sensitively related to existing settlement patterns and historic, wildlife and landscape resources. In areas designated for their landscape, wildlife or historic qualities, policies give great priority to restraint.

- The need for additional housing, including additional 4-5 bedroomed executive style housing, in Cumrew would be difficult or impossible to demonstrate. The village has no bus service to speak of.

- It is not accepted that there is a proven local need for development on this site for housing. It is not accepted that the proposed development will, in any way, enhance the existing environment of Cumrew. It is not accepted that the scale of the proposed development, the layout of the site or the design of the buildings is well related to the scale, form and character of the existing settlement. The proposal(s) are considered contrary to Policies 1, 2, 11, 25, 26 and 41 of the Structure Plan and Policies E3 and H5 of the District Local Plan.

- The new build element is not to be built in stone which will be out of character and can only be a decision based on profit to build in block and render.

- Justification for new housing under Policy E43 cannot simply be because the new buildings would look nicer than the agricultural ones. The existing buildings were erected under permitted development rights. To

now claim they are an eyesore to justify building houses is a twisted mockery of the current system.

- The village has no amenities to support the extra dwellings.

- Has an assessment been made of the impact on local roads with an additional 12 to 24 cars commuting in and out of the village?

- Need to take a wider view and put this development in the context of the recent decision to allow conversions at Netherton Farm to create upto eight new dwellings and the current application at Castle Carrock for a further eleven new houses. Can the locality and local services and amenities really support such an explosion of development?

- The loss of the agricultural element is regrettable in itself. Compounding this loss by then filling in the natural spaces within a small village with inappropriate housing development that pay little or no attention to the individual settings is a tragedy.

- An application which would spoil the feel of a village, cannot be supported by a clear local need, will not use local building materials and cannot be justified under either PPG3, PPG7, the Structure Plan and Local Plan policies should be rejected.

- The existing village consists of approximately 18 dwellings with a population of approximately 33/35 adults and 12 children. The nearest public house is one mile away in Newbiggin and the nearest shop three miles away in Castle Carrock. There is no bus service to speak of and any residents who do not work locally rely upon vehicular transport to and from the village. The area is a haven for wildlife including barn owls, red squirrels and crayfish in St Mary's beck. It is a popular area with holiday makers, walkers, bird watchers etc and the Cumbria Cycle Route passes through the village.

- Cumrew has very special characteristics including its linear form with fields to the west of the village retaining their ancient boundaries. There are several cremation burials dating from pre-Anglican times.

- Not against the redevelopment of the existing farm buildings if done in keeping with the existing character, but concerned about the size and number of the proposed dwellings.

The sympathetic development of existing elderly farm buildings will enhance the attractiveness of the village; no community can remain static forever; and, there is a requirement for further housing in the area. There is, however, concern over the re-development of the "Dutch Barn" site (application reference 02/0422).

The proposed development would enhance the village; bring young families into the village; and, concerns over power and drainage are misplaced. In addition, the aforementioned letter alleges that often the most vocal seem to be listened to which

can overwhelm the majority opinion.

In relation to the revised plans received on the 23rd December three letters of objection have been received on the following grounds:

- The previous observations opposing the application remain relevant.
- It is difficult to see how a village like Cumrew, which is no more than a hamlet, could cope with any further development. The current infrastructure will be overloaded.
- The impact of the approved development will be to substantially increase the population and resulting traffic etc to a level where the village will struggle to cope and will be at saturation point. To go yet further will have a devastating and detrimental impact.
- No local need has been made out.
- The development has not been designed sympathetically in keeping with the character of the village.
- The site in question is not previously developed land.
- The increased traffic and lack of pavements in the village cause concerns for safety.
- Cumrew has no shop, public house, village hall, public transport, and, school.
- Even though the applicants will cease farming, the surrounding land will continue to be farmed. This means that access through the village will continue to be required by farm animals and machinery which will impact on the increase in dwellings, traffic and population.
- The proposal does not respect or enhance the environment by its location, scale or design. Neither is its sensitively related to settlement patterns.
- As a Conservation Area the proposal would need to positively enhance the conservation area.
- The existing open barn is very much in keeping with the character of this working agricultural village.
- There are no similar dwellings so the development would have a detrimental impact on the overall character and setting of the village within the AONB.
- There are many properties within the village that have outbuildings which could be converted. There are other properties which have sites that are

similar to the current site and therefore available for development. If the present application is allowed it will set a dangerous precedent and would open floodgates for further development.

- In recent years there have been 7 new dwellings in the village, making a total of 21 dwellings in total. Permission under 02/0423 will add another 5 dwellings. All this with no improvement in the infrastructure.

- The existing building has already been and continues to be used for storing fodder and farming machinery. It is also very much in keeping with the character of this working, agricultural village, more so than 4 bed. houses.

- Neither of the 2 proposed developments include affordable housing.

- The proposal is contrary to the objectives of PPG3 and the Local Plan Policies.

Prior to the previous Meeting on the 31st January Members may re-collect the receipt of a further letter of objection which maintains that when carrying out any balancing exercise then the proposal should be refused. The only merit that appears to have been identified is that the existing barn would be allowed to go unkempt and derelict. However, the local planning authority have powers under Section 215 to take steps against owners whose property falls into a state of disrepair. In the light of Section 215 this factor should not be a relevant issue.

Following the Meeting on the 31st January nine letters in support/raising no objections have been received. The points made being:

- The site lies within the confines of the village and would be better used for someone to live than left probably derelict.

- Feel that the scheme is sympathetic.

- The people in the village who are most directly affected are the most supportive of such development taking place.

- Additional people in the village will improve security and community spirit.

- Bring more children to the village.

- Stop mud washing down from then site onto the road.

- Development of the site will improve the visual aspect of the village.

Details of Proposal/Officer Appraisal:

Planning History:

Members will recall that last year, under application number 02/0423, planning permission was given for the conversion of outbuildings to form 4no. houses and the erection of a new house at Townfoot Farm.

Details of Proposal:

The current application relates to an existing Dutch barn and part of an adjoining field located between a converted series of barns which form three dwellings and the site subject to application number 02/0423. The proposal involves the demolition of the Dutch barn and its replacement by two houses in an L-shaped layout. The houses would have slate roofs, stone quoins and a combination of natural stone and rendered walls - see attached copies.

The application is accompanied by correspondence from the agent and a "Village Appraisal" which indicate that:

- The Appraisal concludes that the current scheme is within the historic boundary; the proposal relates well to the character and layout of existing buildings; there would be no detrimental impact; and, any alternative re-location of the development would be detrimental to the village character.

- Farming activity will cease in the near future and that Town Foot Farm will no longer exist as a working farm.

- Whilst the loss of a farm may be regrettable, it is evident that farming activity in this village centre location is not sustainable due to the physical constraints of the site.

- The proposed development would lead to the removal of a modern agricultural building; the cessation of dirty water from the buildings/hard surfaces; the installation of a package treatment works discharging clean potable water; and, the cessation of animals walking up and down the village.

- The County Archaeologist has verbally indicated that in respect of 02/0422 there were no objections or comments she wished to make.

- It would appear that a small and vocal minority are attempting to force their own views over the majority, and present them as those of the Parish, when in reality their misplaced views are in the minority.

In considering this application it is felt that the following points need to be kept in mind:

a) As Members are already aware paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs,

education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" emphasises in paragraph 1.3 that ***"new development should respect, and where possible enhance, the environment in its location, scale and design"***. PPG7 goes on to say that ***"new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources".*** (paragraph 2.3).

In addition, paragraph 3.20 of PPG7 highlights that development should be well-related in scale and location to existing development.

PPG9 "Nature Conservation" states that one of the essential tasks for local authorities is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development**

can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features".

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own".** PPG15 goes on to advise that in a bring forward development proposals special regard should be had for matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

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.

b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	**6858**	**4801**	**2057**
Completions 1991-2002	**4286**	**2652**	**1634**
Residual requirement 2002-6	**2572**	**2149**	**423**

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures

above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	*4286*	*2652*	*1634*
Projected total for plan period (estimate up to 2006)	**5751**	**3560**	**2191**
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused, with Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals. Proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the "what constitutes large and small-scale will vary considerably from settlement to settlement". The Housing Policy Statement explains that significant additional housing referred to in PPG3 will be considered in this context.

c) Supplementary Planning Guidance

The relevant Supplementary Planning Guidance is contained in the North Pennines Area of Outstanding Natural Beauty "Good Practice in the Design, Adaption and Maintenance of Buildings", and, the "Countryside Design Summary for Carlisle District" (CDSCD).

The former document advised on page 25 that, **"Each settlement within the AONB has a unique character which calls for individual design solutions to ensure that new development appears to be part of that place and not a suburban-style extension to it"**. It goes on the state that, **"the siting of new**

buildings will need to take account of the established settlement pattern and reinforce it. Frontage sites are particularly sensitive and new buildings must relate to the established pattern of neighbouring buildings".

The CDSCD states that **"new development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character ..** (page 6). When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of, amongst other thins, the overall form of the village i.e. is it strongly linear, clustered around a village green, centred on a cross road, or lack cohesiveness.

When assessing the current proposal it is considered that Members have to make a judgement based upon weighing the likely harm to Ministerial guidance and the local planning authority's housing policy against any perceived effect on the character of the Cumrew Conservation Area.

On the one hand it is evident that the current application, in combination with the scheme approved under 02/0423, represents a cumulative impact on Cumrew leading to a total of 7 units. In the context of Cumrew this can be considered significant. Yet Cumrew is without any basic services and the proposal is not put forward on the basis of meeting a local need. The application also involves the use of greenfield land as defined by Annex C to PPG3. The proposal therefore represents a significant development which is unsustainable and contrary to the objectives of PPG3 and the implementation of the Local Plan Policies as explained in the Council's Interim Housing Policy Statement. This being at a time when there is a general over-provision of housing in the rural area of the District.

The exceptional circumstances relating to the closure of the farm following Foot and Mouth having already been accounted for when application 02/0423 was considered.

When considering any effect on the character of the area the City Council's Conservation Officer has highlighted that Townfoot Farm is situated within the Cumrew Conservation Area, on the northern edge of the North Pennines Area of Outstanding Natural Beauty. The development plot is small, constrained to the north and south by existing buildings and to the east by a steep bank. The village of Cumrew itself is pastoral in character, defined by narrow, linear rows of farmsteads that front onto the road. Historically the plan form of the barns and farmhouses is such that the main axis runs parallel with the road and the buildings directly abut the road or are set back a short distance to provide a small front garden. This is particularly notable to the east of the road where the steep bank restricted incursions into the backland, as may be seen from the Tithe map of 1838.

In regard to the amended scheme, the Conservation Area Advisory Committee now consider it to be a "vast improvement both in numbers and detail". English Heritage

have also confirmed that they do not wish to raise any objections to the revised proposal. The design of the proposed houses, subject to the changes suggested by the Area Advisory Committee, is considered to be attractive and in terms of scale, proportion, detailing, materials and location demonstrates a sympathy for the character of Cumrew. An argument in favour of the development is thus that the proposal, if built, will enhance this part of the village which is within a designated conservation area.

It could, nevertheless, be argued that if the existing barn is redundant for agricultural use, then the owners should demolish it if no alternative use is appropriate. However, with no financial interest to the applicants there is also an obvious concern that the property, whether the existing building is demolished or not, will become unkempt and derelict with the consequent harm to the environment and character of the Conservation Area and AONB. The location of the current application within the village may also raise consequent fears over the effect on the residential amenity of neighbouring properties.

When looking at the issue of precedent and any cumulative impact of allowing the current proposal, it needs to be recognised that there are other sites which include structures which could be the subject of future applications for their re-development. Notably, a single storey barn adjoining The Croft, a two storey barn at Helme Farm, a barn at Fell View, and, the barn(s) at Cumrew House. Any such proposals would, however, have to be considered on their own merits in light of the Council's Interim Housing Policy Statement.

In conclusion, Members have substantive grounds to refuse the current application. However, there are also merits to the now reduced scheme which can be attributed some weight in light of the site's location within a conservation area. On balance, the proposal is recommended for approval subject to the alterations suggested by the Conservation Area Advisory Committee.

Human Rights Act 1998:

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

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

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

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right

for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The objectors rights are respected but in this instance it is not considered that there is any conflict.

Sup - Appeal Statement Terms & Sight

Recommendation: 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 visibility splays providing clear visibility of 50 metres x 2.4 metres x 50 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.

3. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

   Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

4. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

   Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

5. No dwellings shall be occupied until the access road to serve such dwellings has been constructed in all respects to base course level and brought into full operational use.

   Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

6. Before each dwelling is occupied its respective off-street parking shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage and parking shall be used for no other purpose without the prior approval of the local planning authority.

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

7. No dwelling shall not be occupied until a means of vehicular access has been constructed and drained in accordance with plans to be approved by the local planning authority.

   Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

   Reason: To ensure that materials to be used are acceptable.

9. 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.

10. 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.

11. 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.

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

    Reason: To ensure the works harmonise as closely as possible with the existing building.

13. Notification of the commencement date and information as to whom the County Council's Principal Archaeologist should contact on site should be given in writing to the aforementioned Council's Principal Archaeologist not less than 14 days before redevelopment commences. Access should then be given for an archaeological watching brief to take place throughout redevelopment and related operations.

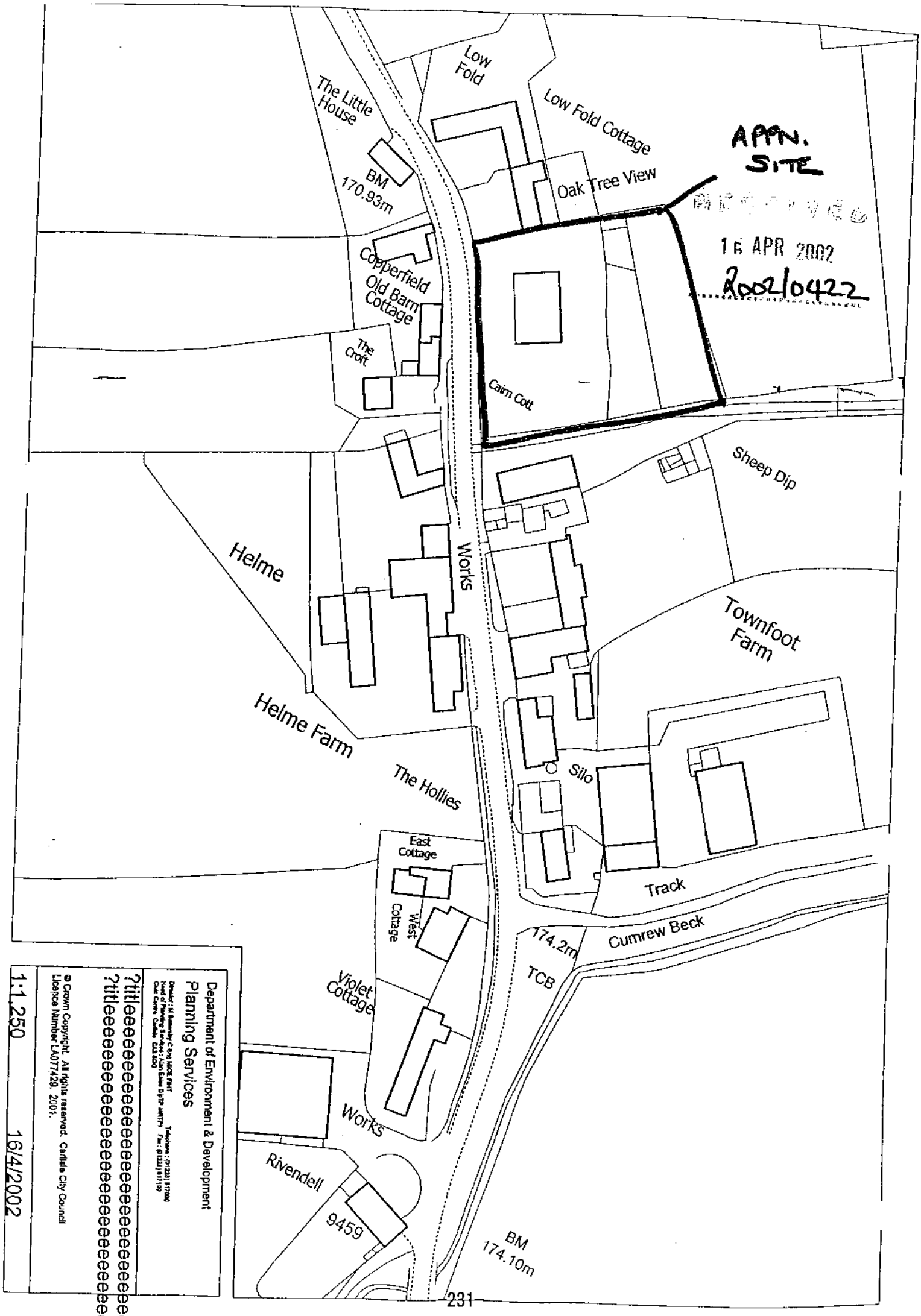
    Reason: So that records may be made before the archaeological remains/architectural features are affected by the development.

14. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the package treatment plant has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

    Reason: To ensure that adequate drainage facilities are available to prevent the pollution of Cumrew Beck.

15. No development approved by this permission shall be commenced until a full scheme for the disposal of surface water has been approved by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans before the occupation of any dwelling.

    Reason: To ensure that adequate drainage facilities are available to prevent pollution of Cumrew Beck.



Department of Environment & Development
Planning Services

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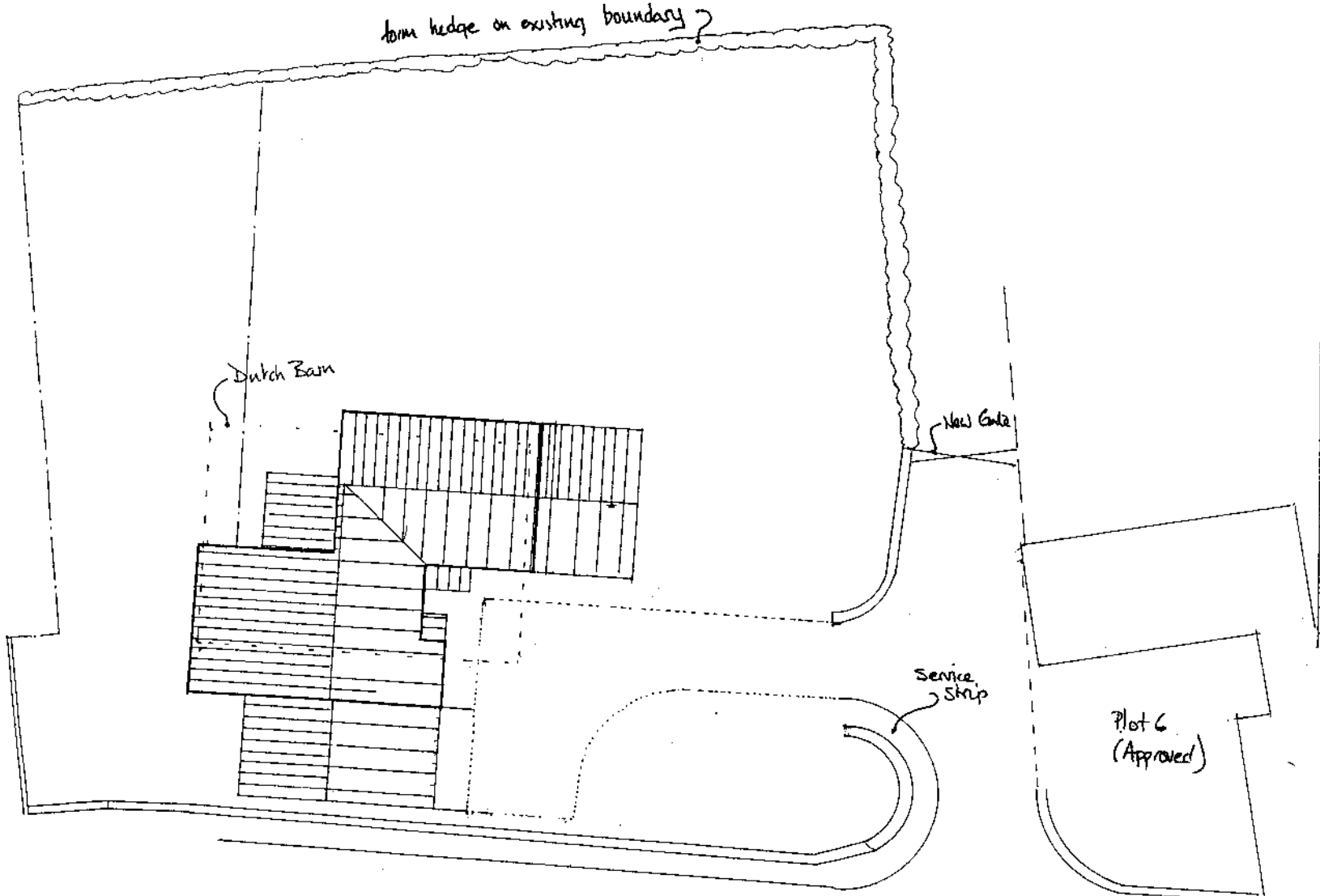

Rev. No.	Date	Amendments	Initials Made	Chk

RECEIVED
23 DEC 2002
02/0422

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1514-395

Coates Associates
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client Messers Metcalfe

Job Town Foot Farm (Dutch Barn Site)
Cumrew

Drawing Layout 2 dwellings

scale	date	
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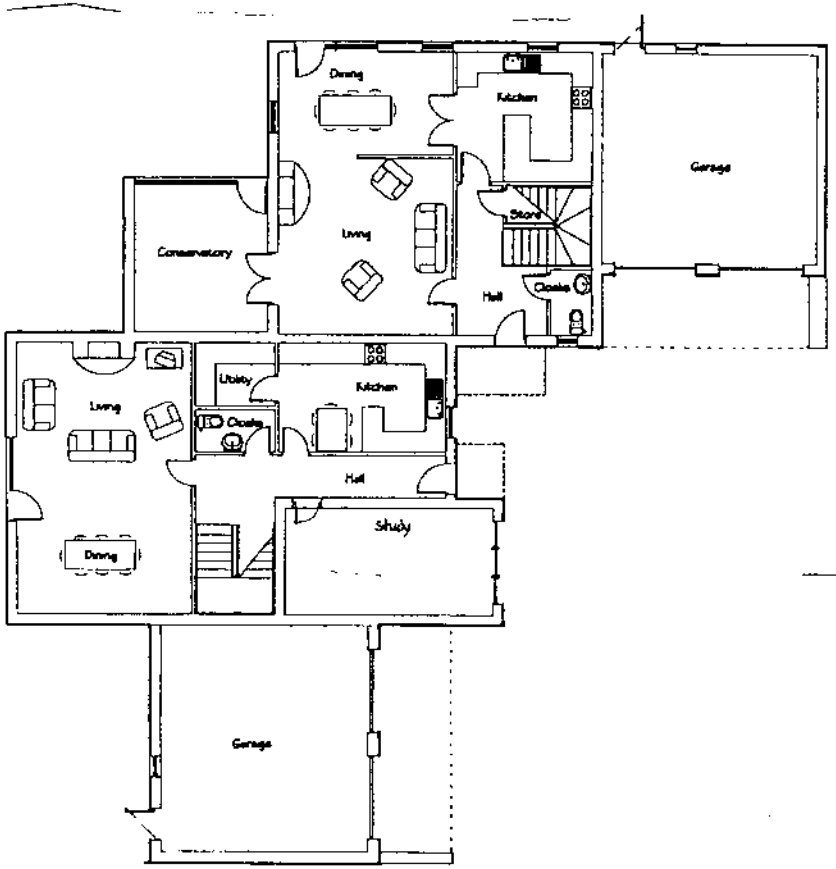
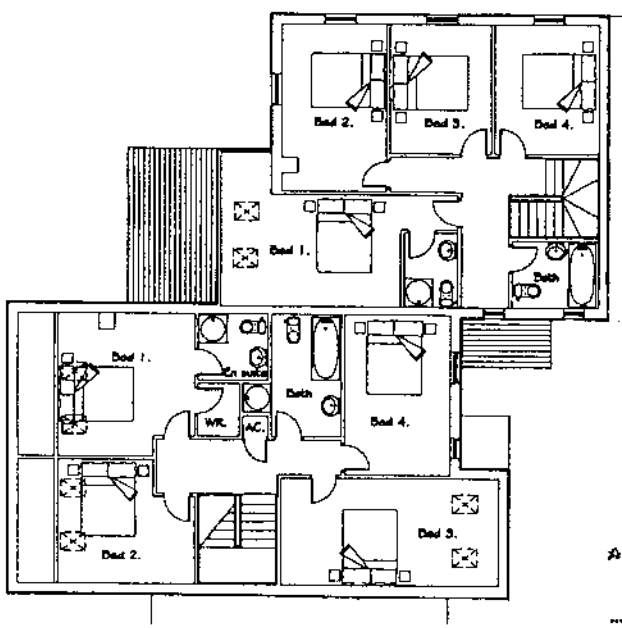
drawn by DHC	drawing no 2015 01	rev. A





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23 DEC 2002
07/0427

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Tel / Fax 015396 61749 www.coatesassociates.co.uk

Client: Messrs Metcalfe

Job: Town Foot Farm (Dutch Barn Site)
Cumrew

Drawing: Floor Plans

Scale	Date
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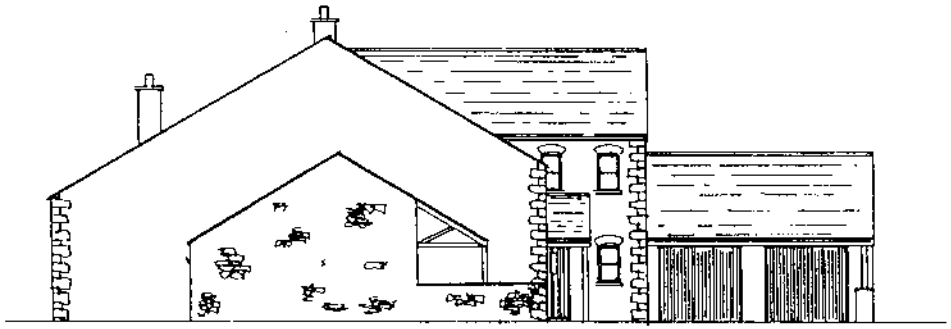
Drawn by	Drawing no	Rev.
DHC	2015 1	0

233



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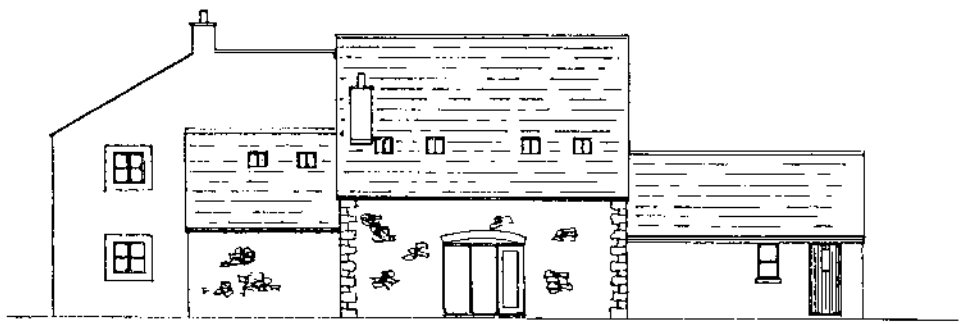

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2002/0727

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Client: Messrs Metcalfe

Job: Town Foot Farm (Dutch Barn Site)
Cumrew

Drawing: Elevations

scale	date
1:100	December 2002
drawn by: DHC	drawing no: 2015 7
	rev: 0

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Village Appraisal

Village:
Cumrew

Site:
Land/Building adjacent to
Town Foot Farm
Cumrew

Proposal:
Erection of 4 houses

Planning Application:
02/0422

RECEIVED
17 OCT 2002
2002/0422

Prepared By:
David H Coates MSc MRTPI

Coates Associates Ltd
Company No. 4290143

Village Setting & Visual Amenities

The village is a traditional north Cumbrian village, set to one side of a minor valley against the steep slopes of Cumrew Fell, part of the Pennine range. This setting is reflected in the name '*Cumrew*', which is derived from the Celtic language meaning "valley by the hill-slope". The village is a linear village straddling the loop of a minor road off the B6413 and on flattish land around 175m (600ft). Views of the village are limited to those from agricultural land from across the valley. There are generally very few views out of the village because development is almost the continuous length of the western side of the main road through the village, which would screen the proposed development. There are no views from the application site.

The village is located on the western periphery of the North Pennines AONB. The Cumbria Landscape Classification identifies Cumrew as being located within 'Foothills', and close to 'Fells and Scarps', which recognises the village's location below Cumrew Fell.

The proposed development is contained within the confines of the village, follows the linear pattern and has no impact on any significant wider views. It does not impinge on an open space of any interest, the site presently having a corrugated building on it. Relevant guidance in the Landscape Strategy is to only resist 'development of important open spaces such as pastures, and woods in villages'. Therefore the proposal is in accordance with that guidance, and would not have any detrimental impact on the overall character or setting of the village within the AONB.

Village Form

Cumrew comprises of a number of houses and buildings in a predominantly linear arrangement either side of the main road through the village. The village is generally single property deep on either side of the road, however the area which each property occupies differs, and in some cases properties are two deep.

The village has evolved organically since c.1200. The 1868 OS plan indicates the presence of a number of buildings including the Townfoot Farm, built in 1768 and Cumrew House dating from 1753. The site is shown to be an orchard at that time, and its boundary remains unchanged since that time. The proposed development is

also contained within that boundary historic boundary. There are a mixture of building shapes, with farms, barns, 'L' shaped buildings, and a long terrace of cottages.

At the northern end of the village, the pattern is very mixed, with some properties being immediately adjacent to the road, whilst others are set back. In addition some properties are aligned perpendicular to the road, whereas some are parallel to it. Hence within the overall linear form of the village, the layout is very variable and erratic in its relationship with the road which forms its spine. There is no simple mirroring of the building layouts around this spine. In fact contrasts in the depth of development and enclosure are more typical. That is where buildings are adjacent to the road on one side, on the opposite side development is set back either as an 'L' shaped building around a courtyard, or a building parallel to the road with a garden in front. This fluctuation gives the village an airy charm with eye caught up in this spatial intricacy.

In respect of the village's overall shape, the curtilage of buildings on the east relate to the steep banking on that side of the village. To the west, the village boundary is unrestrained by topography weaving around gardens of the properties, which are one and two deep from the road. The agricultural buildings at Town Foot Farm project some considerable distance back from the road, however the main characteristic is that they follow the contours around the foot of steep slopes on the east side of the village.

Design

The development boundary is very irregular. Measuring the depth of existing development from the road reveals that it is generally 25m – 45m. It is noted that the recent planning approval for plots 6 + 12 (02/0423) extends to approximately 60m from the road. The depth of the proposed development is 43m and therefore consistent with existing limits. The curtilage boundary of the proposal is the one evident in 1868, which together with the development of the approved conversions of the farmstead, all relate to the natural steep banking to the east, and do not conflict with the general layout of the village. The attached plan demonstrates how the proposal is appropriate within the village setting.

The design of the proposal reflects that of a barn conversion around a courtyard, and is similar to the layout of the adjacent farmyard where planning permission has already been granted for conversion. It is also similar in layout to other buildings and barn conversions located in the village. The materials are predominantly stone with some roughcast, which are wholly appropriate to that setting. The design precedents have already been set, and the proposal merely seeks to reflect those elements. In addition the projection and recession of buildings within village is expressed in the proposed development.

The mass of the 'L' shaped building proposed is well proportioned in relation to the size of the site concerned. It leaves a large frontage of open space that balances against the mass of roadside development opposite. To reduce the number of dwellings and size or alter the alignment is likely to upset this balance in terms of enclosure and proportion.

Conclusion

The layout and siting of the proposed development is comparable to existing properties within the village, but especially in the northern end of the village. The creation of an 'L' shaped building is consistent to those surrounding, which are set back from the road with gardens or courtyard to the front. This gives a sense of space, and harmonises with the general character of the village. To alter the siting of the proposed buildings to be nearer to the road, would be at odds with existing development patterns, and be harmful to the appearance of the village.

The proposed houses would replace a large corrugated sheeted former building, which does not make any contribution to the village. The proposal would not result in any harm to the character of the village, or be detrimental to visual amenities. The village would not be harmed in relation to its setting in the AONB as a result of the proposal being built.

s Ltd
po143

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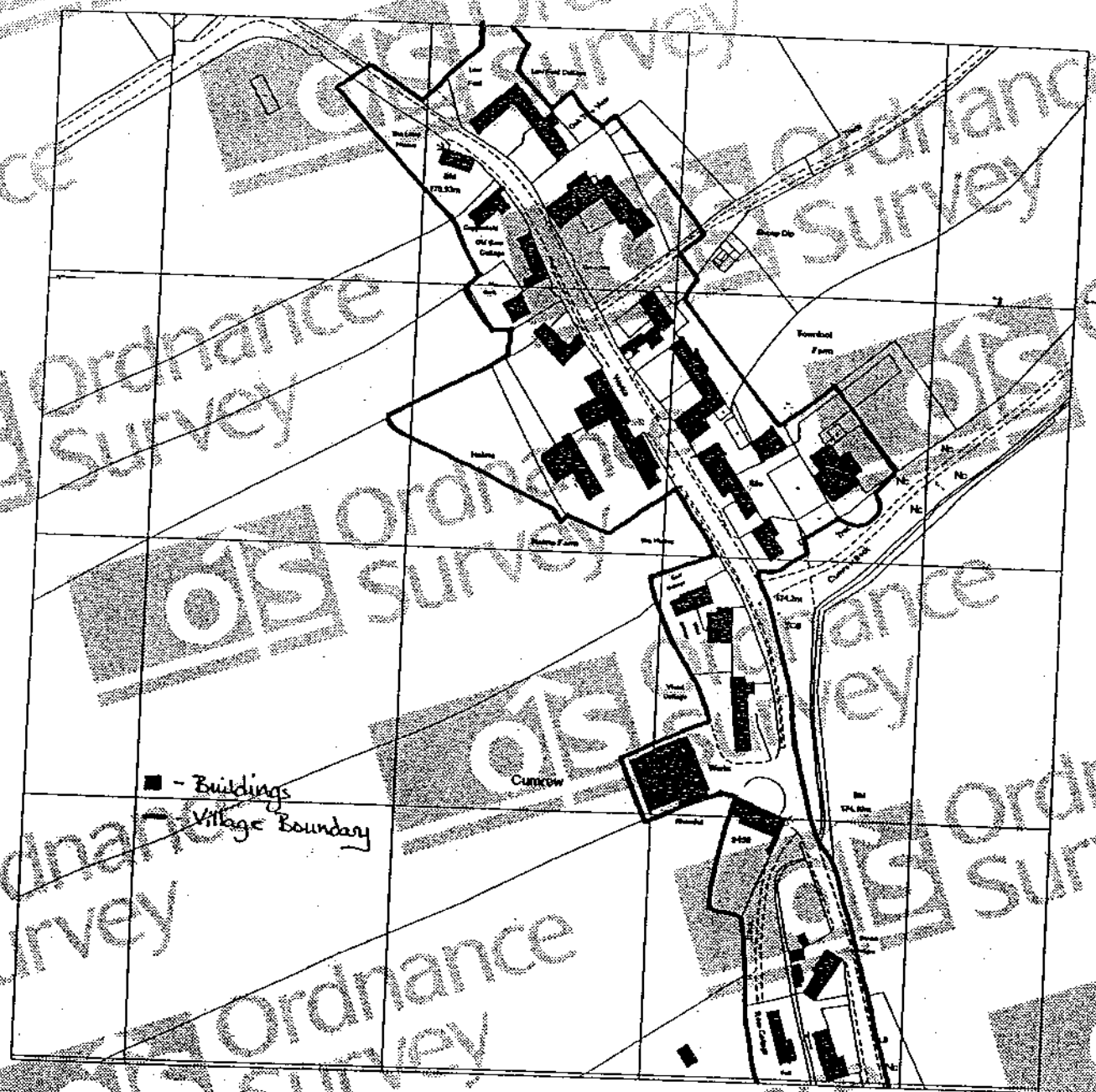
1:2500 Scale



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30 0 30 60 90 120 150 180

Metres

Centre coordinates : 354854mE 550698mN

National Grid sheet reference at centre of this Siteplan: NY5450NE.

Supplied by : Westmorland Gazette
Serial Number : 872

Ordnance Survey

Item No: 03 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1179	Mr Gordon Park	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
11/11/2002	Green Design Group	Great Corby & Geltsdale

Location:
L/A Barns, Broadwath Farm, Broadwath, Heads Nook, Carlisle

Grid Reference:
348420 555280

Proposal: Conversion of redundant farm buildings into 4no. dwellings with inclusion of part of adjoining field and paddock as garden area.

Amendment:

CJH

Report

Planning Policies:

Tree Preservation Order

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

Public Footpath

The proposal relates to development which affects a public footpath.

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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection, subject to a condition protecting the right of way.

Wetheral Parish Council: A site visit is requested to discuss the details. Copies of the relevant policies have been supplied, and further comments will be made when the proposals have been examined in the light of these.

United Utilities (former Norweb & NWW): Comments awaited.

Ramblers Association: No objection, subject to maintenance of right of way.

Environment Agency (N Area (+ Waste Disp)): Drainage condition required.

Design Services - Drainage Engineer: Comments awaited.

English Nature: Bat informative required.

Cumbria County Council - (Archaeological Services): Comments awaited.

Council for Protection of Rural England: The C.P.R.E. objects to this application for the following reasons:
1. It is argued that no evidence is provided to demonstrate that the buildings are redundant.
2. In accordance with P.P.G.7, employment use should be considered as the first option for re-use, and this has not been done.
3. The details of the scheme are unsatisfactory in that there are extensions proposed of excessive size, with many additional window and door openings.

County Land Agent (Capita dbs): The barns are currently owned by a farm enterprise based at three locations, including Broadwath. Following foot and mouth disease, the business has been restructured, and the sheep breeding enterprise formally based at Broadwath has been discontinued. The buildings are therefore redundant. Due to their age and traditional construction the buildings are not suitable for modern agricultural use.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, Broadwath Farm	12/11/02				AMND
Mr & Mrs Holiday, Broadwath Cottage	12/11/02			Comme Only	AMND
Dr & Mrs Burke, Broadwath House	12/11/02			Comme Only	AMND
The Occupier, Broadwath Villa	12/11/02				AMND
The Owner / Occupier, Stone Park	19/11/02				AMND
The Owner / Occupier, Whitegate	19/11/02				AMND
The Occupier / Owner, 1 The Courtyard	19/11/02				AMND
The Occupier / Owner, 2 The Courtyard	19/11/02				AMND
The Occupier / Owner, 3 The Courtyard	19/11/02				AMND
The Occupier / Owner, 4 The Courtyard	19/11/02				AMND
The Occupier / Owner, 5 The Courtyard	19/11/02				AMND
The Occupier / Owner, 6 The Courtyard	19/11/02				AMND
Mr A T Mitchell, Broadwath Old House	27/11/02			Objectio	AMND
Mr A C Little, 1 The Dell	27/11/02			Comme Only	AMND
Mr & Mrs J Prescott, Cairn House	27/11/02			Comme Only	AMND
Mr & Mrs D Foster, Millrace Cottage	27/11/02			Comme Only	AMND
The Occupier, 7 The Courtyard	27/11/02				AMND
The Occupier, 2 The Dell	28/02/03				INIT

This application has been advertised by means of a site notice and neighbour notification. In response, seven letters of comment/objection have been received. These raise the following issues:-

1. The proposals involve the change of use of the paddock area to the rear of the buildings and a strip of agricultural land to the side to become garden area.
2. The barns are used by bats and owls.
3. The drainage proposals are inadequate and unacceptable.
4. The increased traffic along the access track would lead to its deterioration.
5. The extensions proposed are excessive.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history.

Details of Proposal:

Permission is sought for the conversion of a range of barns at Broadwath to form four dwellings. The site is located within the settlement of Broadwath to the rear of existing dwellings on the road frontage, and down an access track that also serves six existing dwellings.

The buildings comprise one large barn, and two other smaller ones sited at right angles to it. The access from the track leads into a courtyard bounded by two of the barns, with the rear of one of the adjacent houses on the other side. The track is also a public footpath.

The proposal is to convert the buildings into four dwellings, as follows. The large barn (no.3) is stone, with a single storey brick extension at one end. This would become two three bedroom dwellings. In one case a lean to extension to the rear, providing two additional rooms is proposed, and in the other case a conservatory extension to the rear.

The adjacent barn (barn 1) is also stone, with one larger and two lean-to extensions on the frontage. It is proposed to convert this building into a three bedroom dwelling with one of the extensions on the frontage removed, and a small lean-to extension added to the rear. The barn at the rear (barn 2) is mainly brick. It differs from the others in having an open frontage, with the roof supported by piers. It is proposed to convert this into a three bedroom dwelling also, with a rear semi-circular extension. The openings on the frontage are to be filled in, with matching brickwork panels.

In considering this application members need to consider the following issues:

1. Policy H12 and related matters.
Members will be familiar with the criteria of Policy H12 which seeks to ensure that permission for conversions are approved only where the buildings are traditional in character, and can be converted where their original character can be retained. In addition, P.P.G.7 advises that the employment potential of barns should be considered as a material consideration. In this case, the barns are substantial and in good condition. The option of employment use has been investigated by the applicant, and this is not regarded as viable. Furthermore, it will be apparent that the barn complex is in close proximity to existing residential property on two sides, and significant objections to a commercial scheme would be expected on the grounds of disturbance. Finally on this point, the County Land Agent has inspected the buildings, and have reported that they are not suitable for modern agricultural use. In terms of P.P.G.3 (Housing) residential conversions are regarded as windfall sites, but in a location within a settlement, albeit a small one, as this is, and in the circumstances as described above, the conversion of the buildings is considered to be acceptable in principle.

2. Details of the scheme.
Policy H12 also requires the details of the conversion in terms of window openings, extensions etc. to respect the character of the buildings. In this case, examination of the proposals revealed two areas of concern. Firstly, as described above, extensions are proposed to each of the dwelling units to be created. In most cases, these were acceptable in terms of their size and character, but that proposed to

barn 1 was considered excessive in that it increased the size of the building by almost half. This has now been reduced so that it is similar to the other extensions. Secondly, in respect of barn 3, to be converted to two units, it is considered that the number of window openings is excessive. This building has relatively few existing openings and therefore the proposals, particularly as far as the rear elevation is concerned have a significant adverse impact on the character of the building. This issue has been discussed with the agent and a revised proposal for this building is expected to be submitted.

3. Drainage.
The submitted proposals state that foul drainage is to be by means of a septic tank. In this location, this is unlikely to be acceptable, and this view has been conveyed to the applicant. It is expected that a revised proposal for a bio-disc with the outfall converted to a soakaway will be submitted. This will need to be supported by a percolation test.

4. Other Matters.
As well as the conversion of the barns, the proposals involve the incorporation of a strip of the adjoining field into what would become the garden of the dwellings created. The area involved is relatively modest and does not form an incursion into open countryside. On this basis, it is considered to be acceptable, subject to the implementation of a hedge/tree planting scheme along the boundary.
As well as the above matters, the representations received also raise the issue of the access to the site, and the implications of the development proposed. As stated above, the access is along a private track which serves six other dwellings. All these, together with the application site, doubtless enjoy rights of access over the track and its maintenance will be an issue for the parties concerned. It will also be apparent that this track will have been used by farm traffic for many years. The highway authority and the Ramblers Association have no objection to the application.

In conclusion, the scheme is considered to be broadly acceptable, subject to clarification and examination of the drainage proposals, and the rationalization of the proposals for barn 3.

Human Rights Act 1998

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

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

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

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

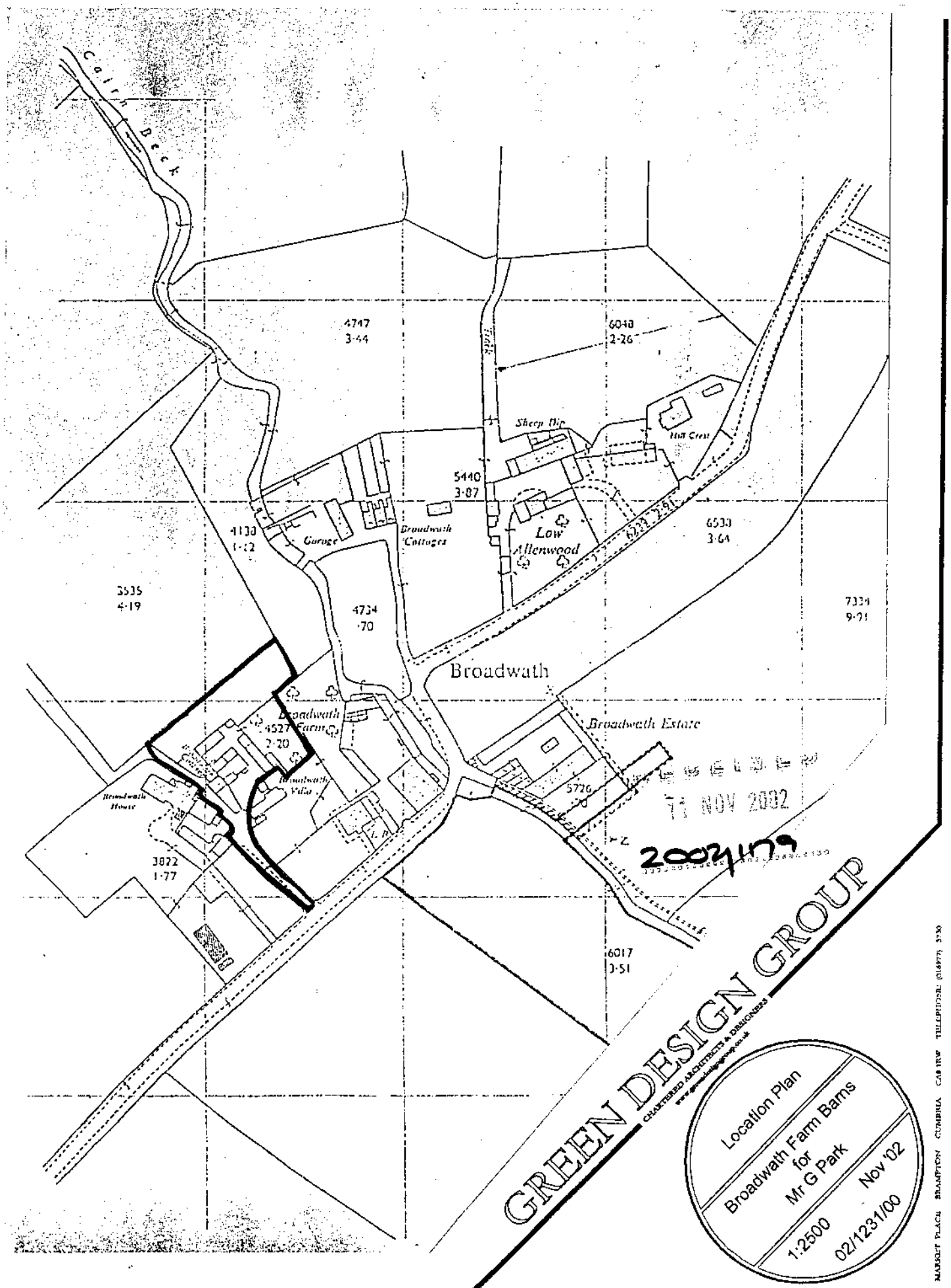
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues relevant to Article 8 of the Human Rights Act. Members should consider these in coming to a decision.

Recommendation:

Reason for including report in Schedule B

A specific recommendation cannot be made in respect of this application because further information is awaited in respect of drainage and elevational details.



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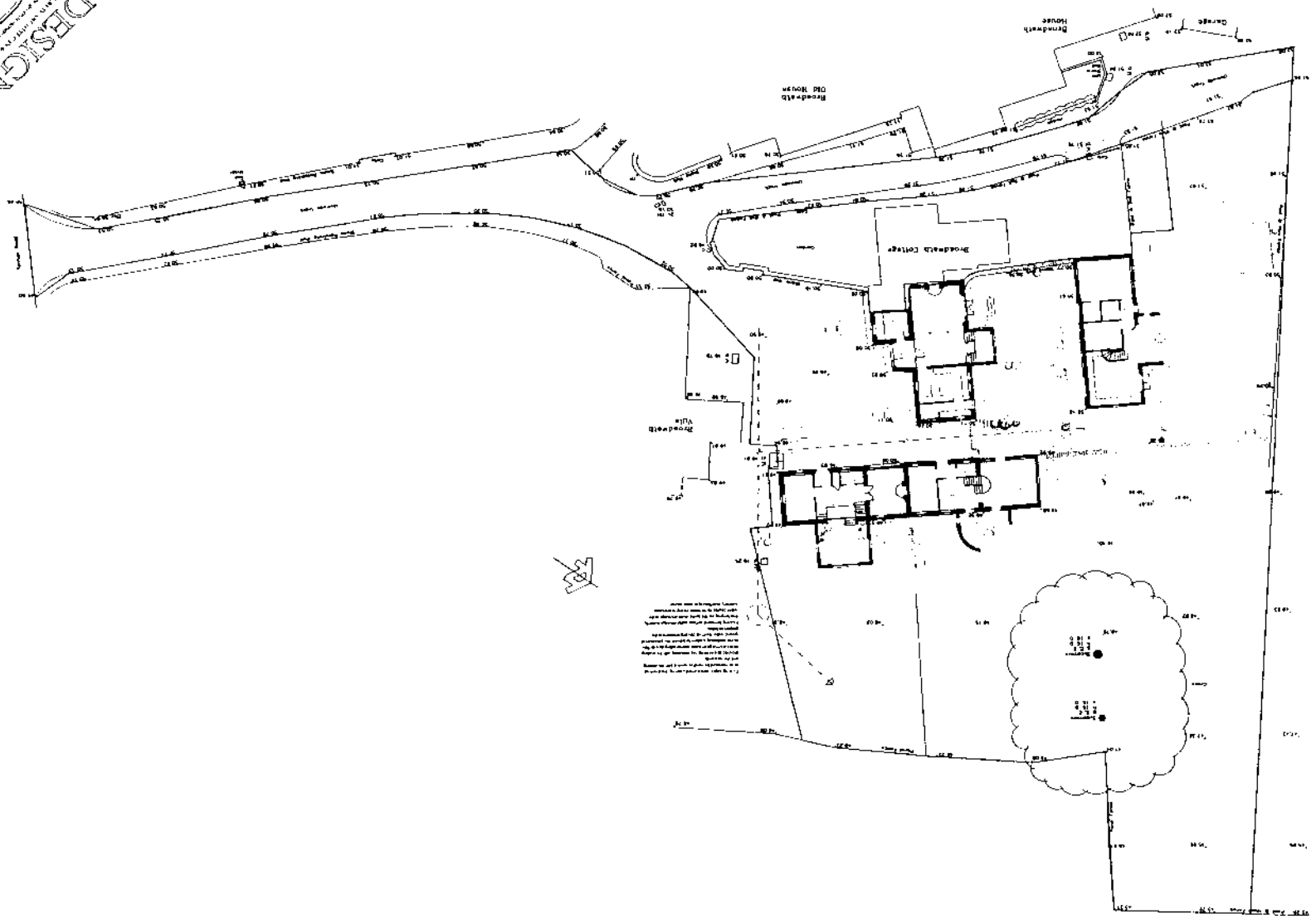
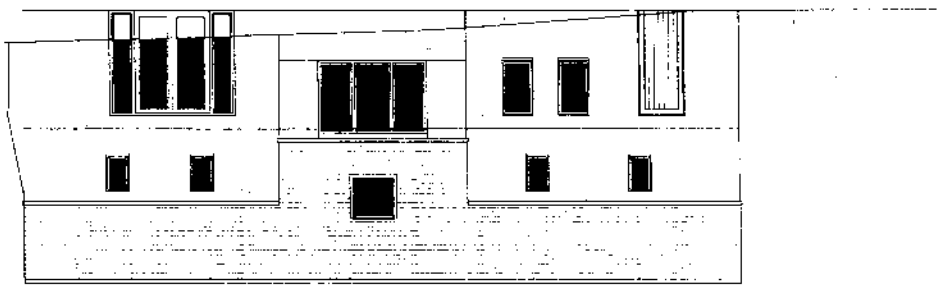
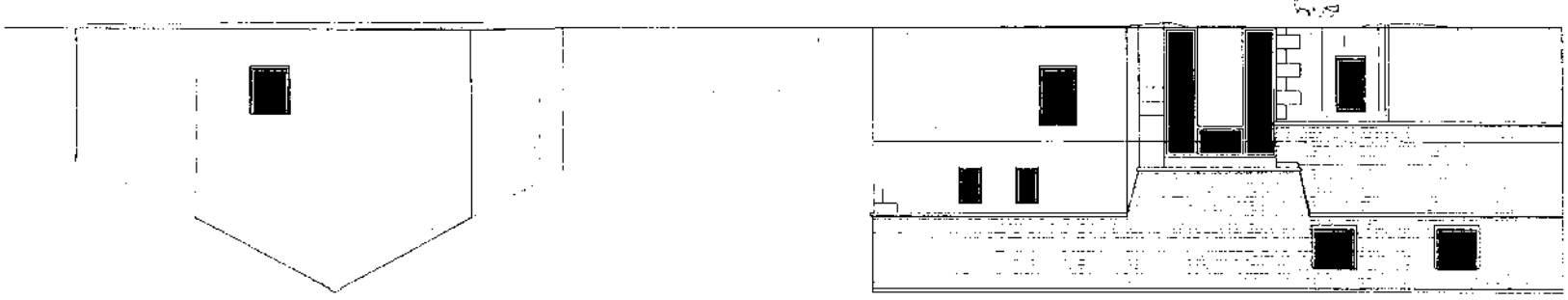

Broadwalk Cottage
Broadwalk Old House
Broadwalk Villa
Brundwell House
Garage

GREEN DESIGN GRO





GREEN DESIGN GROUP
Unit 2
Elevations
Brookside Farm Barns
for
Mr G Park
1:50 July 02
02/1231/FA

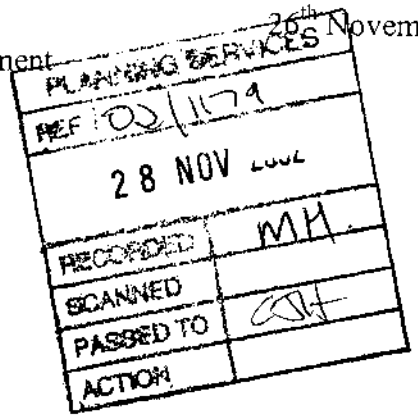
GREEN DESIGN GROUP
Units 3 & 4
Elevations
Broadham Farm Barns
for
Mr G Park
1:50 July 12
02/1231/09A

friends OF THE LAKE DISTRICT

Murley Moss
Oxenholme Road
KENDAL
Cumbria
LA9 7SS
Tel: 01539 720788
Fax: 01539 730355
E-mail: info@fld.org.uk
www.fld.org.uk

Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

26th November 2002



FAO Mr John Hamer

Dear Sir

Town and Country Planning Act 1990.
Planning Application 02/1179.
Conversion of redundant farm buildings into 4 no. dwellings.
L/A Barns at Broadwath Farm, Broadwath, Heads Nook, Carlisle.

We refer to the above planning application, and wish to make the following points.

FLD notes the proposed changes to the implementation of the Council's Local Plan Housing policies as set out in the Interim Housing Policy Statement. As a consequence, new housing development in the rural areas will now be scrutinised more thoroughly in accordance with PPG3 (March 2000). This requires consideration of the level of 'need' for new housing in the area affected by the application proposal, and the current level of housing provision in the District as a whole set against the JSP requirement up until 2006. FLD notes therefore that this application would provide four additional dwellings in this small hamlet, where there are limited local facilities. Pages 10-12 of the Interim Housing Policy Statement are particularly relevant to the current proposal in Broadwath.

Furthermore, FLD acknowledges that Annex C in PPG3 (March 2000) excludes agricultural and forestry buildings as being defined as previously-developed, but confusingly in the second paragraph refers to the definition as excluding land and buildings that are *currently in use* for agricultural or forestry purposes. That issue would have to be resolved as to whether or not the application buildings are properly redundant to their purpose within the agricultural unit. Hence, FLD would suggest that the LPA seek the advice of the County Valuer to help determine this matter. FLD is aware of a recent appeal decision within Sunderland City Council area relating to this point, and we will pass a copy of this decision onto yourselves in due course.

President:
Sir John Johnson KCMG

Vice Presidents:
Sir Chris Bonington CBE
K S Himsworth CBE
Lord Chorley
Graham Watson MBE

Chairman:
Robin Barratt

Hon. Treasurer:
Ken Andrews

Direct
Ian Br

Policy Officers:
Jan Darrall
Jack Ellerby

Planning Officer:
Graham Hale

Assistant Policy Officer:
Martin Varley

CPRE

REPRESENT
CPRE IN CUM

The above Policy references are relevant only in so far as the site lies within the village envelope, and it might be argued as an alternative to conversion, that the fall back position could be re-development of the site for housing. However, in FLD's view that cannot be the case because of the requirements imposed by PPG3 (March 2000) and the Interim Housing Policy Statement relating to Policy H5. The reason being that the present healthy supply of housing in the rural part of the District means that new housing here should be precluded altogether. The only possible other option would be re-development for affordable needs, which would then have to be justified by a local housing needs survey, where the specific needs of local people would have to be met.

Hence FLD considers that the application must then be considered under the terms of PPG7 and the Interim Housing Policy Statement regarding the implementation of Policy H12. In this case, the application proposes conversion to four additional dwellings, and the applicants have not made out any planning justification to indicate that they have sought an employment use, or marketed the buildings for that purpose in preference to residential use. Moreover, the proposal includes substantial alterations (new window and door insertions), and major extensions to the external fabric of the buildings, plus re-arrangement of the farmyard curtilage to provide gardens and car parking areas. In FLD's opinion, these external changes would harm the intrinsic integrity of these farm buildings and their traditional setting, to the detriment of their character within this part of the countryside. The development would in effect result in a modern housing development with all its' associated residential paraphernalia.

PPG7 explicitly requires that conversions should not result in major or complete reconstruction (see paragraphs 3.14-3.17 of PPG7). Paragraph 3.16 states that LPA's should examine applications for conversions in the open countryside with particular care. They should apply strict control over new housing, especially if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of the residential curtilage would have a harmful effect on the character of the countryside.

Whilst FLD accepts that the application site does not lie in the open countryside, it does nevertheless lie on the edge of a small hamlet where additional new housing is not required under the terms of PPG3 (March 2000) and the Interim Housing Policy Statement. For all intensive purposes the implications of these Policy requirements does therefore require the site to be treated as if it were located in the open countryside, since the fall-back position referred to above cannot bite. Hence the above tests set out in PPG7 must be satisfied, which in this case they are not. Taking account of all the Policy requirements, and based upon the current scheme FLD considers that planning permission should ***not therefore be granted*** in this case.

Should the Planning Authority consider permission is however justified (aside from the housing supply argument), then the proposal must at least be amended to delete the extensions and major alterations. A more sympathetic architectural approach to the conversion of these traditional buildings should therefore be encouraged in accordance with the advice contained in PPG7.

Please record these comments as those of ***CPRE (Cumbria association)***. We would be grateful to receive a copy of the decision notice.

Yours faithfully

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

BROADWATH FARM, BROADWATH, HEADS NOOK, CARLISLE

Report on the agricultural aspects of an application to convert redundant farm buildings at Broadwath Farm into 4 No. dwellings

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP

Tel 01768 242340

December 2002

REPORT ON THE AGRICULTURAL ASPECTS IN RELATION TO A PLANNING APPLICATION TO CONVERT REDUNDANT FARM BUILDINGS TO 4 NO DWELLINGS AT BROADWATH FARM, BROADWATH, HEADS NOOK, CARLISLE

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who asked on 28 November 2002 if I would report on the agricultural aspects in relation to a proposal to convert redundant farm buildings at Broadwath Farm into 4 dwellings.

1.2 I met the owner of the premises, Mr F W Slack of Low Allenwood Farm, Broadwath, Carlisle, on 16 December and inspected the steading at Broadwath Farm. Mr Slack provided the following information:-

2.0 Land Occupied

The Slack family have farmed in the Broadwath area since the early 1960s and have run three farm units together as one holding. These units are as follows:-

2.1.1 Broadwath Farm comprising house, traditional range of buildings and 49 ha (120 acres).

2.12 Low Allenwood Farm comprising farmhouse, traditional and modern buildings and 26 ha (65 acres).

2.1.3. Cockley Bank Farm comprising farmhouse, traditional and modern farm buildings together with 120 ha (300 acres) of land.

2.2 The land for Broadwath and Low Allenwood Farms lies in and around the hamlet of Broadwath and Cockley Bank Farm is situated approximately 1 mile to the south-east of Broadwath Farm.

3.0 Livestock

3.1 Prior to the onset of the Foot and Mouth epidemic in the spring of 2001 the following livestock were kept on these three holdings operated as one.

3.1.1 1,000 breeding ewes producing fat/store lambs.

3.1.2 Between 150 and 180 dairy cows.

3.1.3 60 – 80 beef cattle

3.2 All of the sheep on this holding were culled out during the Foot and Mouth outbreak

4.0 Cropping

4.1 Cropping on the holding in a typical year is as follows:-

4.1.1 40 ha (100 acres) of grass mown between 2 and 3 times for silage.

4.1.2 24 ha (60 acres) of winter and spring barley for feeding to the livestock.

4.1.3 10 ha (25 acres) of turnips for feeding to sheep.

4.2 The remainder of the farm is in grass for grazing the livestock

5.0 Farm Buildings

5.1 The farm buildings on the unit are centred at 3 locations as follows:-

5.1.1 At Broadwath Farm there are 2 old sandstone barns and a small brick cattle shed to the rear.

5.1.2 At Low Allenwood Farm there is a range of sandstone barns together with a modern steel framed hay barn.

5.1.3 At Cockley Bank there are 4 portal steel framed cubicle sheds, 3 silage pits, a grain silo, a slurry pit, together with general purpose sheds.

6.0 Domestic Buildings

6.1 At the Broadwath steading is a 3 bedroom cottage, at Low Allenwood is a 4 bedroom farmhouse, and at Cockley Bank there is also a 4 bedroom farmhouse. In addition the business has a detached dwelling approximately 40 years old and occupied by a member of the family.

7.0 Labour & Residence

7.1 Until the onset of Foot and Mouth, Mr F W Slack, the owner of the buildings at Broadwath Farm worked full time in the business and concentrated on the sheep enterprise. He has now retired from farming. He lives at the farmhouse at Low Allenwood Farm.

7.2 Mr G R Slack, Mr F W Slack's brother, works full time in the business and lives in the farmhouse at Cockley Bank.

7.3 The dwelling at Broadwath Farm is let on an assured shorthold tenancy to someone not involved in the business.

7.4 In addition the farm business employs 3 employees living off the holding. Mr F W Slack's nephew also works full time on the holding and he resides in Carlisle.

8.0 Other Information

8.1 Mr F W Slack advised that since the onset of Foot and Mouth the family had restructured their business. As a result the sheep breeding enterprise has been discontinued and the farm buildings at both Broadwath Farm and Low Allenwood Farm are now no longer used for farming purposes ie they are redundant.

8.2 The main farm business is now run from the Cockley Bank steading where cow numbers are being increased from around the 150 mark to 300. The applicant advised that the buildings at Broadwath Farm, although some were substantial in construction terms, were of little use for modern agriculture. He felt they were redundant and because they were not used were falling into disrepair.

8.3 I believe Mr Slack has not considered any alternative use other than the possibility of conversion to residential use.

9.0 The farm buildings at Broadwath Farm

9.1 I inspected these buildings and can confirm that there are 2 substantial stone built barns with slate roofs around a traditional farmyard. The ground floor of these barns include either loose boxes for housing cattle in the winter months or byres which would originally have dairy cows tied up in stalls. They appear not to have been used for this purpose for many years. Part of the barns have loft space above, traditionally used for storing hay or straw in small bales.

9.2 The condition of the buildings is deteriorating, roofs need repair as do rainwater goods and joinery to doors etc.

9.3 There is a cattle building to the rear of the barns which is perhaps the only one useful for wintering cattle as it can be cleaned out by machines. However, it is in a poor state of repair.

9.4 Agriculture has advanced considerably in recent years with farm machinery becoming ever larger and livestock being housed in more modern buildings which enable easier feeding and cleaning out, often by mechanical means.

9.5 I can therefore confirm that these 3 buildings at Broadwath Farm are of very limited use for modern agricultural purposes, particularly the 2 stone barns which have little or no access to modern machinery.

9.6 It would appear that the land formally attached to Broadwath Farm is now used by the main steading at Cockley Bank for growing grass for silage for the dairy cows housed there.

10.0 Conclusion

10.1 I therefore conclude by advising that the traditional buildings at the Broadwath steading, although mostly of substantial construction, are considerably in need of repair and are of little functional use for modern farming.

A G Jackson BSc FRICS FAAV
CAPITA*dbs*
Clint Mill
Cornmarket
PENRITH
CA11 7HP

19 December 2002

COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING AS EXPERT WITNESSES

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

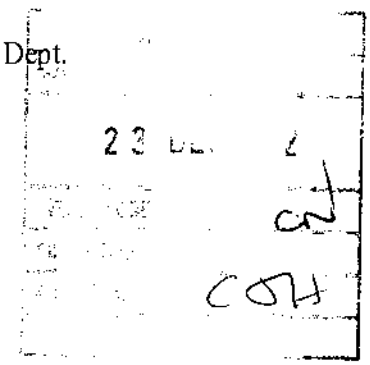
(i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and

(ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*

(iii) that the expert understands his or her duty to the judicial body and has complied with that duty.

(iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

Mr John Hamer
Civic Centre, Planning Dept.
Rickergate
Carlisle
CA3 8QG



3 High Cross Street
Brampton
Cumbria
CA8 1RP
Telephone: 01697 72999
Fax: 01697 741957

20/12/2002

Our Ref. FF1

Re : Broadwath Park Barns for Green Design on behalf of Mr. G. Park

Dear Sir,

We understand that your consideration of the planning application for the development of property at Broadwath Park Barns has to encompass their potential commercial use, prior to any residential considerations.

Having inspected the site, and spoken with the architect involved, we are of the opinion that the development costs on conversion works of this type would render the whole development pointless, as the potential value for each unit as commercial premises would be nowhere near enough to recoup investment fees. Furthermore, it is questionable as to whether a developer could in actual fact find a buyer for such units, and would then have to lease, which again we consider to be an impractical option.

Consequently, we have advised Mr. Park that it would therefore be a waste of his time and financial resources to attempt marketing the proposed development as a commercial enterprise.

Yours Sincerely

Steven Arthur
Sales Manager
For Your Move

Ombudsman
www.oea.co.uk

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NORWICH

Item No: 04 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1348	Mr & Mrs Batey	Hayton
Date of Receipt:	**Agent:**	**Ward:**
20/12/2002		Hayton
Location:		**Grid Reference:**
L/Adj, Foot House, Hayton, Carlisle		350652 557744

Proposal: Erection of three bedroomed dwelling

Amendment:

KS

Report

Planning 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 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, Gilsland, 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, Lyneholmeford, 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 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): requests the following conditions:
- access gates to open inwards
- wall to highway boundary to be reduced to 1m high
- surfacing of drive before development occupied
- turning space to be provided before development occupied and retained
- highway drainage;

Hayton Parish Council: objects on the grounds that:
- dwelling of proportions too large to fit on the site for which it is intended
- building will overlook three other properties whose residents can be expected to object individually
- due to levels, the ground floor will be level with the bedrooms of 2 adjacent properties;

Amended plans:
- dwelling still considered too large for the site
- windows will directly overlook bedroom windows of adjacent properties due to elevated nature of the site
- only alteration appears to be that dwelling has been positioned further forward on the plot which does not address the concerns originally expressed;

Civil Aviation Authority: no objection.

Design Services - Drainage Engineer: condition of existing drains would have to be assessed; if new connection to public sewer in road is proposed, permission of intervening owners required; surface water can not be allowed to connect to the foul sewer and should be reduced by SUDS/soakaways; soakaways would require satisfactory soil percolation tests.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs Rattray, The Garth	23/12/02			Objectio	RESP
The Owner / Occupier, Foot House	23/12/02				AMND
Mr & Mrs A Lefley, Town Foot Farm	13/01/03		23/01/03	Comme Only	AMND
Dr P Lefley, Town Foot Barn	13/01/03		24/01/03	Comme Only	AMND
The Owner / Occupier, Stoneybeck	13/01/03				AMND
R & S Tinnion, Hayton Garage	13/01/03		24/01/03	Objectio	AMND

The original application was publicised by site notice and six neighbour letters, latest expiry date 31 January 2003. Three letters were received, one objecting to the application and two commenting. The grounds of objection were that the development could affect the retaining wall beween the site and the adjoining garage which is, in effect, the gable wall of the garage itself constructed at a lower level. Concerns were raised regarding the wall's subsequent maintenance and repair. The comments made were that the development would be more in character with the village if the dwelling was to be faced in red sandstone with a slate roof.

Neighbours have been reconsulted on the amended plans received on 12 February 2003. To date one letter of objection has been received. Any further responses will be reported at the meeting. The grounds of the objection are that:-

1. the proposed dwelling has now moved some 2m towards the front road access. This in effect will mean that my living area and bedroom will now be overlooked;

2. my property is a lot lower than the land where the proposed dwelling will be situated. Because of the gradient of the land, moving the proposed dwelling nearer the front road will now make the height difference even greater, and it will dominate

and spoil my aspect;

3. moving the road access nearer to my property will probably mean having to chop down the existing trees/bushes which will greatly reduce my privacy from the front road. There may also be problems with the stability of the boundary wall, and the movement of people accessing the proposed dwelling front door.

No concerns were raised on the original application because the plot was considered to be too small and it was anticipated that the proposal would be rejected.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks full planning permission for the erection of a detached, two storey, three bedroom dwelling on land to the west of Foot House in the heart of the village at Hayton. The site extends to some 245m2 and comprises garden land attaching to Foot House. It is bounded to the north and the road through the village by a stone wall with a hawthorn hedge atop, to the east by Foot House, a two storey dwelling with a first floor flank window overlooking the site, to the south by Hayton garage which is situated at a lower level, and to the west by the Garth, a two storey dwelling aligned at some 60 degrees and situated at a considerably lower level.

The detail of the application has been amended and the proposed dwelling has been shrunk in all its linear dimensions but the location within the plot has been brought forward 2.1 metres. The applicant has chosen to relocate the access proposed to the north western corner of the plot, rather than some four metres in from this flank as originally indicated. He has also addressed concerns expressed regarding materials and the front elevation is now proposed to be stone faced. All remaining elevations are to be rendered with stone quoins.

The design otherwise remains the same with dormers to the first floor front elevation and a combination of dormers, rooflights and one gable window to the rear and flank first floor elevations. Openings in the eastern elevation of the dwelling, which is overlooked by the first floor window to the west elevation of Foot House, comprise an entrance door, a half landing window, a dormer to the bathroom, and a rooflight to bedroom 3. Openings in the western elevation are limited to the main entrance and three rooflights, lighting bedroom 3, its en-suite and the full landing respectively. It is fair to say that due consideration has been given to the design and layout of the building.

Nonetheless, this does not overcome my fundamental concern that the site is not an

appropriate building plot, a view apparently previously expressed by two of my colleagues. Essentially it comprises the side garden to Foot House, traditionally so located because the house itself occupies a raised corner plot. Its development as proposed would result in some 140m2 of private open space remaining to the rear of Foot House, but only some 56m2 to the rear of the proposed dwelling. Whilst the council's policies and practices do not specify minimum areas, I consider this to be deficient from an amenity viewpoint for a new build three bedroom house.

Moreover, the fact remains that the site is elevated relative to its western and southern neighbours. Ultimately, the issue of the retaining wall to Hayton Garage could be addressed by a planning condition requiring structural/foundation details to be submitted and approved to demonstrate that no additional loading would be imposed. However, the development of this relatively raised plateau site has an unacceptable impact, in my view, on the amenities of the dwelling at the Garth. I do not consider that this could be mitigated by further amendment, and the prospect of single storey development, rather than two storey, will likely increase the building footprint, compounding current concerns regarding over development of the site.

I remain of the view that the proposed development does not accord with the provisions of Policy H5 and Policy H16 of the Carlisle District Local Plan and recommend that the application be refused.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but even if permission were ultimately to be granted, the separate rights of individuals under this legislation would not be prejudiced.

SCHEDULE A: Applications with Recommendation

02/1348

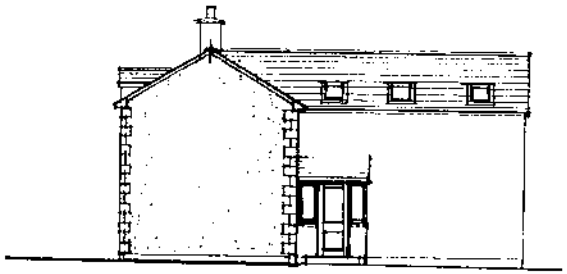
Recommendation: Refuse Permission ✓

1. **Reason:** The proposed dwelling is considered to represent overdevelopment of the site with a resultant lack of private amenity space detrimental to the amenities of its intended occupants and contrary to Policy H16 of the Carlisle District Local Plan.

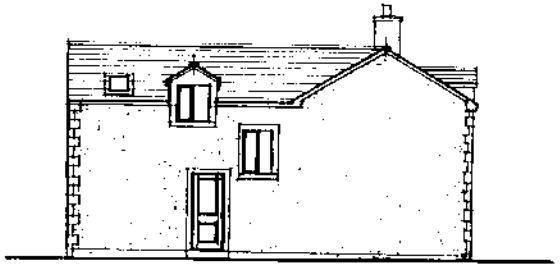
2. **Reason:** The proposed development will be unduly dominant at the expense of its immediate neighbour at the Garth resulting in a loss of amenity through height, scale, proximity and overlooking, contrary to the provisions of Policy H5 of the Carlisle District Local Plan.

Criteria 3 and 4 ✓

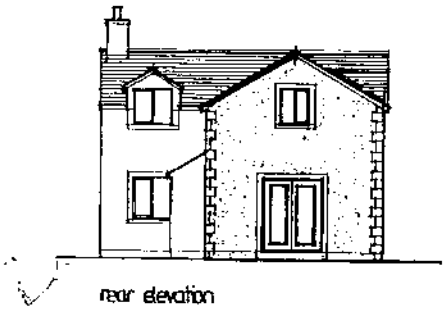
proposals.



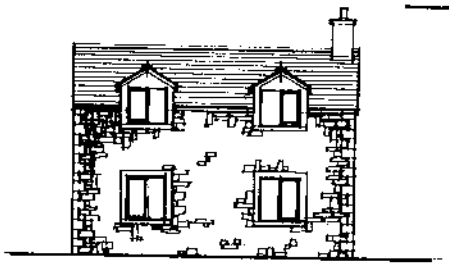
side elevation



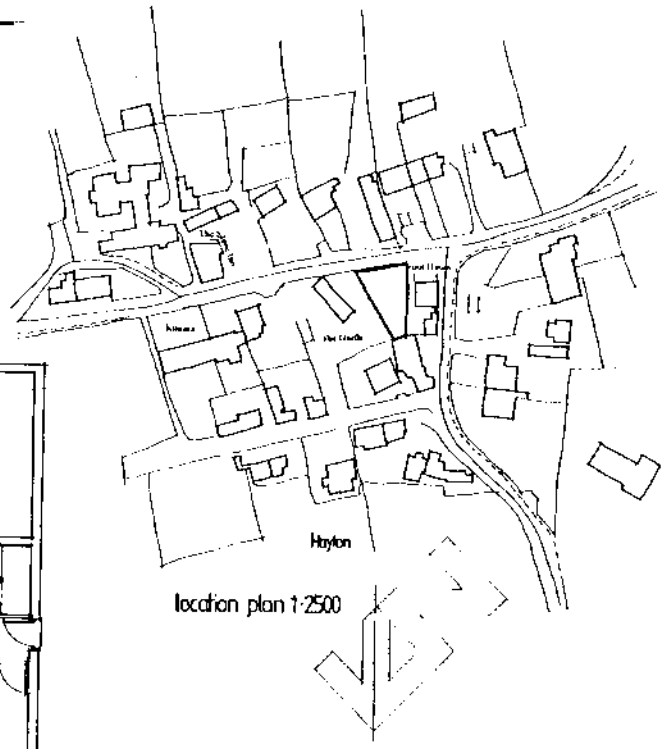
side elevation



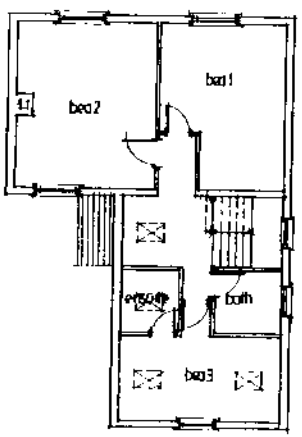
rear elevation



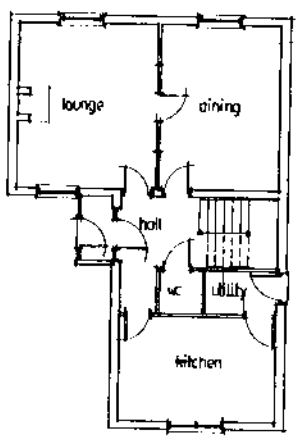
front elevation



location plan 1:2500



first floor plan

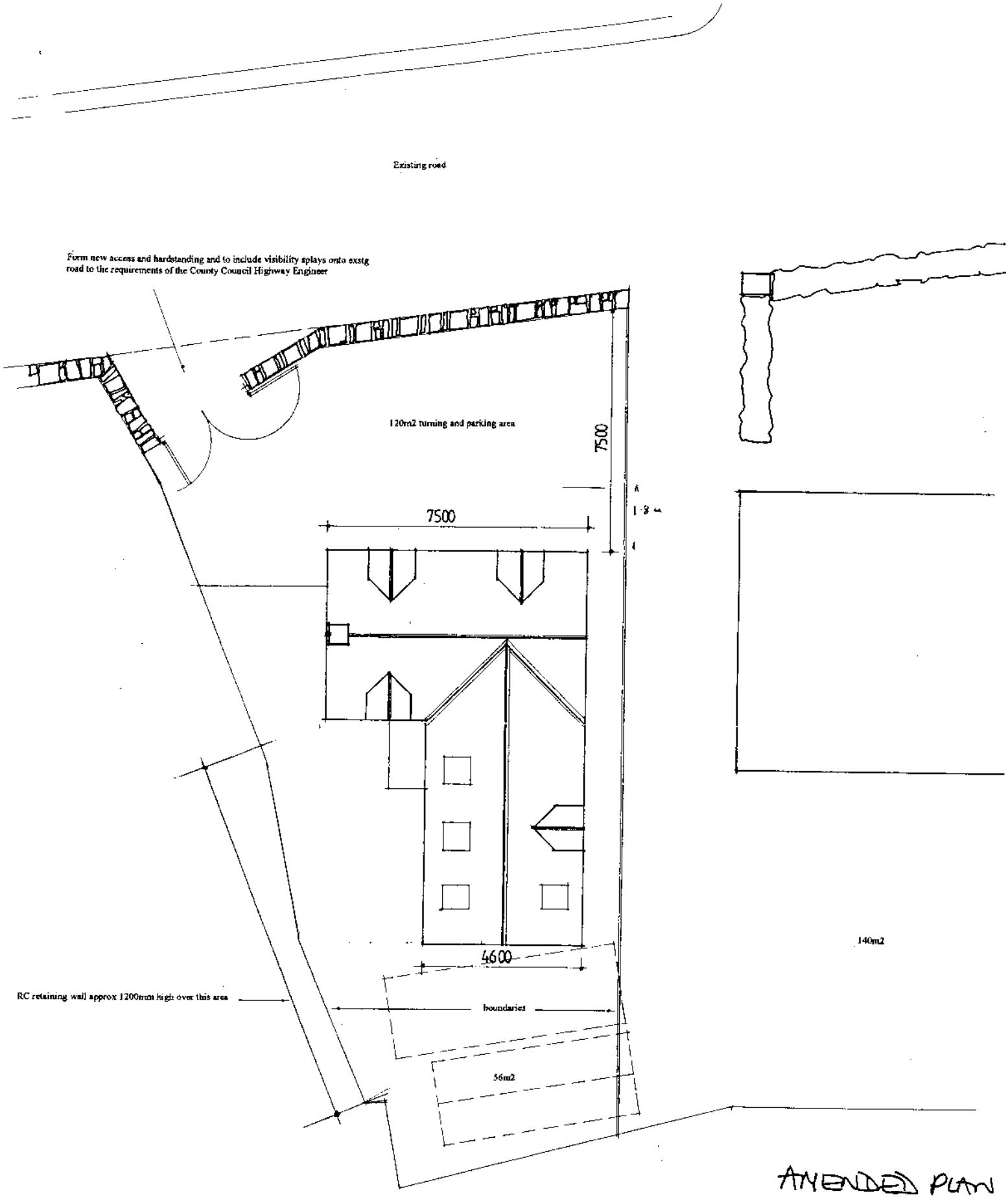


ground floor plan

AMENDED PLAN

RECEIVED
12 FEB 2003
2002/1344/A

Erection of dwelling, adjacent to Foot House, Hayton, Carlisle.
for Mr & Mrs Battey.
December 2002. scales 1:100, 1:150, 1:2500 Dwg N°1A.



AMENDED PLAN

RECEIVED
12 FEB 2003
2002/1348

Item No: 05 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1350	Northern Developments	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/12/2002	Swarbrick Associates	Harraby

Location: L/A Central Avenue (former Cosmo), Carlisle, Cumbria

Grid Reference: 342247 554540

Proposal: Erection of 19no dwellings & 20no flats

Amendment:

1. Site layout plan received (drawing number 1128/08f) showing proposed boundary treatment.
2. Revised layout plan showing alterations to site boundary opposite 16 Whinsmoor Drive.

AGH

Report

Planning Policies:

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
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
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 developemnt 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.

Carlisle District Plan
Housing - Proposal H19

Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable, provided that:

1. They are consistent with other Policies of the Plan; and

2. The City Council being satisfied there is a need which is not being met elsewhere; and

3. The site being appropriate for that need.

Carlisle District Plan
Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

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
Leisure - Proposal L8

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

Carlisle District Plan
Leisure - Proposal L9

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Summary of Consultation Responses:

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

Design Services - Drainage Engineer: Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): No wish to recommend that any archaeological work be undertaken either in advance of, or during the course of, the development of this site.

Carlisle Housing Association: Comments awaited.

Cumbria Constabulary - Crime Prevention: I have carried out a search for crime statistics in the area and as can be seen, offences of burglary, criminal damage and vehicle related crime continue to occur in this small area. I have researched offences back to 1997, for the immediate vicinity, covering Central Avenue, Pennine Way,Arnside Road, Whinsmoor Drive, Linden Terrace, Edgehill Road and Pennine Gardens.

I note there were 68 domestic burglary offences, 99 non-domestic burglaries (shed/garages), and 68 theft from unattended motor vehicles. Additionally, there were 15 offences of arson and 305 criminal damage.

My site survey followed a significant snowfall and it was immediately apparent from the tracks in the snow, the extent to which this site is used as short cut between Pennine Way, Whinsmoor Drive and Arnside Road.

The site plan demonstrates only one vehicle access route into the development. However, unless pedestrian access is similarly restricted, I believe the development will continue to be used as a short cut and thereby prevent the promotion of a defensible space amongst residents. Potential offenders shall be able to take advantage of anonymity and a choice of escape routes.

The site plan indicates extensive landscaping across the development and from a security point of view may restrict natural surveillance and create hiding places unless a strict management programme is adopted.

I am aware that there is a planning application pending for installation of a CCTV directly opposite the development. If successful, the development will benefit from this formal surveillance. However, most of the development will be out of the camera's view due to the height and orientation of the dwellings.

There is no indication on the drawings the scope of the proposed physical security measures which shall be incorporated in the dwellings, only that all doors and windows shall be white uPVC. However, I would suggest that the crime statistics detailed above would support my recommendation to install doors and windows to comply with these standards.

I am pleased to note that most of the car-parking is in-curtilage, which promotes natural surveillance by the residents. I merely reiterate the requirement for landscaping to be strictly managed to enhance surveillance across the site. Although there is no indication of the positioning of street lighting, car parking areas must be well lit.

I take this opportunity to invite the developers to apply for a 'Secured by Design' award.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 2 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 4 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 6 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 8 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 10 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 12 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 14 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 16 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 18 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 20 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 22 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 24 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 26 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 28 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 30 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 32 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 34 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 36 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 38 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 40 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 42 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 44 Whinsmoor Drive	30/12/02				INIT
The Occupier / Owner, 13 Westville	30/12/02				INIT
The Occupier / Owner, 14 Westville	30/12/02				INIT
The Occupier / Owner, 1 Central Avenue	30/12/02				INIT
The Occupier / Owner, 2 Central Avenue	30/12/02				INIT
The Occupier / Owner, 3 Central Avenue	30/12/02				INIT
The Occupier / Owner, 4 Central Avenue	30/12/02				INIT
The Occupier / Owner, 5 Central Avenue	30/12/02				INIT

The Occupier / Owner, 6 Central Avenue	30/12/02	INIT
The Occupier / Owner, 7 Central Avenue	30/12/02	INIT
The Occupier / Owner, 8 Central Avenue	30/12/02	INIT
The Occupier / Owner, 24 Central Avenue	30/12/02	INIT
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The Occupier / Owner, 30 Central Avenue	30/12/02	INIT
The Occupier / Owner, 31 Central Avenue	30/12/02	INIT
The Occupier / Owner, 32 Central Avenue	30/12/02	INIT
The Occupier / Owner, 33 Central Avenue	30/12/02	INIT
The Occupier / Owner, 34 Central Avenue	30/12/02	INIT
The Owner / Occupier, 1 Pennine Way	30/12/02	INIT
The Manager, Inglewood Forest	30/12/02	INIT
Chair of Hartle Tenants and Residents Association, 36a Whinsmoor Drive	09/01/03	INIT
Mr J Scott, 58 Whinsmoor Drive	26/02/03	INIT
Mrs E Horseman, 149 Beverley Rise	26/02/03	INIT
Mr P Robinson, 54 Crossways	26/02/03	INIT
Mrs J Jones, 49 Crossways	26/02/03	INIT
Mr J Saunderson, 5 Whinsmoor Drive	26/02/03	INIT
Mrs M Donowho, 13 Webster Crescent	26/02/03	INIT
Mr B Saunderson, 5 Whinsmoor Drive	26/02/03	INIT
Mr I Hind, 94 Beverley Rise	26/02/03	INIT
Mr S Stewart, 2 Rosevale	26/02/03	INIT
Mr C Cooper, 32 Allendale Road	26/02/03	INIT
Mrs E Thompson, 51 Meadow View	26/02/03	INIT
Mr I Hind, 94 Beverley Rise	26/02/03	INIT
Mrs J Wall, 15 Hayton	26/02/03	INIT

Road			
Miss A Wright, 54	26/02/03		INIT
Whinsmoor Drive			
Mr D Young, 19	26/02/03		INIT
Crossways			
Mr D Cheetham, 115	26/02/03		INIT
Edgehill Road			
Mr D Boak, 23	26/02/03		INIT
Highgreen Croft			
Ms K L Woodhouse, 38	26/02/03		INIT
Harris Cresent			
Mr R B Eadie, 89	26/02/03		INIT
Arnside Road			
Mr J Currie, 106 Merith	26/02/03		INIT
Avenue			
Mr P Robinson, 54	26/02/03		INIT
Crossways			
Mr B Birkett, 21	26/02/03		INIT
Pennine Gardens			
Mr J Irwin, 51	26/02/03		INIT
Whinsmoor Drive			
Mr G Harkness, 68	26/02/03		INIT
Pennine Way			
Mrs J Rodgers, 40	26/02/03		INIT
Welsh Road			
Mr I Rogerson, 99	26/02/03		INIT
Arnside Road			
Mr R Sowdon, 5	26/02/03		INIT
Allendale Road			
Mr F Graham, 39	26/02/03		INIT
Mayfield Avenue			
Mr E Kuicszewski, 51	26/02/03		INIT
Linden Terrace			
Mr M Scott, 20Hopeshill	26/02/03		INIT
Drive			
Mr F McLeod, 4a	26/02/03		INIT
Central Avenue			
Ms M Scott, 20	26/02/03		INIT
Hopeshill Drive			
Mr W A Lippitt, 1	26/02/03		INIT
Arnside Road			
Miss W Bird, 1 Pennine	26/02/03		INIT
Way			
Mr A G Campbell, 36	26/02/03		INIT
Arnside Road			
Mr F Butler, 59 Arnside	26/02/03		INIT
Road			
Mrs M Moses, 36a		Objection	RESP
Whinsmoor Drive			

This application has been advertised in the form of an advert in the paper, a site notice, and, the direct notification of the occupiers of 81 properties.

In response one letter has been received raising concerns over: access; parking; public right of way through or around the new estate; whether residents will have a say over what replaces the garages; and, the possibility of new replacement garages.

There have also been three meetings on site with local residents during which the following issues have been raised:

- The local residents are being ignored because the proposal does not provide replacement garaging as stipulated in the Development Brief.
- The applicants are holding a gun to the local planning authority's head.
- Query whether parking spaces can be allocated for residents within the estate.
- Lorries servicing the shops will not be able to utilise the site to adequately manoeuvre around Central Avenue.
- The general public already park along the access road which runs behind 2-16 Whinsmoor Drive.
- Query whether access road can become a private road with a gate/bollard restricting access just for residents.
- There are existing problems within Whinsmoor Drive because of a lack of off-street parking.
- Potential problems of noise and dust from any building work.
- Too much has been crammed into the site.

The existing tenants of the garages not neighbouring the site, based on the available records, have also been formally notified. No observations have been received although the notification period expires on the 19th March.

Details of Proposal/Officer Appraisal:

Planning History:

The site has an extensive planning history since permission was originally granted in 1955, under application number 21427, for the erection of a cinema.

In recent times planning permission was given in 1989, application number 89/0486, for the change of use to form a bingo hall. In 1996, application number 96/0060, permission was granted for the sub-division of the Cosmo to form a community support centre. In 1998, application number 98/0362, planning permission was given for the change of use to form a hot food takeaway.

Details of Proposal:

This application relates to 0.76ha of land which comprises the former "Cosmo" dance hall and the remaining elements of a series of domestic lock-up garages. The former Cosmo building is currently a bar/club called "The Avenue".

To the immediate west of the application site there are the local neighbourhood shops based around Central Avenue, and, to the east there are houses which front onto Whinsmoor Drive.

The City Council owns the freehold to the site although the former Cosmo building is currently let on a 99 year lease. Eighteen of the twenty-three garages are also let and in use. The property is on the market with the Council seeking to sell the "freehold reversion" of the former Cosmo building and the freehold of the remaining land.

The current application, from a prospective purchaser, seeks full permission to erect nineteen semi-detached and terraced houses and a total of twenty flats. The proposed flats are in two blocks an element of which is on three floors. The houses and flats are to be externally finished with brick and rendered walls, and, blue/black concrete tiles.

The submitted layout plan shows the formation of a centralised access onto Pennine Way with each house served by two off-street parking spaces and each block of ten flats having 12 spaces. The site is to be enclosed by a combination of dwarf brick walling, and curved vertical boarding.

In response to queries raised by neighbouring residents, the applications have confirmed that: the boundary fence will be positioned immediately behind the kerb of the unadopted road which provides access to the "back" gardens of the houses at 2-16 Whinsmoor Drive; there is a willingness to provide a lockable gate/bollard and provide keys to the residents at 2-16 Whinsmoor Drive to allow access to their properties; and, a revised layout plan has been submitted to help with manoeuvrability of any vehicle parking at 16 Whinsmoor Drive. The applicant has also verbally alleged that the Council, as landowner, has not kept him fully advised as to the content of the now adopted Development Brief for the site.

The current application has to be treated on its own planning merits which are distinct and separate from the objectives of the Council's Property Services.

In considering this application it is felt that the following points should be kept in mind:

a) Ministerial advice contained in PPG3 "Housing" (revised 2000) gives priority over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the context of general advice to make the best and most efficient use of land PPG3 states that more than half of all new dwellings are built at 20 dwellings per hectare which is a level of land take which is high and can no longer be sustained. In the future local authorities

should avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

PPG3 advice on design is that "in determining applications, local authorities should reject poor designs particularly where their decisions are supported by clear plan policies and adopted supplementary planning guidance, including village design statements".

b) Under the Carlisle District Local Plan the site is identified as being within a Primary Residential Area. Policies H2 and H11 set out to ensure amongst other things that new residential development will not adversely affect the amenity of adjacent residential property, and, that it complements or enhances existing adjacent residential areas. Policy H16 also states that high standards of design in new housing sites and dwellings will be required.

Policy E55 advises that proposals for the reclamation of redundant/derelict land and buildings will be permitted providing the use is appropriate to the location and the development is in keeping with the surroundings.

c) Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	**6858**	**4801**	**2057**
Completions 1991-2002	**4286**	**2652**	**1634**
Residual requirement 2002-6	**2572**	**2149**	**423**

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

d) In November of last year Members of the Full Council agreed to adopt the Development Brief for the site as supplementary planning guidance. Paragraph 10.1 of the Brief deals with the constraints in developing the site of which 10.1(4) to 10.1(6) state:

"Any redevelopment (of site B) shall ensure, in consultation with the existing tenants/occupiers of the garages, that appropriate provision is made (on Site B) for replacement garaging. Regard should be had to the Council's adopted supplementary planning guidance - 'Designing Out Crime in Residential Areas'.

Most of the houses on Whinsmoor Drive that back onto the sites have rear access gates onto the sites. Any proposed development scheme will have to allow for vehicular access to the rear of these houses; the existing garages on site B and the garages adjacent to site B.

Although at present there is a narrow lane which allows delivery vehicles to gain access to the rear of the shops on one side of Central Avenue, the larger vans/wagons have to use part of site B to turn around. Any proposed development layout will have to ensure that an appropriate turning area is provided ...".

In relation to any issues associated with density/scale, layout and design, Sections 15, 16 and 17 of the Brief explain that the density of housing on the site should be a minimum of 30 dwellings per hectare; a mix of house sizes will be encouraged; adequate distances between principal windows (21 metres), and, between windows and gable ends (12 metres) will be required; the developers should aim to reduce opportunities for crime; the use of good quality materials; and, the design should be simple and uncluttered.

e) The site is clearly classed as brownfield and a sustainable location with good public transport accessibility to Durranhill and Rosehill Industrial Estates, and, the City Centre. The occupiers of the proposed dwellings would support existing shops and primary, junior and secondary schools are located within the immediate vicinity.

f) As already noted the Development Brief stipulates that appropriate provision needs to be made for the replacement of garaging. Negotiations have taken place with the applicant over this matter who has indicated that in order to make the scheme viable the whole site needs to be developed. Property Services have also indicated that, following the transfer of property to Carlisle Housing Association, the Council does not own any neighbouring land.

g) Paragraphs 10.1(5) and 10.1(6) of the Brief address the issue of accesses formed by or on behalf of previous and current residents who reside along 20-40 Whinsmoor Drive; and, the parking of vehicles, and

manoeuvring of vehicles visiting Central Avenue within the application site. The overall impression given is that such activities are indiscriminate and have arisen over the years because of the neglectful use of the property and what appears to be the relaxed attitude of the owners. Any unauthorised access, parking and manoeuvring of vehicles could have, in the past, been controlled by the erection of a suitable means of enclosure. The solicitor of the tenants of the former Cosmo has written to confirm that their client is unaware of anybody else having any rights across the land in question and that no rights have been given to any third party by their clients. Clarification on this matter has also been sought from the Council's Solicitor a rsponse to which is awaited.

h) Although some of the flats are on three floors they have been designed and positioned away from the existing two storey houses and in a manner in which there is a graduation between the various elements of the new build. It is therefore considered that the proposed flats would not over dominate or look out of context once the scheme was completed.

i) When considering the issue of amenity it is evident that no windows on the proposed units directly face those of the existing houses. It should be noted that the distance between the gable end of the proposed units on plots 17 and 19 are 11 metres away from 24 and 33/34 Whinsmoor Drive. Despite this it is, nevertheless, felt that the proposal would comply with the underlying objectives of paragraph 15.7 of the Development Brief.

j) The current application involves the erection of a total of 39 residential units at a density of 50 dwellings per hectare which is in accordance with the Government's objective of encouraging development at a higher density as indicated in PPG3.

k) Circular 06/98 "Planning and Affordable Housing" and PPG3 set out criteria which should be considered in assessing if sites are suitable to provide affordable housing. No response has been received from Carlisle Housing Association (CHA) at the time of preparing the report. The application site is, nevertheless, neighboured by a significant number of properties already under the control of CHA and, as such, there may well not be a recognised need in such a location.

In conclusion Members have to treat the application on its own planning merits within the context of the Development Brief, Development Plan and Ministerial advice. On the one hand the scheme does not take account of any stipulation to provide replacement garaging; does not allow for the apparently existing indiscriminate parking and manoeuvring of vehicles on the land nor its use as a means of access to the rear of the houses at 20-40 Whinsmoor Drive. In addition the distance between the gable ends of the units on plots 17 and 19 and the existing houses at 24 and 33/34 Whinsmoor Drive does not comply with the adopted standard by one metre.

This aside, the proposal represents a sustainable form of development which: involves the re-use of brownfield land at a density which complies with Ministerial

advice in PPG3; provides a range of dwelling types; will provide a marked improvement visually; and, represents a substantial investment in the area which should be of benefit to local services/shops.

In overall terms, and subject to the awaited comments of interested parties, it is considered that the advantages outweigh the disadvantages.

The rights of the neighbouring residents are respected, however, the proposal is considered acceptable. Authority to issue an approval is therefore sought subject to no objections being received prior to the expiry of the notification period.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

A to I

Recommendation: 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 carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details

shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

3. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

4. 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 the satisfaction of the local planning authority.

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 parking areas associated with each block of flats shall be constructed in accordance with the approved plans before any flat within that respective block is occupied 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.

7. Before each dwelling house is occupied space for at least two parked cars shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for parking shall be used for no other purpose without the prior approval of the local planning authority.

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

8. Before any residential unit hereby approved is occupied a bollard or gated barrier shall be provided to restrict access along the unadopted road running

parallel to the southern boundaries of 2-16 Whinsmoor Drive in accordance with details which have been submitted to and approved beforehand by the local planning authority.

Reason: To safeguard the amenities of the neighbouring residents.

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.

Reason: To ensure that materials to be used are acceptable.

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

Reason: To ensure the works harmonise as closely as possible with the existing building.

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

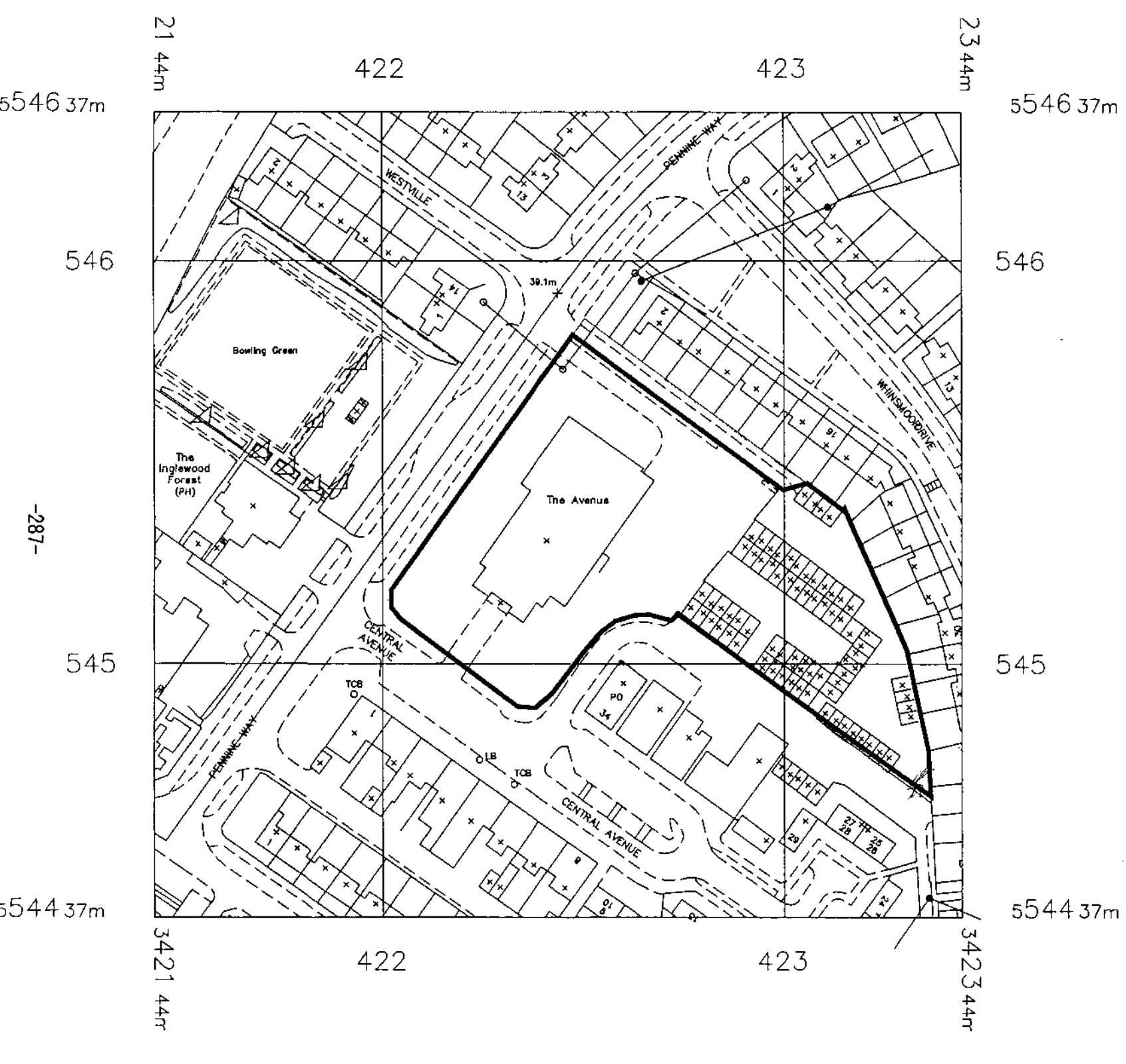
Reason: To ensure that a satisfactory landscaping scheme is prepared.

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.

13. Before any residential unit hereby approved is occupied the respective boundary treatment/means of enclosure shall be fully completed in accordance with the approved plans.

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.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3421 44m
422
423
3423 44m
WESTVILLE
PENNINE WAY
39.1m
Bowling Green
The Inglewood Forest (PH)
The Avenue
WHINSMOOR DRIVE
CENTRAL AVENUE
TCB
PO
LB
TCB
PENNINE WAY
CENTRAL AVENUE

NOTE

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rev 'h' 25.09.2003 parking to flats revised
rev 'g' 03.09.2003 fencing / kerb revised
rev 'f' 01.02.2003 fence details revised
rev 'e' 03.02.2003 fence details added
rev 'd' 21.01.2003 paths revised
rev 'c' 20.12.2002 parking revised and units 1 to 6 revised
rev 'b' 27.11.2002 site boundary revised
rev 'a' 19.11.2002 files revised

swarbrick associates

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HOUSING DEVELOPMENT

CLIENT Northern Developments

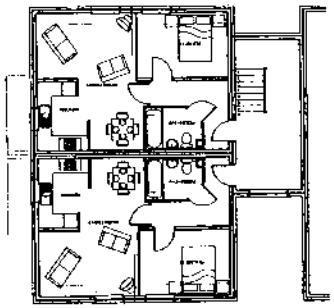
PROJECT CENTRAL AVENUE

DRAWING SITE LAYOUT as Proposed

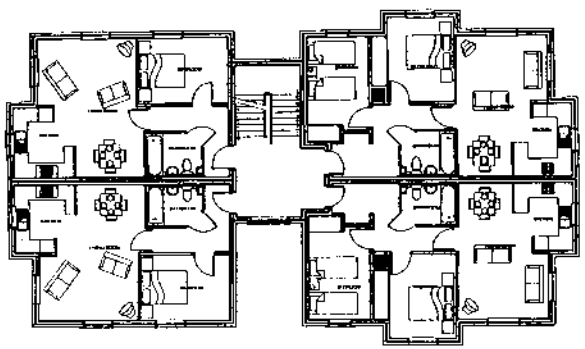
DWG NO 1128/08h

Scale 1:250 - A1 Date 25.07.2002

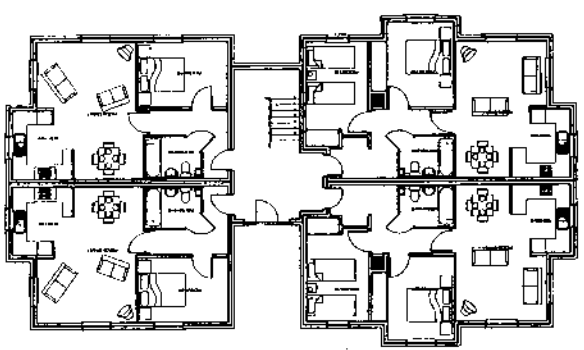
RECEIVED
26 FEB 2003
2003/135a



SECOND FLOOR LAYOUT

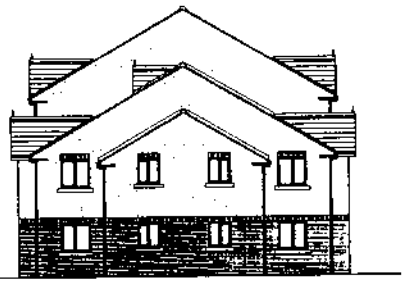


FIRST FLOOR LAYOUT



GROUND FLOOR LAYOUT
1 b. 2p. FLAT 2 b. 4 p. FLAT

FRONT ELEVATION



END ELEVATION

REAR ELEVATION

END ELEVATION

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FINISHES
ROOF manufacturing concrete roof tiles
WALLS wall finish dry dash render over facing brickwork with facing brick on and string courses
Ext GOODS & WINDOWS white uPVC
Rw GOODS black half round uPVC gutters to timber fascia

rev "a" - 20.12.2002 - canopy & treads added

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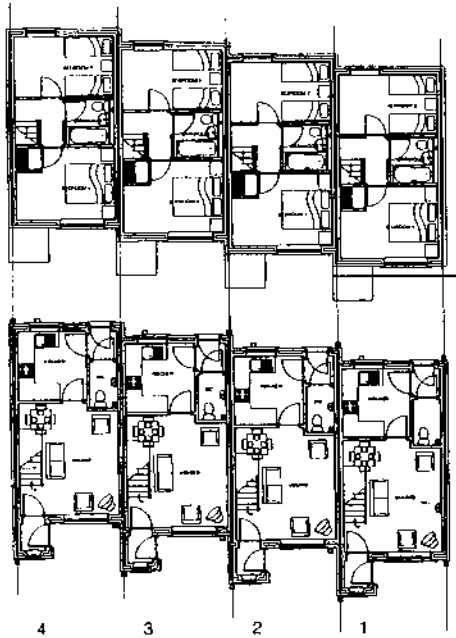
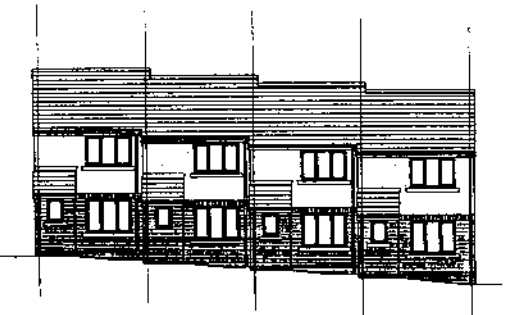
E Mail swarbrickassocs-ACE.com

GOLDEN HAVEL DEVELOPMENT
CLIENT
Nenthorn Developments
PROJECT
CENTRAL AVENUE CARLISLE
DRAWING
PLANS, ELEVATIONS & PERSPECTIVE
DWG NO 1128/21a
Scale 1:100 @ A1 Date 26.11.2002
DRG

Received
26/11/2002





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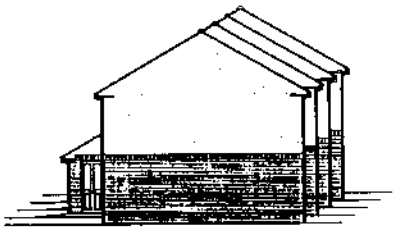

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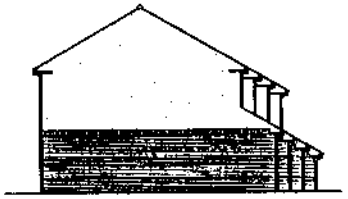

SIDE ELEVATION

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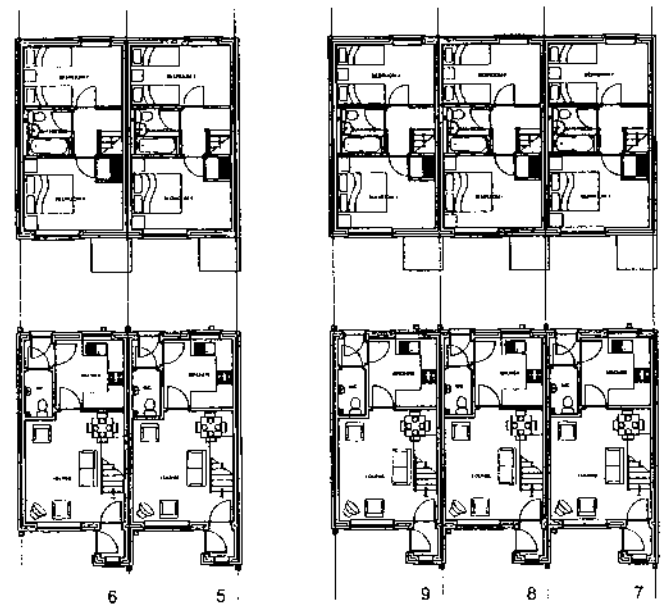
FINISHES

ROOF	Interlocking concrete roof tiles
WALLS	over Ardish dry dash render over facing brickwork with facing brick on end skirting courses
Ext DOORS & windows	white uPVC
RW GOODS	Black heat soured uPVC gutters to tonnes fascia



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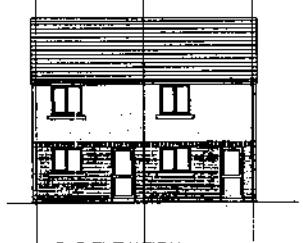

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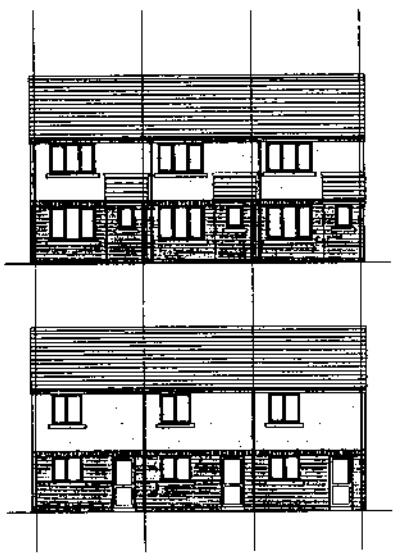

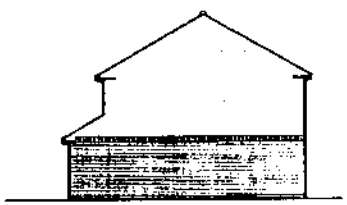

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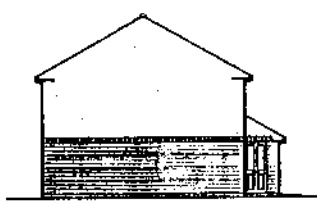

END ELEVATION

rev 'a' 20.12.2002 - units 1 to 8 revised

swarbrick associates

CHARTERED ARCHITECTS

HOUSING DEVELOPMENT

CLIENT

PROJECT

CENTRAL AVENUE, CARLISLE

DRAWING

HOUSES 1 to 8 LANCRIGG

DRG NO 1128/22a

Scale 1:50 1:100 @ A1 Date 25.11.2002

SHEET

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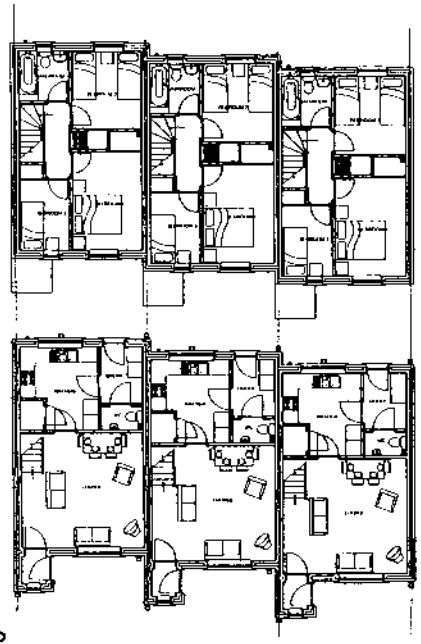

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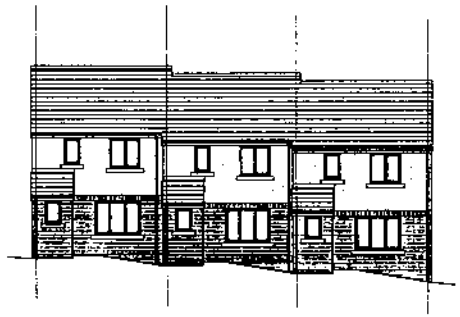

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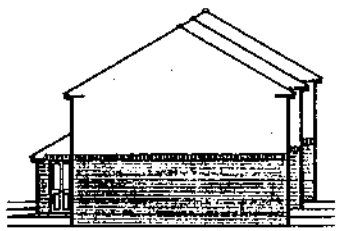

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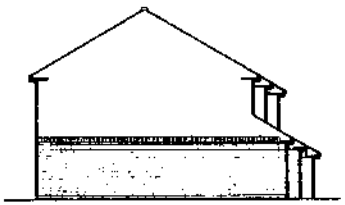

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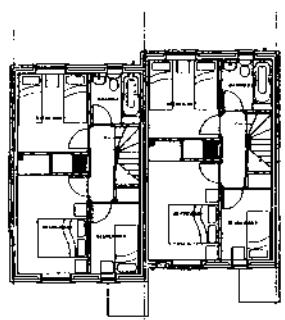

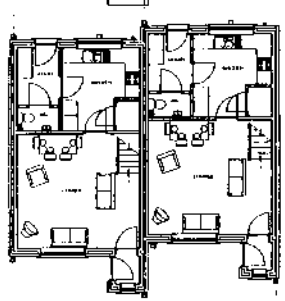

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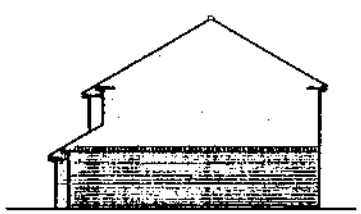

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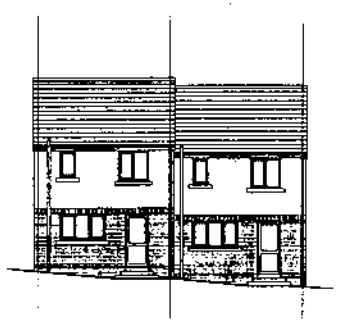
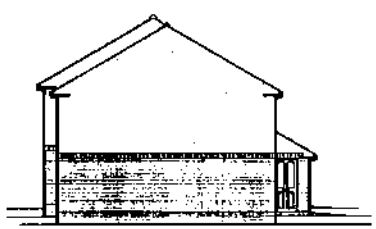


REAR ELEVATION



SIDE ELEVATION

FINISHES

ROOF	interlocking concrete roof tiles
WALLS	split knash dry dash rendered over facing brickwork with facing brick on end skirting courses
Ext DOORS & WINDOWS	white uPVC
RW GOODS	black half round uPVC gutters to timber fascia

swarbrick associates

CHARTERED ARCHITECTS

80 Aglionby Street
Carlisle
CA1 1JP

Tel 01228 595552
Fax 01228 595304
E Mail swarbrick-associates@AOL.com

HOUSING DEVELOPMENT

CLIENT: Accent

Northern Developments

PROJECT: 7627/135

CENTRAL AVENUE, CLEATOR MOOR

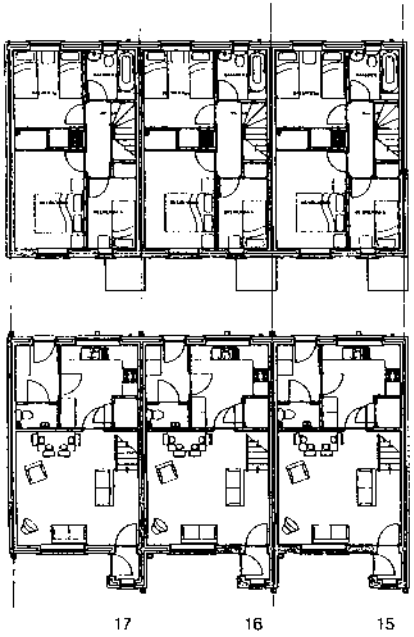
DRAWING:

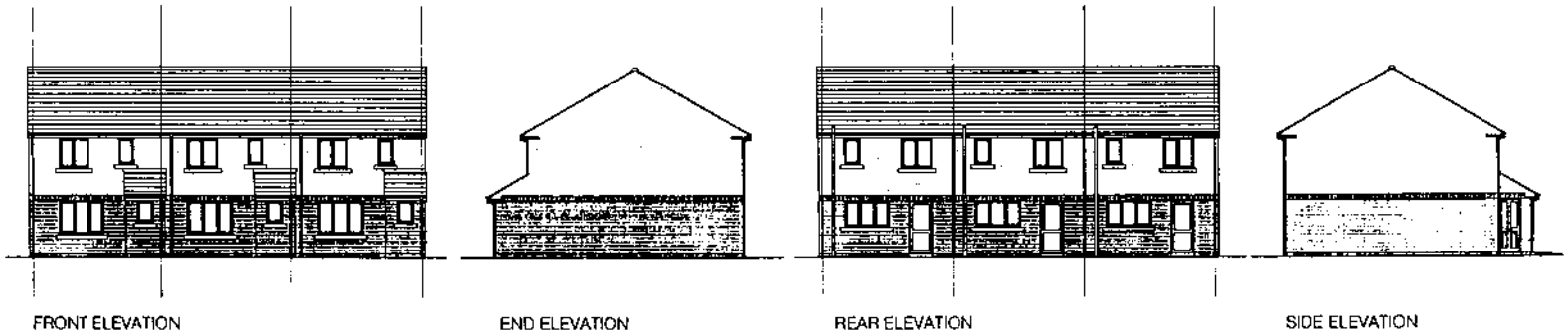
HOUSES 10 to 14 - FACILITIES & ELEVATIONS

DRG No: 1128/23

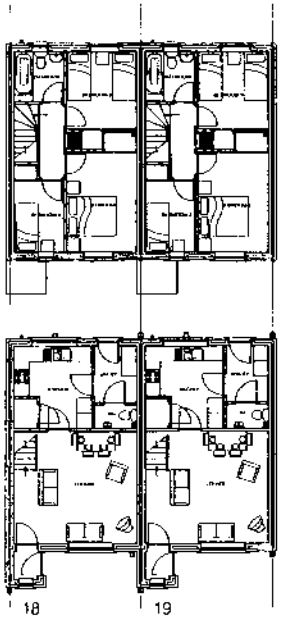
Scale: 1:50 @ A1 Date: 26.11.2009

DWG





FRONT ELEVATION | END ELEVATION | REAR ELEVATION | SIDE ELEVATION



FRONT ELEVATION | END ELEVATION | REAR ELEVATION | SIDE ELEVATION

NOTE

This drawing is copyright and not to be copied without the express permission of the Architect. Do not scale. Check all dimensions on site and report any discrepancies to the Architect before proceeding.

FINISHES

ROOF	Interlocking concrete roof tiles
WALLS	wall finish dry dash render over facing brickwork with facing brick on end stairg courses
EXT DOORS & WINDOWS	white uPVC
RWP GUTTERS	black half round uPVC gutters to timber fascia

swarbrick associates

CHARTERED ARCHITECTS

40 Appleby Street
Carlisle
CA1 1JP

Tel 01228 560552
Fax 01228 560504
E Mail swarbrick.associates1@tiscali.co.uk

HOUSING DEVELOPMENT

CLIENT

PROJECT

DRAWING

HOUSES 15 to 19 - PLANS & ELEVATIONS

DWG NO 1128/24

Scale 1:50 @ A1 Date 26.11.2002

DWG

Item No: 06 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0007	Mr K Adams	Brampton
Date of Receipt:	**Agent:**	**Ward:**
07/01/2003	Brian Halliburton	Brampton
Location:		**Grid Reference:**
L/ADJ Tarn Lea, Paving Brow, Brampton, Cumbria		353380 560650

Proposal: Erection of bungalow

Amendment:

KS

Report

Planning Policies:

Tree Preservation Order

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

Airport Safeguarding Area

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 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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): layout details shown are satisfactory from a highway point of view;
Brampton Parish Council: recommend refusal on the grounds that:-
1 the site will be overdeveloped in that the building is too close to the site boundaries
2 the proposed building is out of proportion to the site
3 the proposed dwelling will create another vehicular access on to a road which has no pavements and will aggravate the road safety situation
4 the public drainage/sewerage system in the area is insufficient to cope with further development.
Civil Aviation Authority: no objection.
Environment Agency (N Area (+ Waste Disp)): no comment.
Design Services - Drainage Engineer: levels of public sewer should be determined before construction undertaken; permission of intervening owners should be obtained for connection to public sewer in road; condition of any existing drains linking to public sewer should be checked; surface water disposal to soakaway acceptable.
Cumbria County Council - (Archaeology): no archaeological work required either before or during the course of development.

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs Spittlehouse, Woodburn	09/01/03			Comme Only	RESP
Mr K Watson, Anuthago	09/01/03			Objectio	RESP

The original application was publicised by site notice and two neighbour letters, latest expiry date 7 February 2003. Two letters have been received objecting to the application on the grounds that:-

- the proposal amounts to overdevelopment of the site extending within one metre of adjacent properties which is not in keeping existing development in the area
- there is no detail of the relative location of the neighbouring properties and the development should not be allowed to project beyond their fronts
- no dimensions of the development are shown on the plan
- the building line of neighbouring properties should be respected
- relative levels would result in loss of light
- property would be devalued
- every plot appears to get planning permission regardless of aesthetic/environmental effect reducing the area's attractiveness and making it more urbanised
- drainge would be discharged to a private not public sewer and capacity would need to be assessed

Neighbours have been reconsulted on additional plans received (which indicate the location of the neighbouring properties and clarify relative levels) and any additional comments received will be reported at the meeting.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks full planning permission for the erection of a detached three bedroom bungalow on land adjacent to Tarn Lea (between Anuthago and Woodburn), at Paving Brow, Brampton. The site is roughly rectangular in shape, extends to approximately 640m2, and is situated on the north west side of Paving Brow some 50 metres from its junction with Hall Tarn Road.

The site has a south easterly aspect and levels fall considerably both across it and towards the road. It is bounded to the north west by the applicant's existing bungalow at Tarn Lea, to the north east by the bungalow at Woodburn, to the south east by a stone wall to Paving Brow and an electricity sub station and to the south west by the bungalow at Anuthago. There is an existing vehicular access onto Paving Brow, with splayed radii, and an ingress/egress to/from Tarn Lea at the rear.

The land is currently laid to grass.

The proposed dwelling is of a simple design, almost 19 metres long x 10 metres wide, with the ridge running parallel to the length of the plot, aligned within 1.2 metres of the south western site boundary to Anuthago. This boundary has recently been planted with leylandii. The intended level of the bungalow here will require a 1.1 metre high retaining wall. Due to these factors and the rooms which windows along the facing elevations will light, I am satisfied with the relationship proposed. Equally, I do not consider any demonstrable harm will be caused by the fact that the proposed dwelling will project 3.6 metres forward of Anuthago.

On the opposite flank of the development, an attached garage is proposed with a pitched gable roof over. The garage is 7.2 metres long x 4.9 metres wide and projects, at its south eastern corner, within 1 metre of the boundary to Woodburn. This corner aligns with the outside wall of the conservatory to Woodburn, and the garage then extends across the front aspect of 2 no. flank windows lighting bedrooms. The boundary is marked by a continuous 1.5 metre high interwoven panel fence and, over the length of Woodburn itself, by a beech hedge and other assorted plants.

This relationship has always been sensitive but the additional plans requested identify a fall of around 1 metre from proposed plinth level to ground level on Woodburn's side. This compounds the proximity and bulk of the garage which would be a further 2.4 metres high to the eaves and 4.9 metres high to the ridge. In my view, this would have an unacceptable impact on the amenity of the neighbours but is a problem which can be readily overcome.

I have viewed the development from Woodburn's side and spoken to all parties concerned and requested amended plans which hip the gable of the garage and reduce the pitch of the roof. In tandem with this the applicant is happy to reduce the pitch of the main roof. I have also suggested further consideration be given to:-

- lowering finished floor levels, although I acknowledge that these are governed by connecting to the drain at the rear of the plot
- reducing the length of the garage
- recessing the garage further to the rear of the plot, although I recognise that this will leave an awkward join between the respective roofs.

The applicant has offered to set the whole development 1 metre further back but that would reduce the length of rear garden to only 3.8 metres.

As regards other matters raised by the neighbours and the parish council, I do not consider that the proposal is either overdevelopment nor disproportionate. Additionally, the access is existing and there are no objections from the highway authority; and the drainage/sewerage system has adequate capacity and there are no objections from the drainage engineer.

I consider that the amendments requested are capable of overcoming the material planning concerns and that a recommenation for approval, subject to conditions, can ultimately be made.

Human Rights Act 1998

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

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

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

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

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

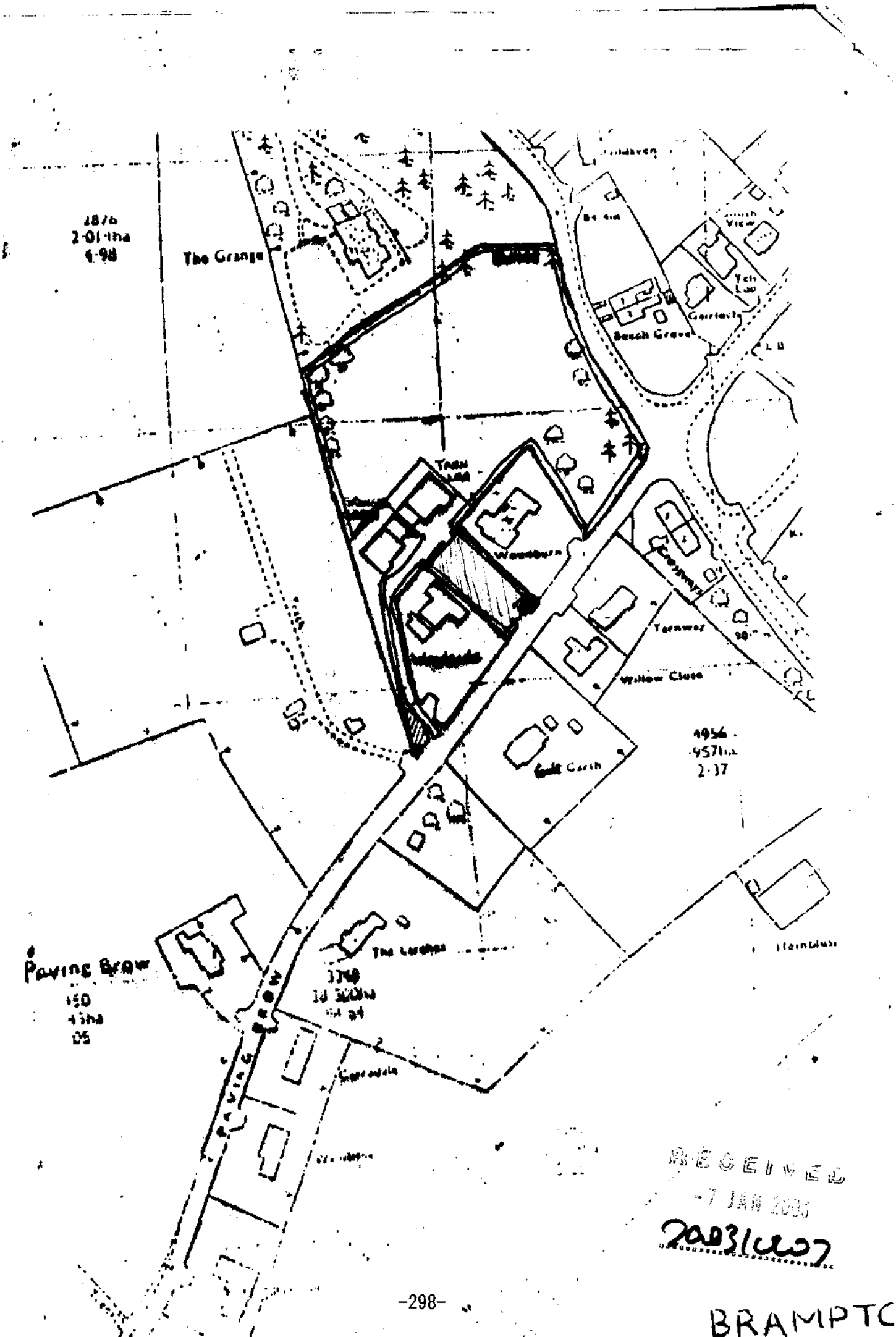
Article 8 and Article 1 Prootocol 1 are relevant but the impact of the development will be minimal and the rights of individuals under this legislation will not be prejudiced.

Recommendation:

Reason for including report in Schedule B

Amended plans requested still awaited.

App ✓



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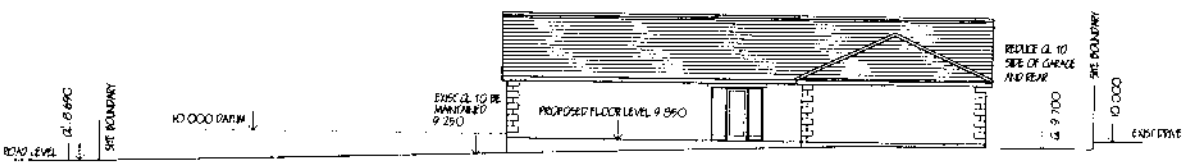
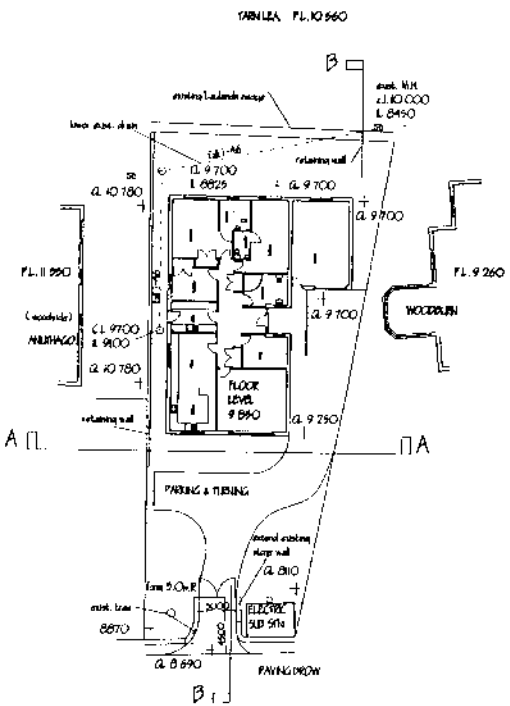
BRAMPTC

sectional elevation A-A



sectional elevation B-B



site plan 1-200

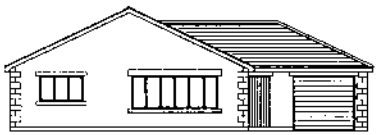
AS 26 FEB-05 ROOF PITCH & HIP.

PROPOSED DWELLING,
TARN LEA, PAVING DROW, BRAMPTON

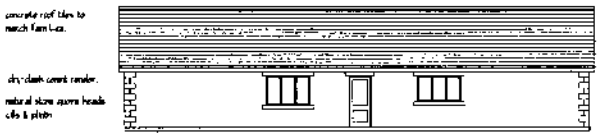
K. ADAMS esq.

SITE LAYOUT & LEVELS.

scale 1-200, 1-100
dwg no MM2/1021/2 A
Feb 2005

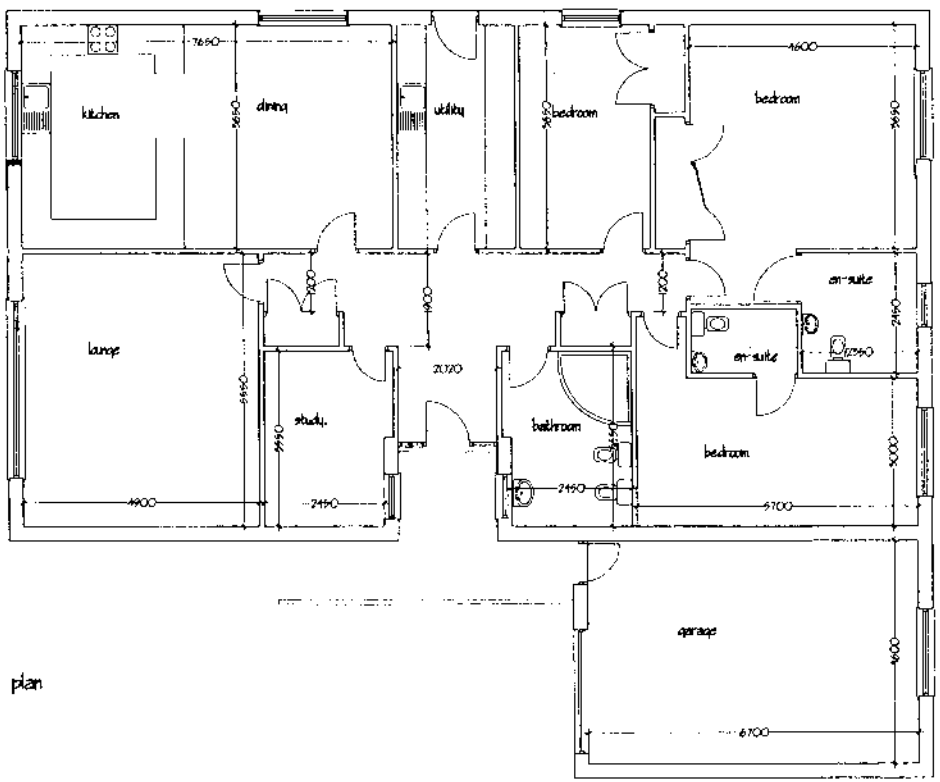


front elevation.

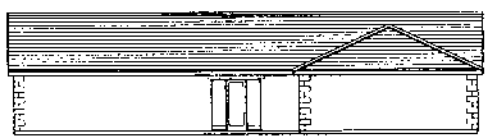


side elevation

rear elevation



plan



side elevation

A) 26 FEB-05 ROOF PITCH & HIP.

PROPOSED DWELLING,
TARN LEA, PAVING BROW, BRAMPT

K. ADAMS esq.

PLANS & ELEVATIONS. A

scale 1-50, 1-100 2

feb 2005

dwg No MM2/1021/1A

Item No: 07 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0013	Geoffrey Blaylock	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
10/01/2003		Denton Holme
Location:		**Grid Reference:**
L/A to rear of 14 Holme Head Way, Denton Holme, Carlisle, CA2 6AJ		339500 554400

Proposal: Change of use to extend domestic garden

Amendment:

KS

Report

Planning Policies:

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.

Carlisle District Plan
Environment - Policy E5

Within Areas of Local Landscape Significance, permisson 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections.
Environment Agency (N Area (+ Waste Disp)): no comment.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, 13Holme Head Way	13/01/03				INIT

The application has been publicised by one neighbour letter, expiry date 3 February 2003. No reply has been received.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks planning permission for the change of use of an area of public open space to domestic garden to the rear of 14 Holme Head Way. The parcel measures some 16 metres long x 13 metres wide and adjoins the rear (north) garden fence. It is bounded to the west by a path and additional garage, also in the applicant's ownership, and to the north and east by the wider area of public open space.

Whilst I am of the view that the development would do no physical harm, the open space is designated as an Area of Local Landscape Significance. Policy E5 of the Carlisle District Local Plan and Policy 27 of the Cumbria and Lake District Joint Structure Plan seek to protect the open character of such areas. The boundary of the designated area is tightly drawn around the heads of the culs de sac and along the domestic boundaries along Holme Head Way.

The development proposed would be contrary to those policies and approval would create a precedent potentially encouraging additional applications the approval of which would further dilute the policies. I therefore recommend that planning permission be refused.

The applicant has been advised in writing of my concerns and has requested that the application be determined by committee. My attention has also been drawn to

other examples of the enclosure of public open space, namely land rear of145-151 (odds) Richardson Street and land at the end of Norfolk Terrace.

Neither site is within the designated Area of Local Landscape Significance and neither has been the subject of any planning application. They do not, therefore, affect my recommendation on the current application. Nor, similarly, does the fact that the council's Leisure and Community Development Department has agreed to release the dedication agreement affecting the land.

Human Rights Act 1998

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

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

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

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

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

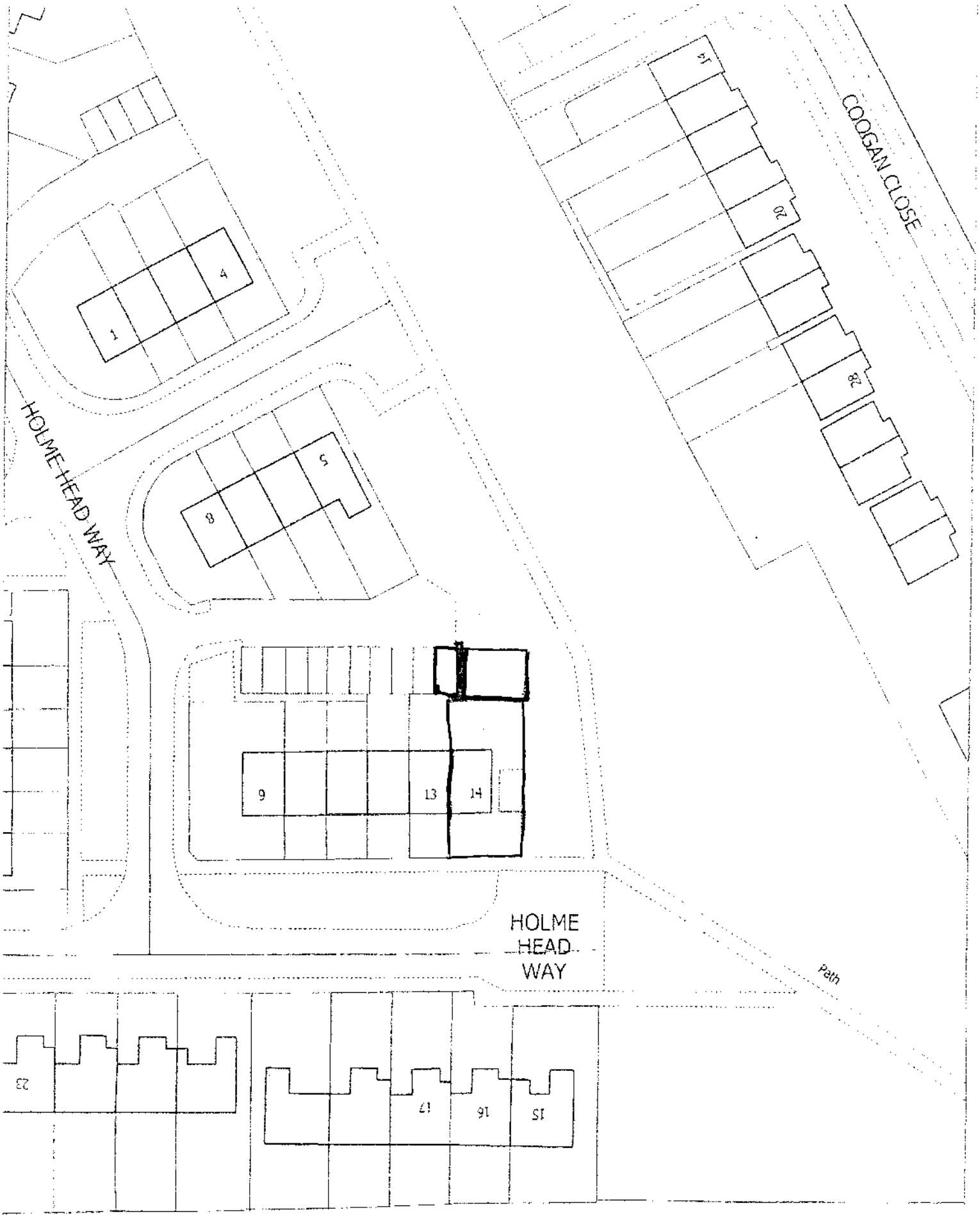
Article 8 and Article 1 Protocol are relevant but the impact of the development will be minimal and the rights of individuals under this legislation will not be prejudiced.

Approved

Recommendation: Refuse Permission

1. **Reason:** The development would enclose a parcel of land designated within an Area of Local Landscape Significance resulting in the loss of its open character contrary to Policy E5 of the Carlisle District Local Plan and Policy 27 of the Cumbria and Lake District Joint Structure Plan.

2. **Reason:** Approval of the proposal would create a precedent for the submission of further applications the approval of which would further dilute the policies and result in a loss of public amenity.



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10 JAN 2003
2003/0013

Item No: 08 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0022	Mr & Mrs C Walters	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
13/01/2003	Bingham Yates	Stanwix Rural

Location:
Fosse Way, 38 Houghton Road, Houghton, Carlisle, CA3 0LA

Grid Reference:
341290 558428

Proposal: Demolition of existing garage and extension of existing dwelling incorporating new garage

Amendment:

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Stanwix Rural Parish Council: no objection;

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Taylor & Hardy,	15/01/03		10/02/03	Objectio	AMND

The Occupier / Owner, 40 Houghton Road 15/01/03 AMND

This application has been advertised by means of notification letters sent to four neighbouring properties. In response one letter of objection has been received. The grounds for objection are that the bulk, height and siting of the proposed extension will have an overbearing impact on her property resulting in a detrimental impact on its amenities and the occupants enjoyment of occupation.

Concern has also been raised with regards to;

1. the structural implications of the proposed extension on the occupants boundary hedge/fence, her dwelling and former air raid shelter which is partially underground and is presently used as a garden workshop, all of which are located close to the siting of the proposed extension;
2. the affect of the proposed extension on the occupants drains, located in the near vicinity of the site boundary, and ground water.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks planning permission for the demolition of the existing garage and erection of an extension to the south facing side elevation of Fosseway, 38 Houghton Road, Carlisle. The property is a detached bungalow of modern construction, finished in facing brick with a tiled roof. The application site is enclosed to the north and south by residential properties. To the east and west of the application site is open countryside. A 1.8 metre high fence/hedge delineates the boundary between the application site and No.36 Houghton Road. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as submitted, seeks approval for the erection of an extension to the south facing side elevation to provide a garage, family room and dining room on the ground floor with an ensuite bedroom above. The extension would replace an existing flat roof garage, which is attached to the house. The dimensions of the proposed extension measure 4.65 metres in width along the front elevation, 12.45 metres in length, and 5.9 metres, at the peak of the pitched roof. The proposed extension would wrap around the rear of property enclosing the window serving the lounge. The extension would be constructed in line with the property along its front elevation, and would project by 4.22 metres beyond the rear of the property. The height of the extension and materials to be used will match the original property. A plan illustrating the proposed extension is reproduced following this report.

With regards to this application it is felt that the main issues to consider are the

potential impact upon the amenities of neighbouring properties, in particular No.36 Houghton Road, which is adjacent to the location of the proposed extension. Two photographs illustrating the relationship between the application site and No.36 Houghton Road are reproduced in the Schedule.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received. The objector feels the bulk, height and siting of the proposed extension will have an overbearing impact on her property resulting in a detrimental impact on the amenities and her enjoyment of occupation. The objectors concerns raised are covered in the paragraphs below.

Concern has also been raised with regards to the structural implications of the proposed extension to the objectors own boundary hedge/fence, her dwelling and former air raid shelter, all of which are located close to the siting of the proposed extension. In addition to the above, concern has been expressed that the proposed extension may affect the objectors drains, located in the near vicinity of her site boundary, and ground water. It is not considered that the extension hereby proposed would result in any structural damage to the neighbouring property provided that the work is carried out in a proper manner.

In relation to the objectors concerns, which states that the extension would be overbearing, it should be noted that there are no habitable rooms positioned in the ground floor of the two storey extension to the side elevation of No.36 Houghton Road. Officers acknowledge that the extension would be visible from the bedroom to the rear of the two storey extension. However given that the extension which is 2.6 metres from the side elevation of No.36 Houghton Road, only projects 3.5 metres beyond the rear of No.36 it is not considered that the proposal, by virtue of its scale, siting or height, would be overbearing to the occupants of that property. Members will note that there are no windows in the north facing side elevation of No.36 Houghton Road.

No.38 Houghton Road faces due west. Therefore, due to the position of the proposed extension the proposal will not result in any loss of light to the neighbouring properties. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

In conclusion, the proposed extension is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

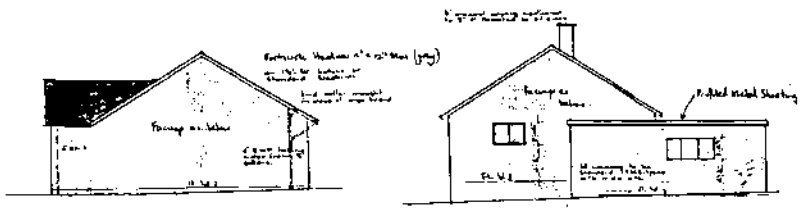
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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.

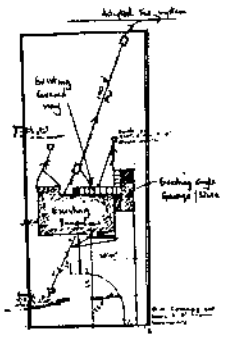
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east and south facing elevations of the extension without the prior consent of the local planning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

   Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

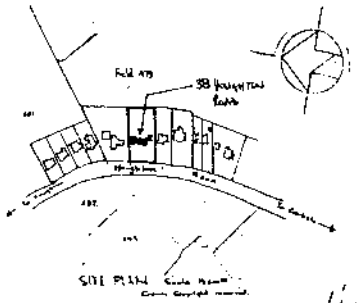


N ELEVATION

S ELEVATION



BLOCK PLAN

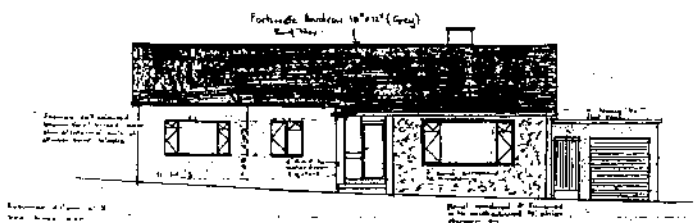


SITE PLAN

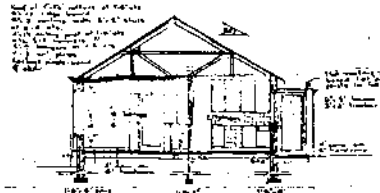
BORDER REGIONAL DEVELOPMENT COUNCIL
Building Regulations No 155/19
APPROVED UNDER BUILDING REGULATIONS
1 OCT 1979
Date

HODGSON & TRITTON
CHARTERED ARCHITECTS

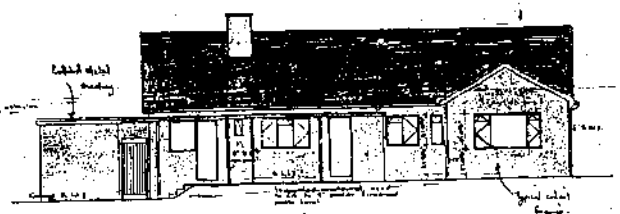
-309-



WEST ELEVATION

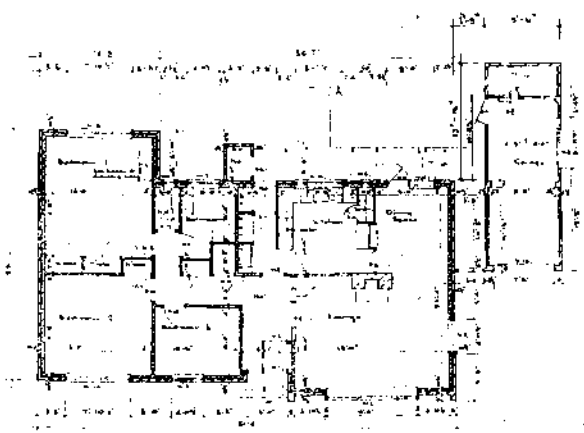


SECTION A-A

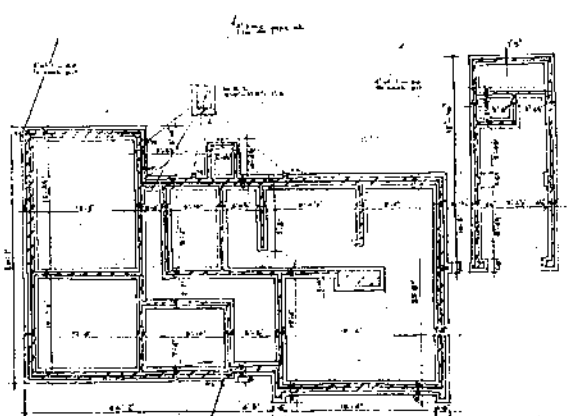


EAST ELEVATION

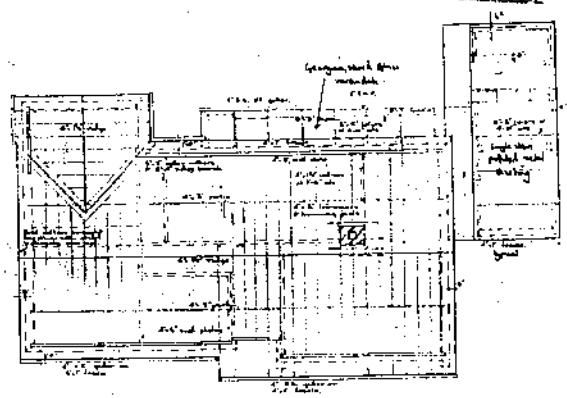
RECEIVED
13 JAN 2003
2003/0022



PLAN



FOUNDATION PLAN

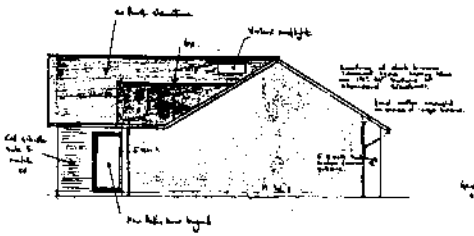


ROOF PLAN

EXISTING BUNGALOW & GARAGE,
FOSSEWAY, 38 HOUGHT ROAD. CARLISLE. CA3 0LA

Bingham Yates & Partners

DRAWING Nº CFW 1



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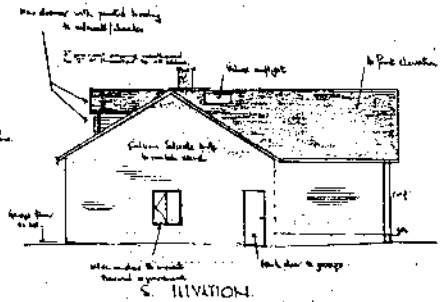
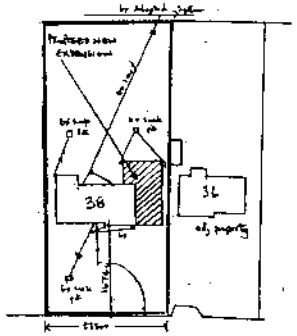
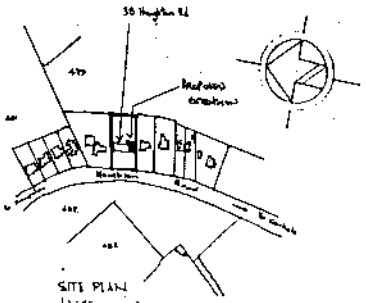


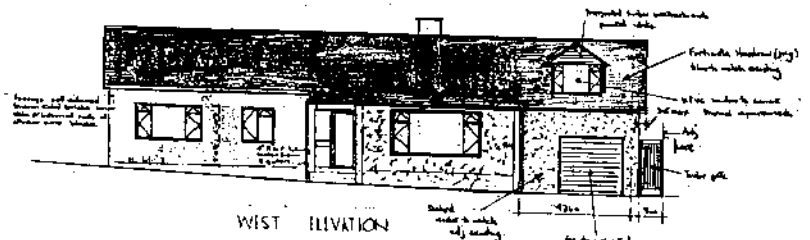
S. ELEVATION.



BLOCK PLAN
(SCALE 1:500)



SITE PLAN
(1:1250 approx)



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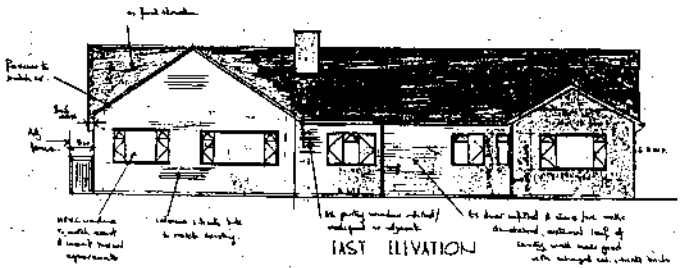

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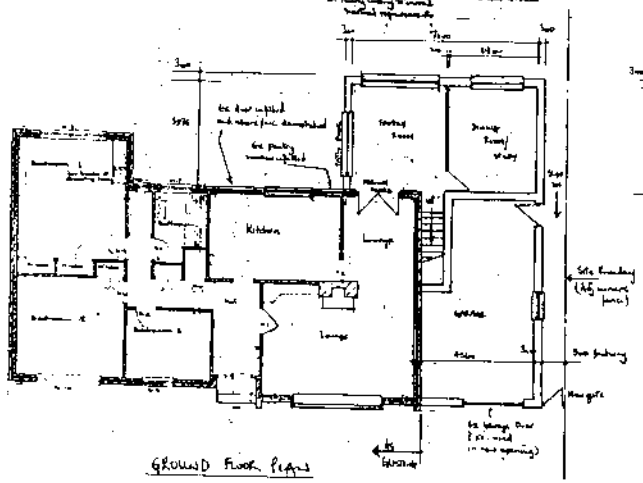
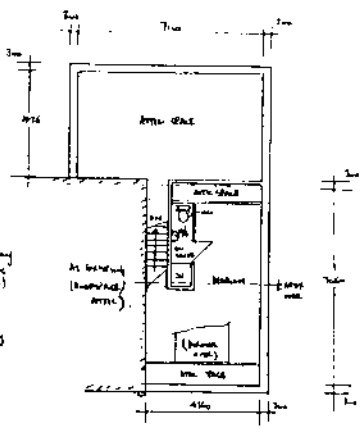
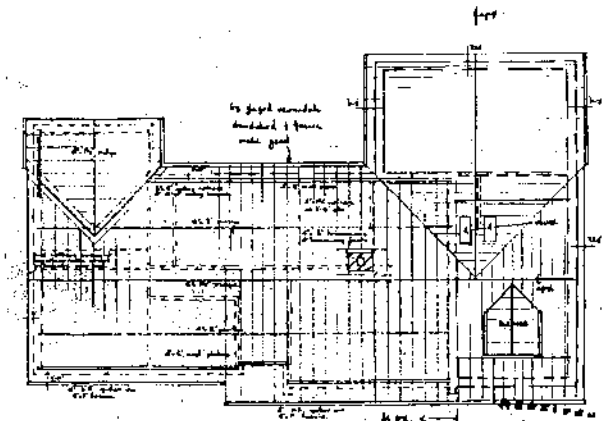


GROUND FLOOR PLAN



PART 1ST FLOOR PLAN



ROOF PLAN

Drawn by CJW	PROPOSED EXTENSION TO FOSSEWAY, 38 HOUGHTON ROAD, CARLISLE, CA3 0LA	Bingham Yates & Partners
SCALE 1:500, 1:100		
DATE DEC '02		DRAWING No CFW 2 A

Rev A: 17.1.03 - Block plan updated, revised door removed from GF plan, verge projection reduced to be compatible with opposite end gable.

ref. CFN

part of structure PROPOSED SECTION

project 38, HOUGHTON RD, CARLISLE

drawing

date Jan '03

calculations by

checked by

sheet no. SK1

Member Ref.	Calculations	Output

Photograph 1: Photograph of Fosseway, No.38 Houghton Road. No.36 Houghton Road can be seen in the right handside of the photograph.

Photograph 2: View of the application site taken from the rear garden of No. 36 Houghton Road.

Item No: 09 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0040	A S Farrer	Kirklinton Middle
Date of Receipt:	**Agent:**	**Ward:**
16/01/2003	Ian Ward Associates	Lyne

Location:
L/ADJ Greenwoodside, Smithfield, Kirklinton, Carlisle

Grid Reference:
344500 565500

Proposal: Erection of new bungalow and detached garage

Amendment:

KS

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and 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.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing

local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

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 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, Gilsland, 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, Lyneholmeford, 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections subject to conditions requiring:- inward opening access gates; surfacing of the access drive before the development is occupied; construction and retention of a turning space; specification for construction and drainage of the access areas;

Kirklinton Parish Council: no representation other than to support the development;

United Utilities (former Norweb & NWW): no objection;

Drainage Engineer - Commercial & Technical Services: the applicant should determine the levels of the public sewer before any construction work is undertaken; there is a history of foul sewage flooding in the area due to high flows in the relatively small sewer nearby and the applicant should avoid a low lying sewer connection or a developed basement; if the site is served by private drains connecting to the public sewer, these could be used subject to them being in acceptable condition; a soakaway would require a soil percolation test and surface water run off will not be allowed to be connected to the foul sewer; if a new connection to the public sewer in the road is proposed, permission of any intervening owners must be obtained;

Environment Agency (N Area (+ Waste Disp)): requests condition regarding scheme for disposal of foul and surface water drainage;

Cumbria County Council (Archaeology): no archaeological work needs to be undertaken before or during the development.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
J G Braisted, Stone Lea	20/01/03			Objectio	RESP
The Owner / Occupier, Blue Bell Cottage	20/01/03				INIT
The Owner / Occupier, Greenwoodside	20/01/03				INIT

The application has been publicised by site notice and three neighbour letters, latest expiry date 14 February 2003. One letter has been received objecting to the application on the grounds that:-

1. the erection of a speculative dwelling on the site (despite a previously given

verbal assurance that only a single dwelling for the sole occupancy of the builder would be erected) is contrary to Policy H5 "Village Development" within the Carlisle District Local Plan and, if granted, may I suspect, lead to applications for further development on the site within the next two(2) years;
2. notwithstanding its having been a market garden (abandoned many years ago) I do not consider that the site can be construed as a "brown field" for the purpose of development having reverted to "green field" in the intervening years. Consequently I consider that such a development, if allowed, will constitute an intrusion into open contryside as defined within Policy H5 "Village Development";
3. the proposal is also removed from the settlement of Smithfield being separated from the boundary of the village by open countryside and as such fails to satisfy the criteria contained within paragraph 4.4 of the Carlisle District Local Plan. It is also my belief that if granted, the application will set a precedent for others to apply for the release of land for development purposes, with the inevitable effect of extending ribbon development beyond the boundaries of Smithfield.

Details of Proposal/Officer Appraisal:

Planning History:

Erection of new bungalow and detached garage, reference 02/1195, withdrawn 7 January 2003 prior to determination.

Adjoining site:-
demolition of existing bungalow and erection of replacement with garage, reference 99/0889, approved 13 December 1999.

Details of Proposal:

The application seeks full planning permission for the erection of a new bungalow and detached garage on land adjacent to Greenwoodside, Smithfield. The site is effectively the eastern half of that the subject of the planning permission for the erection of a replacement bungalow, 99/0889, approved on 13 December 1999. That development has now been implemented, although the detached garage has yet to be built and there is no record on file of a landscaping scheme having been submitted to discharge condition 4.

The current application site extends to almost half a hectare and fronts the road to Hethersgill some 475 metres from the crossroads at the heart of the village. It is bordered to the east by the two storey house at Stone Lea. The proposed development comprises a stone faced three bedroom bungalow, measuring almost 18 metres long x 11.5 metres wide, with a pitched roof and the ridge aligned parallel to the road. A 7.7 metre long x 7 metre wide detached garage is proposed on the eastern flank of the bungalow served by a new central access driveway.

The development proposed is identical to that the subject of the prior application 02/1195 which was withdrawn in January this year when destined for refusal under delegated powers. Notwithstanding the additional correspondence received from

the applicant's agent in connection with this reapplication, all of which is reproduced in full as an appendix to this report, I do not consider there are any changed circumstances.

The application has positive support from the parish council but, again, an objection from a neighbouring resident. The agent contends that all seven criteria in Policy H5, as amended, are satisfied. The key determining factor, on which we differ, is whether the development is infill within the village.

Members will recall the definition of infill development from the last committee which is "Infill sites are generally defined as gaps in an otherwise built up frontage or area of development". There is no village "envelope for Smithfield defined in the Local Plan but the Old "Village Appraisal" Plan produced by the agent is a useful, albeit historic, point of reference. The village clearly has a core, centred on the cross roads, and the settlement is then typified by peripheral and sporadic development along radial routes out of the village. To argue that the current site is an infill one is to disregard the rather large field which separates Greenwoodside from the village and the school, which could itself be said to be peripheral development.

As regards Greenwoodside itself, this old plan is again indicative of the historic settlement pattern which clearly identifies small plots within large fields with large gaps in between. I cannot agree that the site is an infill one in either context, or that criteria 1 and 3 of Policy H5 are satisfied. This is the fundamental test of the application given it has to be determined in accordance with the development plan unless material considerations indicate otherwise. It should also be noted that the adjoining bungalow, although of recent origin, was only given permission as a replacement for a bungalow which had previously been on the site.

As to material considerations, the agent refers to three other principal issues. Firstly, that the site is brownfield. This is not disputed in that the site was previously part of a nursery. I am not aware of the extent of glasshouses on the site itself and perhaps the Ordnance Survey extract is an indication. Nonetheless, this factor of itself does not necessarily outweigh the principal policy position. Whatever the history, there are no significant structures currently on the site, no commercial use and thus there is no planning gain to be derived from developing it contrary to policy.

Secondly, the Village Appraisal Plan produced contains the annotation "*no natural definition to eastern boundary of village and no major physical constraints to development". The word physical is key, the current issue is policy. In any event, the plan is of some vintage and currently has no levels.

Thirdly, the Council's Interim Housing Policy Statement and Policy H5 as amended. This reinforces the tests, contained in PPG3, of transport links, availability of local services and local need. It is acknowledge that the village satisfies the first two tests by no indication of local need has been given in connection with the application. The parish council's support is no such indication of local need.

In this context, the agent refers to Alstonby Hall as some form of example of precedent. Whatever the circumstances of Alstonby Hall, with which I am not familiar, the key test is determination of an application on its individual merits. In my

view, this speculative development of the site adjacent Greenwoodside does not accord with policy and there are no material considerations to indicate that it should be determined otherwise.

I recommend that the application be refused.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development, if approved, will be minimal, and the rights of individuals under this legislation will not be prejudiced.

Recommendation: Refuse Permission

1. **Reason:** The application represents speculative development of a site detached from the main settlement of Smithfield where approval would result in development in the open countryside unrelated to existing property in the village contrary to Policies 13 (The Rest of the Countryside), 25 (The Quality of Development) and 40 (Housing in Rural Settlements outside The National Parks and AONBs) of the Cumbria and Lake District Joint Structure Plan 1995 and Policy H5 (Village Development of the Carlisle District Local Plan.

2. **Reason:** Approval of the proposal will perpetuate sporadic development on the periphery of the settlement and the applicant has not demonstrated that the development is required to meet a local need. This is considered to be an unsustainable form of development contrary to Planning Policy Guidance Note 3:

Housing, and the local planning authority's associated Interim Housing Policy Statement regarding Policy H5.

3. **Reason:** Approval of the proposal would set a precedent encouraging the submission to the local planning authority of additional applications for similar development the approval of which would further dilute planning policies and erode the established character of this part of the settlement.

COUNTY CUMBRIA DISTRICT CARLISLE

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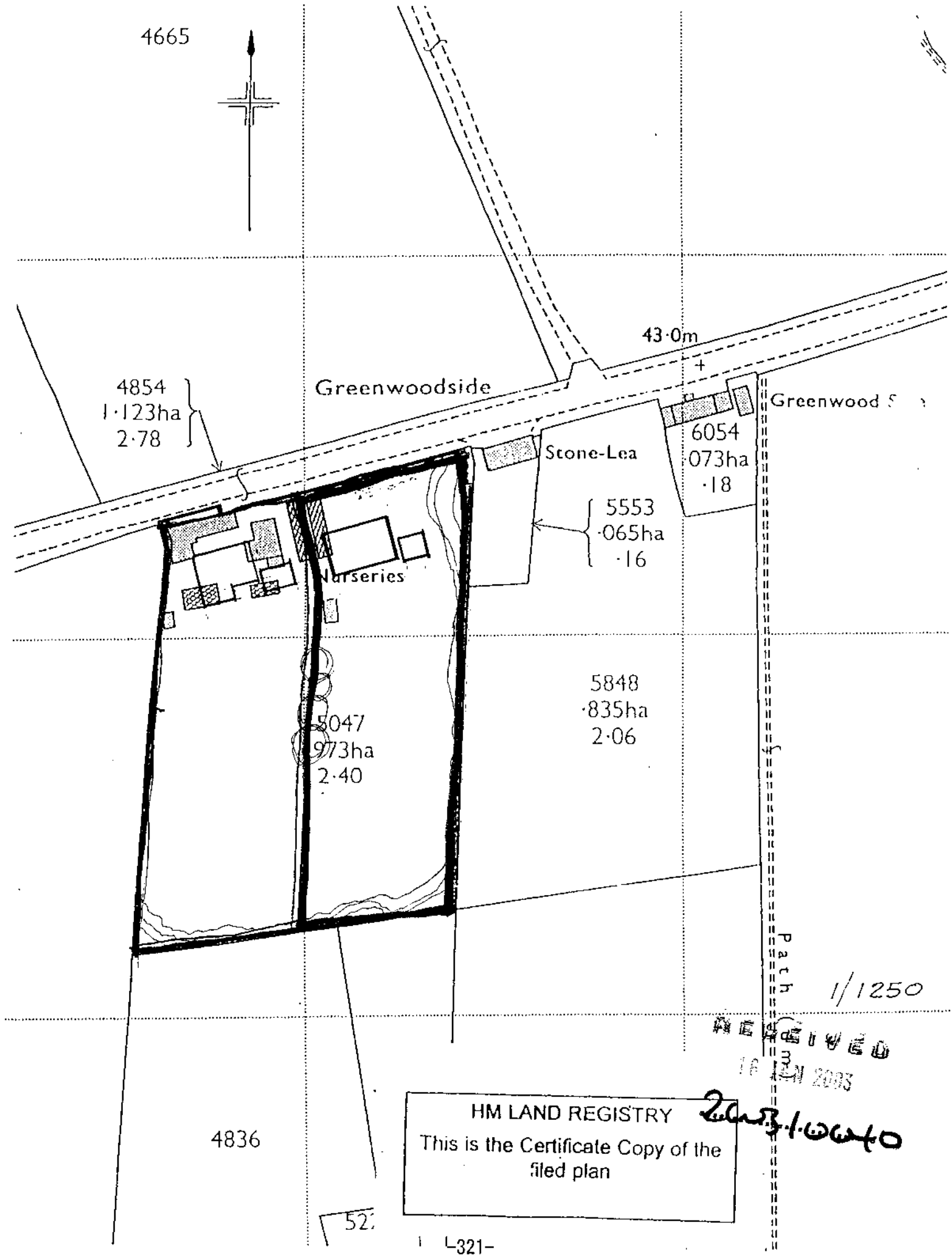

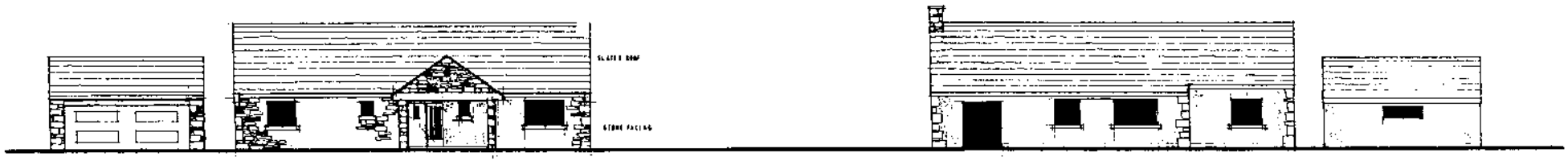

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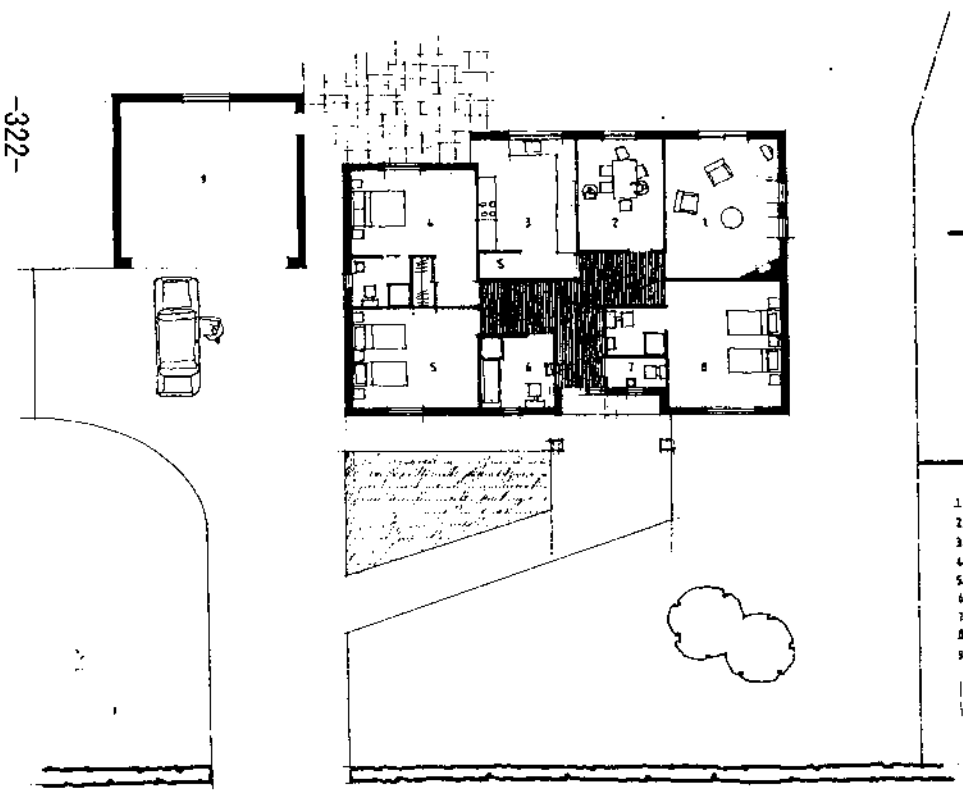
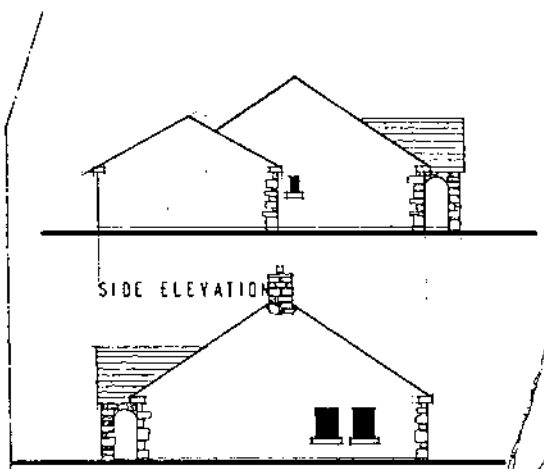
REAR ELEVATION

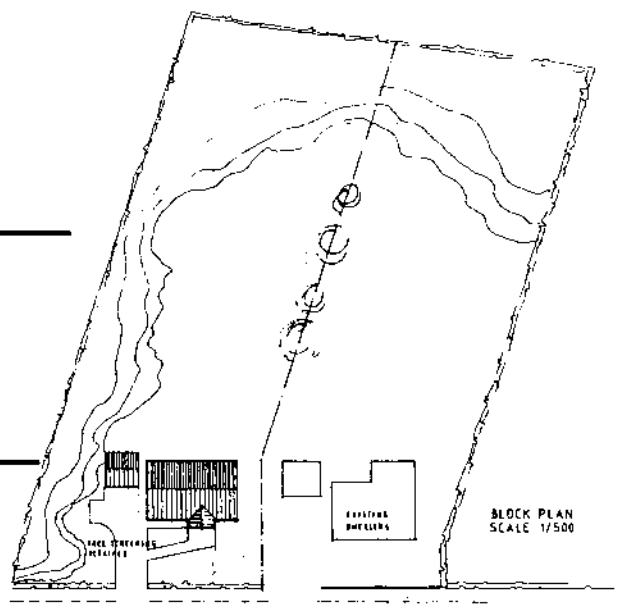




SIDE ELEVATION

SIDE ELEVATION

1. LOUNGE.
2. DINING ROOM
3. KITCHEN
4. BEDROOM 1
5. BEDROOM 2.
6. BATHROOM
7. CLOAKS
8. BEDROOM 3.
9. GARAGE



BLOCK PLAN
SCALE 1/500

A.S. FARRER ESQ.
PROPOSED BUNGALOW AT SMITHFIELD. SCALE 1/100.

WARD ARCHITECTS
14A MARLBOROUGH GARDENS CARLISLE
TEL 01228528376.

2nd B. 10/84 O

ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

tel/fax 01228528376.
email. wardarch@msn.com.

16 Jan 03

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle CA3 8QG

2003/0040
T
KB

Dear Sirs.

Re :- Revised Application Proposed New Bungalow at Smithfield for A S Farrer.

I enclose Revised Planning Application in respect of the above.

My client, the applicant, has asked me to express his concern at certain anomalies relevant to the original application. The adjoining owners quite correctly received Notification of Planning Proposal with regard to the proposed bungalow. This clearly states that the Council operates a ' Right to Speak Policy' at the Development Control Committee for objectors and supporters of applications. The fact that the planning officers for whatever reason chose to consider the application and were refusing permission under delegated authority is a presumption which ignores the Councils stated policy.

With the original application was a covering letter in support of the application and pointing out that the proposal was in accord with the Housing Policy- Amended H5 – i.e. that Smithfield is a settlement within which small scale residential development will normally be accepted. We maintain that the site is within the Smithfield settlement area. Enclosed is a copy of the above letter dated 14 Nov.02.
With regard to criteria 6 and 7 of Policy H5 and listed in the letter we would like to point out that the site was a Plant Nursery and that the sub-structure of the greenhouses and outbuildings still exist . The site if developed, as well as being in accord with criteria 6 and 7, would restore the site from what the villagers and Parish Council regard as a derelict piece of land. I enclose a copy of notes prepared by the applicant briefly stating the history and site condition. He would also be pleased if you would confirm if there was still an existing use on the site for a market garden.

I trust the application will be considered by your Planning Committee in accordance with it's stated policies.

Yours sincerely

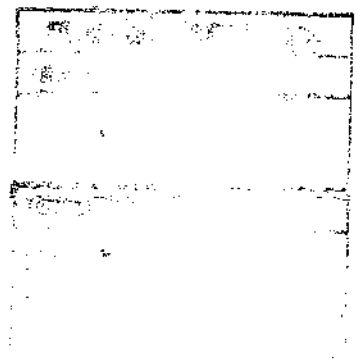
ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

tel/fax 01228528376.
email. wardarch@msn.com.

14 November 2002

Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle CA3 8QG



Dear Sirs

RE :- Proposed New Bungalow at Smithfield for A S Farrer.

I enclose Planning Application in respect of the above.

In support of the application I would like to point out that the application is in accordance with the Housing Policy Statement -- Amended H5.- i.e. that Smithfield is a settlement within which small scale residential development will normally be acceptable, and that it fulfils the criteria stated in Policy H5 (Amended).

1. The site is well related to the landscape of the area and does not intrude into the 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 building is well related to existing property in the village ; and

4. the siting and design of the building is well related to and does not adversely affect the amenity of neighbouring property ; and

5. appropriate access and car 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.

Yours faithfully

I Ward

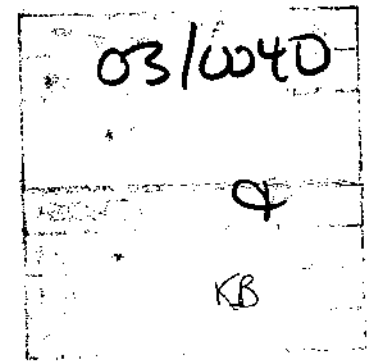
ward architects.

14a Marlborough Gardens
Carlisle
Cumbria
CA3 9NQ.

tel/fax 01228528376.
email. wardarch@msn.com.

17 February 2003

Attention of Keith Brooke
Dept of Environment & Development
Planning Services Division
Carlisle City Council
Civic Centre
Carlisle



Dear Mr Brooke

Appn Ref : 03/0040, Application, Bungalow Smithfield for A S Farrer.

Thank you for your letter dated 28 January 03.

I do understand the procedure when an application is dealt with under the Scheme of Delegation as documented in the City Council's Constitution. As you say the " Right to Speak" policy applies exclusively to applications to be determined at the development control committee. As I stated in my letter dated 16 Jan. why notify the adjoining owners of these rights if it was to be considered under delegated powers. Therein lies the anomaly, not in the Council's Constitution.

The application conforms with all 7of the criteria laid down in the amendments to H5,all of which were listed in my letter to you dated 14 Nov (copy enclosed) and is in a village, Smithfield, that is a settlement within which small scale residential development will be accepted. The Smithfield Plan No 2. Village Appraisal produced by your department confirms ' there is no natural definition to the eastern boundary of village and no major physical constraints to development '. I enclose a copy of your dept's appraisal for your information.

That the site is a previously developed site, what might be termed a " brown field " site can hardly be disputed in that it fulfils the criteria set down in government guidance notes as previously developed land i.e ' previously developed land is land that was occupied by a permanent structure and any associated infrastructure , including the curtilage of the development , but is now vacant. These sites may require demolition or other treatment before they can be developed and they may occur within urban and rural settings'.

In asking me to address Planning Policy Guidance Notes in respect of transport corridors, availability of local services and local need I undertook a brief survey of an example of a development which received planning approval. It is being built, and obviously fulfilled the criteria which merited approval. The site is at Cliff approximately 1.5 miles from Smithfield and just west of Alstonby Hall. I chose this development for

consideration as I was told by the applicant that it had similar history to the Smithfield site. It had been a very small chicken farm, derelict and not farmed for approx. seven years with an existing dwelling on site. There are now four detached two storey houses being constructed which would not look amiss on an urban brown field site. That these comply with Planning Policy Guidelines is fine and hopefully the committee will appreciate that one bungalow on an infill brown field derelict site also fulfils the Guidance Notes and visually contributes to the village scene. The fact that the Parish Council has no objection is some indication of local need.

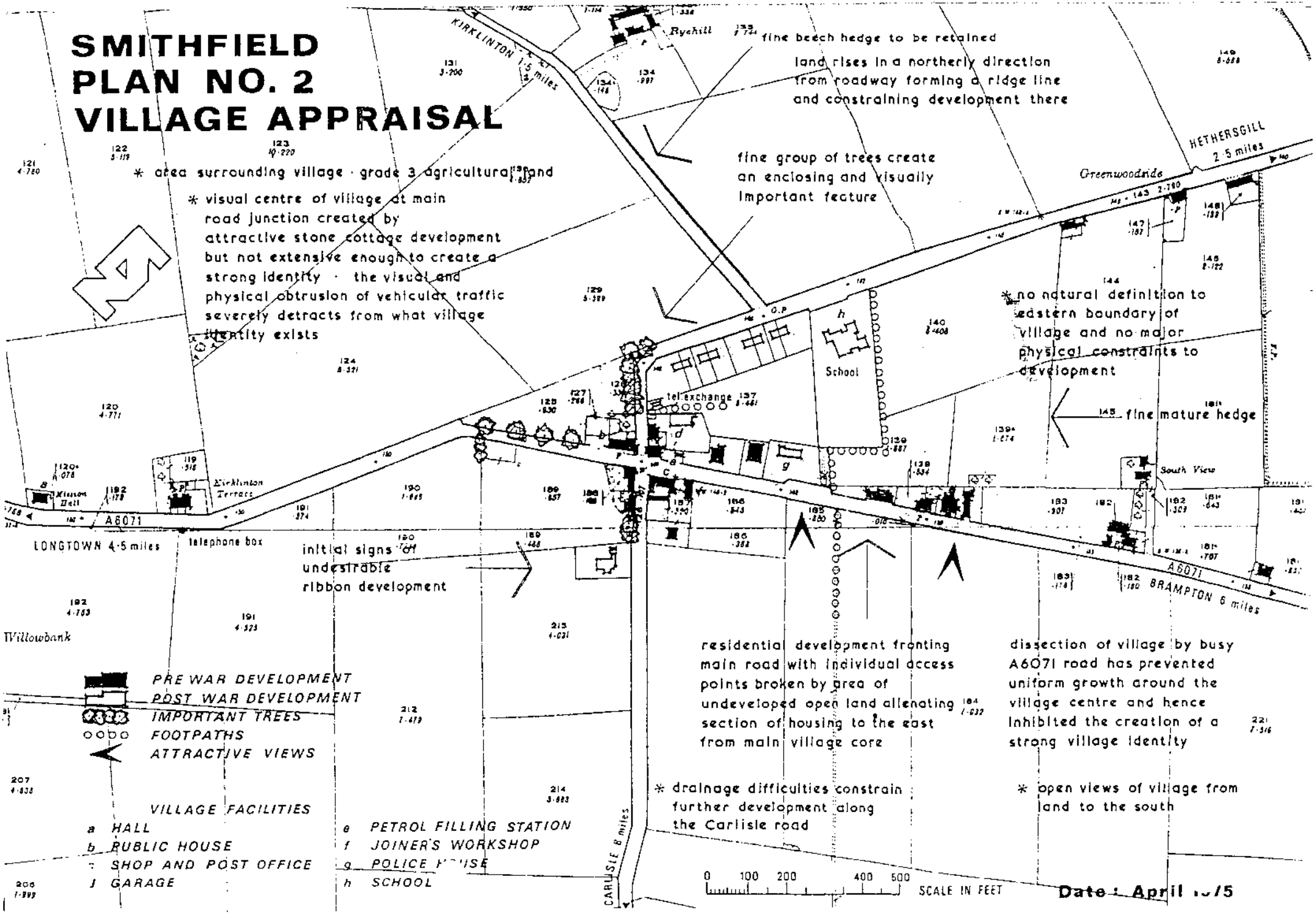
I have a copy of a letter of objection from an adjoining owner Mr Braisted. He suggests that if permission was granted that within two years further development would take place on the same site. I would like to make the point that if the application was approved and built there would be no means of access to the rear of the site.
He also makes a point that a permission would encourage ribbon development beyond the boundaries of Smithfield. One can only reiterate that the application is for infill development on a brown field site and in compliance with Policy H5 Village Development.

I would confirm that the applicants address is as indicated on the application form.
You make the point that he resides at the adjacent bungalow, and you are correct, his business address is however as the application.

Yours sincerely

I Ward

SMITHFIELD PLAN NO. 2 VILLAGE APPRAISAL



Item No: 10 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0076	Mr & Mrs J H Jeffrey	Brampton
Date of Receipt:	**Agent:**	**Ward:**
28/01/2003	Mr M H Jeffrey	Brampton
Location:		**Grid Reference:**
Bramleigh, Tree Road, Brampton, CA8 1TX		353631 560898

Proposal: Erection of 1no. bungalow with 3no. bedrooms and detached garage (outline)

Amendment:

KB

Report

Planning 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 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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections subject to conditions requiring:- access gates to open inwards; submission and approval of detailed drawings of access; surfacing of driveway before development is occupied; provision and retention of a turning space; provision of vehicular crossing over the footway.

Brampton Parish Council: no representation.

Drainage Engineer - Commercial & Technical Services: combined sewer located in the road.

Cumbria County Council - (Archaeology): no archaeological work required.

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
C J Secular, 1 Oak Park	28/01/03			Objectio	RESP
Mr & Mrs Burnhams, The Old Manse	28/01/03			Objectio	RESP
The Occupier / Owner, Roseneath	28/01/03				INIT

The Occupier / Owner, The Bungalow	28/01/03		INIT
The Occupier / Owner, Tindale Edge	28/01/03		INIT
The Occupier / Owner, Edge Hill	28/01/03		INIT
Mr & Mrs Read-Bone, Little Acorn	04/02/03	Objectio	RESP
The Owner/Occupier, Shalom			
Miss K M Mitchinson, Benamy		Objection	RESP
Mrs B McLean, Darach		Objection	RESP

The application has been publicised by ten neighbour letters, latest expiry date 26 February 2003. Five letters of objection have been received, all, except one, attaching a separate schedule of comments. The grounds of objection cited in the 'circular' are that:-

- the enclosed back garden of Bramleigh is not a location considered suitable for the erection of a large property with detached garage facilities, and not good land use
- the application indicates cutting down a mature willow tree to create an additional entrance road which will be detrimental to the environment and land use
- Oak Lea, adjoining Bramleigh, has no back garden and backs directly onto the proposed high development location; the latter is not, therefore, a suitable land use
- any back garden development of Bramleigh will seriously affect the privacy of Oak Lea and the development is clearly an inappropriate land use
- Bramleigh's enclosed back garden land is some 7-8 feet higher than adjoining properties, the development of which will clearly overlook all surrounding properties, 7 in number, greatly affecting their privacy and is not, therefore, considered suitable for property development
- the site is totally surrounded by existing properties; the proposed second road access is adjacent to a very busy junction and there is a serious concern that public services will have difficulty gaining access in cases of emergency; this is not a good land use
- with the closure of Station Road to HGVs, Tree Road has become the preferred route and increasingly dangerous, which, compounded by the second access proposed, will exacerbate a dangerous traffic situation with a major accident "just waiting to happen"
- Brampton prides itself on promoting its environment and its listed buildings, one of which adjoins the site which is not considered suitable for development and is an inappropriate land use

additional grounds raised in other correspondence include:-

- loss of privacy
- backland development and loss of trees would ruin the ambience of the area
- land may be better disposed of, if surplus to requirements, to neighbouring properties
- site levels make it inappropriate for development
- resultant density of development inappropriate on environmental grounds
- privacy of neighbouring development, consciously secured by design, will be

jeopardised
- to change the designation of this garden would be a betrayal

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks outline planning permission for the erection of a bungalow with detached garage on land to the rear of Bramleigh, off Tree Road, Brampton. The means of access is included for consideration at this stage, but all other matters are reserved for subsequent approval.

The site extends to 700m2 and comprises the current rear garden area of Bramleigh, a two storey dwelling fronting Tree Road some 25 metres north-east of its junction with Oak Park. It is bounded to the south-east by Bramleigh, to the north-east by The Old Manse, a two storey dwelling, to the north-west and west by single storey dwellings within the new development at Oak Park, and in the south-western corner by Roseneath, a bungalow. The ground within the rear garden rises towards the north-west at which point it is elevated on a plateau above the level of the adjacent Oak Park properties. The proposed access road is located between Bramleigh and Roseneath within 11 metres of the radius to the Oak Park junction.

I fully agree with the concerns expressed by the neighbouring residents regarding their loss of amenity through overlooking. The site is relatively elevated and some of the properties in Oak Park, rightly or otherwise, are located very close to the site boundaries.

The impact of the development will be significantly detrimental to the amenities of those properties and for that reason alone does not accord with policy. There will be a further, albeit lesser, impact on Roseneath and Bramleigh through the passage of vehicles and people along the proposed access road. Quite simply, the site does not constitute an appropriate building plot.

I recommend that the application be refused.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development, if approved, will be proportional and will not prejudice the separate rights of individuals under this legislation.

Recommendation: Refuse Permission

1. **Reason:** The proposed development will be unacceptably detrimental to the amenities of neighbouring residents by reason of loss of privacy, overlooking and general disturbance, contrary to policy H2 and H11 of the Carlisle District Local Plan.

criteria 2+3 criteria 2

PLAN 1 - SITE LOCATION

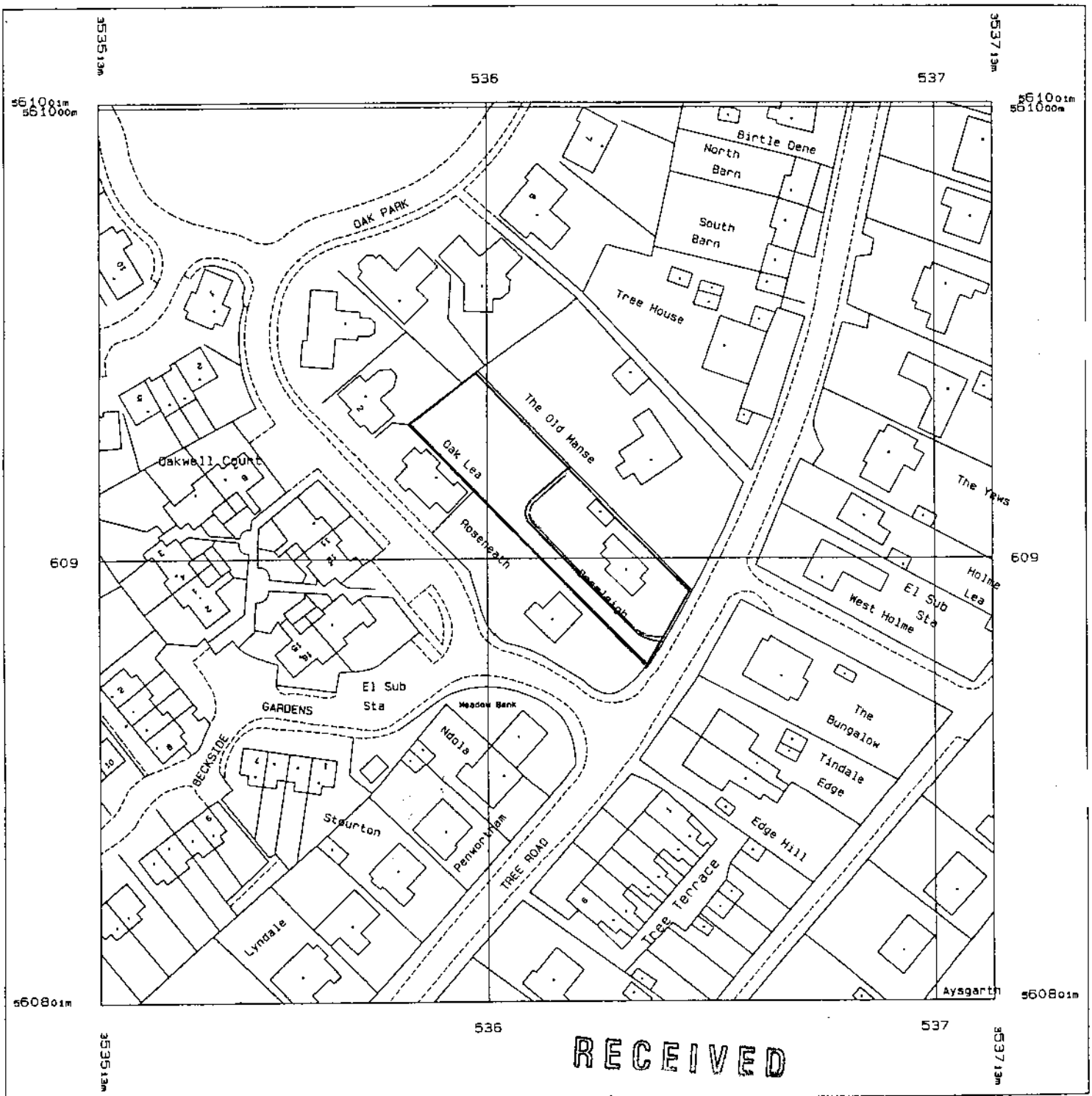
MR AND MRS JEFFREY

Ordnance Survey®

Superplan®

Planning Extract - 1

Site-centred



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28 JAN 2003

2003/0076

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Scale 1: 1250

Part or all of this Superplan is enlarged from mapping produced at one or more of the following scales: 1:1250, 1:2500 & 1:10000

National Grid sheet reference at centre of this Superplan: NY5360

The representation of a road, track or path is no evidence of a right of way.

SCHEDULE A: Applications with Recommendation

03/0080

Item No: 11 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0080	Mr & Mrs C Fleming	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
28/01/2003	Tsada Building Design Services	Yewdale

Location: 17 Glaramara Drive, The Beeches, Carlisle, CA2 6QP

Grid Reference: 337607 554307

Proposal: First floor bedroom extension to side elevation over garage

Amendment:

1. Repositioning of the window on the front elevation and clarification that the window in the side elevation of the extension shall be obscurely glazed. SG

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 7 Glaramara Drive	29/01/03				AMND

Mr & Mrs Read, 15 Glaramara Drive	29/01/03	Objectio	AMND
The Occupier / Owner, 19 Glaramara Drive	29/01/03		AMND
Mr & Mrs N Holmes, 9 Glaramara Drive		Objection	AMND
Mr & Mrs Mawdsley, 5 Glaramara Drive		Objection	AMND

This application has been advertised by means of notification letters sent to three neighbouring properties. In response letters of objection have been received from the occupants of three neighbouring properties. Objections have been received on the grounds that;

1. the first floor extension would be overbearing;
2. it would result in overlooking/loss of privacy;
3. the proposal would result in vehicles being parked on the road;
4. it would result in loss of light; and
5. the extension would be out of character with other properties on the estate.

Concern has also been expressed that the foundations may not be capable of supporting the first floor extension above the garage.

Details of Proposal/Officer Appraisal:

Planning History:

There is no relevant planning history relating to this site.

Details of Proposal:

This application seeks planning permission for the erection of a first floor extension to the side elevation of 17 Glaramara Drive, The Beeches, Carlisle. The property is a detached property of modern construction, finished with a combination of red facing brick and rendered and dashed walls. The property is situated within a residential estate on the outskirts of Carlisle, just off Wigton Road. The application site is enclosed to the east, west and north by residential properties. To the south of the application site, on the opposite side of the estate road are several mature trees, beyond which there is open countryside. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as originally submitted, seeks approval for the erection of a first floor extension to provide an additional bedroom with en-suite toilet. The extension, which shall be built above the ground floor garage and utility, projects 3.1 metres from the side elevation of the property occupying the full depth of the first floor gable wall. The height of the proposed first floor extension and external materials to be used matches that of the existing dwelling.

An amended plan has been received repositioning of the window on the front elevation and clarifying that the window in the side elevation of the extension shall be obscurely glazed. A copy of the revised plan illustrating the proposed extension is

reproduced following this report.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the property No.15 Glaramara Drive, which is adjacent to the location of the proposed extension. Two photographs illustrating the relationship between the application site and No.15 Glaramara Drive are reproduced in the Schedule.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that three letters of objection has been received raising a number of concerns. The objectors concerns are addressed in the paragraphs below.

The extension would project 2.1 metres beyond the rear of No.15 Glaramara Drive. There is also a 1.9 metre gap between No.15 and No.17 Glaramara Drive. On that basis it is not considered that the extension proposed would be overbearing to the occupants of that property. It will also be noted that a condition has been imposed requesting that the windows in the side and rear elevation shall be obscurely glazed, thereby ensuring that the extension will result in any overlooking or loss of privacy for the occupants of any neighbouring properties. It is not considered that the extension will not result in an unreasonable loss of light to neighbouring properties.

The design of the extension is in keeping with other properties on the estate. Members will note from the photograph of the property, which is reproduced in the Schedule, that No.19 Glaramara Drive is very similar in design.

The objectors concerns as to whether or not the foundations are capable of supporting the first floor extension have been investigated. Officers of the Building Control Department inform me that the foundations are capable of supporting the first floor extension.

In conclusion, it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive. It is considered acceptable in terms of siting design and materials used. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

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 western 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the toilet window on the north elevation and the bedroom window on the west elevation 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.

RECEIVED
28 JAN 2003
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Department of Environment & Development

Planning Services

Head of Planning Services : Alan Eales DipTP MRTPI Telephone : (01228) 817000
Civic Centre Carlisle CA3 8QG Fax : (01228) 817199

17 Glaramara Drive

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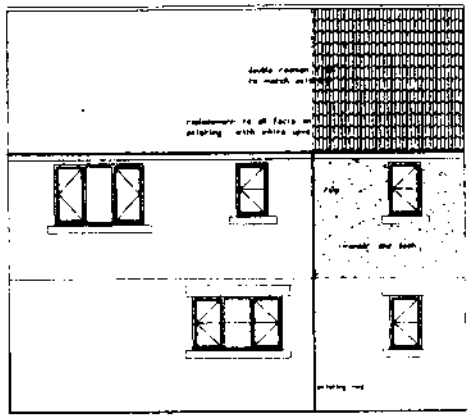
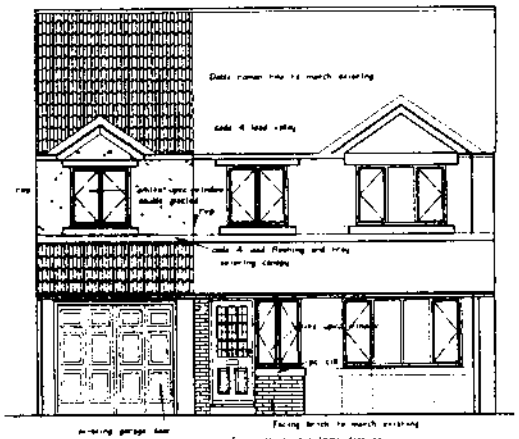
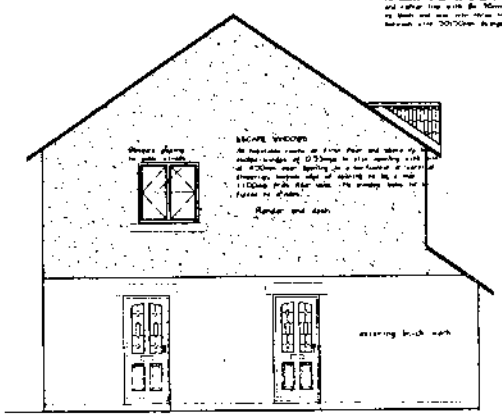
28/1/2003 1:1,250



Rear

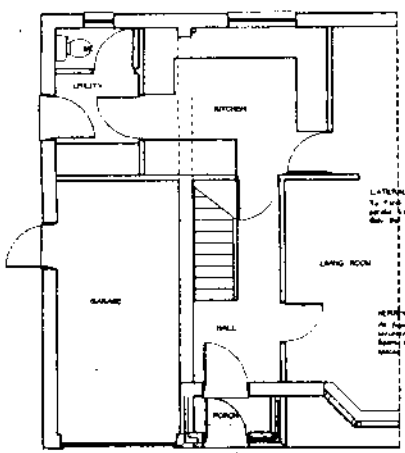


Front

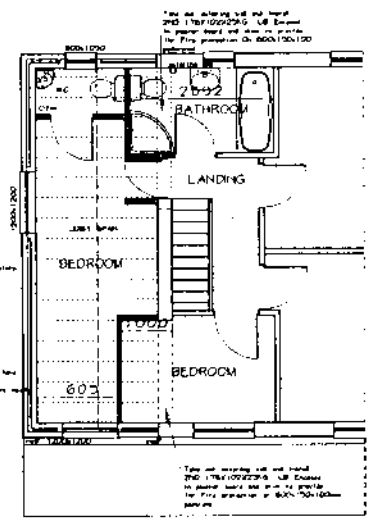


Gable

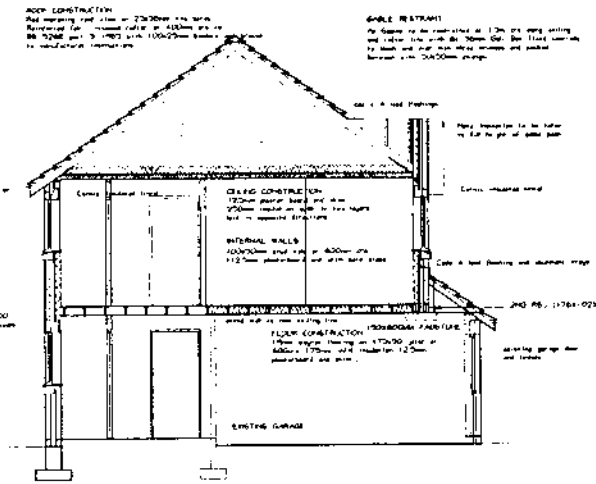
ELEVATIONS 1:50



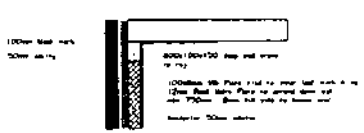
GROUND FLOOR PLAN 1:50



FIRST FLOOR PLAN 1:50



SECTION AA 1:50



TSADA BUILDING DESIGN SERVICES

Trade Cottage, Longtown, Carlisle, Cumbria CA6 5NA
Telephone: (01228) 791407
Mobile: (07957) 858712

Job title
PROPOSED FIRST FLOOR BEDROOM EXTENSION TO NO 17 GALARAMARA DRIVE , CARLISLE

Note. Do not change any part of above specification without consultation with BCO Officer.

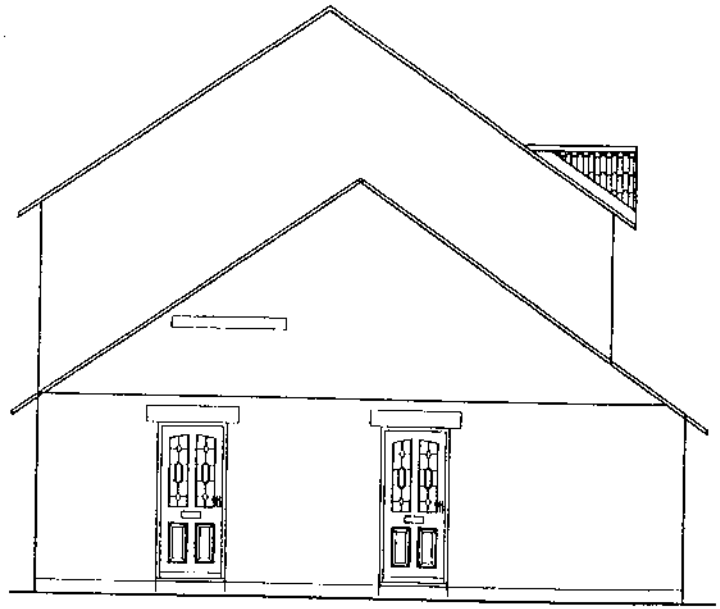
Drawing by	Amendments	Client	Dwg No.
W.R.FAULDER	* 28/2/2003 RAISING RIDGE AMENDMENTS	MR & MRS FLEMING 17 GALARAMARA DRIVE MORTON CARLISLE	4/2003/1A
Date			Scale
23/1/2003			AS SHOWN

Received
24 FEB 2003
2003/1220

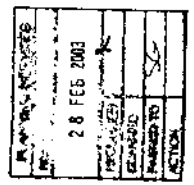
-339-

Rear

Front



Gable



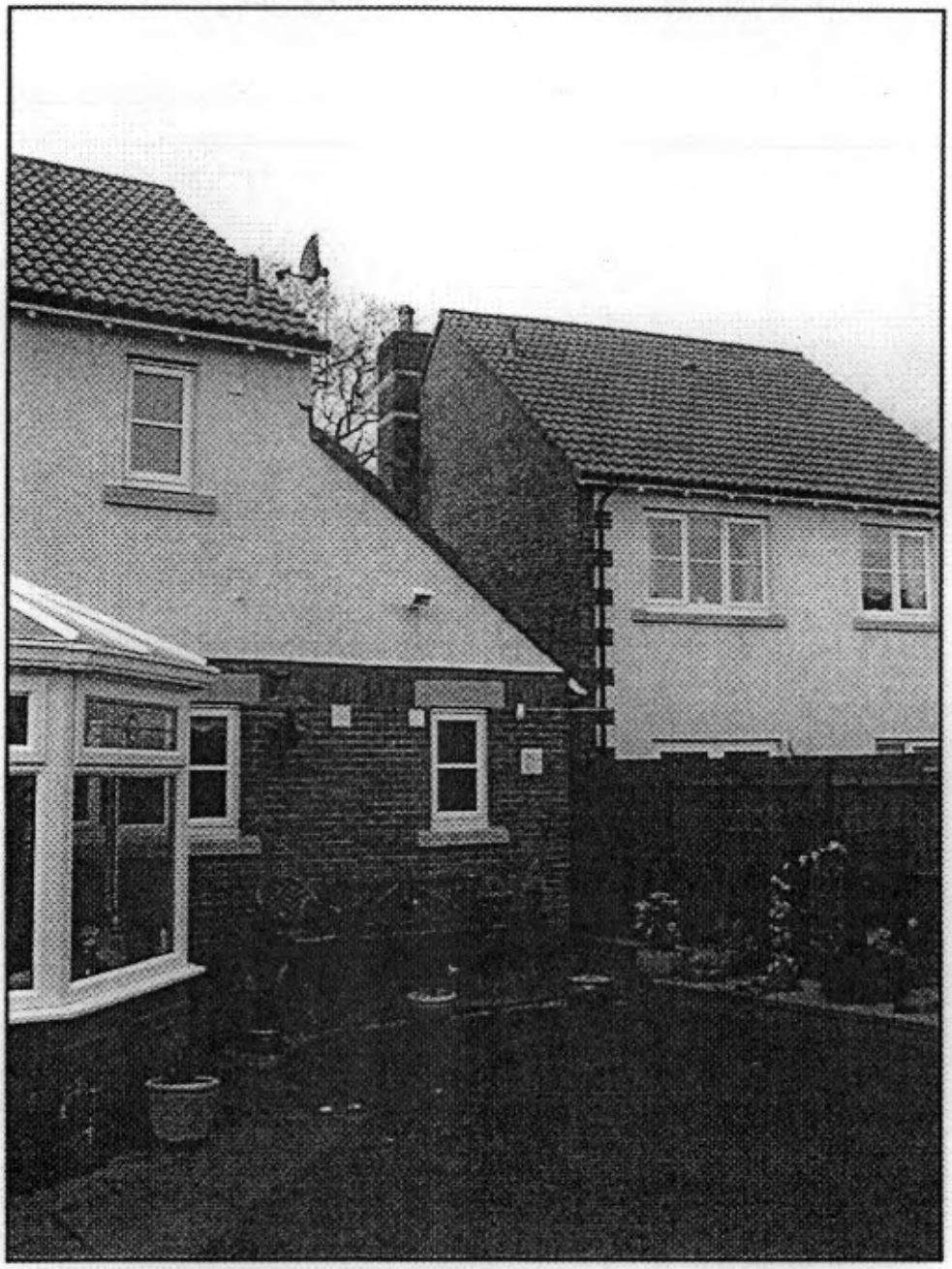
Received
28 FEB 2003
2003/0080

AS EXISTING ELEVATIONS
NO 17 Galamara Drive

Photograph 1: Photograph of the front elevation of No.17 Glaramara Drive. No.19 Glaramara Drive, which is similar in design to the extension proposed, can be seen on the right handside of the picture.

Photograph 2: Photograph of No.17 Glaramara Drive illustrating its relationship with No.15, which is the property on the left handside of the photograph.

Photograph 3: Photograph of the rear elevation of No.17 Glaramara Drive.



Item No: 12 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0104	Carlisle City Council	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
31/01/2003	Culture Leisure & Sport Services	Belah

Location: **Grid Reference:**
L/A Play Area, Moorville Drive, Lowry Hill, Carlisle

Proposal: Construction of 1.2 metre wide tarmac path to provide all weather access to play area

Amendment:

SG

Report

Planning Policies:

Carlisle District Plan
Leisure - Proposal L2

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

Carlisle District Plan
Leisure - Proposal L4

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and

2. Appropriate car parking and access to the site can be achieved; and

3. The proposed use is of an appropriate scale to the locality; and

4. Where practicable, the proposal can be accessed by public transport; and

5. The proposal makes a positive contribution to the development of tourism in the district; and/or

6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaiting comments;

Planning Services - Access Officer: awaiting comments.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 11 Moorville Drive	06/02/03				INIT
The Occupier / Owner, 13 Moorville Drive	06/02/03				INIT
The Occupier / Owner, 15 Moorville Drive	06/02/03				INIT
Mr A Shaddock, 17 Moorville Drive	06/02/03			Objectio	RESP
The Occupier, 34 St Peters Drive	11/02/03				INIT
The Occupier, 36 St Peters Drive	11/02/03				INIT
Mrs G Norman, 38 St Peters Drive	11/02/03			Objectio	RESP
The Occupier, 40 St Peters Drive	11/02/03				INIT
The Occupier, 42 St Peters Drive	11/02/03				INIT
The Occupier, 44 St Peters Drive	11/02/03				INIT

The Occupier, 46 St Peters Drive 11/02/03 INIT

This application has been advertised by means of a site notice and notification letters sent to eleven neighbouring properties. In response two letters of objection have been received, the grounds for objection being;

1. the play ground is used as a gathering point for youths, resulting in vandalism and disturbance. It is felt that a tarmac path would attract youths all year round, as opposed to only during the spring and summer months, thereby increasing the level of vandalism and disturbance;

2. the field, across which the proposed path is sited, suffers from drainage problems. The proposed path may worsen this problem but also may exacerbate the drainage problems experienced by neighbouring properties.

Details of Proposal/Officer Appraisal:

Planning History:

There is no relevant planning history relating to the application.

Details of Proposal:

This application seeks planning permission for the construction of a 1.2 metre wide path to provide all weather access to the play area adjacent Moorville Drive, Lowry Hill, Carlisle. The play area is located within an area of open space within Lowry Hill. The area of open space, in which the play ground is located, is identified as being a Primary Leisure Area within The Carlisle District Local Plan. A plan indicating the location of the proposed path in relation to the neighbouring properties is reproduced following this report.

Members should note that a revised plan has been requested from the applicant, which accurately indicates the exact position of the proposed path. At the time of writing this report the plan requested had not been received.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties.

In considering this application Policies L2, L4 and H17 of the Carlisle District Local Plan is of relevance.

Members will note that two letters of objection has been received in response to this application. The objectors concerns are addressed below.

Concern has been expressed that the creation of an all weather tarmac path will encourage youths to gather all year round, thereby increasing the level of vandalism and disturbance. Whilst it is acknowledged that anti social activities may take place in or around the play area it is a matter for the police to address should such

activities occur.

Concern has also been expressed regarding the drainage problems in the field, and that the proposed pathway may increase the drainage problems experienced by the occupants of neighbouring properties. Clarification has been sought from the Drainage Section that the proposal will not exacerbate the current problems faced by local residents.

The development hereby proposed will improve access to the play area for all members of the public. It is the Officers view that the proposal will not adversely affect the amenity of nearby residential properties.

On the basis that the amended plan requested is received and confirmation is provided from the Drainage Section that the proposal will not worsen the current drainage problems the proposal will be recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

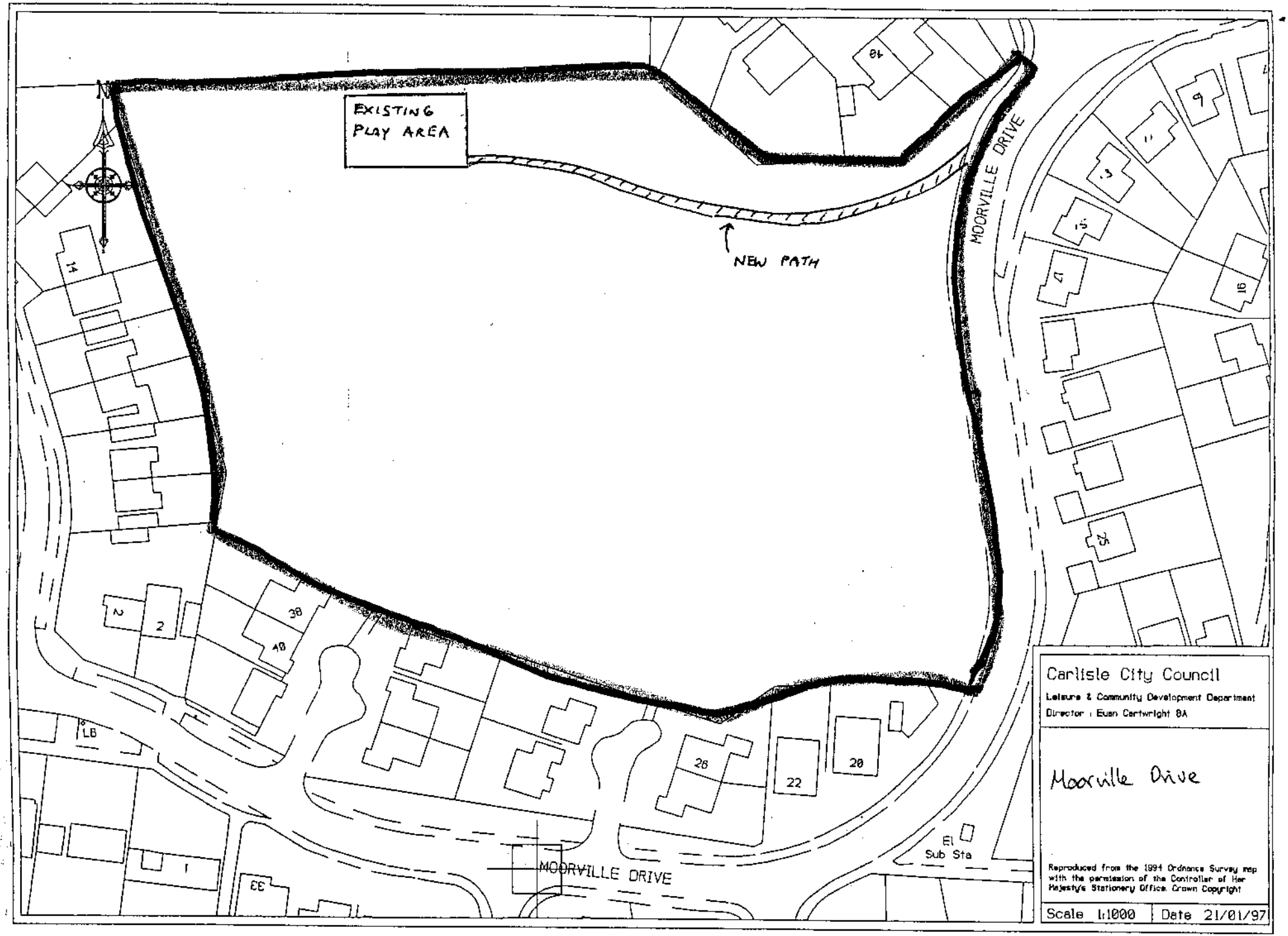
Recommendation:

Reason for including report in Schedule B

At the time of writing this report a revised plan, accurately indicating the position of the path is awaited. Consultation responses are awaited from the Highway Authority and the Access Officer. Confirmation is also awaited from the Drainage Section that

the proposed path will not exacerbate the current drainage problems experienced by local residents.

Approve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Carlisle City Council
Leisure & Community Development Department
Director : Eusn Cartwright BA
Moorville Drive
Reproduced from the 1994 Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright
Scale 1:1000
Date 21/01/97

Item No: 13 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0120	Freda Heslop	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
04/02/2003		Belah

Location:
Newfield Grange Hotel, Newfield Drive, Carlisle, Cumbria

Grid Reference:
339830 558909

Proposal: Variation of condition 3 of Planning Ref: 02/0682 to allow live or amplified music between the hours of 09.00 and 00.00hrs

Amendment:

RJM

Report

Planning Policies:

Carlisle District Plan
Employment - Proposal EM10

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

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 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.

Summary of Consultation Responses:

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

Cumbria Constabulary - Crime Prevention: I have researched our crime and disorder statistics for these premises and found no record of any occurrences that may cause concern.

I understand that the applicant wishes to improve the facilities for private functions and occasional dedicated events.

I have no adverse comment to make on this matter and from the information supplied, I am satisfied there is no additional risk to community safety or public order from these proposals.

Environmental Protection Services: On the 11 February 2003 this Division received a complaint from a nearby resident alleging music noise continued until approximately 11:45 on 8 February 2003, the music noise could allegedly be clearly heard from within the complainant's property.

As the complaint is at present unsubstantiated noise monitoring is being arranged, if a noise nuisance is established it will be dealt with under the Environmental Protection Act 1990 Section 80.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 100 Newfield Drive	07/02/03				INIT
The Occupier, 104 Newfield Drive	07/02/03				INIT
The Occupier, 108 Newfield Drive	07/02/03				INIT
Mr & Mrs D Emmerson, 110 Newfield Drive	07/02/03			Objectio	RESP
The Occupier, 112 Newfield Drive	07/02/03				INIT
The Occupier, The Bungalow	07/02/03				INIT
The Occupier, Newfield Head	07/02/03			Undeliv	NFA
Mr & Mrs Vickery, 19 Newfield Drive	07/02/03				INIT
S & E McKean, 65 Newfield	07/02/03				INIT
Mr & Mrs Routledge, 41 Newfield Drive	07/02/03			Objectio	RESP
The Owner / Occupier, 114 Newfield Drive	07/02/03				INIT
Mr & Mrs Ryding, 23 Newfield Drive	07/02/03			Objectio	RESP
Ms N Randall, 90 Newfield Drive	07/02/03				INIT
Mr & Mrs Griffiths, 92 Newfield Drive	07/02/03				INIT
J Hudson, 43 Newfield Drive	07/02/03			Petition	RESP
A M Simpson, 45 Newfield Drive	07/02/03				INIT
The Owner / Occupier, 116 Newfield Drive	07/02/03				INIT
Mr & Mrs Emerson, 31 Newfield Drive	07/02/03			Objectio	RESP
Mr & Mrs Mainwaring, 55 Newfield Drive	07/02/03				INIT
Ms E I & Ms M A Watson, 47 Newfield Drive	07/02/03			Objectio	RESP
B J Beattie, 53 Newfield Drive	07/02/03				INIT
Ms E Woof, 74 Newfield Drive	07/02/03				INIT
Mr & Mrs Harris, 82 Newfield Drive	07/02/03				INIT
Mr T Lowry, 72 Newfield Drive	07/02/03				INIT
Mr R Gray, 61 Newfield Drive	07/02/03				INIT
M Eckersley, 106 Newfield Drive	07/02/03				INIT

Mr D J Eckersley, 106 Newfield Drive	07/02/03	Objectio	RESP
Mr & Mrs A Taylor, 62 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 2 Newfield Park	07/02/03		INIT
T Reed, 39 Newfield Drive	07/02/03		INIT
Mr & Mrs M Zobair, 49 Newfield Drive	07/02/03		INIT
Mr & Mrs Harrison, 29 Newfield Drive	07/02/03	Objectio	RESP
Mr & Mrs Jones, 98 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 37 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 17 Newfield Drive	07/02/03		INIT
E Robson, 102 Newfield Drive	07/02/03		INIT
Mr M Robinson, 94 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 51 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 33 Newfield Drive	07/02/03		INIT
The Owner / Occupier, 88 Newfield Drive	07/02/03		INIT
Mrs R Taylor, 56 Pinecroft		Objection	RESP

This application has been advertised by means of direct notification to the occupiers of forty of the neighbouring properties. At the time of writing this report, seven letters of objection and a petition containing fifty eight signatures has been received and the main planning issues raised are summarised as follows:

1. The area is primarily residential and an extension to the hours would undoubtedly cause anxiety and frustration an reduce the quality of life;
2. Due to the no smoking policy of the hotel, people stand outside to smoke and create noise amongst themselves through talking, laughing etc. Furthermore, noise from people leaving events can be heard late at night and this will be exacerbated if the hours are extended;
3. Complaints have already been made with regard to noise issues which interferes with our comfort and enjoyment; and
4. Concern that if this variation is granted, a precedent may be set and ultimately permission may be granted until 1am.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted throughout the 1960s and 1970s for the retention of the use of the site as a bed and breakfast establishment.

Planning permission was granted for the change of use from bed and breakfast accommodation to a hotel and restaurant in June 1985. An extension to provide a new function room and bar area was approved in April 1993.

A 10no. bedroom accommodation block was approved to the rear of the hotel, in August 1997. Planning permission was later granted for an extension to the existing dining room to form new bar area in April 2000.

Planning permission was granted for the conversion of an existing stable block to 3no. self catering units for use in conjunction with existing hotel in June 2000. A change of use was granted for the adjacent bungalow to create 4no. en-suite bedrooms for hotel use in April 2002.

Details of Proposal:

This application seeks a variation of a planning condition which was attached to planning permission granting consent for the erection of an extension at Newfield Grange Hotel, Newfield Drive, Carlisle. The premises is an existing hotel use located in a residential area and accessed from Kingstown Road, approximately 1.5 miles north of Carlisle City Centre.

Condition number 3 attached to planning consent granted under reference 02/0682 and states:

> "No live or amplified music shall be played within any part of the premises used by private parties or by the general public before 0900 hours or after 2300 hours on any day."

The reason given states:

> "To ensure that noise which may emanate from the premises is minimised in order to prevent nuisance and disturbance to the adjacent residential properties."

The proposal currently before Members is to extend the condition to allow live or amplified music until midnight. Whilst it is apparent the site has been developed gradually over many years, each planning application must be determined on its own merits. Section 54A of the Act requires that applications must be determined against material planning considerations which includes national planning guidance and local plan policies.

In consideration of this application Policies EM10 and H17 are relevant. These Policies seek to protect the amenity of adjacent properties from proposals which adversely affect them, through loss of residential amenity to the occupiers of adjacent properties or leads to an unacceptable increase in traffic or noise.

The issue of noise and disturbance from the proposed use has been assessed in more detail by this Council's Environmental Services Department. Their comments are reproduced earlier in this Report.

Reference was made in previous reports to Committee regarding the extension to a Public Entertainment Licence. It is understood that where the premises is open to members of the public, and not a private function, and where the amplification of recorded music/ entertainment is involved, a Public Entertainment Licence will be required. No such licence is currently held by the applicant but at the time of any such application, a statutory notice would be published in the local press and residents would be afforded the opportunity to comment. Failure to obtain a licence when necessary, would be subject to action under different legislation.

When the original extension was being considered, the applicant's agent was in consultation with an acoustic engineer in an attempt to provide a scheme which address the issue of noise emanating from the site. Following meetings with Officers of this Council, the extension to the hotel was approved with the following noise attenuation measures:

1. No openable windows from the proposed extension;
2. An appropriately noise insulated ceiling;
3. The erection of an internal glazed wall, 100mm from the inside of the wall, to provide an attenuation void;
4. An attenuated ventilation system;
5. The erection of a porch to the entrance doors which will prevent noise emanating from the site when customers enter/ leave the premises.

It is considered that these attenuation measures are still wholly appropriate and should safeguard residential amenity from the actual use of the building. However, the main issue under consideration as part of this current application is that of residential amenity. This is under threat from this current proposal and of concern to Officers is the fact the people attending functions at the premises may not leave until after the event has finished.

In consideration of this application, Members must take into account the time it will take for people to finish drinks on the premises etc., the noise from pedestrian movement when leaving and the noise whilst transportation is awaited, and the noise whilst vehicles arrive and depart from the site. It is the combination of these factors which it is considered would undermine the amenity of the occupiers of the neighbouring properties and would be detrimental to the character of this primarily residential area. This would occur to such a degree during the night/ early hours of the morning that it would result in the proposal being contrary to the objectives of the local plan policies and therefore unacceptable.

Human Rights Act 1998

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

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

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

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

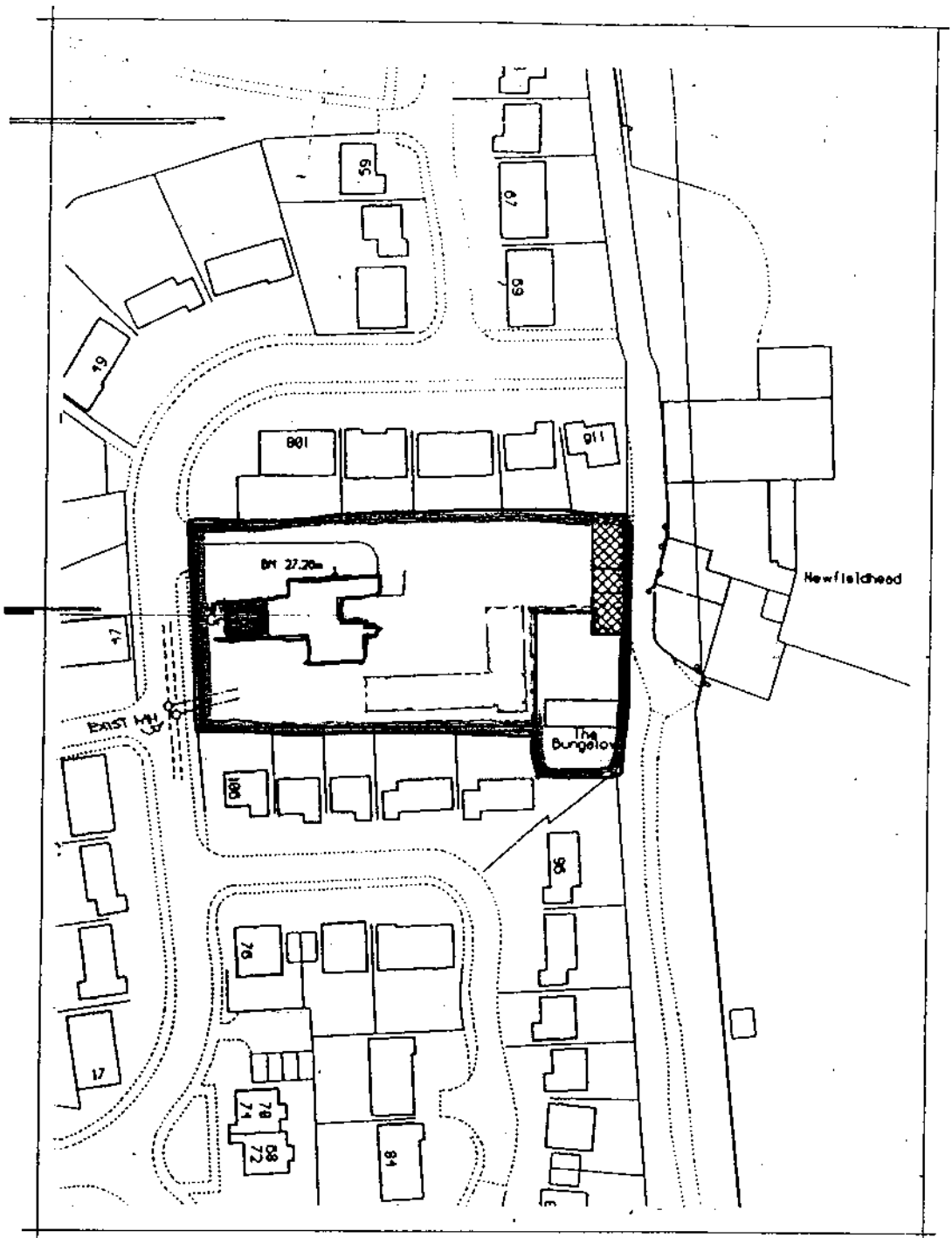
Article 8 recognises the "Right To Respect for Private and Family Life";

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

The proposal has been considered against the above. The applicants rights are respected but in this instance it is considered that the harm caused outweighs any personal considerations.

Recommendation: Refuse Permission

1. **Reason:** The proposed variation of condition number three would permit the use of the premises and the use of live or amplified music to continue until 12 midnight. The hotel is located within a primary residential area. Although acoustic attenuation measures will be provided within the extension, the additional opening hour would lead to an unacceptable level of disturbance caused by increased traffic movements, congregation of people and general activity, particularly late at night and early morning. This would cause annoyance to nearby residents and would be detrimental to the overall amenity of the area. The proposal is therefore considered to be contrary to the objectives of Policy H17 (Residential Amenity) of the Carlisle District Local Plan.



Location plan 1:1250

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Item No: 14 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0131	Newfield Grange Hotel	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
06/02/2003	Tsada Building Design Services	Belah

Location:
Newfield Grange Hotel, Newfield Drive, Newfield, Carlisle, CA3 0AF

Grid Reference:
339830 558909

Proposal: Extension to provide additional dining & function room facilities (revised proposal)

Amendment:

RJM

Report

Planning Policies:

Carlisle District Plan
Employment - Proposal EM10

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

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 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.

Summary of Consultation Responses:

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

Cumbria Constabulary - Crime Prevention: I have researched our crime and disorder statistics for these premises and found no record of any occurrences that may cause concern.

I understand that the applicant wishes to improve the facilities for private functions and occasional dedicated events.

I have no adverse comment to make on this matter and from the information supplied, I am satisfied there is no additional risk to community safety or public order from these proposals.

Environmental Protection Services: No objection.

Environment Agency (N Area (+ Waste Disp)): No comment.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 100 Newfield Drive	10/02/03				AMND
The Occupier, 104 Newfield Drive	10/02/03				AMND
The Occupier, 108 Newfield Drive	10/02/03				AMND
The Owner / Occupier, 110 Newfield Drive	10/02/03				AMND
The Occupier, 112 Newfield Drive	10/02/03				AMND
The Occupier, The Bungalow	10/02/03				AMND
The Occupier, Newfield Head	10/02/03			Undeliv	NFA
Mr & Mrs Vickery, 19 Newfield Drive	10/02/03				AMND
S & E McKean, 65 Newfield	10/02/03				AMND
Mr & Mrs Routledge, 41 Newfield Drive	10/02/03			Objectio	AMND
The Owner / Occupier, 114 Newfield Drive	10/02/03				AMND
Mr & Mrs Ryding, 23 Newfield Drive	10/02/03				AMND
Ms N Randall, 90 Newfield Drive	10/02/03				AMND
Mr & Mrs Griffiths, 92 Newfield Drive	10/02/03				AMND
The Owner / Occupier, 43 Newfield Drive	10/02/03				AMND
A M Simpson, 45 Newfield Drive	10/02/03				AMND
The Owner / Occupier, 116 Newfield Drive	10/02/03				AMND
Mr & Mrs Emerson, 31 Newfield Drive	10/02/03				AMND
Mr & Mrs Mainwaring, 55 Newfield Drive	10/02/03				AMND
E I Watson, 47 Newfield Drive	10/02/03			Objectio	RESP
B J Beattie, 53 Newfield Drive	10/02/03				AMND
Ms E Woof, 74 Newfield Drive	10/02/03				AMND
Mr & Mrs Harris, 82 Newfield Drive	10/02/03				AMND
Mr T Lowry, 72 Newfield Drive	10/02/03				AMND
Mr R Gray, 61 Newfield Drive	10/02/03				AMND
M Eckersley, 106 Newfield Drive	10/02/03				AMND
Mr D J Eckersley, 106 Newfield Drive	10/02/03				AMND
Mr & Mrs A Taylor, 62 Newfield Drive	10/02/03				AMND
The Owner / Occupier, 2 Newfield Park	10/02/03				AMND

T Reed, 39 Newfield Drive	10/02/03	AMND
Mr & Mrs M Zobair, 49 Newfield Drive	10/02/03	AMND
Mr & Mrs Harrison, 29 Newfield Drive	10/02/03	AMND
Mr & Mrs Jones, 98 Newfield Drive	10/02/03	AMND
The Owner / Occupier, 37 Newfield Drive	10/02/03	AMND
The Owner / Occupier, 17 Newfield Drive	10/02/03	AMND
E Robson, 102 Newfield Drive	10/02/03	AMND
Mr M Robinson, 94 Newfield Drive	10/02/03	AMND
The Owner / Occupier, 51 Newfield Drive	10/02/03	AMND
The Owner / Occupier, 33 Newfield Drive	10/02/03	AMND
The Owner / Occupier, 88 Newfield Drive	10/02/03	AMND

This application has been advertised by means of direct notification to the occupiers of forty neighbouring properties. At the time of writing this report two letters of objection have been received and the main planning issues raised are summarised as follows:

1. The area is primarily residential and an extension to the hours would undoubtedly cause anxiety and frustration an reduce the quality of life;
2. Due to the no smoking policy of the hotel, people stand outside to smoke and create noise amongst themselves through talking, laughing etc. Furthermore, noise from people leaving events can be heard late at night and this will be exacerbated if the hours are extended;
3. Complaints have already been made with regard to noise issues which interferes with our comfort and enjoyment;
4. A fire door will not provide sufficient attenuation against noise pollution which circumvents all previous noise limiting measures; and
5. The fire door does not include a porch, as on the north elevation, and there is the potential for noise emission if the door is left open.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted throughout the 1960s and 1970s for the retention of the use of the site as a bed and breakfast establishment.

Planning permission was granted for the change of use from bed and breakfast accommodation to a hotel and restaurant in June 1985. An extension to provide a new function room and bar area was approved in April 1993.

A 10no. bedroom accommodation block was approved to the rear of the hotel, in

August 1997. Planning permission was later granted for an extension to the existing dining room to form new bar area in April 2000.

Planning permission was granted for the conversion of an existing stable block to 3no. self catering units for use in conjunction with existing hotel in June 2000. A change of use was granted for the adjacent bungalow to create 4no. en-suite bedrooms for hotel use in April 2002.

Details of Proposal:

This application seeks full planning permission for the erection of an extension to the bar area at Newfield Grange, Newfield Drive, Carlisle. The premises is an existing hotel use located in a residential area and accessed from Kingstown Road, approximately 1.5 miles north of Carlisle City Centre.

The proposed extension would measure 7.6 metres in width and to a total of 9.3 metres in length and would be located on the western elevation of the building which is the front of the property. The height to the eaves would measure 2.8 metres and 5.45 metres to the ridge. The structure would be constructed of a dwarf brick wall, of a material to match the existing building, with white upvc window frames above.

The roof could be constructed from blue Welsh slate to the match the existing building. The design would include the formation of a pitch roof with a hip on the western elevation.

The revised proposal includes the extension of the footprint measuring 1.2 metres in width by 2.7 metres in depth (3.24 square metres) on the south elevation of the building. Both the approved drawing and the current proposal are reproduced following this report and this amendment is clear from these drawings.

Under the Building Regulations, an alternative means of escape is required and this is shown on the drawings as a fire door on the south elevation. However, this may lead to the door being left open and undermining the noise attenuation measures. Internal alterations can be undertaken to provide an alternative means of escape which would satisfy the requirements of Building Control and safeguard the noise insulation properties. Amended drawings have been requested to this effect.

The hotel as existing, is approximately 13.5 metres from the boundary of the site. In relation to the surrounding residential properties, the proposed extension would be sited 17 metres from number 47 Newfield Drive, directly opposite the hotel; approximately 27 metres from number 106 Newfield Drive to the south of the hotel; and 22 metres from number 108 Newfield Drive, directly to the north.

In consideration of this application Policies EM10 and H17 are relevant. Policy EM10 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this property which is situated within a substantial garden area.

These Policies also seek to protect the amenity of adjacent properties from

proposals which adversely affect them, through inappropriate scale or loss of residential amenity to the occupiers of adjacent properties. Although the proposals which is being presented are for consideration are substantial, the scale and design and would not be disproportionate or obtrusive.

It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

The issue of noise and disturbance from the proposed were considered and resolved under the previous planning application, reference 02/0682. Further comments in respect of this current application have been submitted by this Council's Environmental Protection Services. Their comments are reproduced earlier in this Report.

PPG24 (Planning and Noise) advises that it is not the purpose of the planning system to tackle existing noise problems. Other means are available for this, and should be seen as complementing the planning system. Paragraph 10 of PPG24 goes on to state:

> "The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance."

This echoed in paragraph 11 which states:

> "The impact of noise from sport, recreation and entertainment will depend to a large extent on frequency of use and design of facilities."

The noise attenuation measures which were included as part of the previously approved scheme are still applicable and include:

1. Non openable windows within the elevations;
2. A ceiling will be provided in the proposed extension which will be adequately noise insulated;
3. The erection of an internal glazed wall, 100mm from the inside of the wall, to provide an attenuation void;
4. An attenuated ventilation system;
5. The erection of a porch to entrance doors which will prevent noise emanating from the site when customers enter/ leave the premises.

In conclusion, Members are being asked to consider a revised scheme to the extension, which involves an increase of 3.24 square metres. Whilst presently Officers have concerns with regard to the incorporation of a fire door on the south elevation, amended drawings are awaited to show this deleted from the scheme. On balance, however, the scale and design of the extension is appropriate and would not have such an adverse impact on the character of the area.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation:

Reason for including report in Schedule B

A recommendation is unable to be made as further amended drawings are awaited from the applicant's agent.

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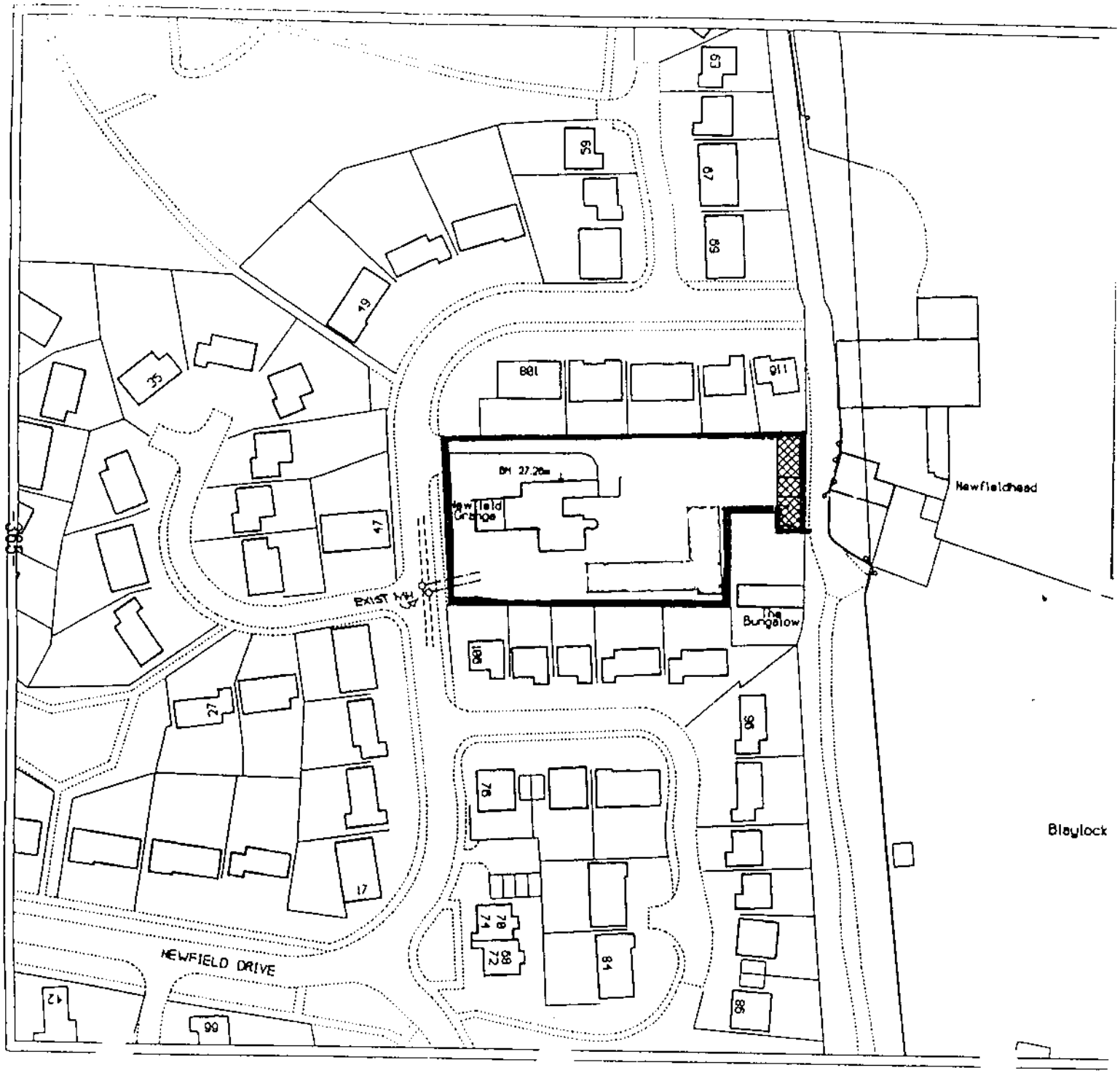
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West

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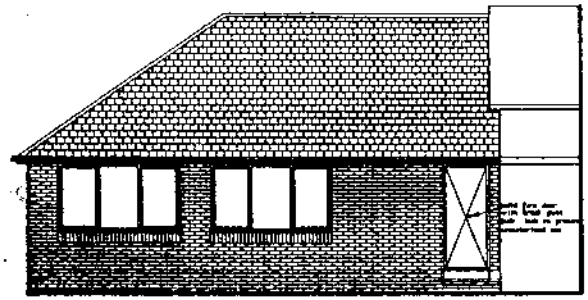
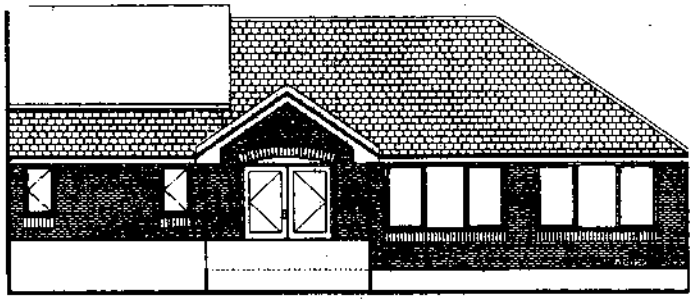


South



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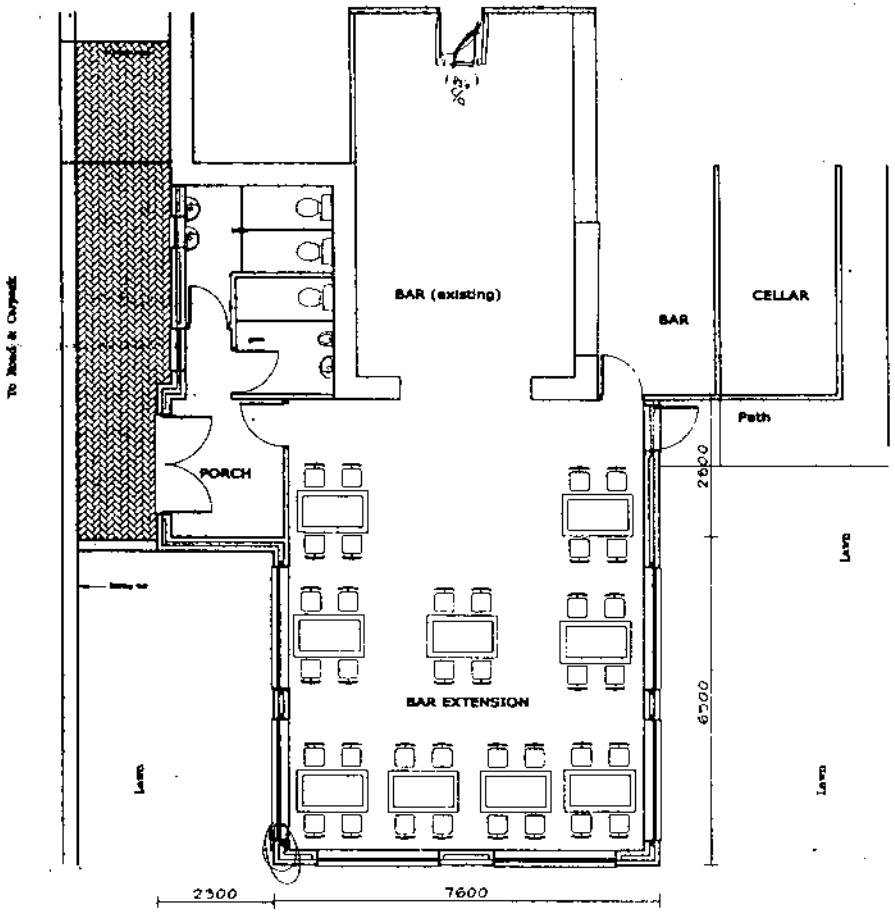
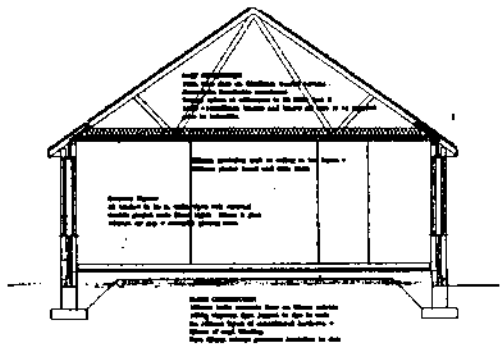


LAYOUT PLAN 1:50



SECTION A–A 1:50

NOTE
All bar extension to be ventilated via input/ extract fan system with noiseattenuations to fans to be agreed with LPA and Acoustic engineers

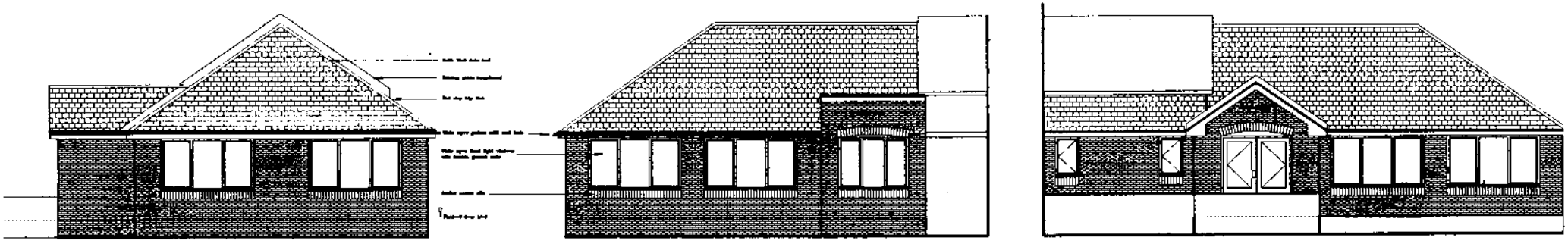
TSADA BUILDING DESIGN SERVICES

Tsada Cottage, Longcrew, Carlisle, Cumbria CA6 5NA
Telephone: (01228) 791387
Mobile: (07957) 436712

Job title
NEWFIELD GRANGE HOTEL
Bar Extension & Toilets

2w3/01/3+

Drawing by	Amendments	Client	Drg No.
W.R.Faulder		Newfield Grange Hotel Newfield Carlisle	44/2002/1.a
Date 31/10/2002			Scale as shown

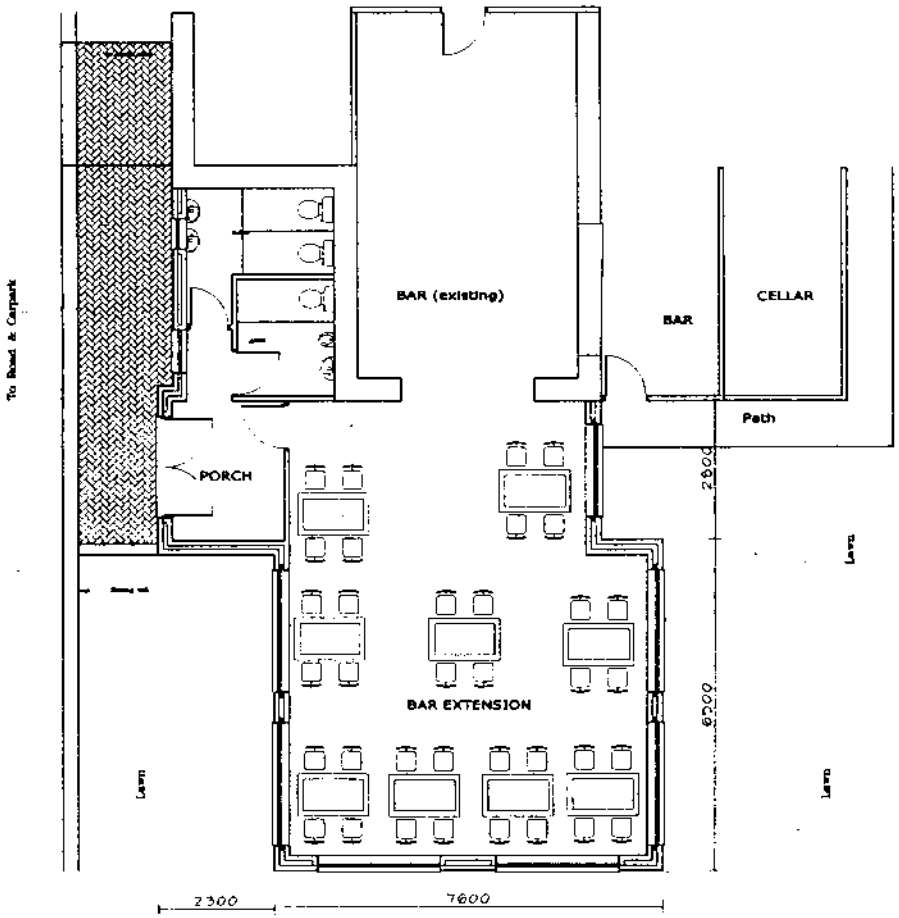


West

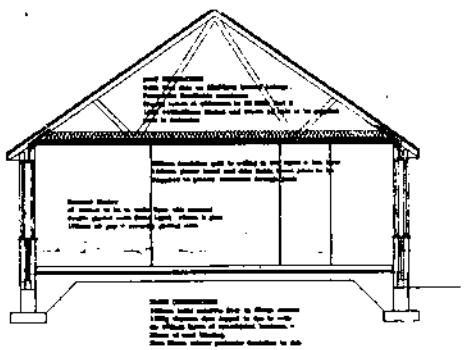
South

North

ELEVATIONS 1:50



LAYOUT PLAN 1:50



SECTION A–A 1:50

NOTE
All bar extension to be ventilated via [illegible] with noiseattenuations to fans to be [illegible] Acoustic engineers

CITY OF CARLISLE
TOWN & COUNTRY PLANNING ACT 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER
[illegible] approved / refused under the above Act and Regulations in accordance with the terms [illegible] dated [illegible] (Notice of Approval / Refusal) under
Application Reference No: CE/0682
Date: 12 DEC 1902
Head of Planning Services

TSADA BUILDING DESIGN SERVICES
Tsada Cottage, Longtown, Carlisle, Cumbria CA6 5NA
Telephone: (01228) 791907
Mobile: (07957) 838713

Job title
NEWFIELD GRANGE HOTEL
Bar Extension & Toilets

AEDAS
15 NOV 2002

Drawing by
W.R.Faulder

Date
31/10/2002

Amendments

Client
Newfield Grange Hotel
Newfield
Carlisle

Drg No.
44/2002/1.b

Scale
as shown

Item No: 15 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0424	J A Bowman (Hexham) Ltd	Brampton
Date of Receipt:	**Agent:**	**Ward:**
17/04/2002	Taylor & Hardy	Brampton
Location:		**Grid Reference:**
L/A, Sawmill, Sawmill lane, Brampton		353177 561505

Proposal: Residential development (outline)

Amendment:

CJH

Report

Planning Policies:

Airport Safeguarding Area

Public Footpath

The proposal relates to development which affects a public footpath.

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highways Authority): The highway authority objected to the application as submitted (i.e. 22 dwellings) because the unadopted Sawmill Lane is inadequate in terms of width and lack of foot way to cope with this number of dwellings. Views on the amended scheme for 17 dwellings are awaited, together with a view on the relative merits of the use of Sawmill Lane or Stanley Road as accesses to the site.

Brampton Parish Council: In relation to the original submission, the Parish Council had no objection in principle but objected to the use of Sawmill Lane as the sole access. The Parish Council has now responded to the revised plan, stating that permission should only be granted if it is possible to provide footpaths on both sides of the lane with a carriageway wide enough for two way traffic. There are still concerns about the safety of schoolchildren, and it is suggested that Sawmill Lane should be extended through to Stanley Road to allow one-way traffic along the lane.

Cumbria County Council (Strategic Planning Authority): No observations.

Civil Aviation Authority: The application is in outline and comments are therefore reserved until reserved matters are submitted.

Ramblers Association: No objection.

Design Services - Drainage Engineer: The site is served by private drains and the nearest connection point to the public sewer is some 200 metres away.

Environment Agency (N Area (+ Waste Disp)): No objection in principle, but

conditions recommended to deal with possible on-site contamination.

Council for Protection of Rural England: The C.P.R.E. objects to this application because it involves development on a site on the edge of Brampton, which lies at its outer edge on a greenfield, thereby conflicting with the requirements of P.P.G.3.

Brampton Junior School: The school objects to the application because the increased traffic along Sawmill Lane would cause conflict with pedestrians, particularly school children on their way to school, and the dangers thereby created outweigh any benefit from the scheme.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 4 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 6 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 8 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 10 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 12 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 14 Berrymoor Road	19/04/02				AMND
Mrs N McVittie, 16 Berrymoor Road	19/04/02			Support	AMND
Mr Gordon Park, 18 Berrymoor Road	19/04/02			Objectio	AMND
The Occupier / Owner, 20 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 22 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 24 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 26 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 28 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 30 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 32 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 34 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 36 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 38 Berrymoor Road	19/04/02				AMND
The Occupier / Owner, 59 Stanley Road	19/04/02				AMND
The Occupier / Owner, 88 Stanley Road	19/04/02				AMND
The Occupier / Owner, Kimberley	19/04/02				AMND

Mr & Mrs G Marshall, Kirkleven	19/04/02	Objectio	RESP
Rev. R B & Mrs I Hicks, Lane House	19/04/02	Objectio	RESP
The Head Teacher, Brampton Infants School	19/04/02		AMND
Headteacher, Brampton Junior School	24/04/02	Objectio	RESP

This application was advertised by means of press and site notices and neighbour notification. Five letters of objection were received to the original submission. These all objected to increased traffic along Sawmill Lane arising from the development. Following re-consultation on the revised proposal for 17 dwellings, one letter has been received reiterating the objection.

Details of Proposal/Officer Appraisal:

Planning History:

The site has been used as a sawmill for many years, and in January 2002, a Certificate of Lawful Use was granted for this use.

Details of Proposal:

This application was deferred at the meeting of the Committee on 31st January to enable members to visit the site, and to enable the relative merits of Sawmill Lane and Stanley Road as potential accesses to the site, to be evaluated.

It will be recalled that outline planning permission is sought for residential development at the Sawmill, Sawmill Lane, Brampton. The site, which has been used as a sawmill for many years, extends to 1.07ha. It is located at the eastern end of Sawmill Lane, an unadopted lane which leads from Union Lane. It is adopted as far as the entrance to the primary school, beyond which it has a tarmac surface but no foot ways. Three residential properties to the south of Sawmill Lane use this as a vehicular access. To the north and east of the site are houses in Berrymoor Road and Stanley Road.

The site includes the sawmill building and the surrounding yard which was used for storage. The land slopes up to the south and there is an additional area in the applicant's ownership which is outside the site. Also included in the site is a small paddock between the sawmill itself and the nearest dwelling.

The proposal as submitted was accompanied by an indicative layout showing 22 dwellings. Following an objection from the highway authority (see consultations), an amended layout for 17 dwellings has now been received.

The two principal issues related to this application are firstly the principle of residential development on this site and the access to the site and associated highway issues.

The sawmill itself is allocated in the Brampton inset of the Carlisle District Plan for employment purposes, where policy EM2 is relevant, while the adjacent paddock is white land.

Policy EM2 contains a presumption against redevelopment of an existing employment sites. However, in this particular case, although the sawmill has been present for many years, the access to the site along Sawmill Lane past the school and residential properties has never been ideal. If the site were to be re-used or redeveloped for employment purposes, it follows that there would be significant commercial traffic flows along the lane, and in officers' view this would be more dangerous and detrimental to amenity than the current proposal for residential use. It is therefore considered that an exception to Policy EM2 is justified and there is no objection in principle to the proposal.

Members will note that the C.P.R.E. have also commented on this aspect of the application. Essentially their argument is that the site is on the edge of the built-up area and part of it should be regarded as greenfield, where there should be a presumption against development. In fact, the rear site boundary has been drawn in an attempt to include only the land within the operational area of the sawmill, i.e. the buildings and adjacent storage area. Although the adjacent paddock is a greenfield, it fills a relatively small gap between the sawmill and the adjacent dwelling, and officers do not consider this objection to the proposal is valid.

As far as the traffic issue is concerned, the amended layout for 17 houses was submitted following a site meeting with representatives of the highway authority. It is intended to reflect the maximum number of houses permissible, given the existing dimensions and capacity of Sawmill Lane, and consistent with the Design Guide, and taking into account the existing dwellings in Sawmill Lane. In this regard, the intention is that the lane would be regarded as a shared surface road which does not require a separate foot way. The highway authority's view on the amended proposal is awaited. The lane is also a public footpath. This will be taken into account by the highway authority, but it will be noted that the Rambler's Association have no objection to the proposals.

Following the views expressed in the last meeting regarding the possible use of Stanley Road as an access to the site, the applicants were requested to provide an assessment of these two alternatives. This is reproduced in the schedule but at the time of writing a response from the highways authority has not been received.

Another issue relevant to this application is that in view of its previous use, the site is likely to be contaminated. A condition requiring this to be investigated and dealt with should be attached to any permission granted.

To summarise, therefore, the proposal to redevelop the site for residential is regarded as acceptable in principle, but the highway authority's view on both the revised proposal for 17 units and the issue of the access to the site is required before the application can be considered.

Human Rights Act 1998

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

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

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

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

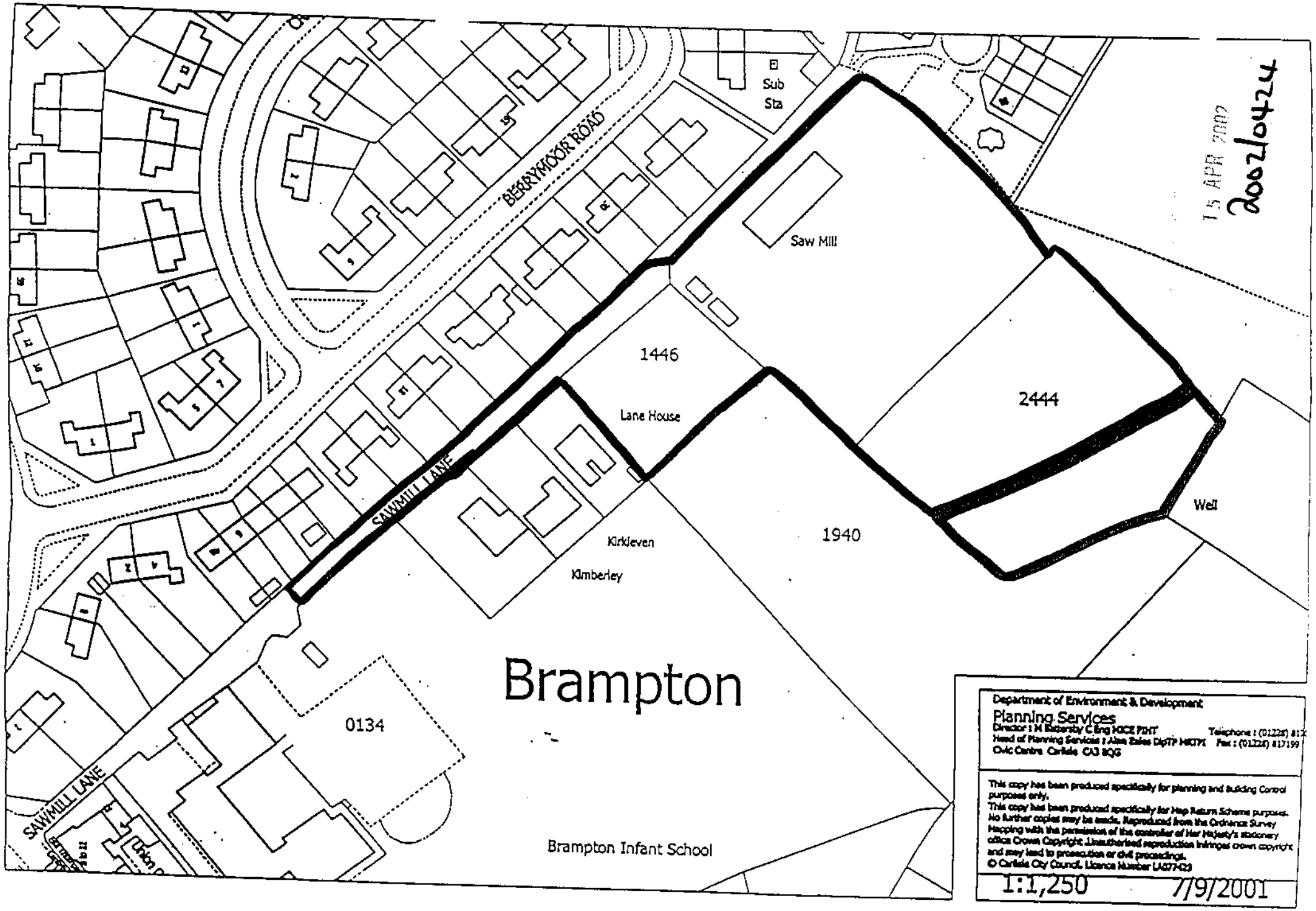
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could have implications for Article 8 of the Human Rights Act. This should be borne in mind when a decision is made.

Recommendation:

Reason for including report in Schedule B

A recommendation cannot be made in respect of this application because the view of the highway authority regarding the access to the site and the amended scheme for 17 dwellings are awaited.


BERRYMOOR ROAD
Sub Sta
Saw Mill
1446
Lane House
2444
SAWMILL LANE
Kirkleven
Kimberley
1940
Well
Brampton
0134
SAWMILL LANE
Brampton Infant School
15 APR 2002
2002/0424
Department of Environment & Development
Planning Services
Director : H Battersby C Eng MICE FIHT
Head of Planning Services : Alan Eales DipTP MRTPI
Civic Centre Carlisle CA3 8QG
Telephone : (01228) 812
Fax : (01228) 817199
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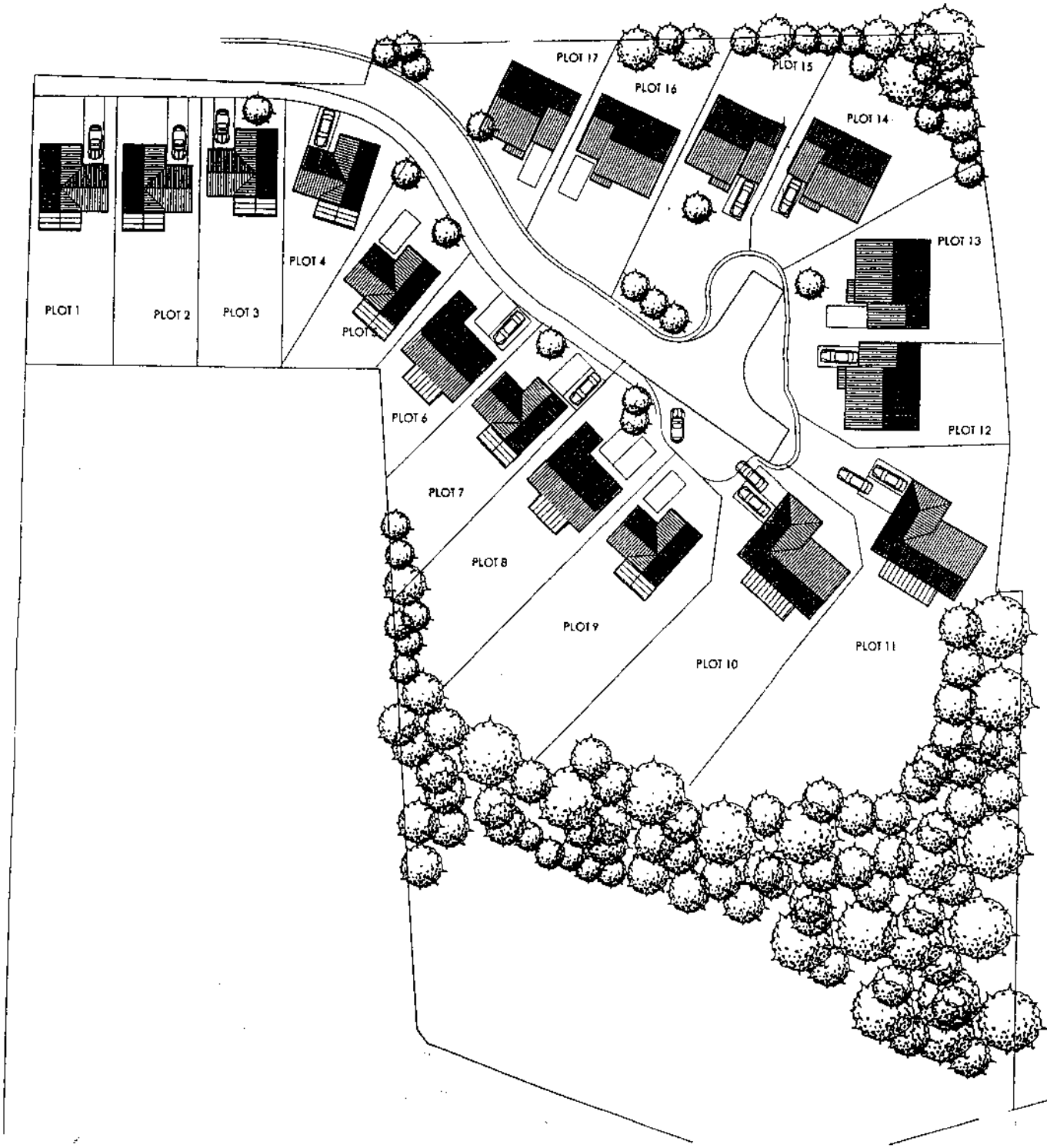
7/9/2001



Revision Date Description Revised by Checked by

ARCHITECTS

P L U S

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515033
e mail ap@architectsplus.co.uk

Project
REDEVELOPMENT OF BRAMPTON SAWMILL

Drawing
LAYOUT 3

RECEIVED
19 DEC 2002

Scale	Date	Drawn	Comp.No.	Checked	Number
1:500	12-02	rj			02002-04 2002/044 L

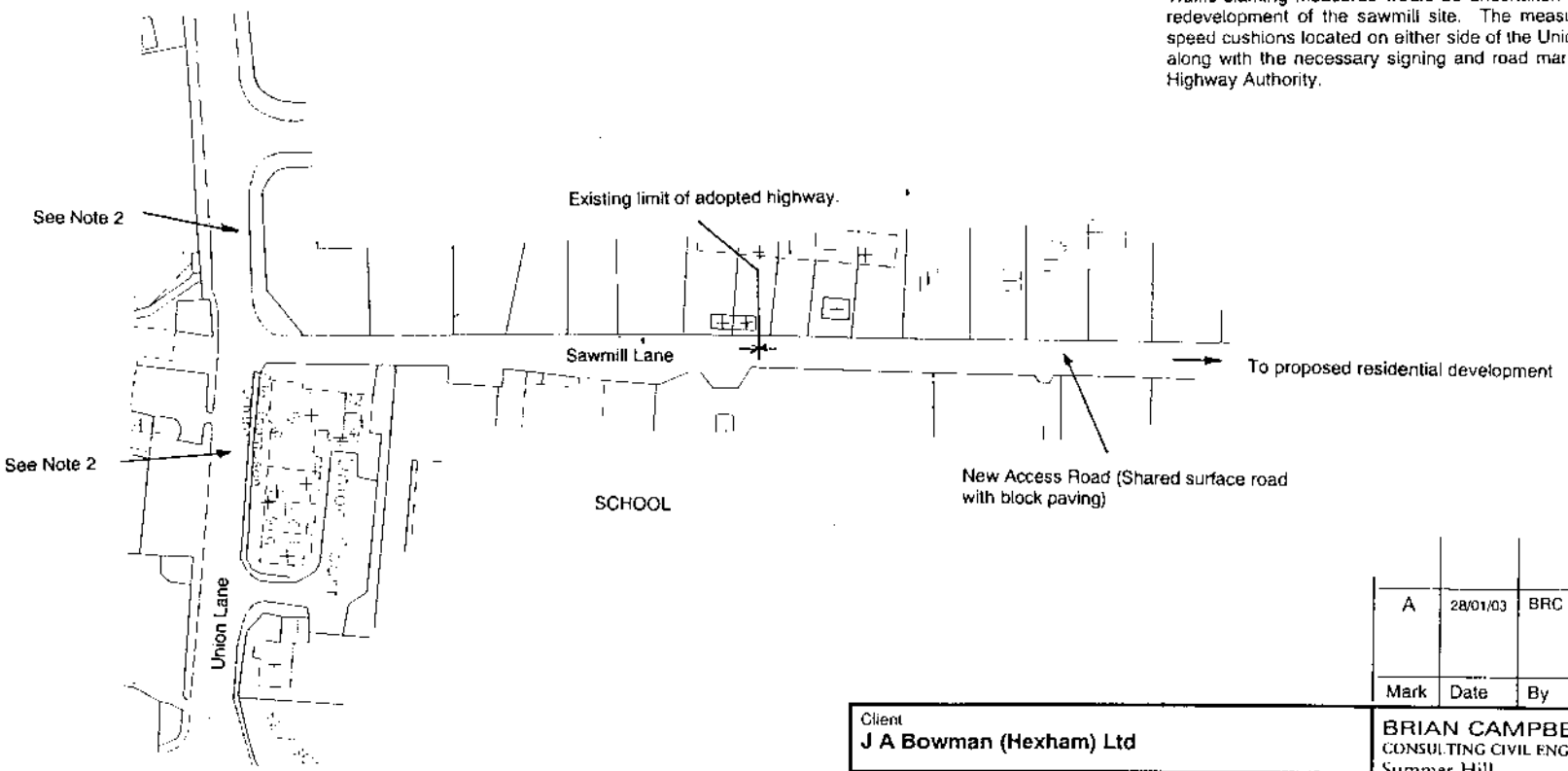
This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions & particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before

Notes:

1. New Access Road
   The section of new access to the proposed residential development on the sawmill site to be constructed to adoptable standards as a "shared surface road" in accordance with the Cumbria County Council's "Cumbria Design Guide".

   Traffic calming measures would be implemented along the section of new access road and on the existing adopted section of Sawmill Lane down to Union Lane. Such measures would be in accordance with the Design Guide and would be in the form of road humps or speed tables all to the approval of the Highway Authority.

2. Traffic Calming on Union Lane
   Traffic claming measures would be undertaken on Union Lane as part of the redevelopment of the sawmill site. The measures would be in the form of speed cushions located on either side of the Union Lane/Sawmill Lane junction along with the necessary signing and road marking all to the approval of the Highway Authority.



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Scale 1:1,000

Mark	Date	By	Revision
A	28/01/03	BRC	Revise Note 1 to include whole of Sawmill Lane & new access road in traffic calming scheme. Revised Note 2 to include "all to approval of Highway Athority".

Client
J A Bowman (Hexham) Ltd

Project
Proposed Redevelopment of the Brampton Sawmill, Sawmill Lane, Brampton

Drawing Title
Access to Proposed Residential Development: Proposed Treatment

BRIAN CAMPBELL ASSOCIATES
CONSULTING CIVIL ENGINEERS
Summer Hill
Spark Bridge Cumbria LA12 7SS
Telephone & Fax: 01229 861 090

Scales: 1:1000

Drawn: BRC	Date: 16/12/02	Checked: BRC
Reference BCA/080	Drawing No. SK/080/01	Rev. A

friends OF THE LAKE DISTRICT

ES
02/0424
24 MAY 2002
RECORDED
SCANNED
PASSED TO
ACTION

Murley Moss
Oxenholme Road
KENDAL
Cumbria
LA9 7SS
Tel: 01539 720788
Fax: 01539 730355
E-mail: info@fld.org.uk
www.fld.org.uk

Head of Planning Services
Department of Environment & Development
Carlisle City Council
The Civic Centre
Carlisle,
Cumbria
CA3 8QG

22nd May 2002

Dear Sir

Town and Country Planning Act 1990.
Planning Application 02/0424.
Residential development.
Sawmill, Sawmill Lane, Brampton.

We refer to the above planning application.

FLD would accept that the site is reasonably well related to the existing built up part of Brampton. However, it lies at its outer edge on a greenfield site. The site is also not allocated in the Local Plan, and would produce a potential for 16 new dwelling units in the village. A separate site at William Howard Lower School had been allocated, with the potential to provide approximately 25 dwellings in the village up until 2006.

We note that Policy H2 of the Local Plan is applicable, which allows new residential development in Brampton provided that existing areas of open space and other amenity areas are safeguarded; existing residential amenities are not harmed; and that the proposed development complements or enhances existing adjacent residential areas. Arguably in our judgement, the application site does currently provide an important area of open space – a functional lung – that enhances the character and amenities of the village. From this point of view, arguably the development could fall foul of the criteria in Policy H2.

FLD has referred in previous representations for greenfield site developments elsewhere in the recent past to the strict requirements of PPG3 (March 2000). These representations seem to have been either largely ignored or dismissed by the Council's Planning Officer's in their assessment of other similar planning applications. Officer's justification for granting planning permission for those other schemes seems to have been based exclusively on Local Plan Policy H2 and H5. We would argue that PPG3 supersedes the Local Plan Housing Policies, since the Local Plan had been adopted as long ago as September 1997, and PPG3 was issued more recently in March 2000. This opinion has been supported by Planning Inspectors in similar cases throughout the country, where the Local Plans had pre-

President:
Sir John Johnson KCMG

Vice Presidents:
Sir Chris Bonington CBE
K S Himsworth CBE
Lord Chorley
Graham Watson MBE

Chairman:
Robin Barratt

Hon. Treasurer:
Ken Andrews

Director:
Ian Br

Policy Officer:
Jan Darrall

Planning Officer:
Graham Hale

Membership Secretary:
Jane Walton

Assistant Policy Officer:
Martin Varley

dated PPG3, and which has led to those appeals being dismissed on PPG3 grounds. FLD has copied example appeal decisions to the Head of Planning Services to illustrate the point. The fact is the current application site is not allocated, and comprises a greenfield. Even if it were allocated, the Planning Authority would still be required to assess the application in full accordance with PPG3.

It is our view that at the very least PPG3 is saying planning permission should not be granted for windfall development on greenfield sites, where there is no demonstrable 'need' in terms of the housing requirements for the District up until 2006. Only where there is a clear planning case that there is an insufficient supply of housing land available to satisfy existing housing requirements in the Plan period, should additional land be brought forward for development. In essence, the Government is saying that unallocated greenfield development can only come forward in exceptional circumstances. Paragraph 36 in PPG3 is highly significant in this regard, where it clearly states that no allowance should be made for greenfield windfalls. At best, FLD would argue that such additional windfall sites should be justified through the Local Plan process, as an update of the Plan through the plan, monitor and manage approach.

If however it can be proven there is a demonstrable housing 'need' because there is an inadequate supply of housing land, then the Authority must still assess the development set against the remaining parts of PPG3. These comprise the five tests in paragraph 31, the sequential approach and the results of an up-to-date Urban Housing Capacity Study (UHCS), together with the advice contained in 'Tapping the Potential' (DETR). Furthermore, the Planning Authority must take account of the higher densities (between 30-50 du/ha) now required by PPG3. That will also impact upon the acceptability of existing housing allocations as well as new applications.

PPG3 has a logical, methodological approach that means a Planning Authority cannot be selective over which elements of PPG3 they wish to incorporate or ignore. It is a much more comprehensive approach to assessing housing development. If part of that assessment is either missed out or ignored (for example the UHCS), it is then difficult to draw any proper planning conclusions and recommendations. This is clearly borne out and recognised in Planning Inspector's appeal decisions across the country, where Authorities have not for example provided an UHCS or missed out the sequential assessment.

From the evidence forwarded to FLD by Carlisle City Council on the supply of housing land in the District as at July 2001, there would seem to be no justification to bring forward for early release additional windfall greenfield sites. By our calculations, there is likely to be a surplus/oversupply of at least **+253 du**

in the rural areas up until 2006, and an overall District wide oversupply of +842 du (see FLD's representations submitted for application 02/196). It is our understanding therefore that the District has the benefit of a surplus of housing land supply to satisfy the current Structure Plan requirements. Hence the Planning Authority has a sound planning case to refuse planning permission on this basis alone, and which would be supported on appeal as evidenced by recent Inspector's decisions. Consequently, given the apparent healthy supply of housing land available, FLD would maintain that there can be no planning justification to grant planning permission for this greenfield, unallocated site in the light of the requirements of PPG3.

Please record these comments as those of ***Council for Protection of Rural England (Cumbria association)***. We would be grateful if the contents of this letter are copied in full to the Planning Committee. We also wish to receive a copy of the Planning Officer's report in advance of the meeting and a copy of the eventual decision notice.

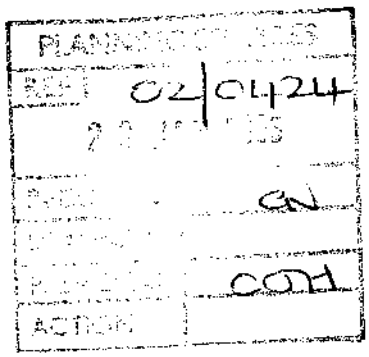
Yours faithfully

Graham Hale BA (Hons) MSc MRTPI
Planning Officer

COUNTY COUNCIL

Community Economy and Environment

Lower Gaol Yard
The Courts, Carlisle
Cumbria CA3 8NA
Fax: 01228 606577
Telephone: 01228 606111
mark.goodwill@cumbriacc.gov.uk



Your ref: CJH/DC/02/0424
Our ref: 5317/6149

17th January 2003

Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear Sir

CONSULTATIONS WITH PLANNING AUTHORITIES.
PROPOSED RESIDENTIAL DEVELOPMENT
THE SAWMILL, SAWMILL LANE, BRAMPTON.

I refer to the above consultation and subsequent amended details dated the 20th December 2002 and 6th January 2003 and would offer the following comments:-

With regards to the amended details dated 20th December, consideration should be given to providing visitor parking facilities, preferably running parallel to the carriageway, adjacent plot nos 1 to 4 in order to reduce the likelihood of conflicting pedestrian/vehicular movements occurring as a result of visiting vehicles parking on the carriageway.

The proposed traffic calming shown on drawing no. SK/080/01 indicates that the proposed traffic calming is to be provided only along the section of 'new access road'. However, it had been agreed at a recent meeting that such traffic calming would be provided along the whole length of Sawmill Lane.

It is considered that further plans, taking into account the above should be submitted for approval prior to the granting of planning permission.

Yours faithfully

Mgoodwill

Mark Goodwill
Development Control Engineer

Printed on recycled paper

9 Finkle Street
Carlisle
Cumbria CA3 8UU

Tel: (01228) 538886
Fax: (01228) 810362
Email: planners@taylorandhardy.co.uk

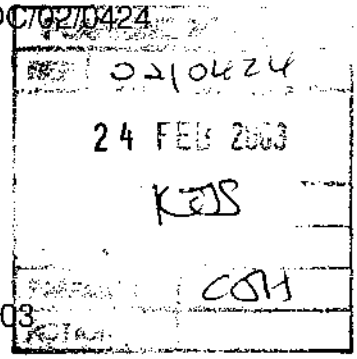
Taylor & Hardy Limited. Registered in England No. 3977505
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

TAYLOR & HARDY

Chartered Town Planners

Our Ref : MEH/J/C01/090

Your Ref : CJH/DC/0270424



Mr. John Hamer,
Principal Development Control Officer,
Planning Services Division,
Carlisle City Council,
Civic Centre,
CARLISLE.
CA3 8QG

21st February, 2003

Dear John,

OUTLINE PLANNING APPLICATION
PROPOSED REDEVELOPMENT OF THE BRAMPTON SAWMILL, SAWMILL LANE, BRAMPTON FOR RESIDENTIAL PURPOSES FOR J.A. BOWMAN (HEXHAM) LTD.

I am writing further to the Development Control Committee's consideration, at their meeting on 31st January 2003, of the proposal described above. You have advised that at the meeting it was resolved that the Committee would, on 12th March 2003, make a site visit to look at both the site itself and the two alternative access routes, i.e. the one along Sawmill Lane and the one via Stanley Road.

Whilst the Committee will clearly inspect the site and surroundings and reach their own conclusions, I am writing to highlight points, many of which have already been made by Brian Campbell, Brian Campbell Associates, about these two alternative options.

In respect of these two alternative routes the following comments are made:

1. **Access via Stanley Road**

The access route to the application site via Stanley Road is through a housing estate which was built, it is understood, just after the Second World War.

The widths of the roads within the Estate are narrower than those on modern estates. Many houses do not have either garages or off-street parking spaces. The nature of the roads and the absence of opportunities for off-road parking, which consequently results in significant on-street parking, makes the roads somewhat restricted and, on occasions, awkward to negotiate.

Bob Taylor Dip. T.P., M.R.T.P.I.
Margaret Hardy B.A. (Hons), M.R.T.P.I.

It is noted that the route to the application site via Stanley Road would:

- be 0.8 km longer than the Sawmill Lane route;
- be through an area which is virtually wholly residential where much of the housing is in family occupation;
- involve traffic negotiating in the region of 3 junctions. In addition, along the route the traffic would take there are a number of side junctions where traffic would also be entering and leaving the traffic flow.

2. Access via Sawmill Lane

The proposal as detailed in the submitting planning application relies on the access via Sawmill Lane.

Sawmill Lane is the means of access to the sawmill site and has been since it was developed in 1924. All vehicles to and from the site, which benefits from a Certificate of Lawfulness for a sawmill, use Sawmill Lane and will continue to do so. It is noted that the traffic generated by the sawmill use included a wide variety of vehicle types including HGV's.

Sawmill Lane and its junction with Union Lane currently caters for vehicular traffic from the sawmill site, existing housing on the lane and the school. Some pedestrians from the housing estate and housing on the lane itself also use Sawmill Lane as a pedestrian route to the Town Centre.

Concern has been expressed about:

- the visibility of the junction of Sawmill Lane with Union Lane;
- the width of the adopted section of the Sawmill Lane, a width such that cars and pedestrians share the same surface;
- the highway safety implications of additional traffic on Sawmill Lane adding to problems for children and parents in the vicinity of the school;
- the width of the unadopted length of Sawmill Lane. A width being such that again vehicles and pedestrians share the same surface.

With the above highway safety concerns in mind the residential development which is proposed includes a number of highway improvements these being:

- the complete surfacing and making-up of the length of Sawmill Lane, beyond the highway which is presently adopted, to a Shared Surface Road as detailed in the Cumbria Highway Design Guide. As per the standards in the Design Guide this shared surface road will serve a total of 20 dwellings, 3 which are existing and the 17 which are proposed;

- the provision of additional street lighting along Sawmill Lane to the satisfaction of the Local Planning Authority;

- the provision of a parking space along the highway frontage of each of the four dwellings which are proposed with a frontage onto Sawmill Lane.

- traffic calming on Sawmill Lane. On the full length of Sawmill Lane traffic calming measures will be provided in accordance with Volume One of the Cumbria Design Guide. These will be to the approval of the Local Planning Authority and be in the form of road humps or speed tables.

- traffic calming on Union Lane and Greenfield Lane, measures will be in the form of speed cushions and related signs to either side of the Union Lane/Sawmill Lane Junction.

Aspects which would be subject to planning conditions.

With the above in place and, bearing in mind the established use of the Sawmill, Brian Campbell of Brian Campbell Associates, considers that the situation and conditions at the junction of Sawmill Lane/Union Lane will be an improvement to that which exists at present. Furthermore, his view is that the proposed housing would not add significant numbers of vehicles to those currently able to access Sawmill Lane during the critical times of the school day. The mixing of vehicles and parents and children using the same roadway is, however, a real concern, a concern which has been addressed by the provision of the traffic calming measures which are proposed.

As stated by Brian Campbell in his earlier letters it is questionable whether the Stanley Road access would be better in terms of overall highway safety than the use of Sawmill Lane. The Stanley Road access will expose pedestrians to a higher risk of accidents as the route is longer and the exposure to the hazard is present throughout every day and night.

Sawmill Lane by contrast, when improved as described above, will provide a shorter, more direct traffic calmed route.

I hope all the above is clear and will be given careful consideration prior to the determination of my Client's application. If, however, you have any queries please do ring me.

Please note that I have also sent a copy of this letter to Mark Goodwill, Highways, Cumbria County Council and, as we have discussed, requested his views, see copy letter which is enclosed.

Yours sincerely,

Margaret

MARGARET HARDY

cc: Mr. Mark Goodwill, Highways Department, Cumbria County Council

Mr. J.F. Bowman

Item No: 16 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1044	Mr & Mrs Gray	Bewcastle
Date of Receipt:	**Agent:**	**Ward:**
01/10/2002	A Roscoe	Lyne
Location:		**Grid Reference:**
Saughs Farm, Bailey		351130 579620

Proposal: Two storey extension to provide enlarged lounge and study with en-suite bedroom above incorporating first floor balcony

Amendment:

1. Revised floor and elevational plans received showing the setting back of the extension from the "front" wall of the existing house by 0.5 metres and alteration to design of balcony .

AGH

Report

Planning Policies:

Public Footpath

The proposal relates to development which affects a public footpath.

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Carlisle District Plan
Housing - Proposal H6

Within the remainder of the Plan area, ouside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

Carlisle District Plan
Housing - Proposal H7

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and

2. The proposal complements the character and size of the hamlet or group of dwellings; and

3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

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.

Carlisle District Plan
Transport - Proposal T15

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

Summary of Consultation Responses:

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

Bewcastle Parish Council: No wish to make any representations.

English Nature: The application involves the type of building that may be used by bats. It is therefore advised that the relevant information note is attached to any planning permission.

Summary of Representations:

This application has been advertised in the form of a site notice. No observations have been received at the time of preparing the report.

Details of Proposal/Officer Appraisal:

Planning History:

In 1999, under application reference number 99/0691, planning permission was given for the conversion of redundant farm buildings to form five units of self catering holiday accommodation.

In 2000, under application numbers 00/0326 and 00/0886, planning permission was given for the erection of a cattle shed, stable block and tack room.

In 2001, application numbers 01/0006 and 01/0156, planning permission and advertisement consent were granted for the erection of an agricultural storage building, and, a non-illuminated sign.

In August 2001, application number 01/0353, planning permission was refused for the conversion of a barn and erection of a link building to the existing house. The stated reason being:

"The site of the proposed development is located within an isolated farmstead associated with the open countryside. The proposal because of its scale and design, which is tantamount to the erection of a new dwelling, would result in an unsympathetic consolidation of residential development in the open countryside to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies H5, H6, H7, H12 and H14 of the Carlisle District Local Plan."

In August of last year, application 02/0323, planning permission was given for the construction of an all weather equestrian riding area with associated 1.2m high post and rail fencing.

Details of Proposal:

Saughs Farm is located within the designated Remote Rural Area to the south of Kershope Forest. It is an isolated farmstead consisting of a four bedroomed farmhouse, a series of one and two storey stone walled outbuildings, and a metal corrugated sheeted barn. The applicants' have to date formed some, but not all, of the holiday units from the stone walled outbuildings as approved under application number 99/0691.

To the north-east of the farmhouse and holiday units the new agricultural building, stable block and tack room have been erected. A public footpath runs through the site.

The applicants agent has indicated that the current proposal has arisen because of a need for an office at home from which Mrs Gray could organise the letting of the holiday cottages on site and Mr Gray can run his construction business; the existing lounge would become a play room and the proposed lounge for the family as a whole to relax within; and, the recently established horse riding facility may require a stable hand who could be accommodated in the house as well as any guests wishing to stay.

The application, as originally submitted, involved erecting a two storey extension measuring, on the ground floor, 6.3m by 13.5m and constructed externally in matching stonework/render on the walls and tiled roofing. The accommodation consisting of a lounge and study with a new bedroom above.

The following reservations were, however, expressed in relation to the proposal as submitted:

a) the proposed elevational treatment is considered alien to the existing building and, in itself, to have insufficient character as a contrasting extension;

b) the proposed extension is extremely large and, in floor area, is equivalent to two 4 person houses based on Parker Morris standards;

c) there appears to be the duplication of existing facilities, for example the lounge; and

d) altering the roof pitch over the flat roofed dormer window may be an unnecessary expense.

Members will recall that at their Meeting on the 20th December 2002 consideration of the proposal was deferred in order to allow further negotiations to take place over the design of the proposed extension.
The then City Architect, as a basis for further discussion and negotiation, raised a series of ideas ranging from the modern to the more traditional. In the case of the more traditional form and layout, a total of four options have been suggested to the applicants as the basis for revising the current proposal. The applicants agent has, nevertheless, indicated that his clients wish to retain the basic design as submitted based on the revised plans showing the setting back of the "front" wall by 0.5m and alterations to a proposed balcony - see attached copies of plans.

The applicants have also forwarded a copy of a letter from the Chairman of Bewcastle Heritage Society on behalf of his Committee which expresses support for the current proposal because: the design is considered to be in keeping with the vernacular architecture of this part of north Cumbria; the external proportions of the present house will not be materially changed and the extension will return the farmyard to a defensive courtyard style; and, previous unsympathetic alterations are to be removed and replaced by features more in keeping with such an old farm.

The aforementioned letter goes on to criticise, what appears to be two of the alternative options suggested, because: the suggested design is considered not to be valid from a local architectural point of view; the proposals will materially spoil the external proportions of the farmhouse and outbuildings; the application of building standards that apply to urban housing developments are not relevant in a rural environment; and, if applicants want larger rooms and it does not affect the external aspects and proprtions of the building, then it should be of no concern to anyone but themselves.

In considering this application it is felt that the following issues need to be kept in mind:

i) Ministerial advice contained within PPG7 ("The Countryside - Environmental Quality and Economic and Social Development") emphasises in paragraph 2.14 that the "countryside should be safeguarded for its own sake ... The priority now is to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development, in order to complement the protection which designation offer".

ii) Supplementary planning guidance contained in "Countryside Design Summary for Carlisle District" highlights that:

"Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity,

as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings" (page 8).

iii) The proposal relates to the two storey farmhouse with a "cat slide" slated roof. In the past the house has subsequently been altered by a box profile flat roofed dormer, nearly along its whole length, which is alien to the building's appearance. The available records do not show that the dormer was subject to an application for planning permission.

iv) The current proposal represents a significant extension, equivalent at least to an additional dwelling, which will increase the visual impact of the house. The treatment of the roof is also based on the same principle as the existing dormer albeit with a monopitched tiled roof over the length of the existing and proposed dormer. The applicants agent, in order to reduce the impact and contrast, has verbally intimated agreement to use slates to match the existing house. The Principal Building Surveyor has, nevertheless, pointed out that a slated roof is not acceptable below 20 degrees whilst the submitted plans show a pitch of 15 degrees. In effect it is considered that the proposal, if approved, would exacerbate an already discordant feature.

v) It is also considered that the proposed elevational treatment in terms of the fenestration is incongruous.

vi) The property is in a remote location, however, it can be seen from the highway and the existing public footpath network which goes through the courtyard.

vii) The proposal relates to an existing four bed house which does not appear to be cramped or miss any features fundamental to present day living standards.

In conclusion it is considered that the current proposal contains serious failings in terms of its scale, roof treatment and design which taken together harm the individual character of the house and thereby diminishes an attractive rural landscape.

Human Rights Act 1998:

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

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

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

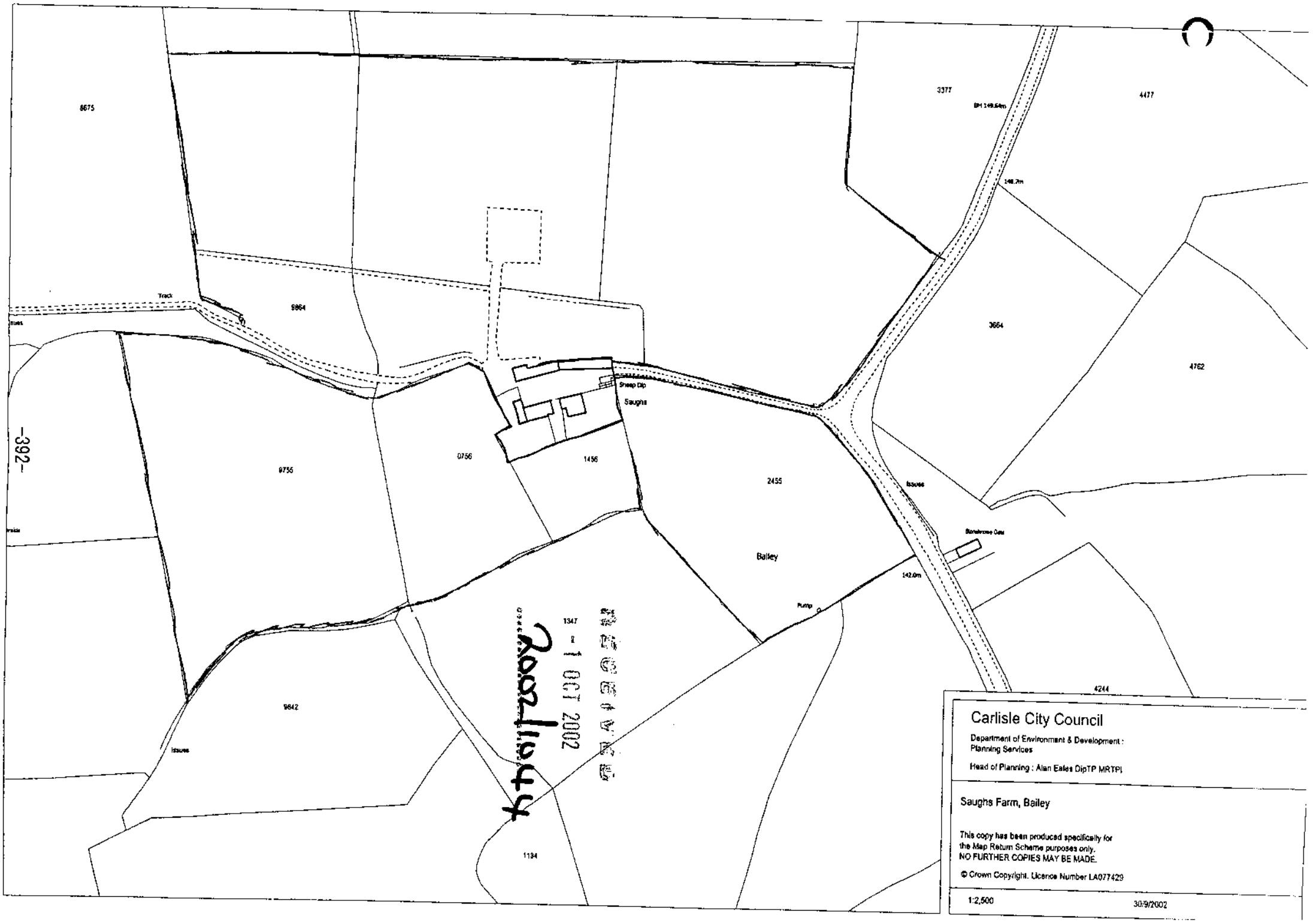
Article 8 recognises the "Right To Respect for Private and Family Life";

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

The proposal has been considered against the above. The applicants' rights are respected but based on the foregoing it is considered that the personal arguments do not out-weigh the harm created to interests of acknowledged importance.

Recommendation: Refuse Permission

1. **Reason:** The proposal by reason of its scale, roof treatment and design would not only increase the visual impact of the farmhouse but also incorporates features which are considered incongruous and spoil its character. It is therefore considered that the proposal harms the character of the house and will thereby diminish the rural landscape contrary to the objectives of Policy 13 of the Cumbria and Lake District Joint Structure Plan and Policies E8 and H14 of the Carlisle District Local Plan.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Pump
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Issues
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4244
Received
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1 OCT 2002
Carlisle City Council
Department of Environment & Development :
Planning Services
Head of Planning : Alan Eales DipTP MRTPI
Saughs Farm, Bailey
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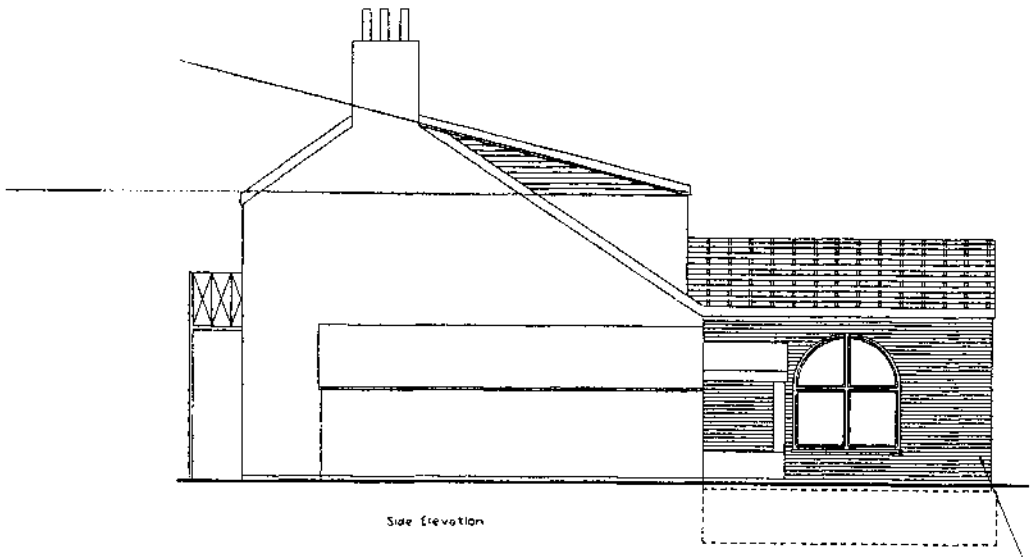

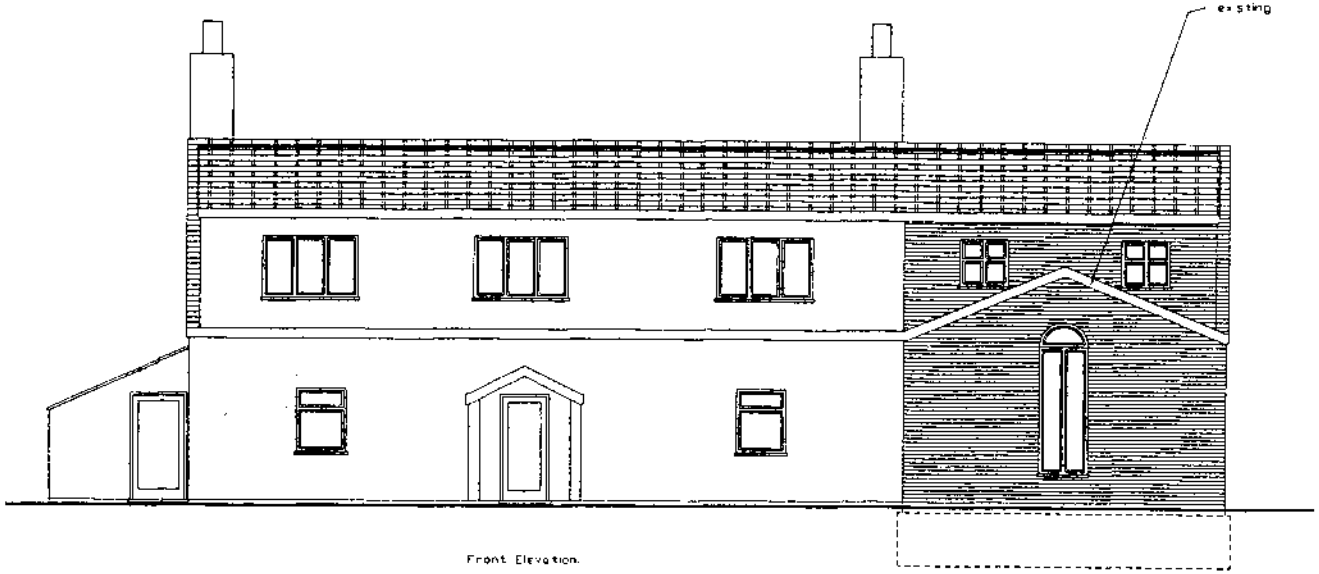

Key

STUD PARTITION

BRICKWORK

BLOCKWORK

TILED ROOF

Proposed Extension

to

Saughs Farm
Bailey
Newcastleton
TD9 0TT

for

Mr & Mrs K Gray
Tel No 016977 48346

scale = 1 - 100

Dwg No
TD9 0TT/saughs5

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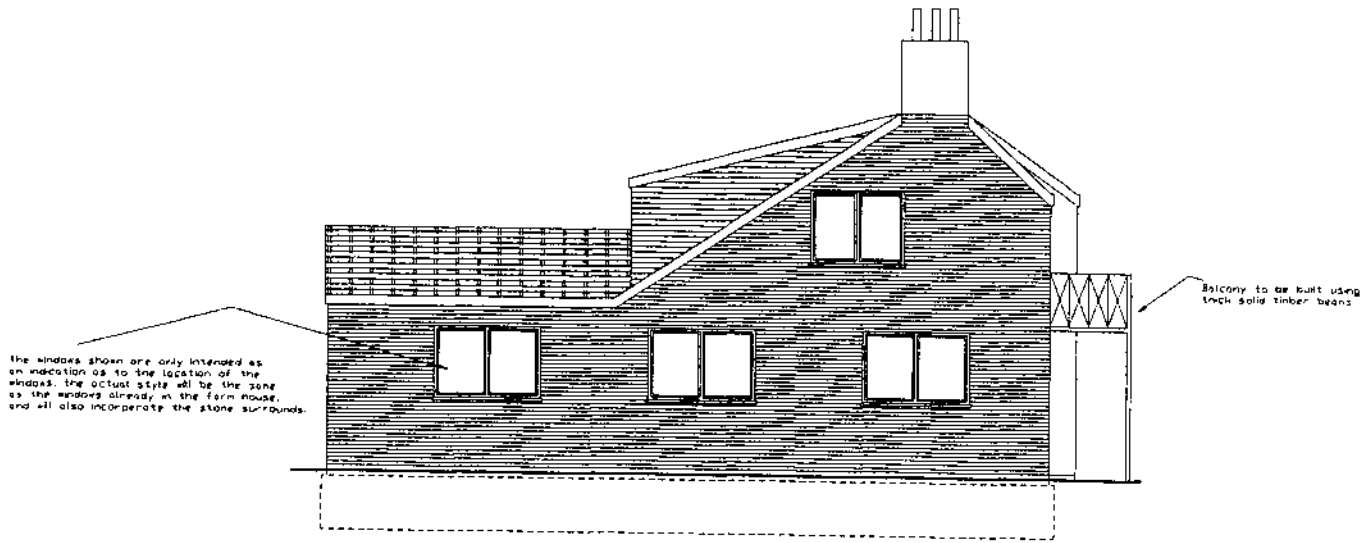
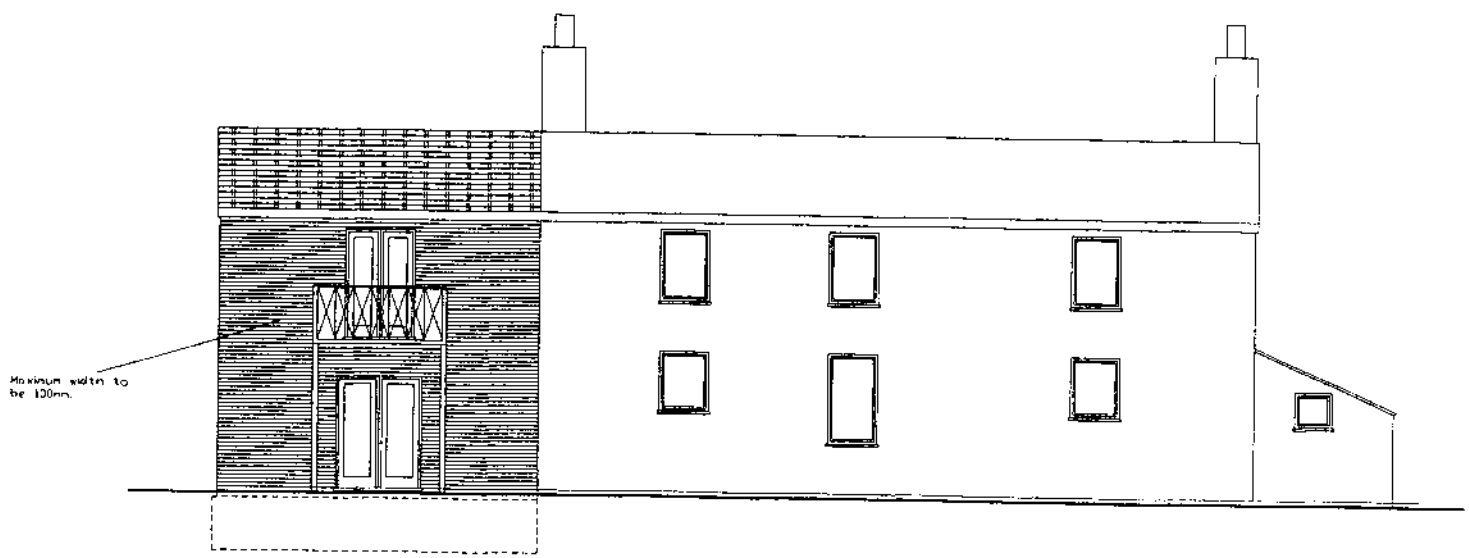


Side Elevation.



Rear Elevation.

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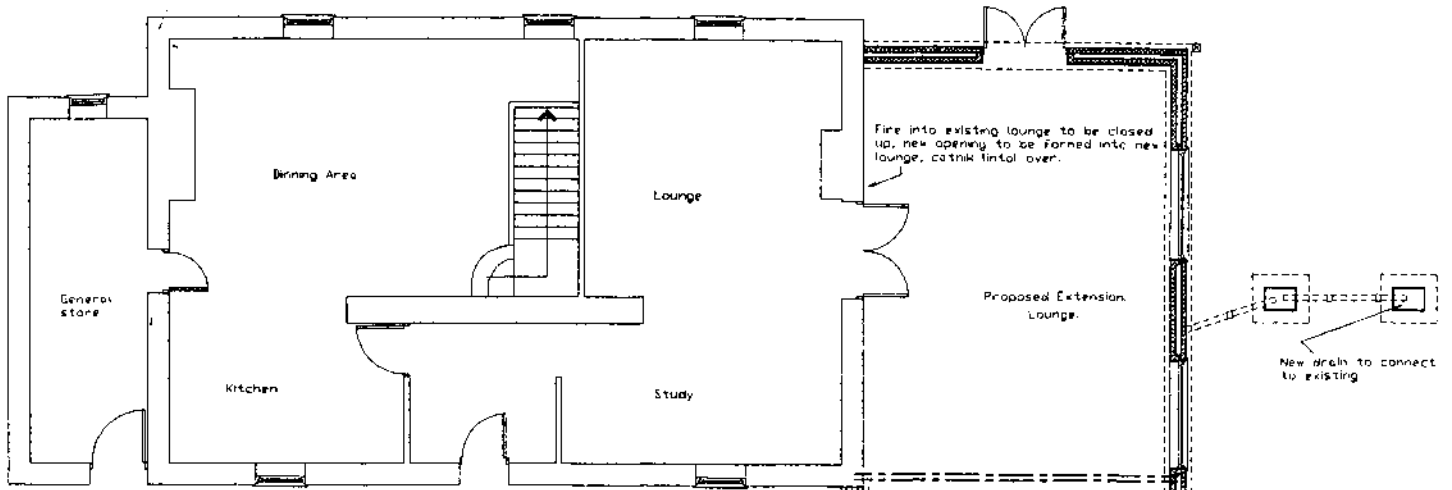

Large wooden roof beams to be used to maintain the feel of the house internally, the existing and dimensions of the beams to be arranged on site the only load on the beams will be the roof immediately above

ventilation
opening areas to windows min 1/20th floor areas
trickle vents with area of not less 8000 sq mm to habitable room
mechanical vent to bathrooms capable of 15 litres per sec extract
4000 sq mm trickle vent/ air brick
extra utility room
mechanical vent to kcs capable of 6 litres per second
background vents of 4000 sq mm trickle vent or air bricks

Glazing
window to floor area not to exceed 24% (double glazing in upvc frames only)
glazed doors and adjacent glass within 300 mm of door to incorporate safety glass to min height 1500 above floor level
any glass within 800 mm of floor level to be safety glass
safety glass to be in accordance with BS 6206 Class C
Glass to have low 'E' coating

Surface Water
75 mm rwp to
100 diameter underground quality pvc drain
min falls 1-40
bedded in pea shingle
to 900 diameter soakaway 4.5 m from building
7.5 from boundary
soakaway capacity to be min 1 Cu M below invert level of drain
alternatively take to nearest surface water drain at the discretion of the Local Authority

all existing lintols, beams, foundations etc taking new load to be exposed, re-assessed new load replaced or reinforced as necessary at the discretion of the local authority

Soil and Waste Drainage
to be in accordance with CP8301
and materials to be in accordance with BS5572
Deep seal traps (min 75) to all sanitary fittings
waste to WHB to be min 30
waste to shower to be min 38
waste to sink to be min 38
waste to bath to be min 38
connected to existing spvp
connected to existing stub stack
with air admittance valve fitted above the flood level of the whb
thence to existing manhole
wide angle bend at base of stack
Sink taken to back inlet gully
underground drains to be 100 pvcfunderground quality
bedded in pea shingle 150 all round to
minimum falls 1-40
drains passing through walls to be bridged with concrete lintols
All drains vented with stench pipe to discharge min 900 above openable windows and fitted with proprietary bird proof terminal
and to be fixed back to dormer with clips max 600 below terminal
vent to be min 3000 horizontally from openable lights
any drainage under building to be surrounded with pea shingle 150 all round to extend 2000 beyond building
drains passing through walls to have expansion joints 150 either side of wall

Structural Strategy
All steel to be used to be weldable structural steel to BS 4360
All steel to be grade 43
all steel to be brush painted with intumescent paint by Bolton Ltd (A BSI registered company) use Brastee1 paint (1 hour paint tested to BS 476 Pt2 1964)
to manufacturers specification.
No steel or bearing plates or padstones to rest on or into any existing chimney breasts
padstone or bearing plate dimension to be as shown on structural calculations

nb
where top flange projects through the roof cloaking the beam must be chamfered at the same pitch of the roof and an end plate(s welded on (6mm thick) to support flange

NOTE the span of the beam is NOT the length the length depends on the bearing requirements and the necessary bearing depth when projecting lengths of steel

NOTE for steels in terraced houses spanning wall to wall it may be necessary to splice the steels in this case 10mm end plates must be welded to the cut ends and drilled to allow 19 no M20 bolts to make the connection
4 bolts for smaller sections
6 bolts for larger sections

Loading data for calculations
Overslate external wall 3.0 kN/m2
Brick/Block cavity wall 2.0 kN/m2
Half-brick internal partition plastered 2.4 kN/m2
75mm lightweight block partition 1.2 kN/m2
Stud partition (plasterboard both sides) 0.3 kN/m2
External stud wall (slate hung) 0.6 kN/m2
External stud wall (tile hung) 1.0 kN/m2
Domestic floor (inc ceilings) 2.5 kN/m2
Flat roof 1.5 kN/m2
Eaves only ceilings 1.0 kN/m2
Slate roof (on pitch inc ceilings) 1.5 kN/m2
Tile roof (on pitch inc ceilings) 2.0 kN/m2
Allowable bearable stress under existing walls:
Stock brick: max stress under bearings 0.5 N/mm2
Fletton brick: max stress under bearings 2.0 N/mm2
Breeze blocks: max stress under bearings 0.5 N/mm2
Aerated blocks: max stress under bearings 0.4 N/mm2

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scale = 1 - 100

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Ground I

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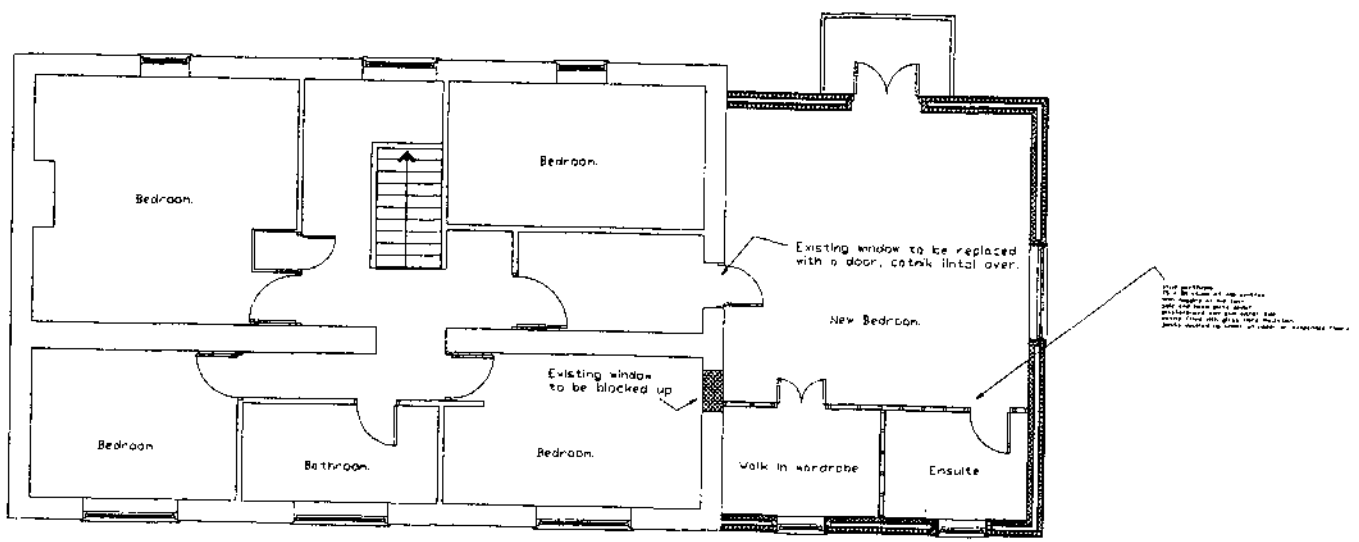

First Floor Plan

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TD9 0TT/saughs5

CUMBRIA PLANNING SERVICES

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ALTHOUGH THIS DOCUMENT IS PRINTED TO SCALE, DEFORMATIONS DO OCCUR IN THE PRINTING AND DRAFTING, AND FOR THIS REASON ALL DIMENSIONS & INFORMATION MUST BE CHECKED ON SITE AND ANY ALTERATIONS MADE ACCORDINGLY.

CUMBRIA PLANNING SERVICES

29 ANTONINE WAY,
HOUGHTON,
CARLISLE,
CA3 0LG
Tel: 01228 535361

Bewcastle Heritage Society

Patron: Sir James Graham Bt.

Please reply to: Greenholme Bewcastle Carlisle CA6 6PW Tel: 016977 – 48630

To Whom It May Concern

Re: The proposed extension and development at Saughs Farm, Bailey, Parish of Bewcastle.

The following statement was proposed, discussed and agreed by the Committee of Bewcastle Heritage Society at their meeting in December 2002 and, in addition, it was endorsed by members present at the Annual General Meeting on 19th January 2003.

1. It was agreed that the Society will support the plans for the development of the house at Saughs Farm as proposed by the present owners on the following grounds:
   a) The plans that have been produced show a design that will be in keeping with the vernacular architecture of buildings in this part of north Cumbria and along the border.
   b) The external proportions of the present house will not be materially changed and the extension will return the farmyard to a defensive courtyard style which is in keeping with farmsteads of our region.
   c) Previous external alterations which were made to the building and which are not historically sound features will be removed and replaced with features more in keeping with the heritage of such an old farm.

2. It was agreed that proposals put forward by Carlisle City Officials were not in keeping with our part of rural Cumbria and the Borders and that the Society should encourage them to be ignored because:
   a) Their suggested design for the extension is not valid from a local architectural point of view.
   b) Their proposals will materially spoil the external proportions of this farmhouse, it's farmyard and outbuildings.
   c) The application of building standards that apply to urban housing developments, where living space and public costs are of equal concern along with architectural design, are not relevant in a rural environment where balance and consideration for the heritage of the area are more important than the minimum amount of space the owners need to live in and how much it is going to cost them to build it. If they want larger rooms, and are willing to pay for these, and it does not affect the external aspects and proportions of the building, then this should be of no concern to anyone but themselves.

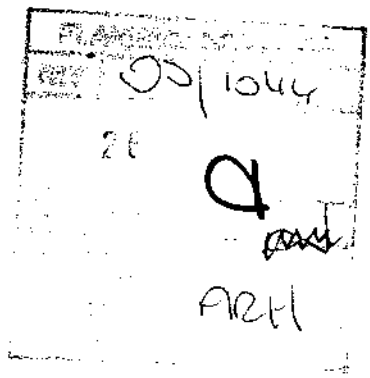
Part of the Society's mission statement is to strive to maintain the heritage of our parish, and so we strongly support the plans for this development at Saughs Farm. We will oppose any suggestions that urban planning designs be forced onto remote rural areas if these are likely to blight our environment unnecessarily.

G N Price

Geoffrey N. Price
Chairman

SAUGHS FARM

24th February 2003
A.Eales Dip.Tp MRTPI
Head of Planning Services
The Civic Centre
Carlisle
CA3 8QG



Dear Sir,

Re: Extension To Farm House – Appn No 02/1044

I write with regards to our planning application submitted to Carlisle City Council in November 2002.

Further to our application we have had various discussions and correspondence from Mr Angus Hutchinson of Carlisle City Council, who feels that our proposal and design is not acceptable.
Mr Angus Hutchinson has since furnished us with two redrawn details that he thinks would be more acceptable.
We do not agree with his proposals and asked the Bewcastle Heritage Society if they would look at our original application and the two details that are being proposed by Mr Angus Hutchinson (see letter attached).
We therefore ask that consideration be applied when our application is submitted before the Development Control Committee.

Yours faithfully,

Jayne Gray

Kevin & Jayne Gray

KEVIN & JAYNE GRAY
Bailey – Newcastleton – Roxburghshire – TD9 0TT – Ph: 01697 748346 Fax: 01697 748180

which should embrace key aspe 's discussed in this and s bsequent chapters of the book. The brief should ensure that all those concerned know exactly what is expected of them, including, where applicable, the architect, landscape designer, building contractor and the various specialist trades. It

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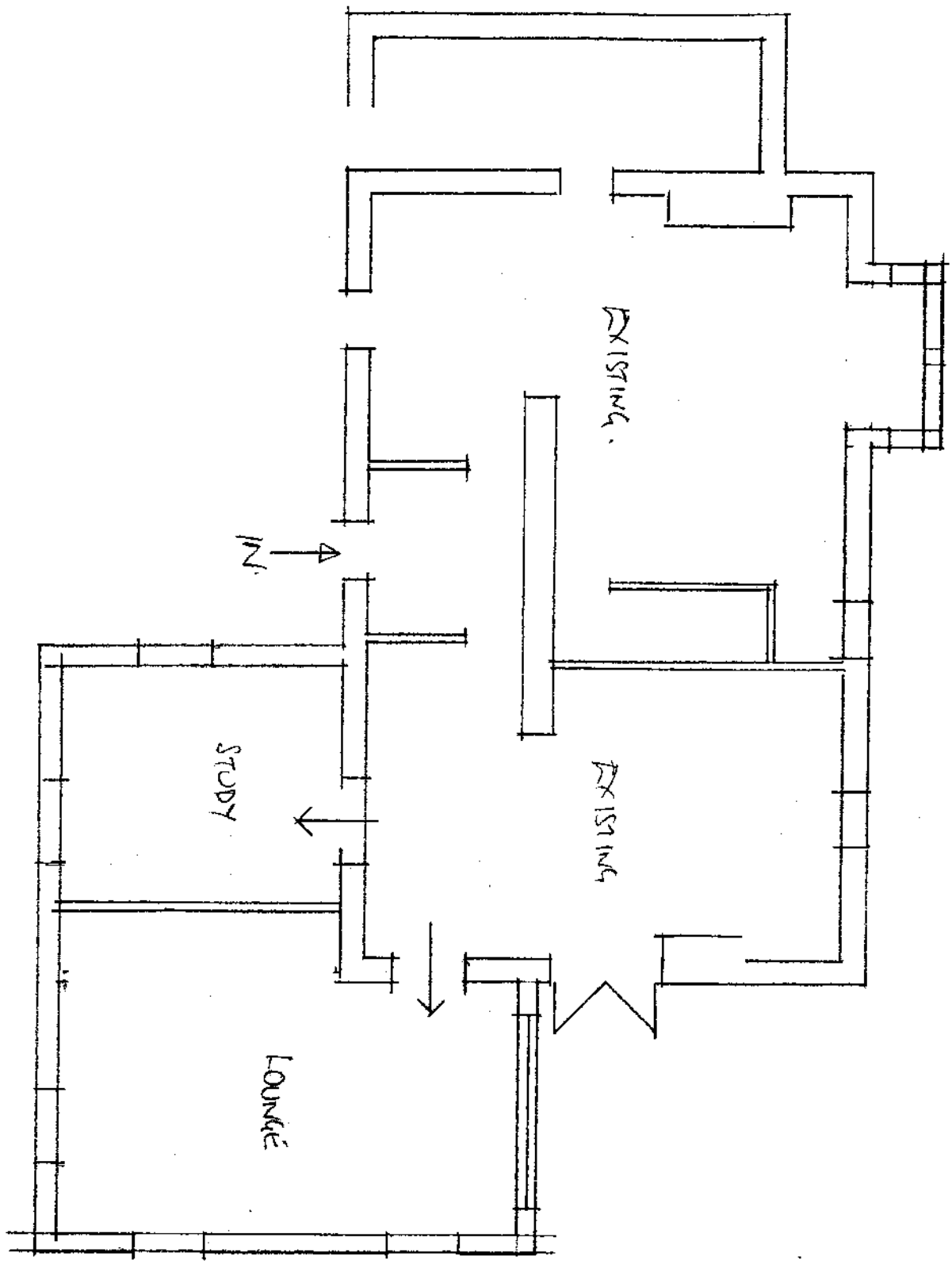


CARLISLE DESIGN

Owned & managed by Carlisle City Council

Design Consultancy Manager: Colin Sanderson B.Arch. R.I.B.A.

Civic Centre, Carlisle CA3 8QG
Tel: (01228) 23411 Fax: (01228) 591379

Drawing Name: OPTION C

Project Name:

Scale:

Date:

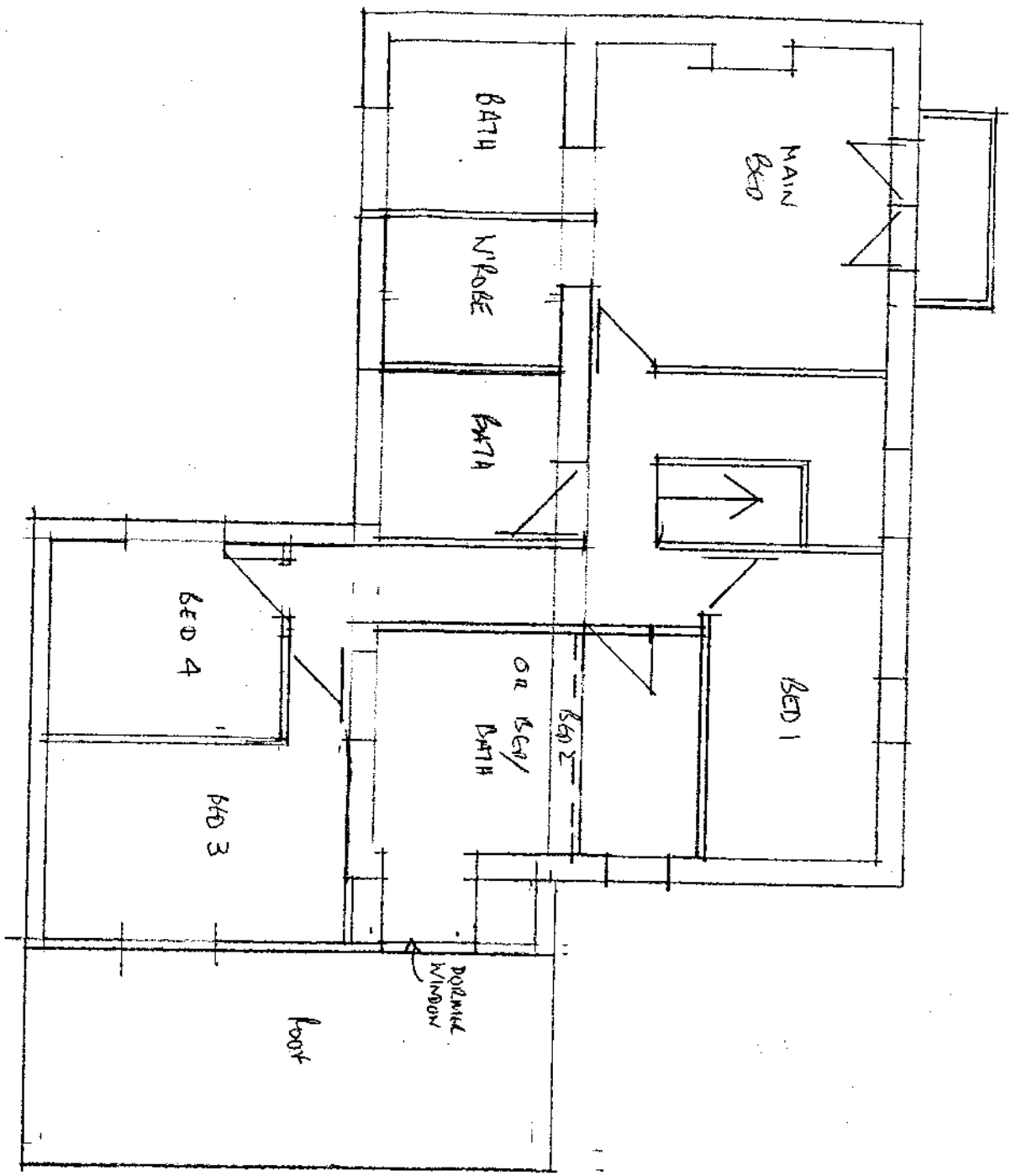
Drawn:

Checked:

Approved:

Project No.

Drawing No.



CARLISLE CD DESIGN

Owned & managed by Carlisle City Council

D. Fone, C.Eng, M.I.C.E, M.I.H.T.

Civic Centre, Carlisle CA3 8QG
Tel: (01228) 23411 Fax: (01228) 591379

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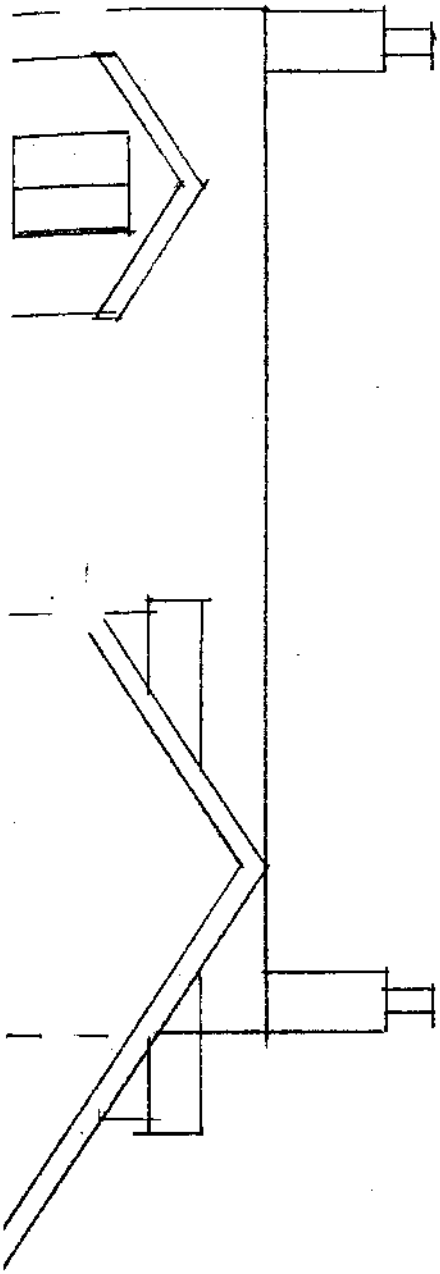
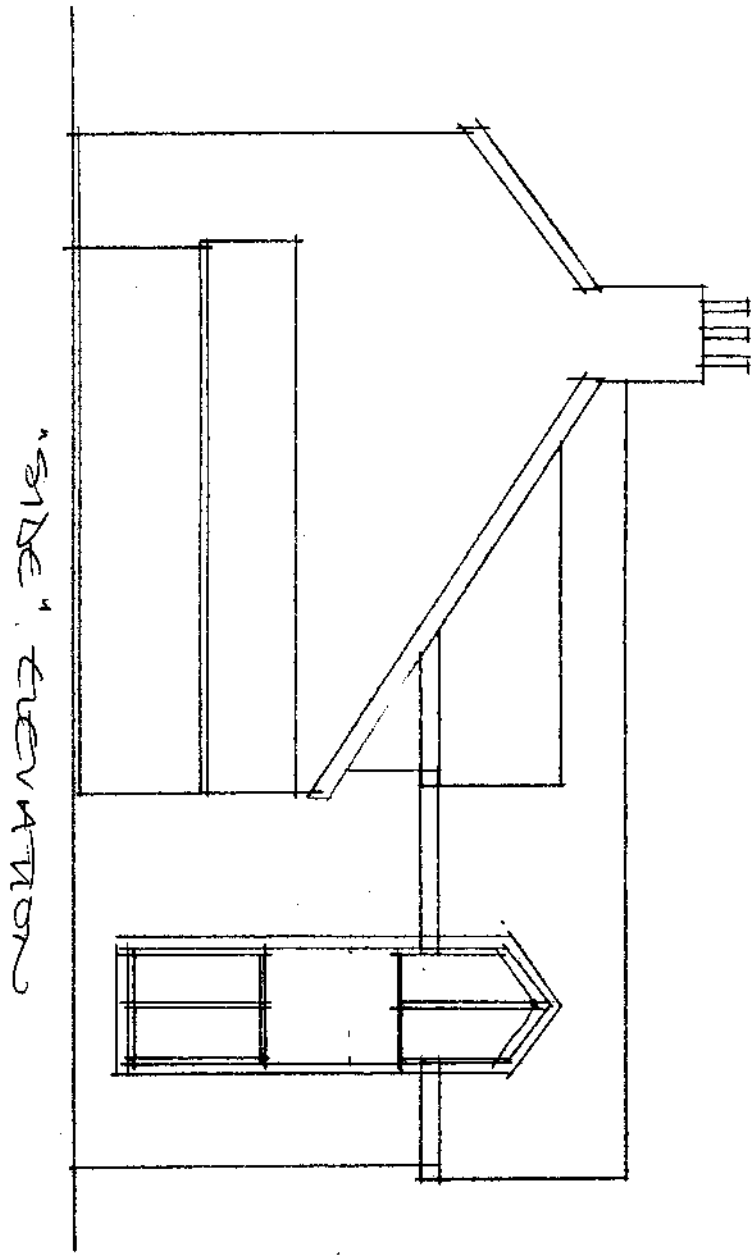
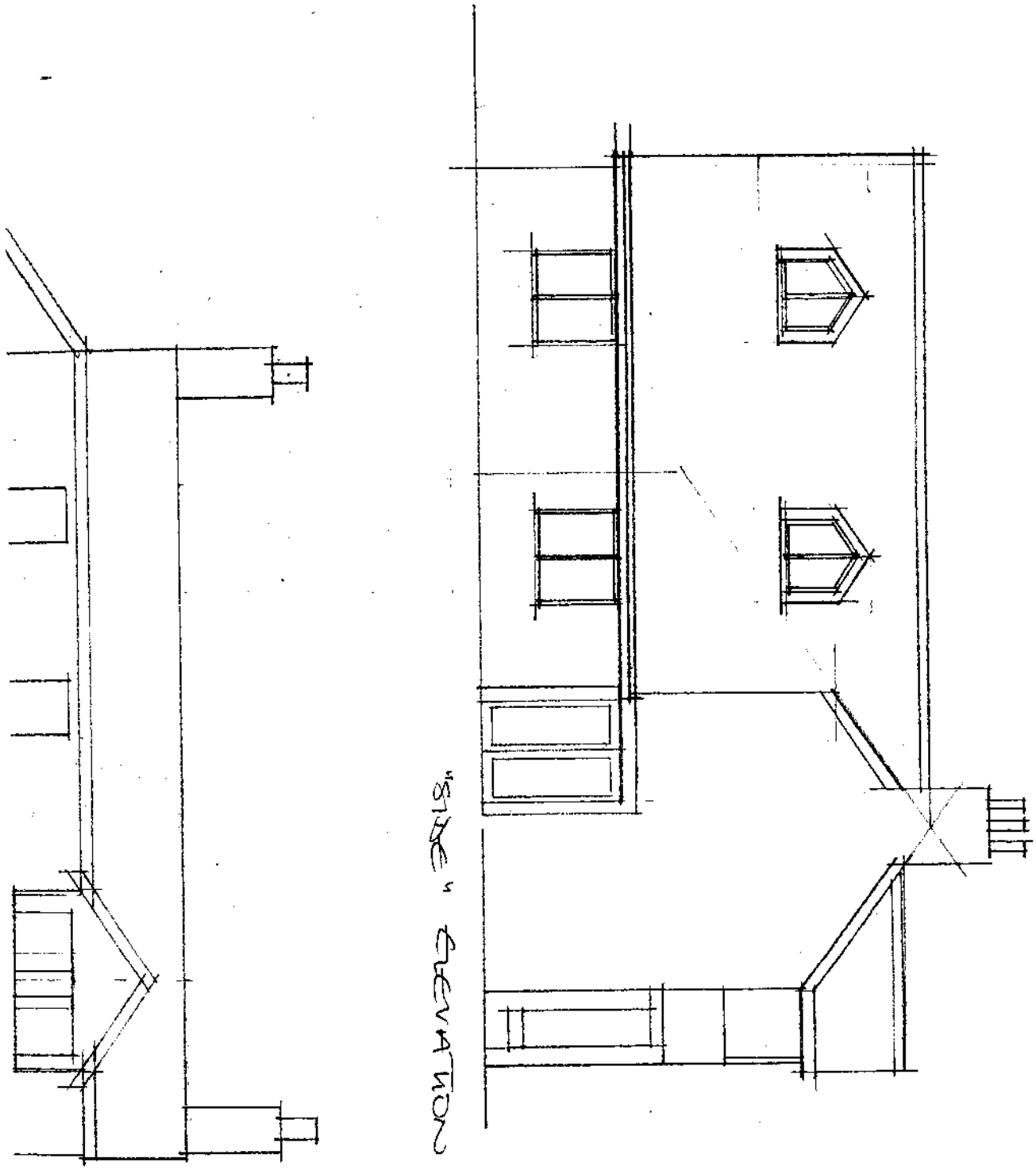
	Drawn:	Checked:	Approved:
Project Name: -401-	Project No.	Drawing No.	





"SIDE" ELEVATION

OPTION C



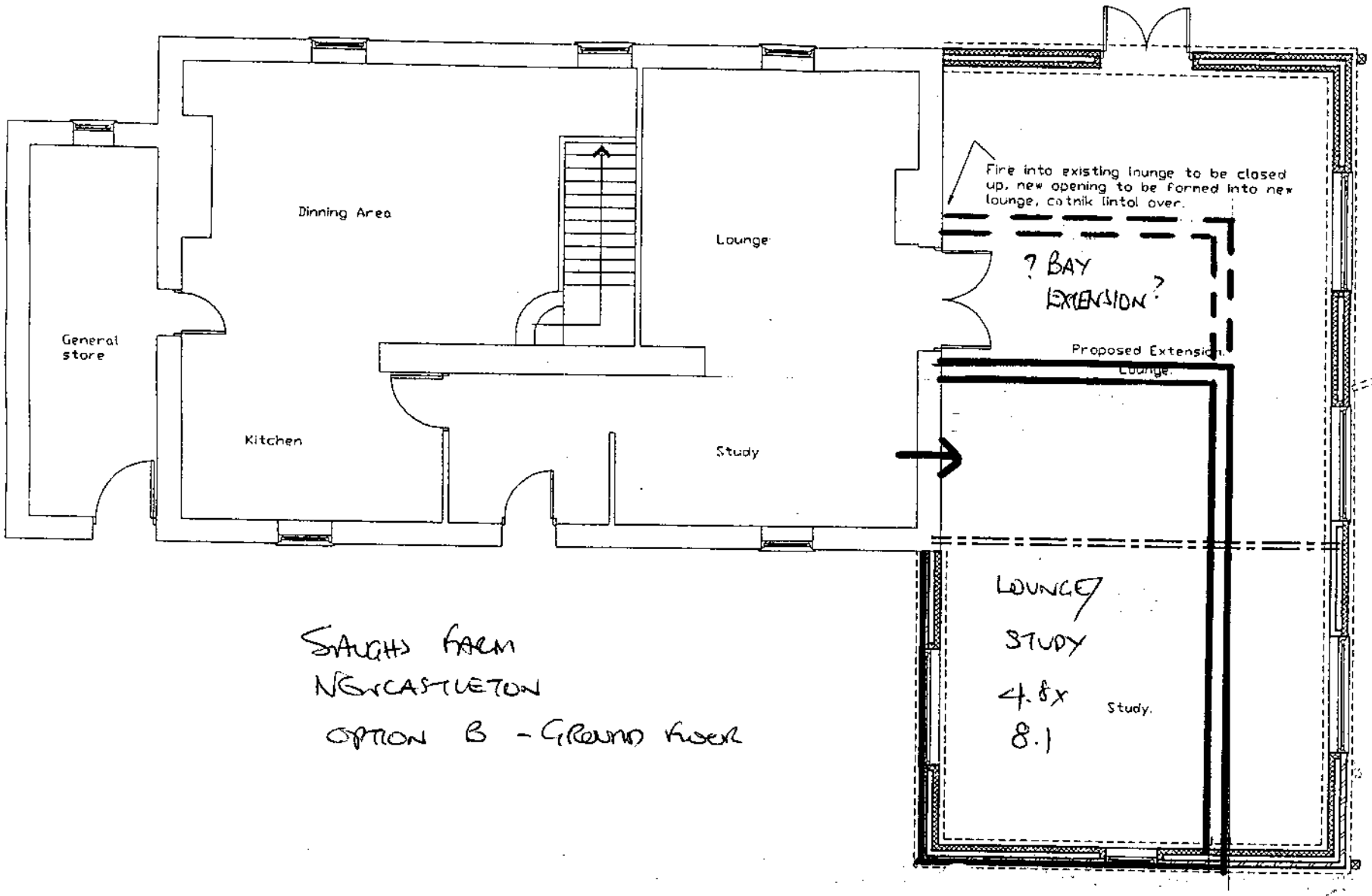
OPTION C

STONE AREA-RRRRR

OPTION C

STANDING STONE 01661-886853

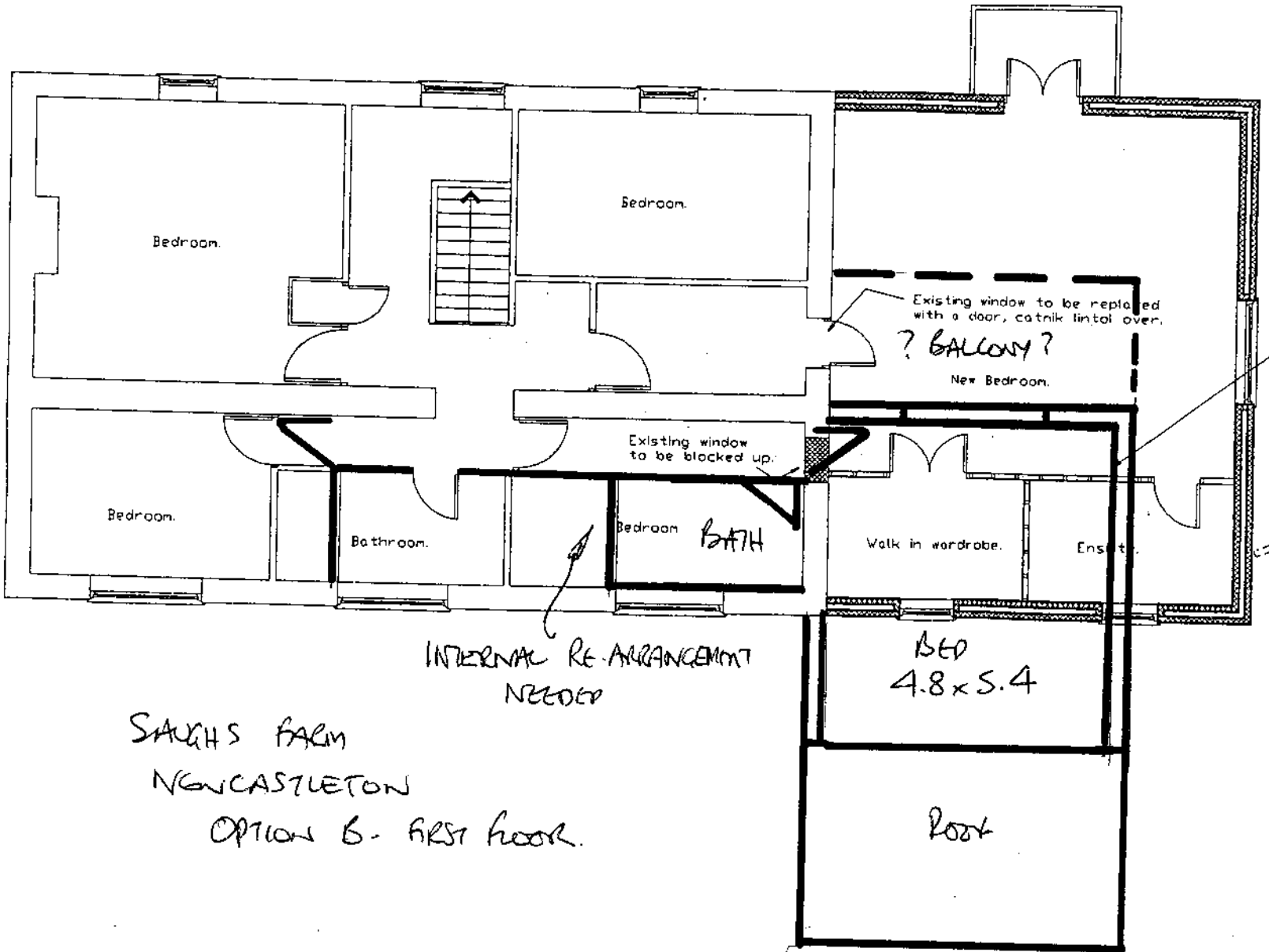
OPTION C



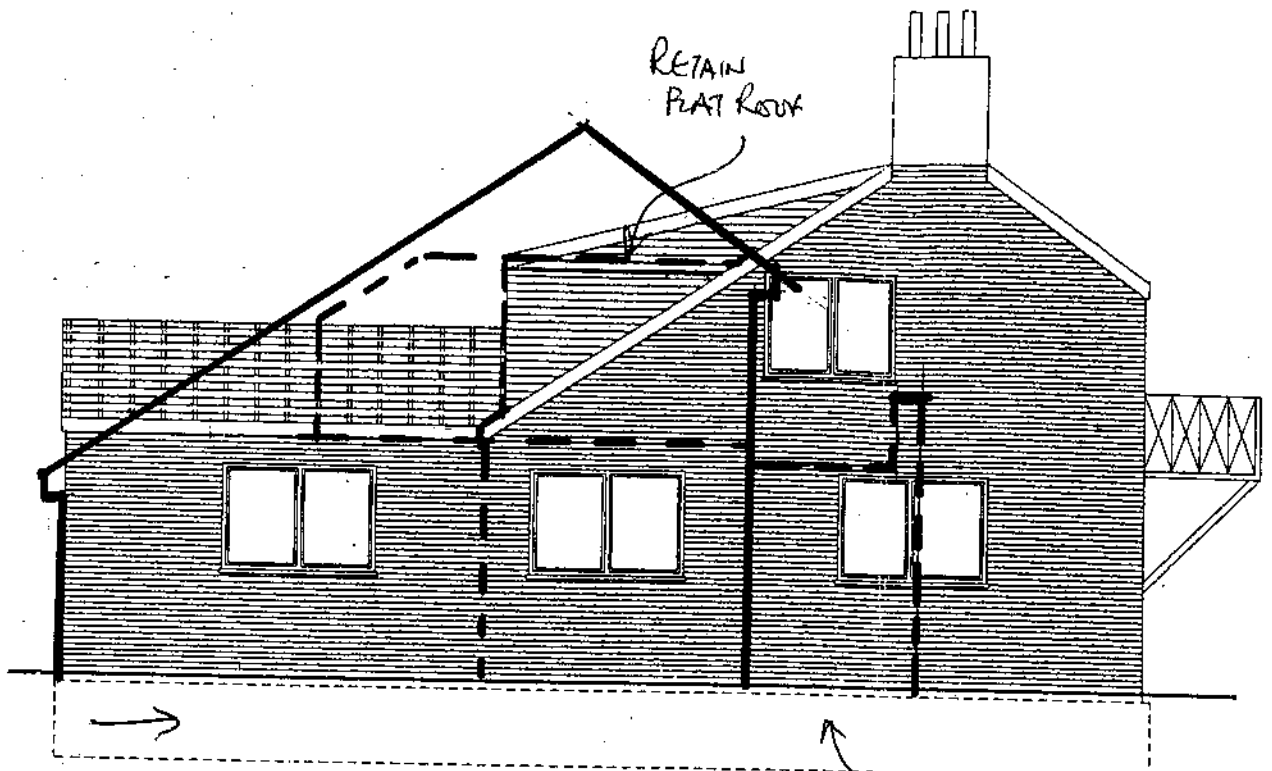
SAUGHS FARM
NEWCASTLETON
OPTION B - GROUND FLOOR

-406-

200


Bedroom.
Bedroom.
Bedroom.
Existing window to be replaced with a door, catnik lintol over.
? BALCONY ?
New Bedroom.
Existing window to be blocked up.
Bedroom.
Bathroom.
Bedroom
BATH
Walk in wardrobe.
Ensuite.
Drains from new bathroom into existing, and onto sep
BED
4.8 x 5.4
Roof
INTERNAL RE-ARRANGEMENT NEEDED
SAUGHS FARM
NEWCASTLETON
OPTION B - FIRST FLOOR.
-407-

ISLE
HANDY NUMBERS
BUILDERS MERCHANTS
Now in 102 Local Authorities
1:50
1:100

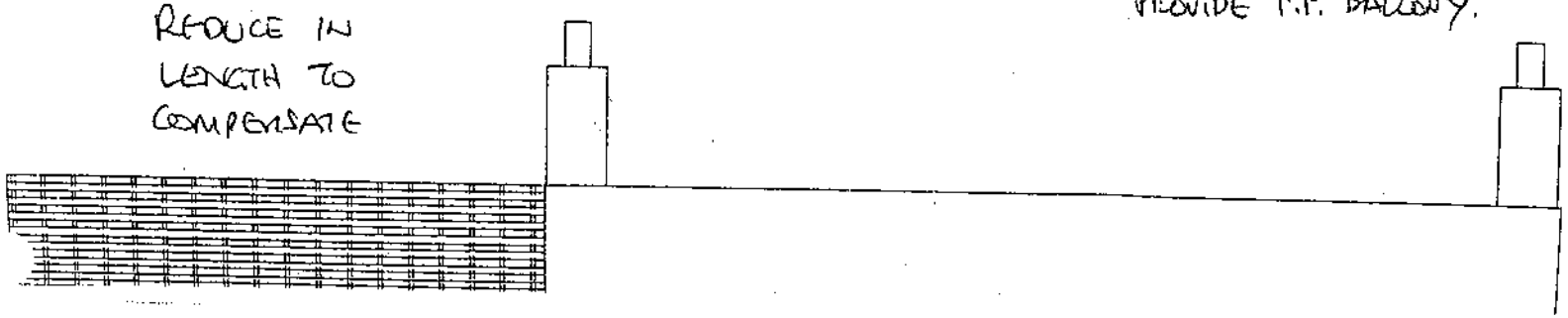


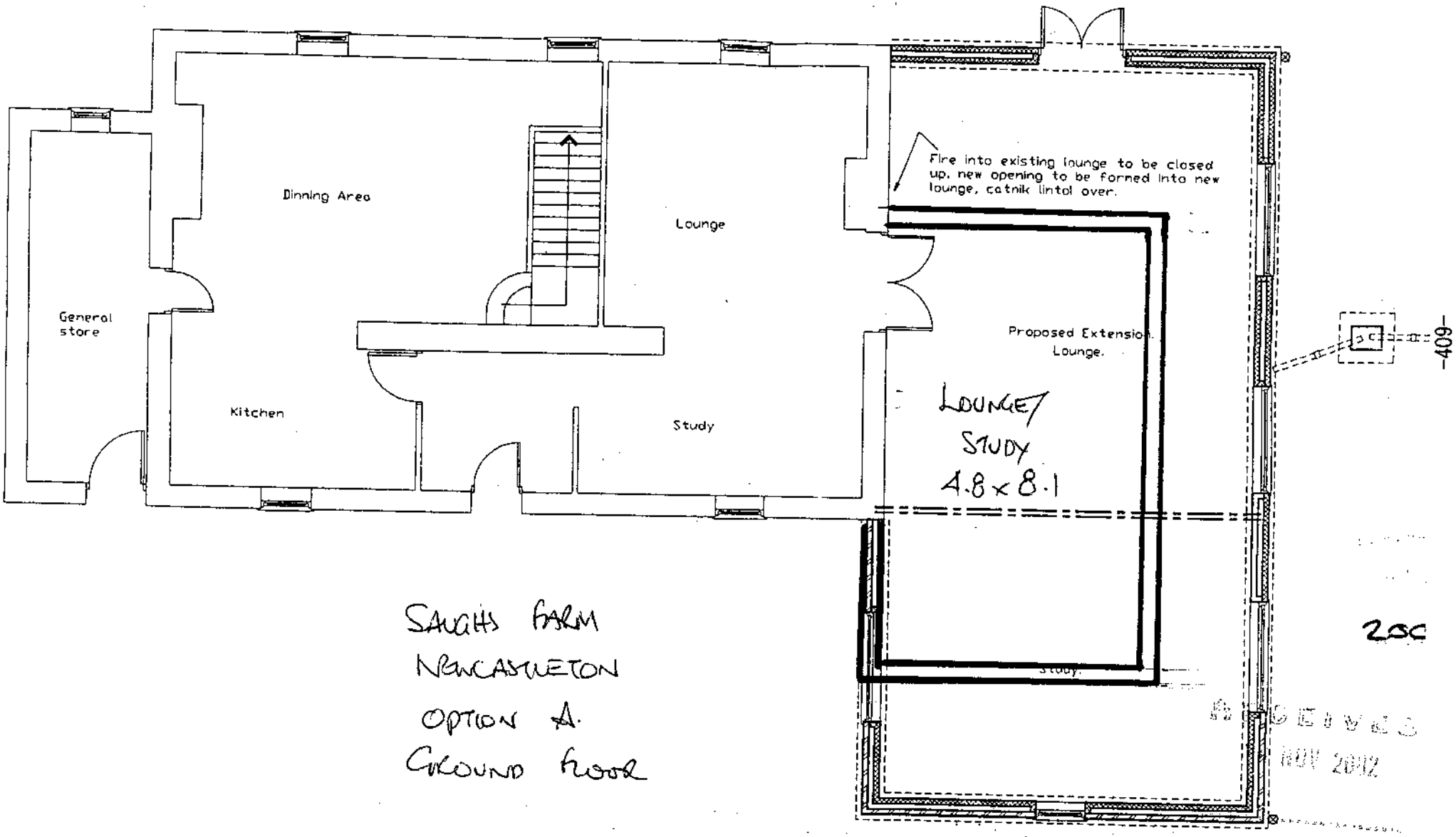
Side Elevation.

SAUGHS FARM
NEWCASTLETON
OPTION B.

NB: IF BAY ADDED THIS END COULD REDUCE IN LENGTH TO COMPENSATE

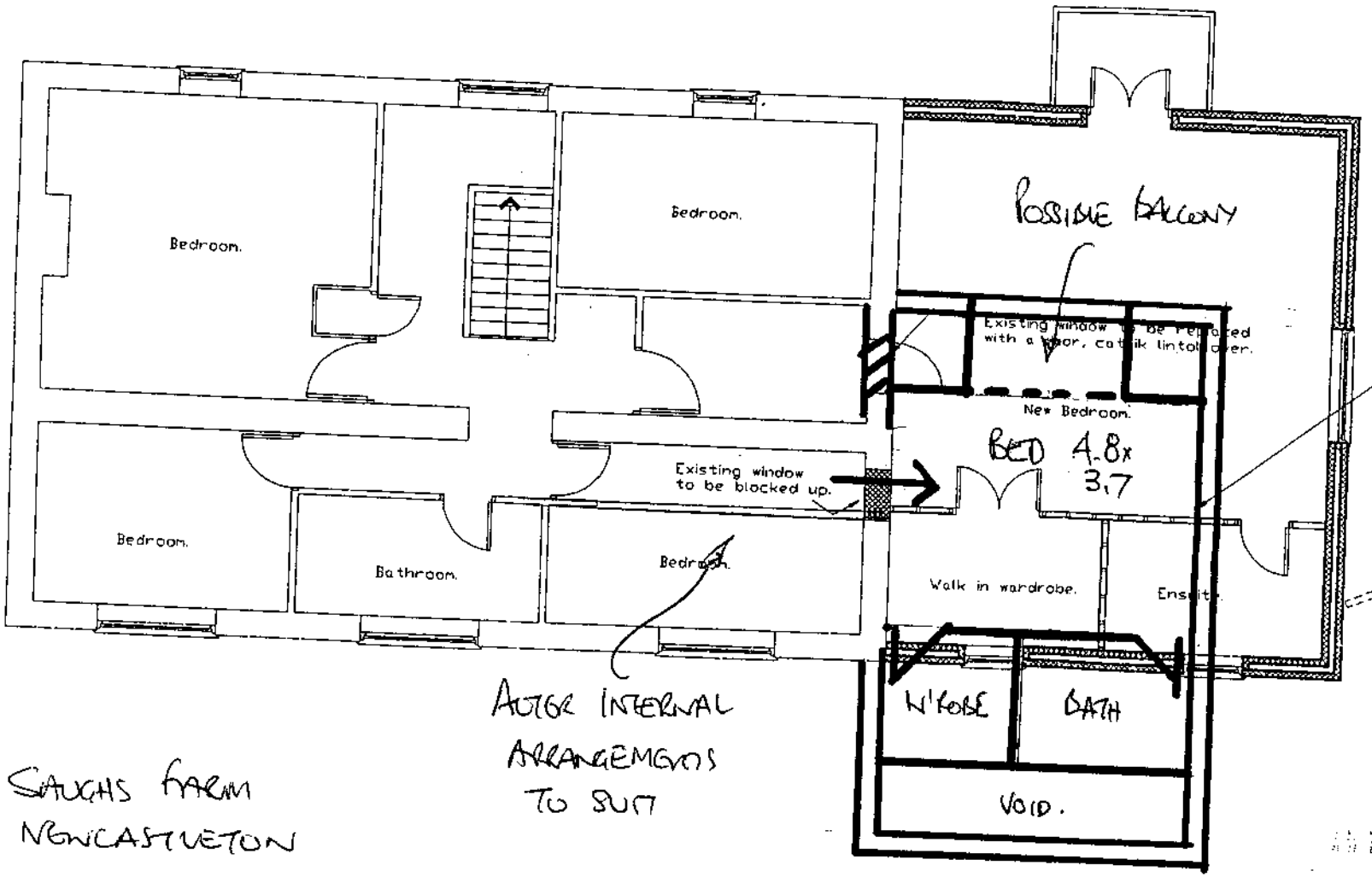
POSSIBLE BAY TO PROVIDE F.F. BALCONY.





SAUGHS FARM
NEWCASTLETON
OPTION A.
GROUND FLOOR

RECEIVED
NOV 2002



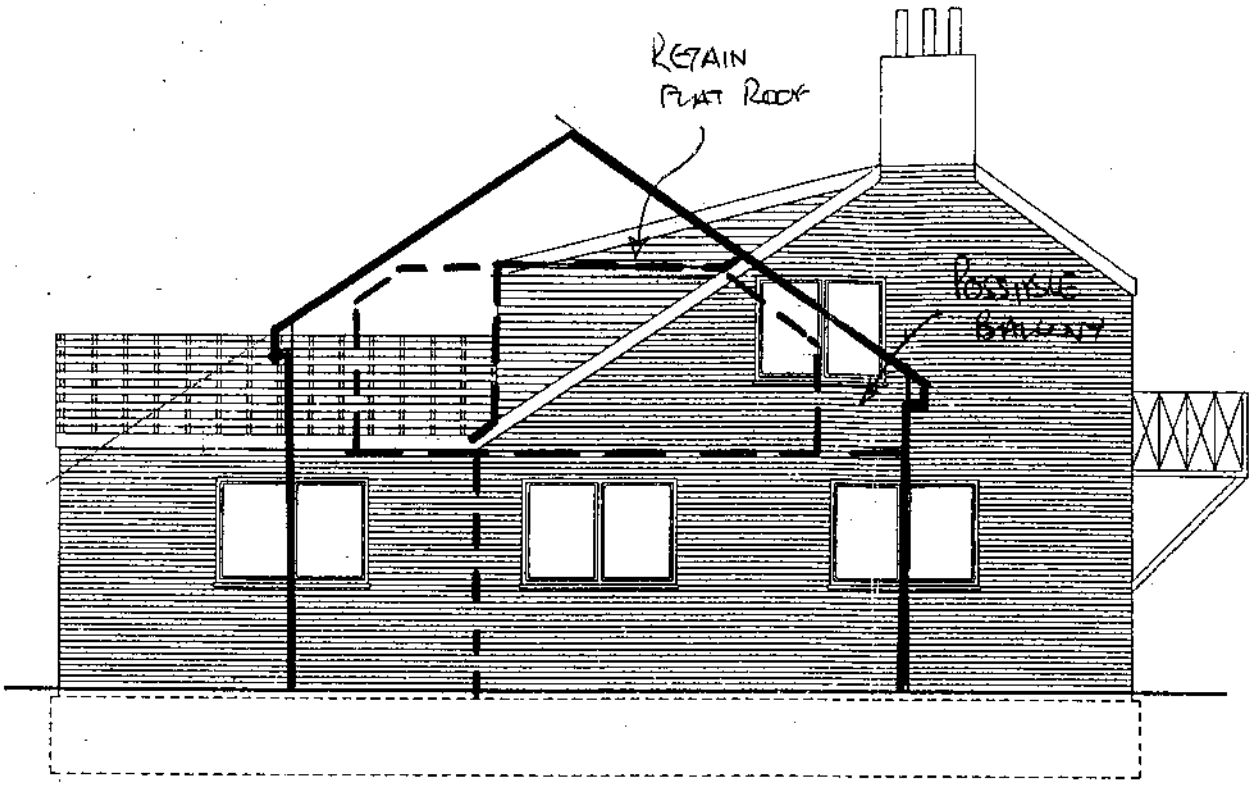
AUTOR INTERNAL ARRANGEMENTS TO SUIT

SAUGHS FARM
NEWCASTLETON

OPTION A. FIRST FLOOR

RECEIVED
13 NOV 2012

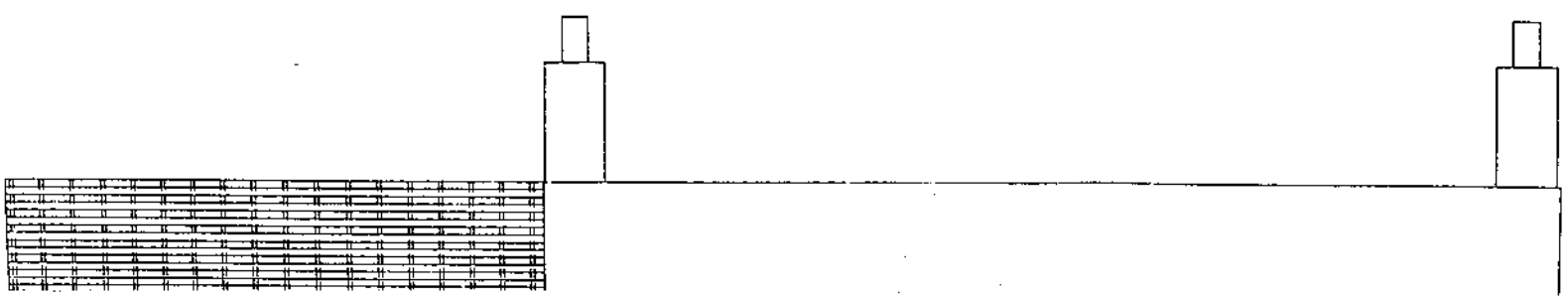
ISLE
HANDY NUMBERS
BUILDERS MERCHANTS
Now in 102 Local Authorities
1=50
1=100



Side Elevation.

SAUCHS FARM
NEWCASTLETON

OPTION A.



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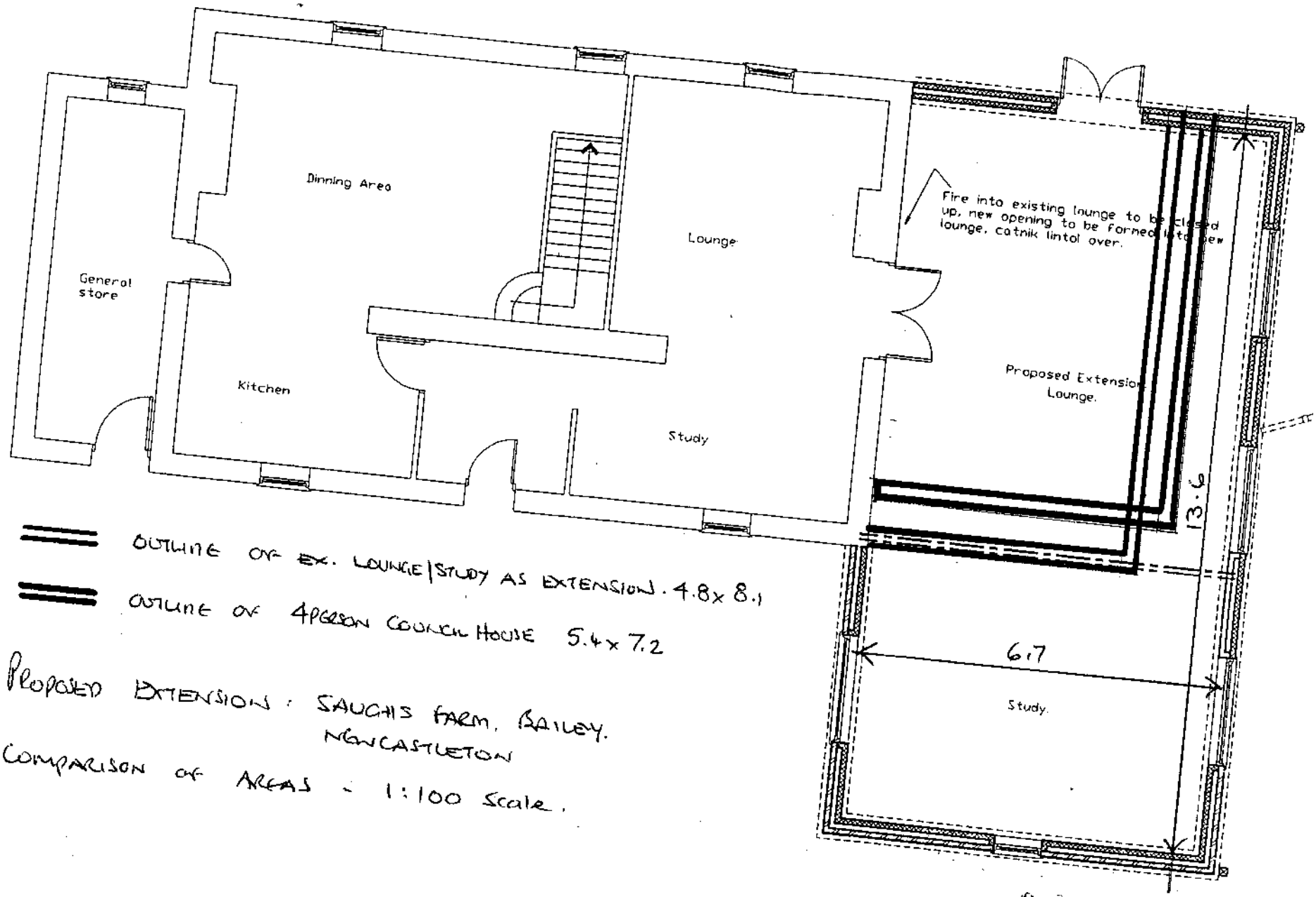
10 SEP 2002



OUTLINE OF EX. LOUNGE/STUDY AS EXTENSION. 4.8 x 8.1

OUTLINE OF 4 PERSON COUNCIL HOUSE 5.4 x 7.2

PROPOSED EXTENSION : SAUGHS FARM, BAILEY. NEWCASTLETON

COMPARISON OF AREAS - 1:100 Scale.

RECEIVED
18 NOV 2002

-412-

20

SERVICES

the

SCHEDULE A: Applications with Recommendation

02/1151

Item No: 17 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1151	Mr & Mrs R A James	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
12/11/2002		Stanwix Urban
Location:		**Grid Reference:**
13 Rosebery Road, Stanwix, Carlisle, CA3 9HU		339920 557300

Proposal: Two storey extension to provide living room, cloakroom, enlarged kitchen and conservatory with 2no. bedrooms above

Amendment:

RSM

Report

Planning Policies:

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.

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.

Summary of Consultation Responses:

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

Summary of Representations:

The Occupier / Owner, 8 Rosebery Road	12/11/02	INIT
The Occupier / Owner, 15 Rosebery Road	12/11/02	INIT
The Occupier / Owner, 10 Rosebery Road	12/11/02	INIT
The Occupier / Owner, 11 Rosebery Road	12/11/02	INIT

This application has been advertised by means of direct notification to the occupiers of four of the neighbouring properties. No representations have been received at the time of writing this report.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the erection of a private garage in 1937.

In 1988, planning permission was granted for the use of part of the premises (one room and a garage) for control room and incidental repair and maintenance of vehicles.

Details of Proposal:

Members will recall that this application was deferred from the January meeting of this Committee in order that a site visit could be undertaken.

13 Roseberry Road is a two storey semi detached property located on a 'no through' residential street accessed from Scotland Road.

Permission is sought for a two storey extension on the gable end of the dwelling to provide a living room, W.C. and enlarged kitchen with 2no. bedrooms at first floor. The property is constructed from facing brick and render under a slate roof and the proposed extension would be constructed from materials to match the existing.

To the rear of the dwelling it is proposed to erect a conservatory. This element would only be single storey in height.

In the context of Policies H14 and H17 it is felt that there are two main considerations, namely: i) whether the proposal is detrimental to the amenity of neighbours; and, ii) whether detrimental to the character of the area.

In the case of the former it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

In relation to the latter, the street is characterised by a mixture of terraced and semi detached properties. Upon entering Roseberry Road from Scotland Road, the south side of the street is typically terraced until the property which is the subject of this current application. This dwelling marks the beginning of two pairs of semi detached properties. Further along the road, there is another row of terraced properties. Members will note that this point is illustrated in the photographs and site location plan reproduced following this Report.

The main issue which is of concern in determining this application, is the fact that the two storey element to the extension would occupy the whole of the piece of land adjacent to the property and adjoin the neighbouring property. In effect, there would be an apparent anomaly of a semi-detached house, with its own distinctive period detailing and design, being attached to a terraced house with its own particular style.

Additional correspondence has been received from the applicant and this is reproduced following the Report. In this letter, the applicant highlights that there is a mixture of house types within the street and that the fact that number 13 is set back from the adjacent properties, the terracing effect will not be continued. Consequently, the applicant believes that the development will not adversely affect the character of the area.

When considered in isolation it is felt that the proposals are modest in scale and design and would not be disproportionate or obtrusive in relation to the footprint of the existing property. The main concerns are the incongruous appearance caused by of the linking of the two distinctive types of properties, and, the likely effect on the street scene also because of the precedent that may be created by allowing this proposal.

In considering both concerns Members are in the position of having to make a finely balanced subjective judgement. On the one hand, the street which is not in a designated conservation area, is already characterised by a mixture of house types and Members will be aware of a similar situation along Warwick Road where a purposely designed terrace of more recent houses adjoin a Victorian terrace. This aside, there are no readily available examples in the City of a semi-detached house being subsequently linked to a terraced property. Should the development proceed as proposed, the extension would result in a continuation of the terrace into an area of the street which is characteristically semi detached. This would result in a detrimental visual effect on the character of the streetscene and may lead to other similar applications which this Council would then find difficult to resist.

Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the

consideration of planning proposals, the most notable being:

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

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

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

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

The proposal has been considered against the above. The applicants rights are respected but in this instance it is considered that the harm caused outweighs any personal considerations.

Approved 8-4

Recommendation: Refuse Permission

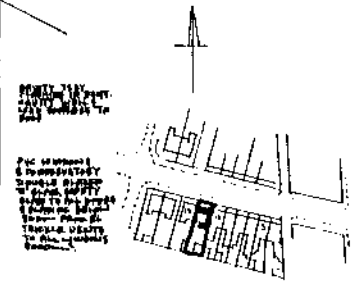
1. **Reason:** The two storey element of this proposal would be located on the west facing gable of this semi detached property and would occupy the entire parcel of land adjoining the neighbouring property, number 11 Roseberry Road. Within this residential street there is a mixture of semi detached and terraced properties, each type being distinct within the streetscene. By virtue of the scale, mass and siting of the proposed two storey extension, the development would result in a continuation of the adjacent terrace which would be detrimental to the character and appearance of the streetscene. The proposal is therefore inappropriate to the dwelling and would be contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan.

FRONT ELEVATION AS EXISTING

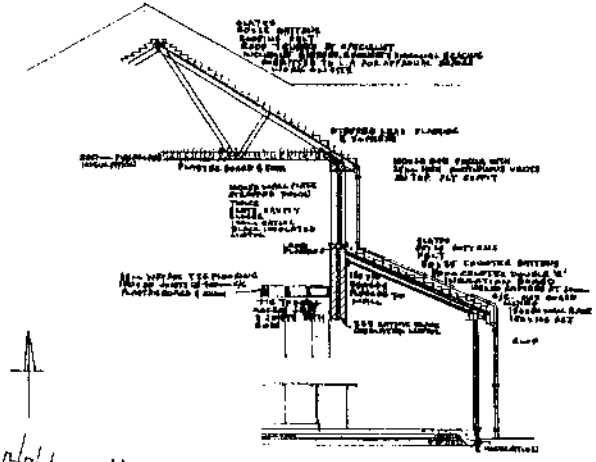
FRONT ELEVATION AS PROPOSED

REAR ELEVATION AS EXISTING

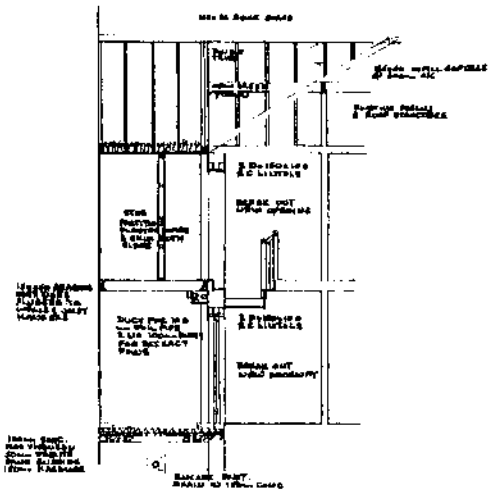
REAR ELEVATION AS PROPOSED



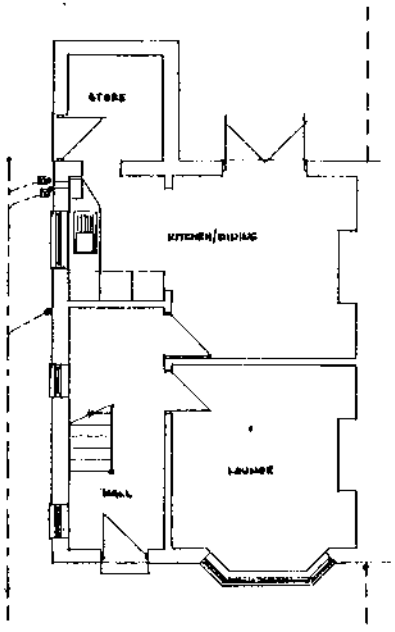
SITE PLAN SCALE 1:1250



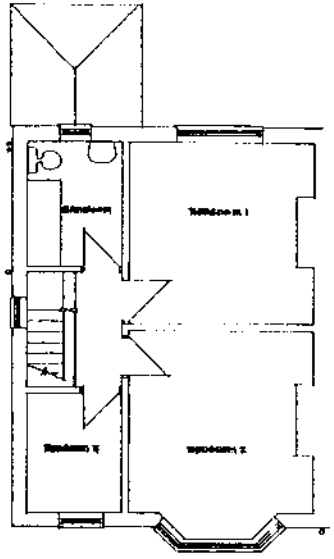
SECTION A-A



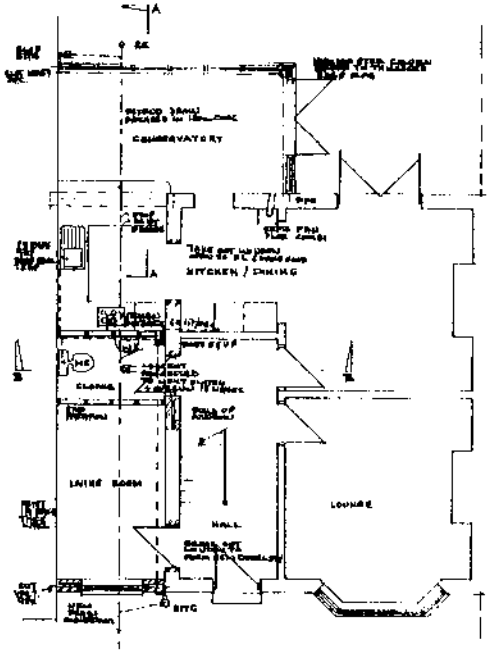
SECTION B-B



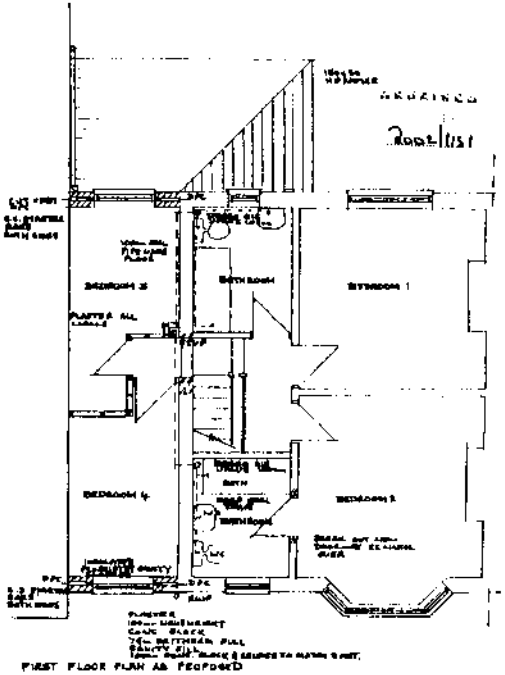
GROUND FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS EXISTING



GROUND FLOOR PLAN AS PROPOSED

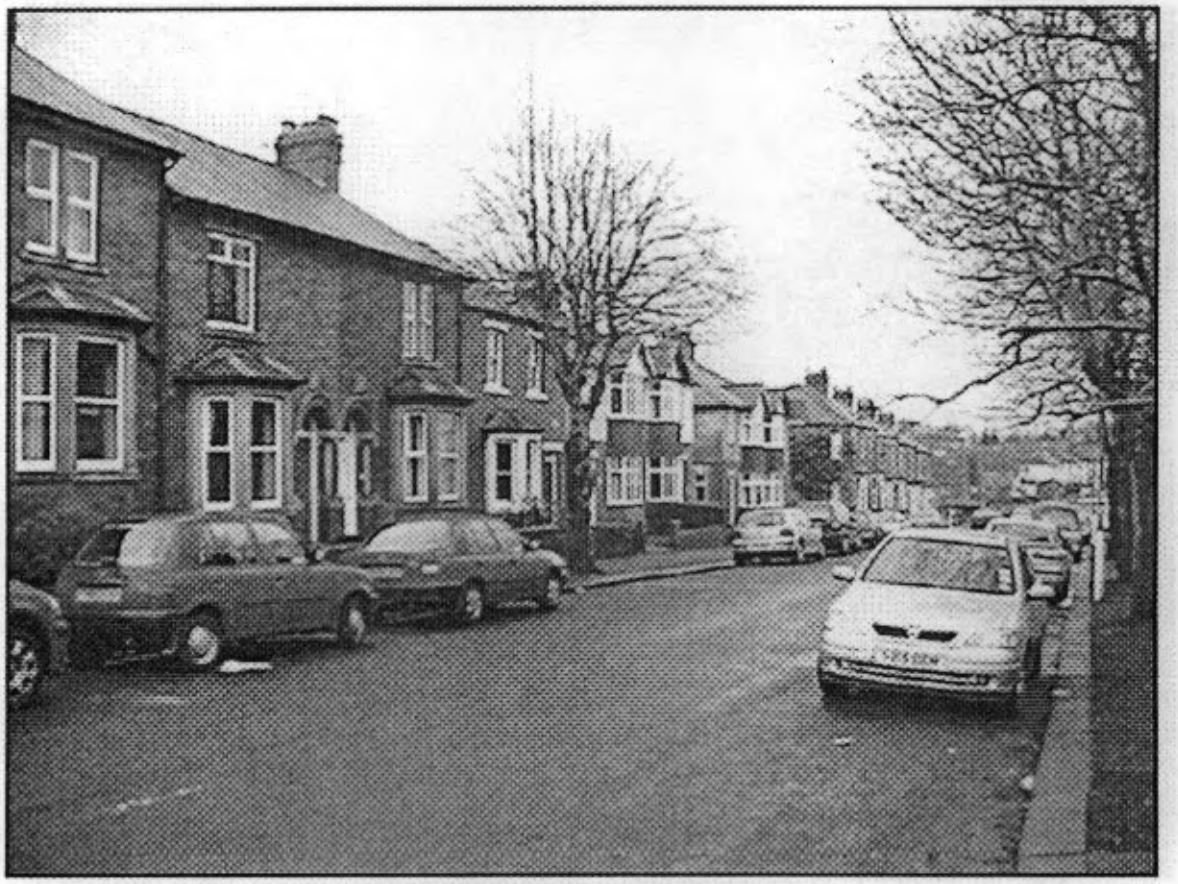


FIRST FLOOR PLAN AS PROPOSED

PROPOSED ALTERATIONS TO 13 ROSEBERRY ROAD, CARLISLE
FOR Mr & Mrs K JAMES
SCALE 1:100 & 1:50 DATE SEPT 2003

-417-

13 Roseberry Road 23.12.02 1.JPG



13 Roseberry Road 23.12.02 2.JPG

13 Roseberry Road 23.12.02 3.JPG

13 Roseberry Road 23.12.02 4.JPG

Item No: 18 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1205	Ken Hope Plant Hire	Kingmoor
Date of Receipt:	**Agent:**	**Ward:**
02/12/2002	Bingham Yates & Partners	Stanwix Rural

Location: Westmoor, Low Crindledyke, Rockcliffe, Carlisle, CA6 4BH

Grid Reference: 337312 560547

Proposal: Proposed Extension To, and In Part Change of Use and Over-Cladding Of, An Existing Storage Building To Provide A Roof Over The Loading Bay and A Workshop With Toilets and Locker Room

Amendment:

AMT

Report

Planning Policies:

Carlisle District Plan
Employment - Proposal EM10

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and

2. There is no unacceptable adverse effect on nature conservation interests; and

3. Adequate access and appropriate parking provision can be achieved; and

4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

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.

Summary of Consultation Responses:

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

Environment Agency (N Area (+ Waste Disp)): no objections but an informative is recommended;

Kingmoor Parish Council: register a formal objection and ask for a Site Visit. The objection is based upon the increasing scale of operations from the site including a 24 hour service;

English Nature: refer to possible presence of bats.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs M Ellis, Crindledyke House	03/12/02			Objectio	RESP
The Occupier, East Moorlands	03/12/02				INIT

A Site Notice has been displayed and letters sent to two adjacent occupiers. In response, one objection letter has been received from the occupier of a neighbouring dwelling opposing the application on the grounds of increased vehicle and plant movement and related increased noise.

Details of Proposal/Officer Appraisal:

Planning History:

The applicants commenced the operation of a Plant Hire and Contractors' Yard from land adjacent to their home at Westmoor in 1978. The business expanded and in 1982 planning permission was obtained for the erection of a tractor shed and workshop, the latter being through the adaptation of former railway cottages.

During the 1980's and 1990's the business grew though no further planning

approvals were sought to authorise expansion beyond the limitations imposed as planning conditions attached to the 1982 consent. However, throughout that period of growth the business did not generate any complaints to Planning or Environmental Services nor, as far as can be ascertained, was the Highway Authority or Parish Council aware of, or concerned about, the situation to th extent that it was brought to the notice of the City Council.

In 1996 the applicants contacted Taylor & Hardy (Planning Consultants) to provide advice since it was thought appropriate to both regularise the situation and seek formal approval to further develop the site to reflect the increased business the firm were experiencing.

In June 1996, a planning aplication was made for the use of the land as a "Plant Hire and Contractors' Yard Together With the Erection of Offices and a Workshop". The application was advertised and neighbours notified but these measures generated no representations against the development.

It follows that as the use of the land had operated at an intensive scale, without complaint, for a lengthy period of time and had become a significant provider of jobs (40), planning policy guidance and Government advice generally did not support rejection of the proposals. Consequently planning permission was granted in July 1996.

In May 1997 planning permission was granted for the addition of a small extension to the proposed office building. Further consent for the siting of a temporary portacabin and the erection of lighting columns was approved in April 1998, as was an application to extend the plant hire and civil engineering yard, both after a Site Visit by Members. Consent for the temporary portacabin was renewed in September 1998 authorising its' use as a training centre providing classroom instruction linked to practical instruction in operating plant hire equipment, in accord with requirements of the Construction Industries Training Board.

In April 2000 planning permission was granted for improvements to the existing accessand the erection of a vehicle shed. In August of the same year permsiion wa granted for the demolition of the original workshop building, the removal of the portacabin office and the erection of a new building for workshop/training use plus an extension to the office builidng. A revised application for the same development was subsequently approved in June 2001 and that development has now completed and is in use.

Details of Proposal:

Members will recall that the Report relating to the above submission was deferred at the last meeting to await further clarification from the applicants of the intended use(s) to which the building was to be put. In addition, Members acceded to a

request for a Site Visit from Kingmoor Parish Council.

It will be recalled that approval is sought to add an extension to the front of the L-shaped building approved in July 1996 for workshop purposes (see plan).

The proposed additional area would extend 6.05 metres from the front of the recessed area of the existing structure to make a rectangle. It would be 5.31 metres high to its highest point (approximately 1 metre higher than at present), would be clad in olive green profiled sheeting to match the remainder of the building and would provide 130 sq. m. of extra floorspace.

The application is brought before Members as a result of a letter of objection from nearby occupiers who are concerned about increased traffic movement and related increased noise nuisance.

The applicants state that there will be no difference in traffic movements from the existing pattern of activity.

Subsequent to the deferment at the last meeting further correspondence, including a revised description of the proposal, has been received from Taylor & Hardy on behalf of the applicants. It confirms that the overall works embrace both an extension to the building and a partial change in its use to allow a section of it (approximately 50%) to be used as a workshop for the repair of equipment. That area is proposed to be over-clad for insulation purposes. The description of the application has been amended and is now as set out at the heading to this Report.

As the proposal is now significantly different from that first received, by virtue of the proposed introduction of workshop activity, further notification of the revised description has been sent to neighbours and Environmental Services. Their comments will be reported.

Human Rights Act 1998:

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

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

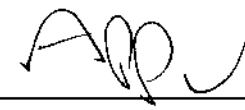
Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

impair the right to enforce the law if this is necessary;

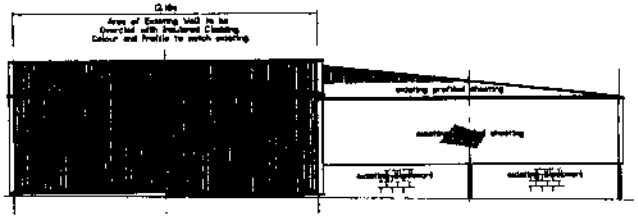
It would not appear likely that any adverse impact would arise to any adjacent or neaby occupiers by virtue of the use of the extension for storage of plant or equipment.



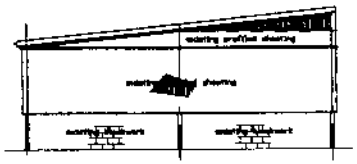
Recommendation:

Reason for Including Report in Schedule B

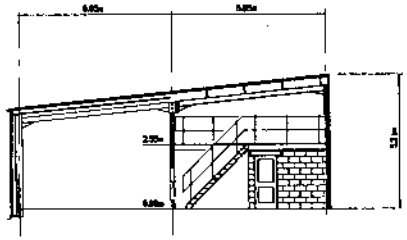
Following an amended description of the proposals re-consultation has been undertaken and the closing date for comments has not lapsed.



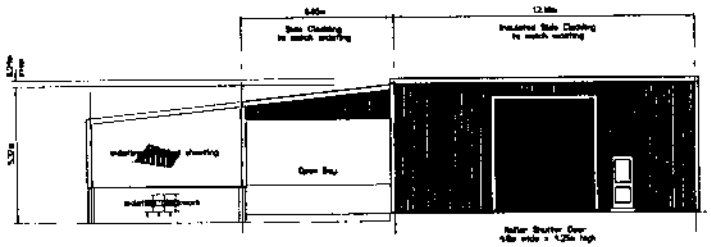
S.W. ELEVATION



S.E. ELEVATION



SECTION ' 2 - 2 '



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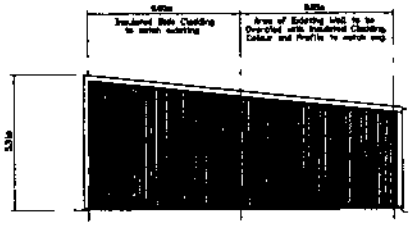

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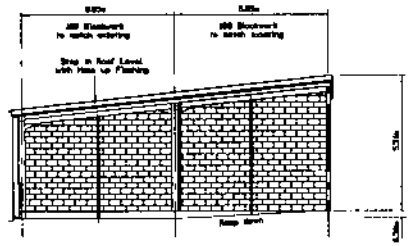
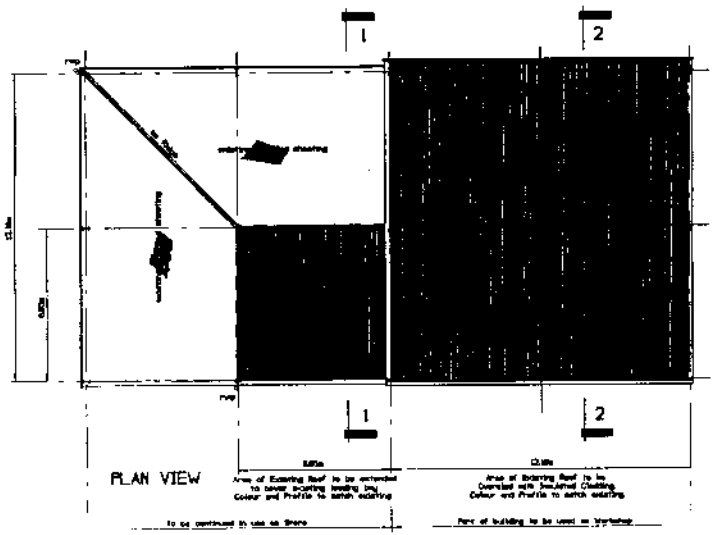
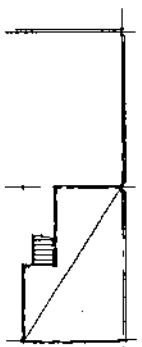


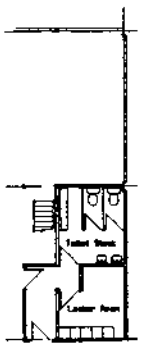
SECTION ' 1 - 1 '



PLAN VIEW



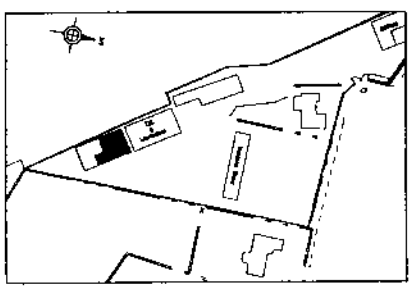
PART PLAN
VIEW ON 1st FL.



PART PLAN
VIEW ON G.F.

CLADDING SPECIFICATION

PROFILED SHEET CLADDING
ROOF : MERLIN GREY (BS 4800)
WALLS : OLIVE GREEN (BS 12627)



SITE PLAN - SCALE 1 : 1250

Revision	Date	
B	03.03.03	Drawing amended to suit Planning application
A	7.1.03	Sections '1-1' & '2-2' amended

Bingham Yates & Partners
Consulting Engineers
4 Chapel Street Carlisle Cumbria CA1 1JA
Tel 01228 521436 Fax 01228 515379

Project: PROPOSED STORAGE BUILDING EXTENSION AT WESTMOOR, ROCKCLIFFE, CARLISLE

Drawing Title: PROPOSED PLAN & ELEVATIONS

Client: KEN HOPE LTD

Scale: 1:100 | Drawn: LJA | Date: OCT 2002 | Checked:

B1158/01

Revisions: A B

9 Finkle Street
Carlisle
Cumbria CA3 8UU

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Fax: (01228) 810362
Email: planners@taylorandhardy.co.uk

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

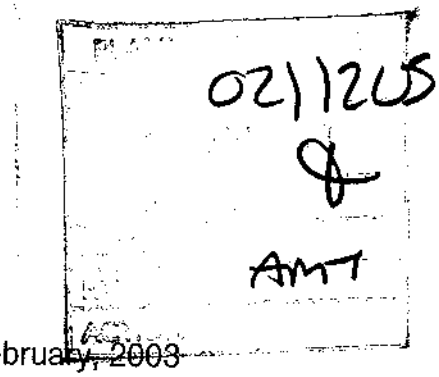
TAYLOR & HARDY

Chartered Town Planners

Our Ref : MEH/J/C03/008

Your Ref : 02/1205

Mr. Alan Taylor,
Chief Development Control Officer,
Planning Services Division,
Department of Environment and
Development,
Carlisle City Council,
Civic Centre,
CARLISLE.
CA3 8QG



14th February, 2003

Dear Alan,

PROPOSED AMENDMENTS TO CURRENT PLANNING APPLICATION REFERENCE NO. 02/1205 EXTENSION TO STORAGE BUILDING ON LAND ADJACENT WESTMOOR, LOW CRINDLEDYKE, ROCKCLIFFE, CARLISLE FOR KEN HOPE LTD.

In the context of our discussions and consideration of your report as presented to the Development Control Committee on 31st January 2003, I am writing on behalf of Ken Hope Ltd. to set out some amendments to and points of clarification on the planning application described above. I note that the application was submitted on 2nd December 2002 by Bingham Yates and Partners and I am writing to you with their authority.

The amendments to the application relate to the description of the actual proposal and slight amendments to the drawings as submitted, each of these aspects being detailed below:

i. **Revised Description**

To accurately describe the proposal the description ought to read as follows:

"Proposed extension to and, in part, change of use and over-cladding of an existing storage building to provide a roof over the loading bay and a workshop with toilets and locker room."

Bob Taylor Dip. T.P., M.R.T.P.I.
Margaret Hardy B.A. (Hons), M.R.T.P.I.

ii. **Amended Drawings**

The drawings submitted with the application have now been revised by Bingham Yates and Partners to reflect the above description and to show the accurate application site boundary, 6 copies of these being enclosed.

Whilst setting out the above I wish to add some background which explains the amendments to the current application and this is as follows:-

(a) The Storage Building as Existing

The building proposed to be extended was granted full planning permission on 15th May 1997 (L.P.A. Reference No. 97/0299). The building was described as being an open store, for reference, a copy of the plan of that building is attached as Plan 1.

Since its construction the building has been used as a store. Some works have, however, been carried out which have improved its performance for this use.

As identified on Plan 1:

- area 'A' has been enclosed to provide, at the ground floor, a wholly secure storage area protected from the weather;

- an open staircase has been installed at area 'B' to provide access to a second level of storage over areas 'A' and 'C'.

(b) The Building as Proposed to be Extended

The planning application as now amended proposes the extension of the footprint of the 'L' shaped building to make a rectangle and, for reference, a copy of the plan of the building as proposed to be extended is attached as Plan 2.

The specific aspects of the proposal are as follows.

As identified on Plan 2:

- the erection of a roof over the existing loading bay;

- the roof over the loading bay will be formed as an extension to the existing roof and be in cladding to match the colour and profile of that which is existing;

- the division of the building into two distinct parts. One part to be retained as a store and the other to be used as a workshop with two toilets and locker room. Access to the workshop would be via a roller shutter door;

- the over-cladding of the workshop part of the building. This over-cladding will provide for insulation;

- the over-cladding will be of a colour and profile to match the existing;

- the workshop will be used for the repair of equipment used in Ken Hope Ltd's operations.

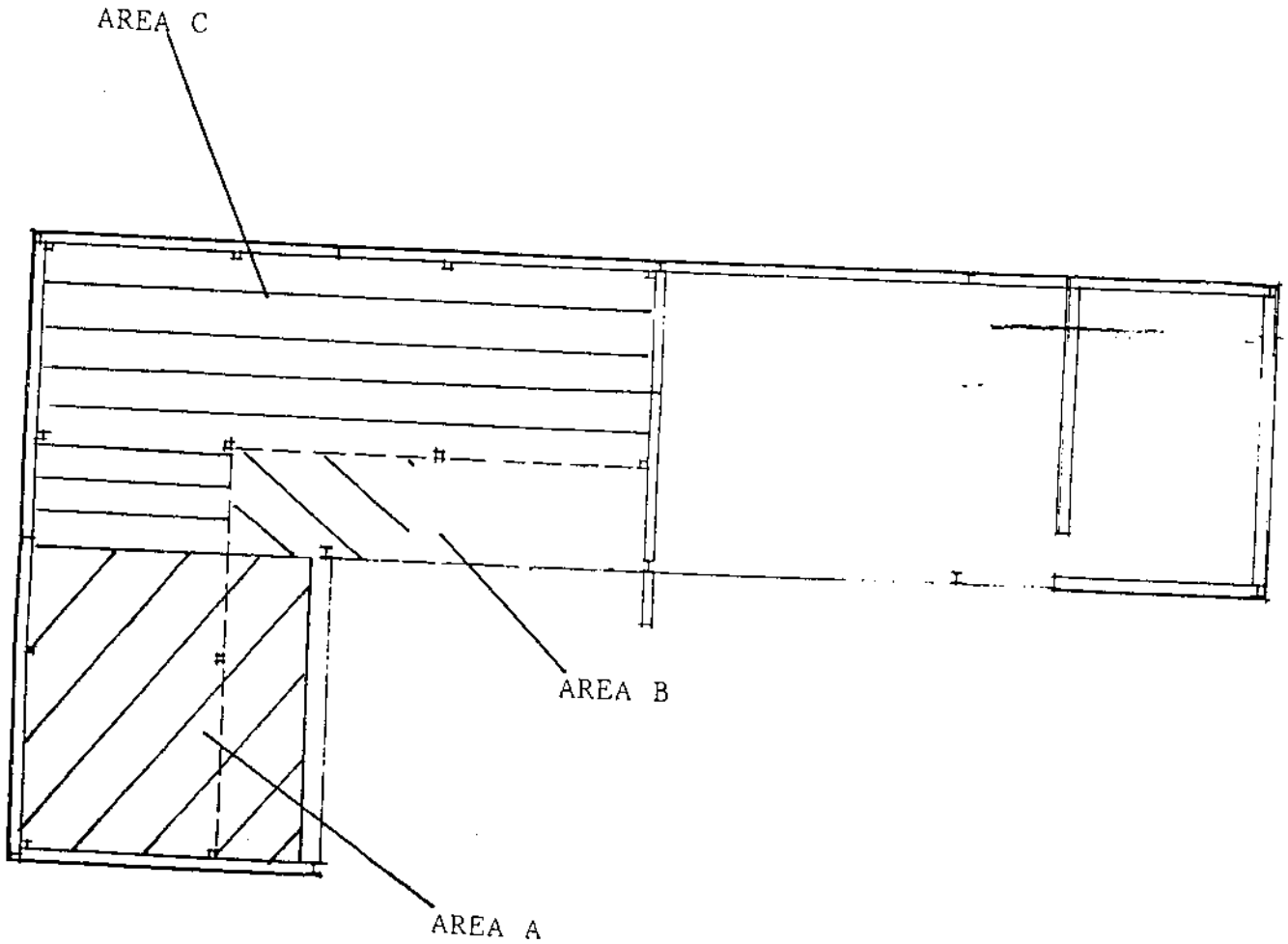
The proposals will allow for an improved use to be made of an existing building, albeit one which is to be extended, and provide an indoor workshop.

I hope all the above is clear and of assistance. If, however, you have any further queries please do contact either myself, Bingham Yates and Partners or Ken Hope.

Yours sincerely,

Margaret -

MARGARET HARDY

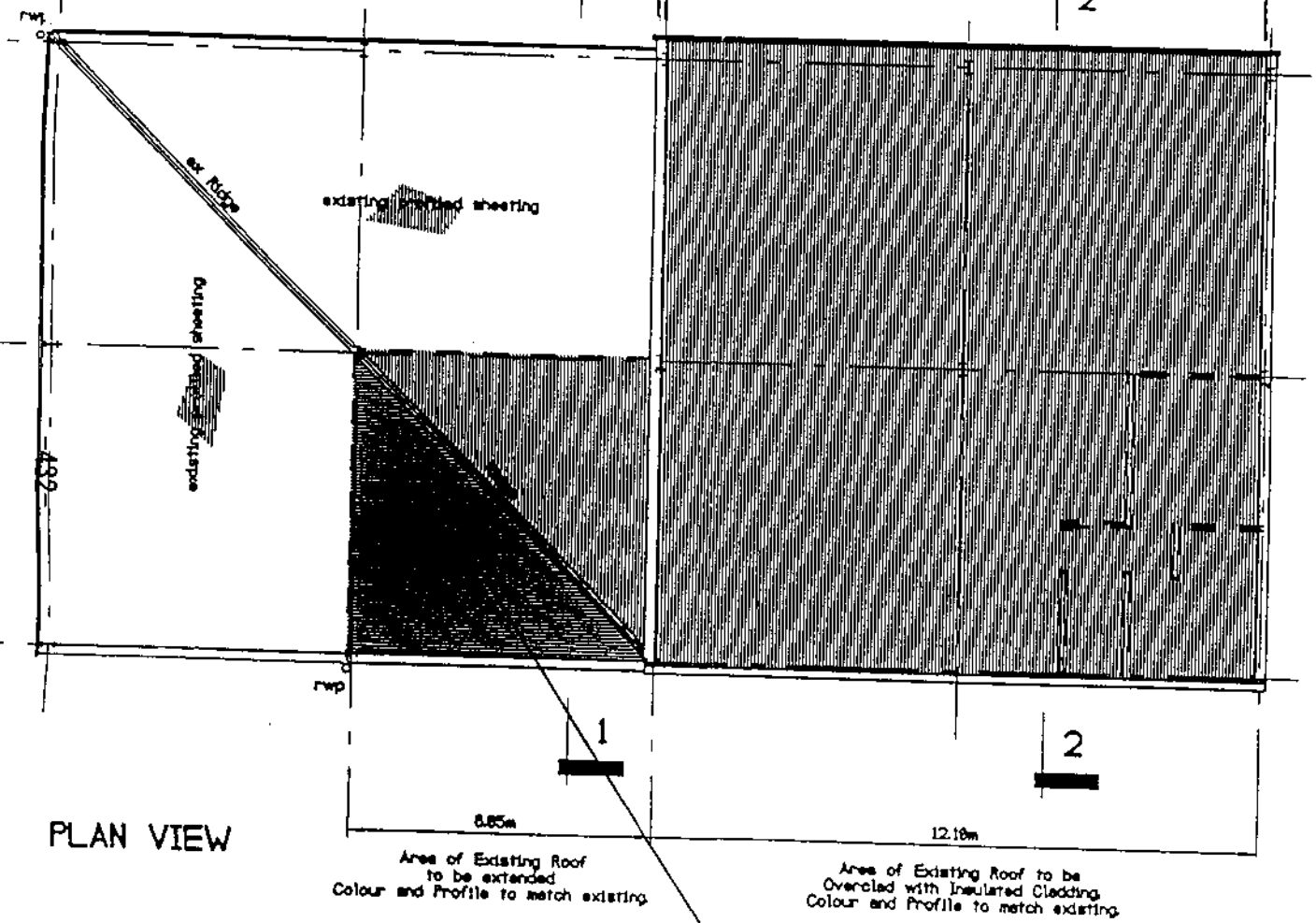


P L A N 1
****

NOT TO SCALE

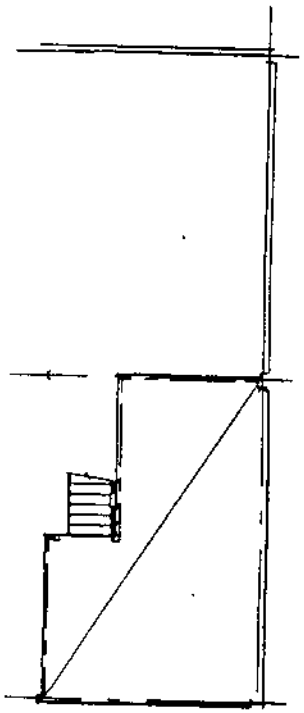
PART OF BUILDING TO BE CONTINUED TO BE USED AS A STORE

PART OF BUILDING PROPOSED TO BE OVER-CLAD AND USED AS A WORKSHOP

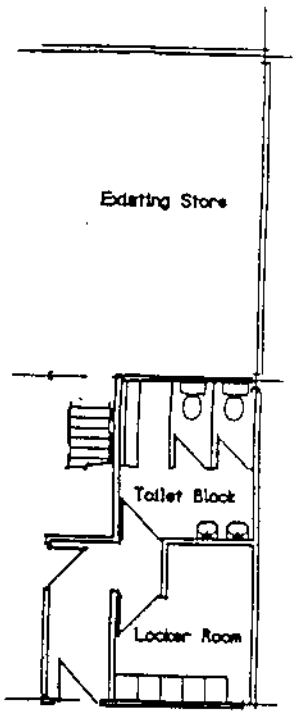


PLAN VIEW

PROPOSED ROOF OVER EXISTING LOADING BAY



PART PLAN VIEW ON 1st FL.



PART PLAN VIEW ON G.F.

L A N 2
****

OT TO SCALE

Item No: 19 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1227	Barton Park Homes	Dalston
Date of Receipt:	**Agent:**	**Ward:**
27/11/2002	Saunders Boston	Dalston

Location:
Orton Grange Caravan Park, Orton Grange, Carlisle, CA5 6LA

Grid Reference:
335410 551960

Proposal: Variation of condition no.2 of planning consent 00/0945 to allow additional 10no residential caravans

Amendment:

SG

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan
Employment - Proposal EM13

Within the Plan area, proposals for the development of caravan sites will be acceptable provided that:

1. The siting and scale of the proposal does not have an unacceptable adverse effect on the character of the local landscape; and

2. The site is adequately landscaped; and

3. The site is contained within existing landscape features; and

4. Adequate access and appropriate car parking can be provided.

In addition, the Council will consider the need to impose seasonal restrictions through the use of planning conditions to safeguard the environment and landscape through the winter months.

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
Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and

2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and

3. Satisfactory access and appropriate car parking can be achieved; and

4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

Summary of Consultation Responses:

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

Dalston Parish Council: adjacent residents and Parish Councillors expressed

concerns regarding the adequacy of existing foul drainage facilities. It was agreed that an assessment of the drainage situation should be requested. Some of the proposed residential caravans were shown as being adjacent to the A595 trunk road, therefore there was a query as to whether Department of Transport permission was required. Indications were that application 02/1227 was the first stage of two part application with a further 10no. residential units being applied for at a later date. It was resolved that an impact assessment was needed for 10no. caravans in relation to local services;

Environmental Services: no objections to the application providing that the new caravans comply with all site license conditions already in place;

Environment Agency (N Area (+ Waste Disp)): the above planning application has been examined at your offices and a copy of the application has been taken for further consideration;

Design Services - Drainage Engineer: no comments;

Department of Transport (Highways Agency): we would point out that responsibility for the section of the A595 trunk road to which this development relates is due to be handed back to the local highway authority (Cumbria County Council) at the end of March 2003. We would request that the views of Cumbria County Council are sought in this matter.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, Hazeldean House	29/11/02				INIT
Mr B Stonehouse, The Woodlands	29/11/02			Objectio	RESP
The Occupier / Owner, Hill View	29/11/02				INIT
Mrs J Turner, Wood Lea	29/11/02			Objectio	RESP
Lieutenant Colonel J A Baillie (Retired), Birch Close	29/11/02			Objectio	RESP
The Occupier / Owner, Brindle	29/11/02				INIT

This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. In response three letters of objection have been received, the grounds for objection being;

1. the existing drainage facilities are inadequate to serve the existing site and would therefore be unable to accommodate any further development;

2. the 10 additional caravans are to be used for full time residential use;

3. the increased vehicular traffic from the proposed development would have an adverse impact, upon what is already a busy junction, where the road leading to the caravan park meets the A595 Carlisle to Wigton Road.

Details of Proposal/Officer Appraisal:

Planning History:

There is a number of planning applications relating to this site. Planning permission was originally granted for the use of the land as a caravan site under application BA2669, which was granted approval in 1961. A further extension to the caravan site was approved in 1976, under application 76/0400. Under the most recent application, 00/0945, permission was granted to increase the number of residential caravans on the site from twenty two to twenty three.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit took place on the 12th March.

It will be recalled that this application seeks planning permission for the variation of condition 2 of planning consent 00/0945 to allow 10no. residential caravans at Orton Grange Caravan Park, Orton Grange, Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from the minor road, which leads to Dalton from the A595. The caravan park has been in operation since the 1960's. The application site is enclosed by residential properties along its northern and western boundaries. To the east of the application site there are open fields. To the south of the site is a business that operates as a mushroom farm. The mushroom farm also bounds part of the application site along its western boundary. The site has a good degree of screening, formed by coniferous trees and hedges, along all of its boundaries. A plan illustrating the location of the application site and its relationship to surrounding properties is reproduced in the Schedule.

Under the current site licence issued by the Environmental Services Department no more than twenty three residential caravans shall be stationed at the site for the purposes of human habitation. At any one time, for the purposes of human habitation, there shall be no more than 30 touring caravans or motor caravans between March 1st and October 31st and 10 touring caravans between 31st October and 1st March; none of which shall be present for more than 14 days in any 20 day period.

The application, as submitted, seeks planning permission for the variation of condition 2 of planning consent 00/0945 to allow an additional 10no. residential caravans. Four of the residential caravans proposed would be sited at the northern extent of the site adjacent to the residential dwelling, Hazeldene House. As part of this application it is the applicants intention to incorporate additional screening along the boundary between the caravan park and Hazeldene House. A further six residential caravans would be sited in the southern corner of the site directly to the

east of Birch Close. The proposal would require a minor alteration to the road layout in the southern corner of the site in order to accommodate the residential caravans.

In consideration of this application Policies EM13 and H17 are relevant. Policy EM13 of the Local Plan requires that proposals for the development of caravan sites will be acceptable provided that the siting and scale of the proposal does not have an unacceptable adverse effect on the character of the local landscape; the site is adequately landscaped; the site is contained within existing landscape features and that adequate access and appropriate car parking can be provided. In addition to this the Council will consider the need to impose seasonal restrictions through the use of planning conditions to safeguard the environment and landscape through the winter months.

It should be noted that the proposed additional residential caravans would be sited on land, which is currently allocated for the siting of touring caravans/tents. The proposal does not involve any development taking place outside the boundaries of the existing site, which is well landscaped. Further landscaping is proposed along the boundary adjacent to Hazeldene House to minimise any potential impact upon the amenities of the property. Given the current level of screening and the fact that the application is for the siting of 10 additional residential caravans it is considered unreasonable to impose seasonal restriction with regards to the siting of the caravans. The Highway Authority has raised no objections to the proposal. It is the Officers view that the proposed development complies with Policy EM13.

Policy H17 seeks to protect the amenity of residential areas from inappropriate development. It states that the amenity of residential areas will be protected from inappropriate development where that development is for a use inappropriate for a residential area; is of an unacceptable scale; leads to an unacceptable increase in traffic or noise; is visually intrusive or where it would lead to a loss of housing stock. It is not considered that the development hereby proposed would adversely affect the amenities of any neighbouring residential properties.

Members will note that three objection letters, from occupants of neighbouring residential properties, have been received in response to this application. The concerns expressed by local residents have been addressed in the above paragraphs. However one issue remains outstanding. This relates to the concerns raised with regards to the existing drainage facilities on the site.

With regards to the concerns regarding the drainage facilities the applicant has stated that he is aware that the existing facilities are inadequate. It is the applicant's intention to up grade the existing system. Details of the new systems to be installed have been requested from the applicant, but have not yet been received. At the time of writing this report a response is still awaited from the Environment Agency, who are currently in discussions with the applicant regarding the above matter.

On the basis that the drainage issues are successfully resolved the application will be recommended for approval.

Human Rights Act 1998:

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

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

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

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

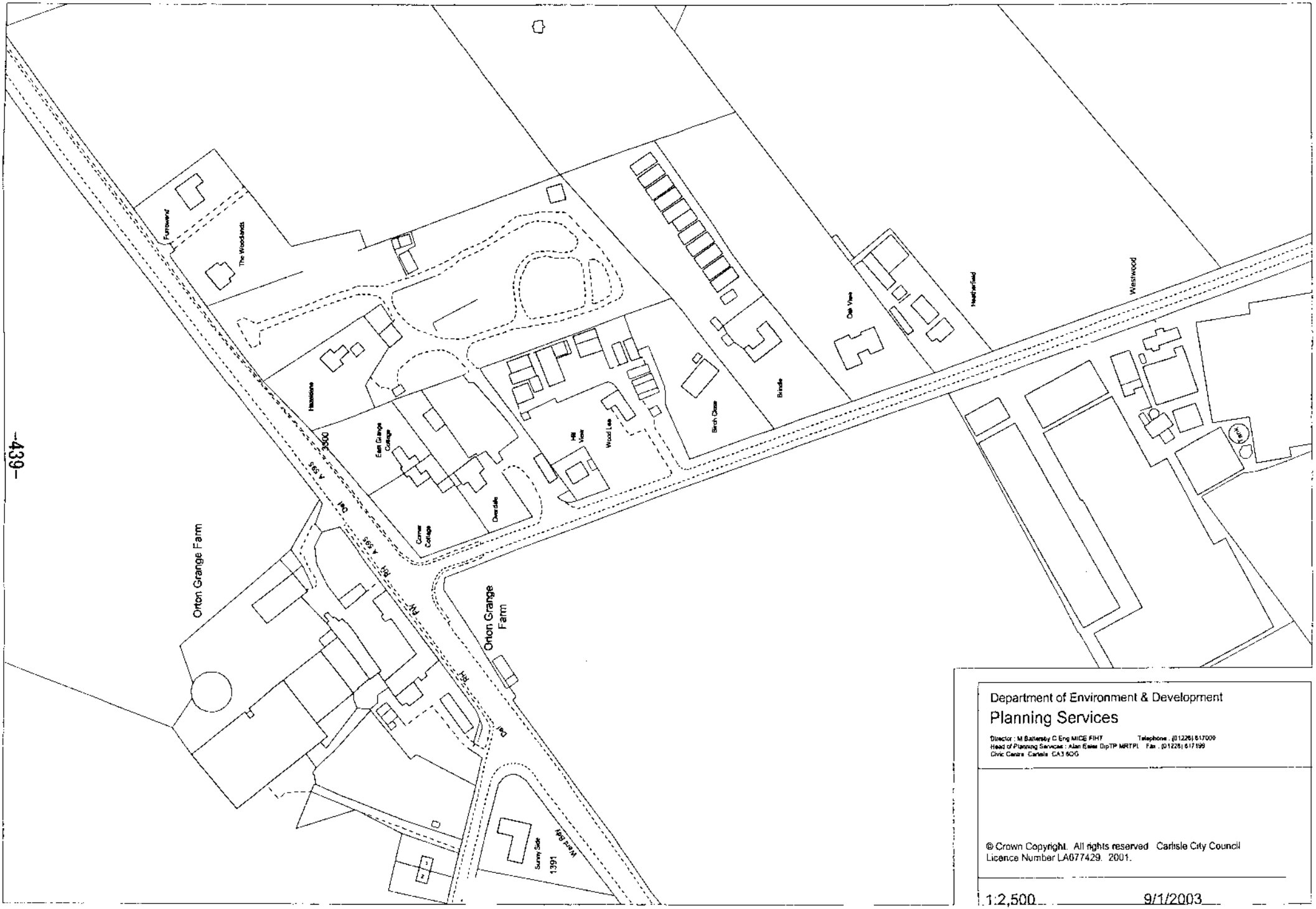
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: A to I - drainage detail

Reason for including report in Schedule B

At the time of writing this report a response is still awaited from the Environment Agency. Details of the proposed new drainage systems to be installed by the applicant are also awaited.



Department of Environment & Development

Planning Services

Director : M Battersby C Eng MICE FIHT Telephone : (01228) 617009
Head of Planning Services : Alan Eales DipTP MRTPI Fax : (01228) 617199
Civic Centre Carlisle CA3 8QG

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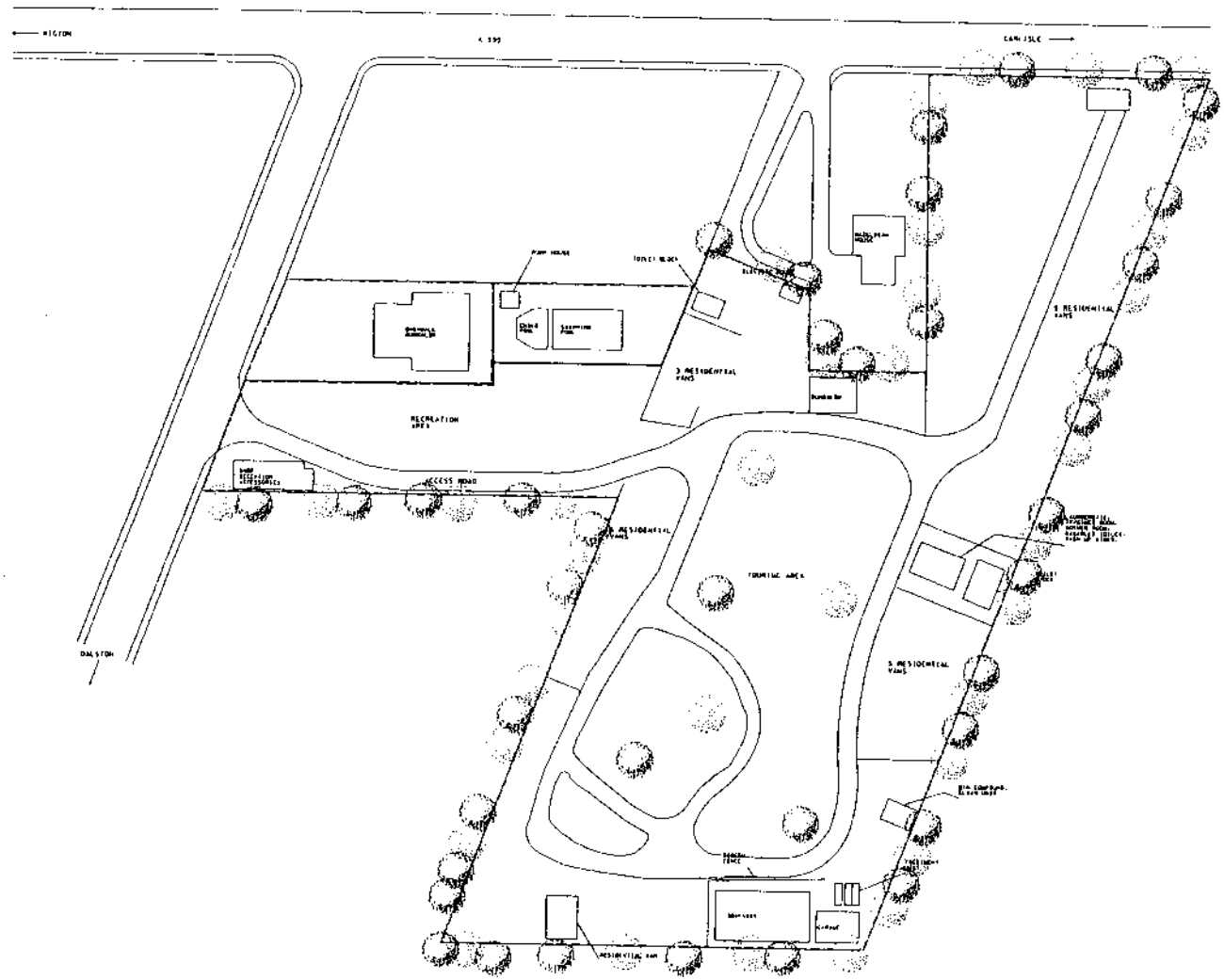


PLAN- ORTON GRANGE CARAVAN PARK

RECEIVED
27 NOV 2002
2002/1127

Saunders Boston

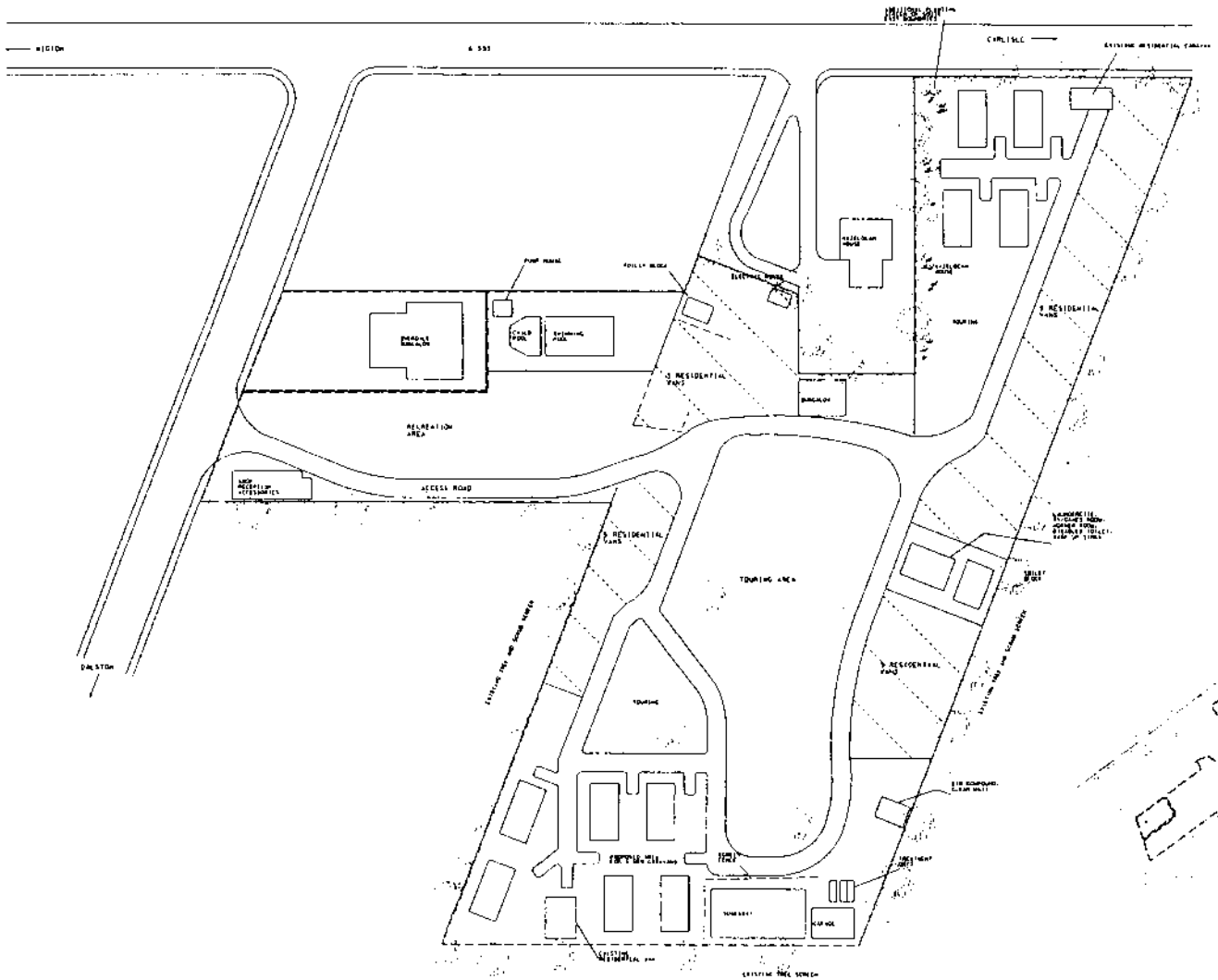
Mr C Barker

Orton Grange Caravan Park

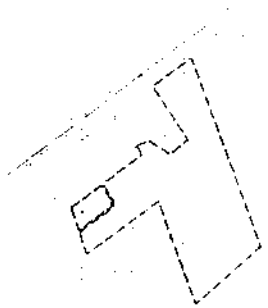
Existing Site Plan

1:500 | Nov 02

728/02 | AGNTS



PLAN:- ORTON GRANGE CARAVAN PARK AS PROPOSED



LOCATION PLAN 1:2500

RECEIVED
2 Dec 2002

Saunders Boston

Client	Mr C Barton
Title	Orton Grange Caravan Park
Drawing	Proposed Site Plan
Scale	1:500
Date	Nov 02
Number	728/01
Drawn	ABWTS

SCHEDULE A: Applications with Recommendation

02/1279

Item No: 20 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1279	Mr M Calvert	Brampton
Date of Receipt:	**Agent:**	**Ward:**
13/12/2002		Brampton
Location:		**Grid Reference:**
Croglin, Greenfield Lane, Brampton, CA8 1AU		352630 561400

Proposal: Two storey extension to side elevation to provide garage, kitchen extension on the ground floor & 2no bedrooms above

Amendment:

SG

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Brampton Parish Council: no objections;

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

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier,	16/12/02				INIT

2 Greencroft
J W Welton, Kintro 16/12/02 Objectio RESP
The Owner / Occupier, 16/12/02 INIT
Langstrath

This application has been advertised by means of notification letters sent to three neighbouring properties. One letter of objection has been received.The objector has raised concerns that the single storey element of the extension which projects 1.5 metre beyond the front of the property would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further down the driveway, closer to the road. The objector has also expressed concern that the proposed extension could result in structural damage to his property.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to undertake a site visit. The site visit took place on the 12th March.

It will be recalled that this application seeks planning permission for the erection of a two storey extension to the east facing side elevation of Croglin, Greenfield Lane, Brampton. The property is a semi-detached property of modern construction, finished with a combination of yellow/pink facing brick with a tiled roof. The property is situated within a residential area. The application site is enclosed to the east, west and south by residential properties. To the north of the application site, on the opposite side of Greenfield Lane are the grounds of the property known as Garth House. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as submitted, seeks approval for the erection of a two storey extension to the east facing side elevation to provide a garage and kitchen extension on the ground floor and two bedrooms above. The extension would replace an existing flat roof garage and store. A plan illustrating the proposed extension is reproduced following this report. The extension, which is 3.7 metres wide, shall be built up to the boundary with the neighbouring property. The two storey extension extends the full depth of the dwelling occupying all of the gable wall area. The ground floor element of the proposed extension would project by 1.55 metres beyond the front of the existing property and by 1.65 metres at the rear. Both the extensions that project beyond the front and rear of the property at ground floor level are lean to extensions. The height of the proposed extension matches that of the original dwelling. The external materials used shall match those of the existing property.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the

property known as Kintra, which is adjacent to the location of the proposed extension.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received. The objector has raised concerns that the single storey element of the extension which projects 1.5 metre beyond the front of the property would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further down the driveway, closer to the road. The objector has also expressed concern that the proposed extension could result in structural damage to his property. In considering the objections raised Members should note that loss of view is not a material planning consideration. It is not considered that the extension hereby proposed would result in any structural damage to the neighbouring property provided that the work is carried out in a proper manner. The other concerns raised are covered in the paragraph below.

Members will note that the property is north facing and that the proposed extension is to be sited on the east facing gable of the dwelling. On that basis it is the Officers view that the proposed extension would not result in any loss of light to the neighbouring property. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

In conclusion, the proposed extension is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998:

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

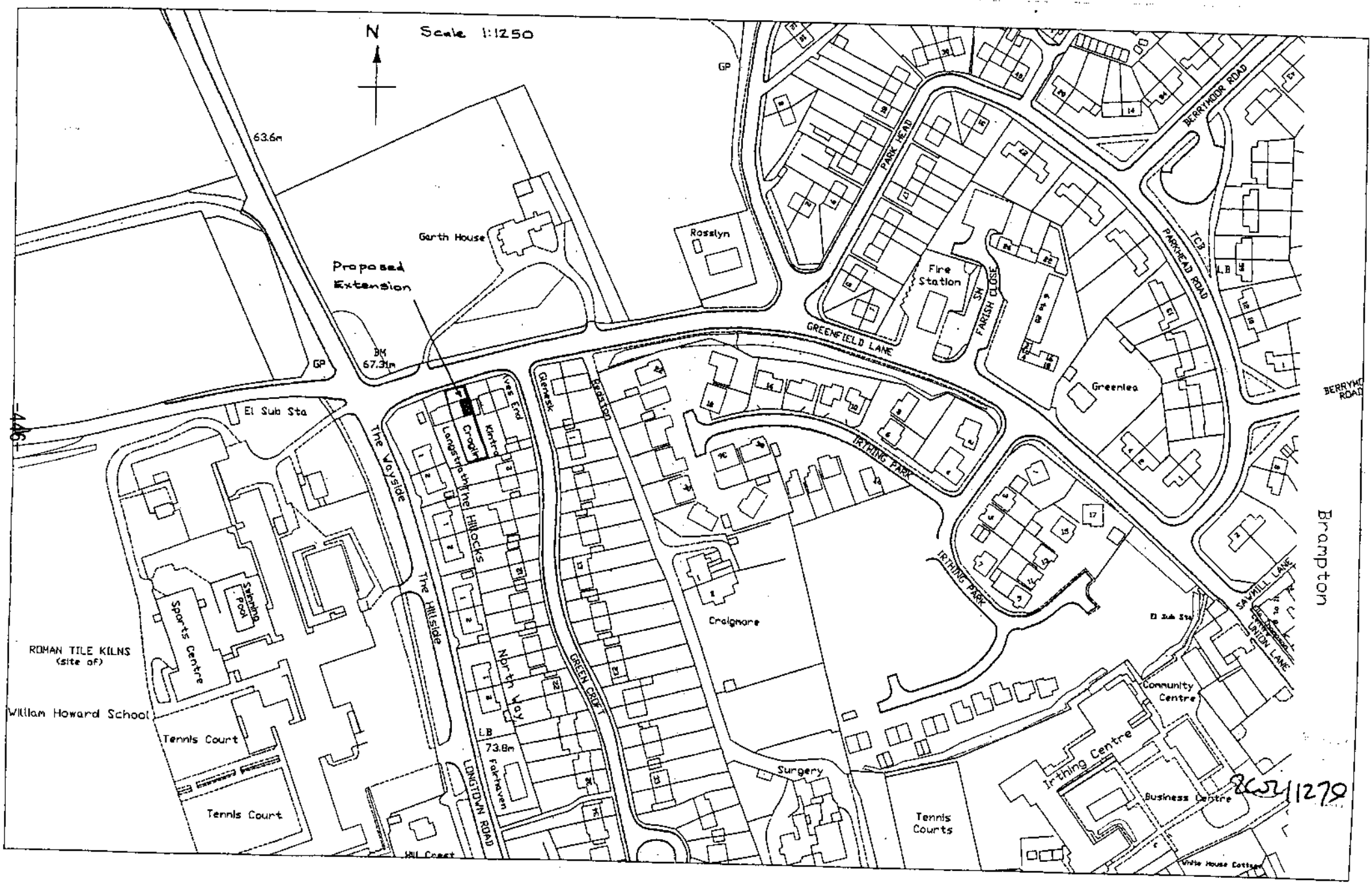
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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.

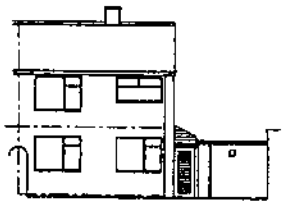
   Reason: To ensure the works harmonise as closely as possible with the existing building.

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 facing elevation of the extension without the prior consent of the local planning authority.

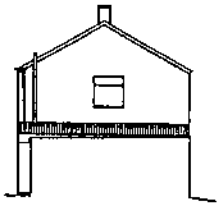
   Reason: In order to protect the privacy and amenities of residents in close proximity to the site.


N
Scale 1:1250
Proposed Extension
Garth House
Rosslyn
Fire Station
Greenlea
Craigmore
Surgery
Tennis Courts
Community Centre
Irthing Centre
Business Centre
Sports Centre
Swimming Pool
Tennis Court
Tennis Court
William Howard School
ROMAN TILE KILNS (site of)
El Sub Sta
BM 67.31m
63.6m
GP
LB 73.8m
Fortraven
Craigmore
Kintra
Lanarkshire
Glenesk
Preston
Greenfield Lane
Park Head
Berrythoor Road
Parkhead Road
Farish Close
Irthing Park
The Wayside
The Hillside
The Hillocks
North Way
Green Croft
Longtown Road
Sawmill Lane
Union Lane
Brampton
-446-
8CW/1279

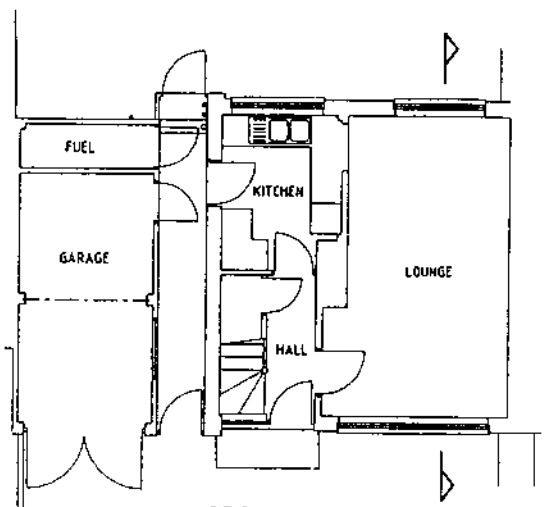
FRONT ELEVATION



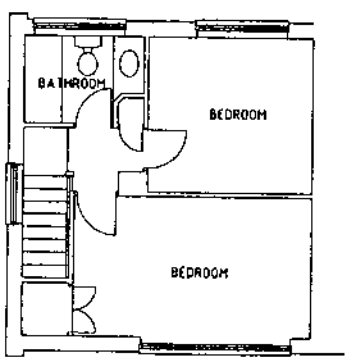
REAR ELEVATION



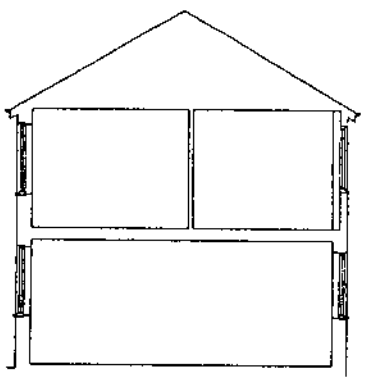
END ELEVATION



GROUND FLOOR PLAN



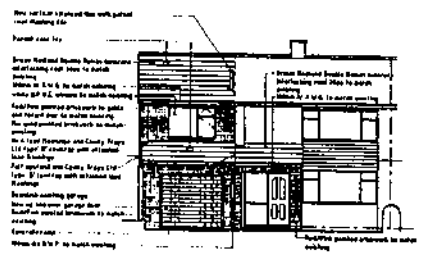
FIRST FLOOR PLAN



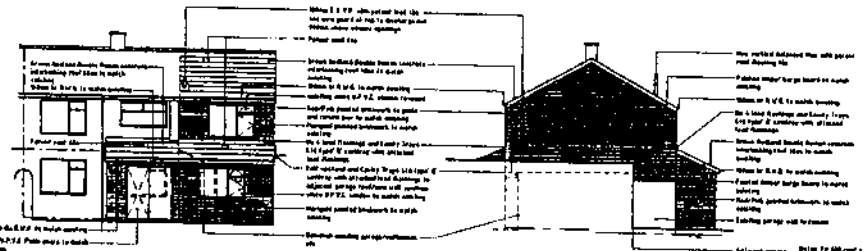
SECTION

2002/1228

CROGLIN, GREENFIELD LANE, BRAMPTON
FOR MR M. CALVERT
PREMISES AS EXISTING
SCALE 1:50 & 1:100

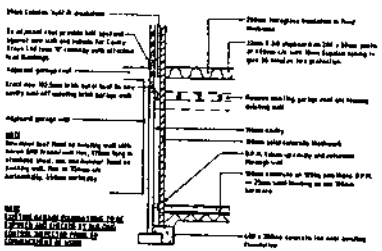


FRONT ELEVATION

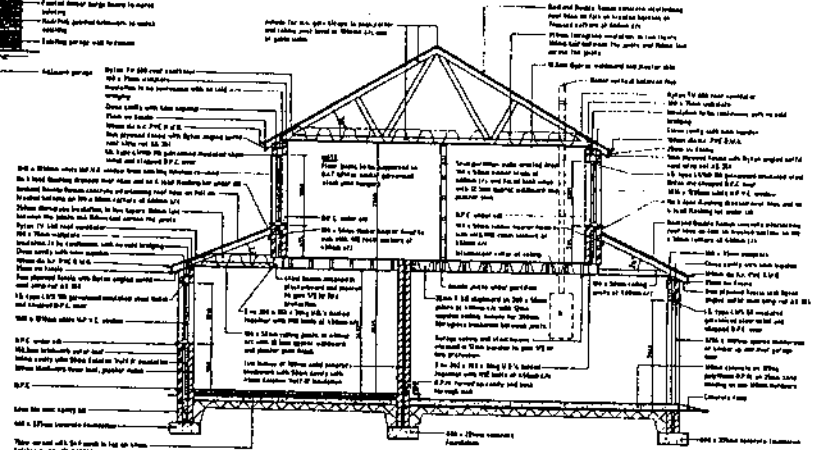


REAR ELEVATION

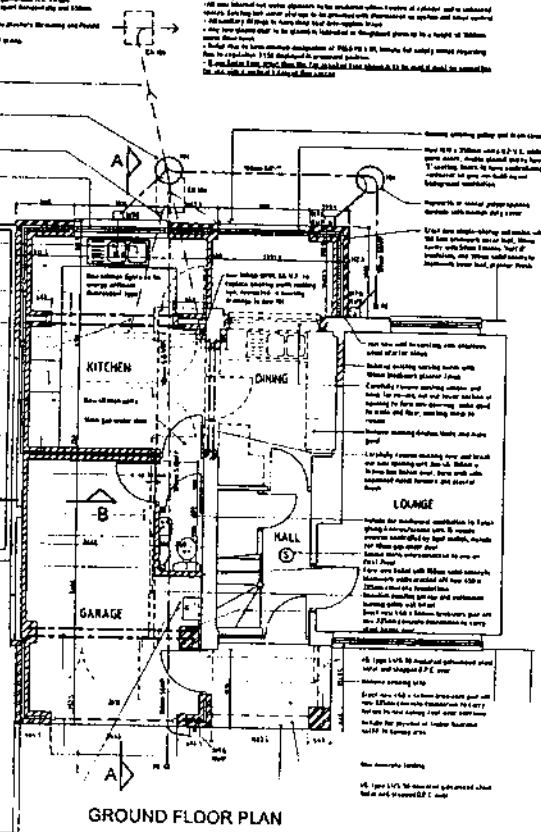
END ELEVATION



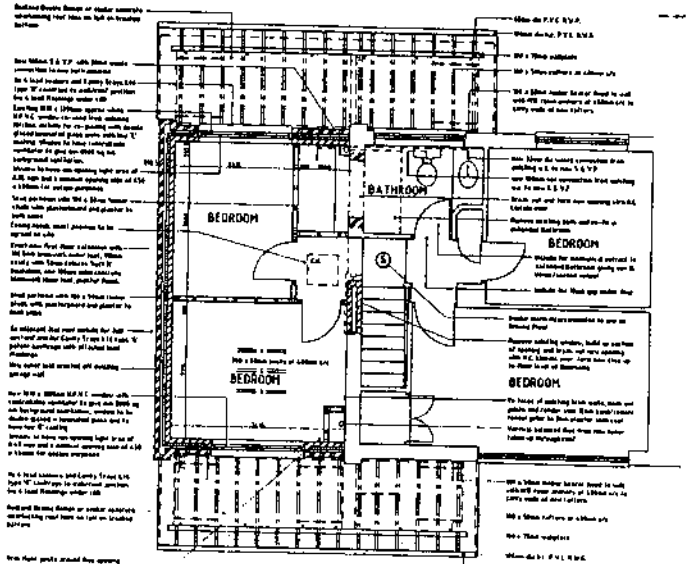
SECTION B-B



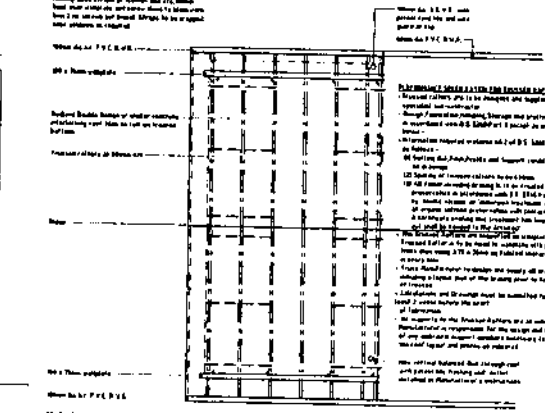
SECTION A-A



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

W/21/1279

CROGLIN, GREENFIELD LANE, BRAMPTON

FOR MR M. GALYERT

PREMISES AS PROPOSED

SCALE 1:50 & 1:100

Item No: 21 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0785	Malcolm Wright Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
18/07/2002	Architects Plus	Harraby
Location:		**Grid Reference:**
L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle		341511 554552

Proposal: Erection of 11no. 3 bedroom dwellings and three storey block of flats to create 6no. 2 bedroom flats

Amendment:

1. Revised layout plans.
2. Revised layout plans received showing boundary fencing.
3. Revised layout showing provision of detached houses.
4. Plots 9 and 14 revised.
5. Plans received detailing house on plot 9.
6. Revised layout plans showing plots 10-13 moved a further metre from boundary.

ARH

Report

Planning Policies:

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 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
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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objections subject to the imposition of four conditions.

Design Services - Drainage Engineer: If it is the applicants intention to dispose of surface water via any of the existing combined sewers in or around the site, then some form of controlled discharge in combination with on site storage would be required. The details will need to be agreed with the City Council's Drainage Section. Previous comments regarding Sustainable Urban Drainage Methods are still applicable.

I am aware that there may be a public sewer within the development running parallel to the south west boundary. The extent of this sewer is not known. the developer will need to locate this sewer and no building or tree planting should be carried out within 3 metres of this sewer.

If the developer is proposing any of the on site sewers for adoption as public sewers then a submission in accordance with 'Sewers for Adoption'. 5th edition, should be made.

The plans submitted suggest that it is the developer's intention to divert an existing sewer which crosses the site. Full consultations with the Drainage Section should be undertaken prior to proceeding with this work.

Further investigations have been carried out which indicate that it is a private drain which crosses the site.

Head of Environmental Services: The submitted Ground Contamination Risk Assessment Report is considered to be satisfactory. The remediation works specified are also considered as suitable. If such work is carried out this Division has no objections to the planning application.

Leisure & Comm Dev - Landscape Services: Observations awaited on revised plans.

Environment Agency (N Area (+ Waste Disp)): The Environment Agency has no objections subject to the imposition of two conditions and a supplementary informative. The Ground Investigation Report and Method Statement for Remediation complies with the planning requirements for the intended end-user. Development at the site should not cause or have potential to pollute Controlled Waters.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 237 London Road	23/07/02				AMND

The Occupier, 239 London Road	23/07/02		AMND
The Occupier, 2 Hillcrest Avenue	23/07/02		AMND
The Occupier, 4 Hillcrest Avenue	23/07/02		AMND
The Occupier, 1 Hillcrest Avenue	23/07/02		AMND
Mr & Mrs Proudfoot, 3 Hillcrest Avenue	23/07/02	Objectio	RESP
The Occupier, 9 Hillcrest Avenue	23/07/02		AMND
The Occupier, 11 Hillcrest Avenue	23/07/02		AMND
The Occupier, 13 Hillcrest Avenue	23/07/02		AMND
The Occupier, 15 Hillcrest Avenue	23/07/02		AMND
The Occupier, 17 Hillcrest Avenue	23/07/02		AMND
The Occupier, 19 Hillcrest Avenue	23/07/02		AMND
The Occupier, 21 Hillcrest Avenue	23/07/02		AMND
The Occupier, 23 Hillcrest Avenue	23/07/02		AMND
The Occupier, 25 Hillcrest Avenue	23/07/02		AMND
The Occupier, 27 Hillcrest Avenue	23/07/02		AMND
The Occupier, 29 Hillcrest Avenue	23/07/02		AMND
The Occupier, 31 Hillcrest Avenue	23/07/02		AMND
The Occupier, 33 Hillcrest Avenue	23/07/02		AMND
The Occupier, 35 Hillcrest Avenue	23/07/02		AMND
P A Staddon, 37 Hillcrest Avenue	23/07/02	Objectio	AMND
Mr G Duncan, 39 Hillcrest Avenue	23/07/02	Objectio	AMND
The Occupier, 41 Hillcrest Avenue	23/07/02		AMND
The Driving Test Centre, Hillcrest Avenue	23/07/02		AMND
R Bray, 12 Hillcrest Avenue	23/07/02	Objectio	AMND
The Occupier, 30 Hillcrest Avenue	23/07/02		AMND
Eric Martlew MP, 3 Chatsworth Square	23/07/02		AMND
Mr & Mrs Cochrane, 5 Hillcrest Avenue	23/07/02	Objectio	AMND
Mr & Mrs Griffiths, 7 Hillcrest Avenue	23/07/02	Objectio	AMND
Senator Homes Limited		Objection	RESP

Publicity for this application, as originally submitted, was in the form of a site notice

and the direct notification of the occupiers of 27 neighbouring properties. In response four letters of objection were received. The basic points raised being: the distance between existing housing and proposed is less than the recommended 22 metres; there should be a buffer zone between an existing boundary fence; the proposed garages are right up against a boundary fence which means that anyone could easily get onto the roof of the new garages and jump into neighbouring property; could the Council purchase the land and either build a park for the residents of Hillcrest or leave it to the wildlife; there are not geophysical or environmental reports included with the current plans - still concerned that dangerous chemicals/metals will be released into the atmosphere; existing trees are not in a poor condition and need to be retained; attention is drawn to paragraphs 4.2, 4.3, 4.4, 8.3 and 8.4 of the Development Brief; the extra traffic created will be unacceptable and cause problems to the existing residents at Hillcrest Avenue; racing pigeons will not be able to fly back with two storey houses only 8 feet (2.4 metres) from a boundary hedge; unclear where the children would play because access to Melbourne Park via Harraby Bridge is not safe; close proximity of plots 1 & 2 to the gabion wall boundary; reduction in landscaping; close proximity of plots 19 & 20 to the western boundary; and, have the current parking standards been met?

In relation to the revised details five letters of objection have been received raising the following additions that: the proposal is similar to the last proposal; the land is not big enough for the development envisaged; Hillcrest Avenue is already heavily congested; fewer accommodation should be put on this land; the plans give little attention to the needs of the road users and could cause an increase of vehicles by approximately 1-7 per dwelling; the size of the gardens give little space for children to play which forces them to play in the streets or on the nearby riverbank; the applicant should consider a small number of 3/4 bed dwellings with ample space; the Committee and local MP are invited to visit the site and discuss the application with residents; the dwellings are close to the boundary and, with the three storey block of flats, lead to a loss in privacy; the housing needs to be greater than 21 metres between facing walls; prefer 14 houses that are semi-detached; the developer should provide houses with their own fences with sufficient space to allow proper maintenance; need for landscaping to compliment the existing area; and, consideration of the application should be deferred until a neighbouring resident returns from being abroad on the 25th November.

An e-mail has also recently been received within which it highlights the discrepancies over the distances between proposed and existing dwellings; the density of the current proposal being in excess of 50 dwellings per hectare; the removal of trees; no approach has been made concerning the private sewer which crosses the site; and, do not feel the proposal is in accordance with paragraphs 2, 3 and 4 of Policy H2 of the Local Plan.

Following the previous Committee Meeting four further letters of objection have been received on the grounds that:

- Preference for 14 houses that are semi-detached.

- The proposed houses are still too near to neighbours property i.e. greater than 21 metres.

- Would like developers to provide new houses with their own fences and a distance between fences to allow proper maintenance.

- Fences should be high to deter criminals climbing over.

- The landscaping of the site should compliment the existing area.

- The proposed houses are too close to the boundary making them unacceptably obtrusive.

- Suspect that the developer will cut down the existing trees.

- The Ground Contamination Risk Assessment confirms that the site is contaminated. A simple topsoil layer is not considered sufficient to represent a "Clean Cover" capping.

- Will the future purchasers of the new houses be told they are buying houses built on contaminated land and not to dig too deeply when planting their new gardens?

- Will purchasers be happy to buy a family home with a back garden which is little more than a width of a footpath?

- Re-iteration of previous concerns over losses in privacy; the proposed flats being too high; the possibility of toxic chemicals being released into the atmosphere; the extra traffic will be unacceptable; a rsident's racing pigeons will not be able to fly back because of the development; and, lack of play facilities for children.

Details of Proposal/Officer Appraisal:

Planning History:

The site has an extensive planning history when considered as part of the former BT premises. In more recent times planning permission was given in 1994, under application reference number 94/0036, to use the land for the storage of machinery and equipment in connection with a civil engineering contractor.

In 1995, application reference number 95/0415, planning permission was given for the erection of offices, storage and vehicle workshop on land adjoining Petteril Terrace.

In 1998 and 1999, application reference numbers 98/0651, 98/0908 and 99/0019, permission was granted for two buildings lying to the immediate north of the current application site to be used as a driving test centre and as offices respectively.

In 1999, application number 99/0205, outline permission was given for residential

development.

Members may recall that previous applications, numbers 01/0915 and 02/0284, for the erection of 34 mews apartments, and 22 apartments and 5 terraced houses were withdrawn prior to consideration and determination.

Details of Proposal:

This application relates to 0.35ha. of land located to the immediate north and west of 1-41 Hillcrest Avenue. The site was previously used for the storage of vehicles, machinery and equipment associated with Malcolm Wright Ltd, a civil engineering contractor. To the immediate north of the site there are allotments whilst to the west is an office. There is a mixture of mature deciduous hedging with hedge trees and timber-fencing along the boundary of the site with the houses at Hillcrest Avenue. Overall the site slopes down from the east to west and is in an elevated position with extensive views particularly of London Road.

The current application seeks full permission to erect six flats and 12 semi-detached houses. The flats are on three floors in a block lying parallel to the western and northern boundaries. The flats and houses are externally finished with brick and rendered walls, and, blue/black roof tiles.

The submitted layout plan shows each flat having a parking space; each house having two spaces; a visitor car park with six spaces; and, the erection of a 1.8 metre high timber fence.

In considering this application it is felt that the following points should be kept in mind:

a) Ministerial advice contained in PPG3 "Housing" (revised 2000) gives priority over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the context of general advice to make the best and most efficient use of land PPG3 states that more than half of all new dwellings are built at 20 dwellings per hectare which is a level of land take which is high and can no longer be sustained. In the future local authorities should "avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

   PPG3 advice on design is that "in determining applications, local authorities should reject poor designs particularly where their decisions are supported by clear plan policies and adopted supplementary planning guidance, including village design statements".

b) Under the Carlisle District Local Plan the site is identified as being within a Primary Residential Area. Policies H2 and H11 set out to ensure amongst other things that new residential development will not adversely affect the amenity of adjacent residential property, and, that it complements or enhances existing adjacent residential areas. Policy H16 also states that high standards of design in new housing sites and dwellings will be required.

c) In 1999, the City Council also produced a Development Brief for the site in consultation with local residents. Paragraph 4.2 of the Brief states:

"The scale of the development should reflect that of the surrounding housing on Hillcrest Avenue. However, the slope of the site may offer opportunities to integrate different design solutions, provided the amenity and privacy of the surrounding properties is not prejudiced".

Paragraphs 4.3 and 4.4 go on the state that:

"Existing residential properties on Hillcrest Avenue bound the site to the immediate south and east. Care must be undertaken when designing any housing layout to ensure that the rear elevations and gardens of the existing housing are not directly overlooked. In particular, the rear gardens of 3, 33, 37, 39 and 41 Hillcrest Avenue are either relatively low rear hedges or fences compared with the other houses that adjoin the site. The privacy of these and the other existing properties should not be unreasonably adversely affected by any proposed housing layout, or by the positioning of primary (kitchen, living room) windows on any new housing" (paragraph 4.3).

"The City Council will require adequate distances between principal windows, and between windows and gable ends. These will usually be 21 metres and 12 metres respectively. These distances are the minimum required between existing and proposed housing and between the proposed housing on the site. Where existing housing adjoining the site have low rear boundary hedges/fences, then the distance between the existing housing and the elevations of the new housing may need to be greater than 21 metres. This is in order to ensure that there is no loss of amenity. There should also be adequate space around proposed new buildings to ensure that they can be properly maintained" (paragraph 4.4).

In relation to the issue of design the Brief also explains that:

"The most significant element when integrating new development into the landscape is likely to be the design and form of the buildings. The height, shape, mass and design of the houses and garages etc on the site should complement the character, topography and landscape/site, for example, by levelling or drastically altering the site gradient. The design objective should be to harmonise and integrate the development with the landscape setting" (paragraph 6.2).

d) The site is clearly classed as brownfield and a sustainable location with good public transport accessibility. The site also has a history of a previous outline permission for residential development. In addition, it is acknowledged that the applicants are anxious to build at the highest density acceptable to their potential customers. The extent and design of any associated amenity space is thus also largely a matter for the developers and customers.

e) In light of the more recent advice contained in PPG3 there is an obvious need to up-date the policies contained in the Local Plan and the principles outlined in the Development Brief. Notwithstanding the guidance within PPG3 advocating higher densities this is clearly not meant to be at the expense of good design or making the living environment for neighbours, who reside in lower density housing, unacceptable.

f) Although the flats are on three floors they have been designed to take account and advantage of the topography of the site. It is therefore felt that the proposal, when viewed within the predominant context of the existing two storey houses at Hillcrest Avenue would not over dominate or look out of scale.

g) When considering the issue of amenity, the most seriously affected properties are felt to be 1 - 11, 33, 37 and 39 Hillcrest Avenue. The submitted layout plan shows the distance between the proposed semi-detached houses on plots 10-14 and the existing houses at 37/39 Hillcrest Avenue is approximately 20 metres. The distance between the proposed houses on plots 15-18 and the existing houses at 1,3,5 and 7 Hillcrest Avenue ranges from approximately 32 metres to 42 metres. In such circumstances it is considered that the current proposal would comply with the spirit and objectives of paragraphs 4.3 and 4.4 of the Development Brief.

h) In relation to the remaining formal comments raised by interested parties Members should be aware that the local planning authority can impose a condition safeguarding existing hedgerows and trees; the Highways Authority have not raised any objections; and, there is no stipulation within the Development Brief nor under Policy L9 of the Local Plan for the developer to provide children's play facilities. The density of development for the current proposal is 56.6 dwellings per hectare. Although this figure is in excess of 50 dwellings per hectare as indicated in PPG 3, it is considered that this figure does not represent a maximum ceiling but as guidance influencing any judgement with regard to the Government's objective of encouraging development at a higher density and the issues highlighted above.

The rights of the neighbouring residents are respected and all the issues raised by interested parties have been considered, but it is not felt that any harm caused is of sufficient weight to warrant a refusal of permission. On this basis the proposal is considered acceptable and recommended for approval.

Human Rights Act 1998:

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

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

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

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

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

The proposal has been considered against the above, and the rights of the objectors are respected, but in this instance it is not considered that there is any conflict.

Recommendation: 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 County Planning Act 1990.

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

   Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

3. Ramps shall be provided on each side of every road junction to enable

wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians can negotiate road junctions in relative safety.

4. No residential unit shall be occupied until the estate road 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 the satisfaction of the local planning authority.

5. The visitor parking area shall be constructed in accordance with the approved plans before any flat is occupied 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.

6. 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.

7. Before each dwelling is occupied space for at least two parked cars shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage/ parking shall be used for no other purpose without the prior approval of the local planning authority.

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

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

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

Reason: To ensure the works harmonise as closely as possible with the

existing building.

10. 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.

11. 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.

12. Trees or hedges chosen for retention in the landscaping scheme 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.

Reason: To protect trees and hedges during development works.

13. Before any residential unit hereby permitted is completed the respective boundary fencing shall be erected in accordance with the approved plans.

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.

15. No part of the development hereby permitted shall commence until:

a) there has been submitted to and approved by the local planning authority ("the LPA") a remediation scheme ("the Remediation Scheme"), which shall:

(i) include an implementation timetable ("the Implementation Timetable"), monitoring proposals and remediation verification methodology, comprising a sampling and analysis programme to confirm the adequacy of decontamination; and

(ii) provide that an appropriately qualified person shall oversee the implementation of all remediation; and

b) all measures which are identified in the Remediation Scheme provided for in paragraph a) above have been undertaken in accordance with the Implementation Timetable ("the Remediation Measures") and any Remediation Measures at variance with the

Remediation Scheme shall have been submitted to and agreed in writing with the LPA in advance of such Remediation Measures being undertaken; and

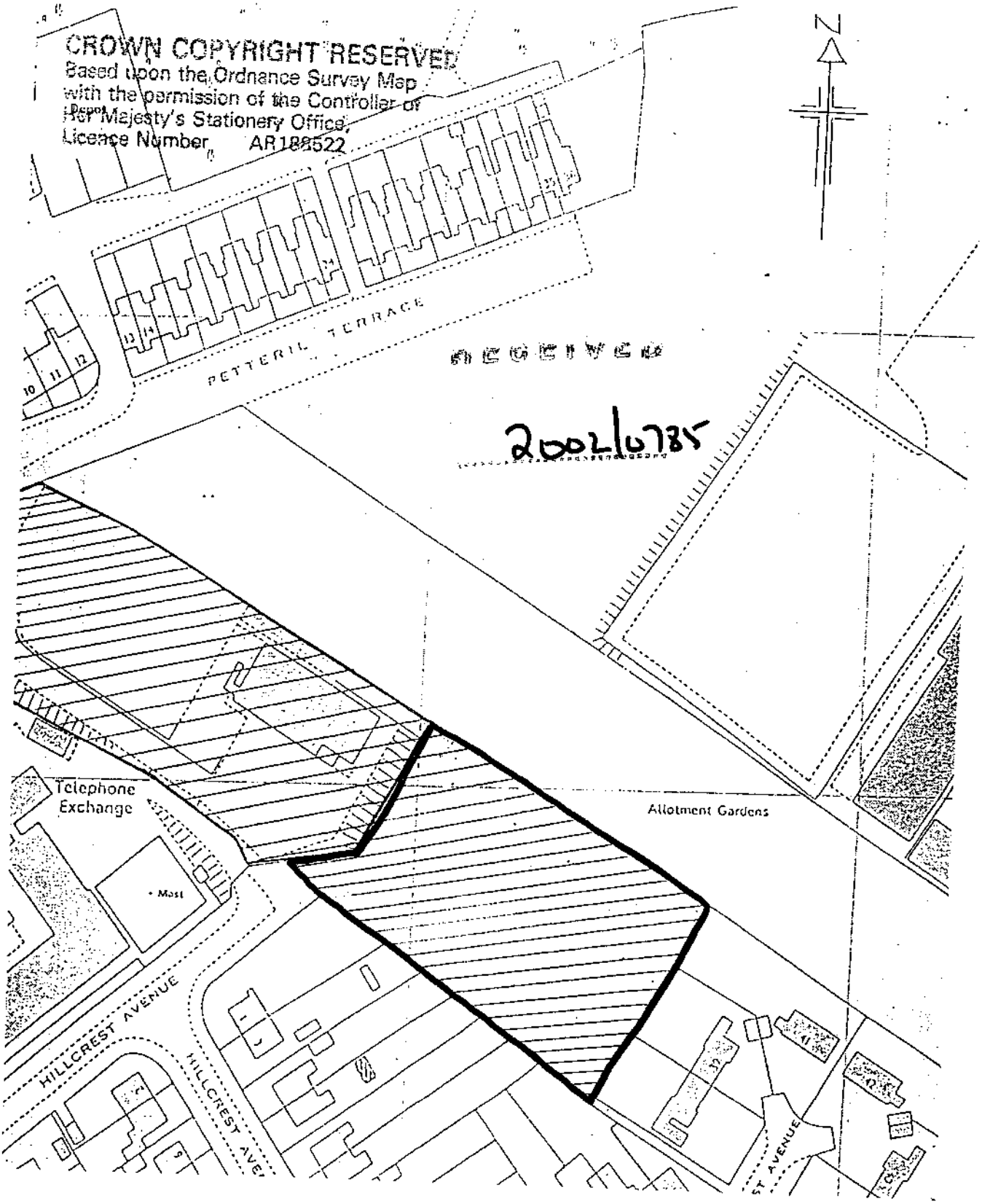
c) upon completion of the Remediation Measures there has been submitted to and approved by the LPA a report which shall include:

(i) results of the verification programme of post remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met,

(ii) confirmation that all remediation measures have been carried out fully in accordance with the Remediation Scheme; and

(iii) future monitoring proposals and reporting.

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



HOUSING AT HILLCREST AVE CARLISLE FOR MALCOLM WRIGHT LTD.

ARCHITECTS

PLUS

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle (0228) 515144 Annan (0461) 205463 Fax Number (0228) 515033

Scale	Date	Drawn	Number
1/1250	4/98		98021-02

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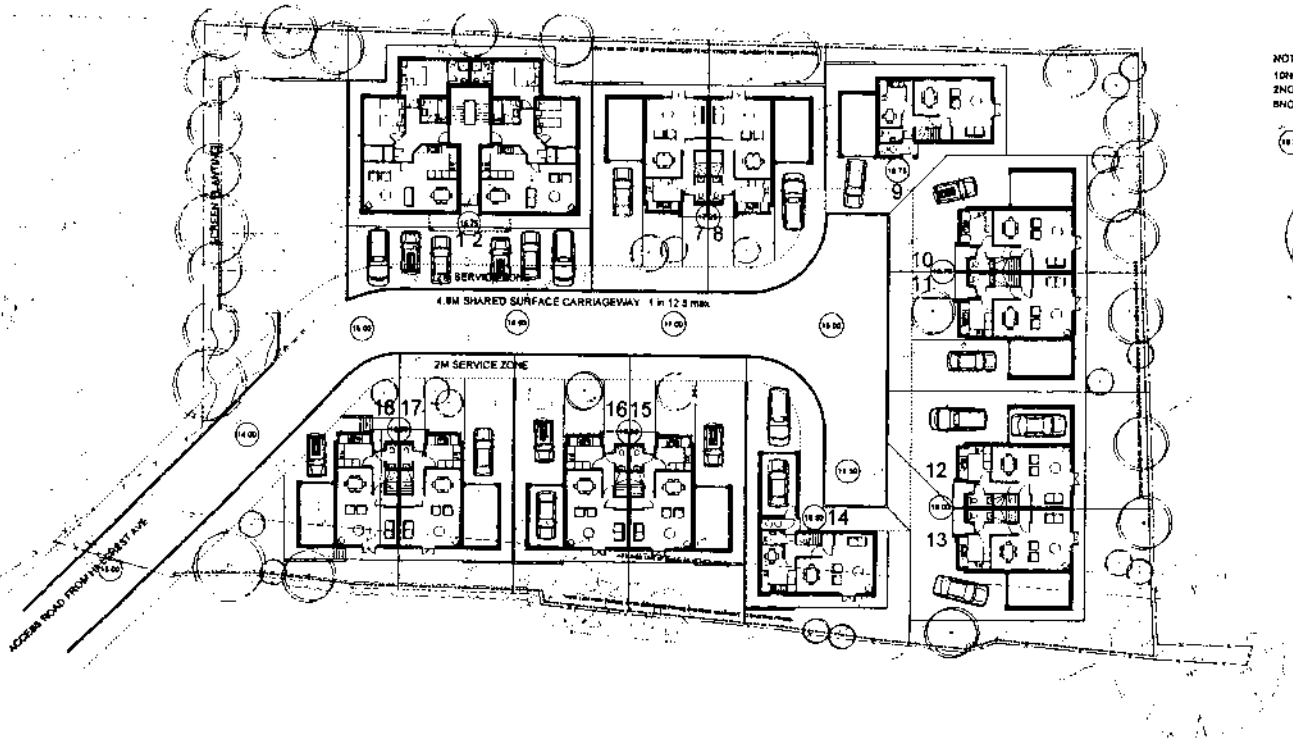

NOTES
10NO 3B/5P SEMI DETACHED HOUSES
2NO 3B/5P DETACHED HOUSES
8NO 2B/4P FLATS

EXISTING LEVEL
PROPOSED LEVEL

NORTH

SECTION LOOKING SOUTH

SECTION LOOKING NORTH

Revision	Date	Description	Approved by	Checked by
F	8.01.03	Layout revised - plots 9 & 14 revised	RJW	
E	12.12.02	Layout revised - det. houses added	SJH	
B	31.10.02	Boundary fence indicated	RJW	
A	03.10.02	Site layout altered	SJH	

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Project
HOUSING AT HILLCREST AVENUE
FOR MALCOLM WRIGHT LTD

Drawing
SITE LAYOUT

DEGRAND
2CR/11078

Scale	Date	Drawn	Complete	Checked	Number
1/200	7/2002	RJW	06		98021

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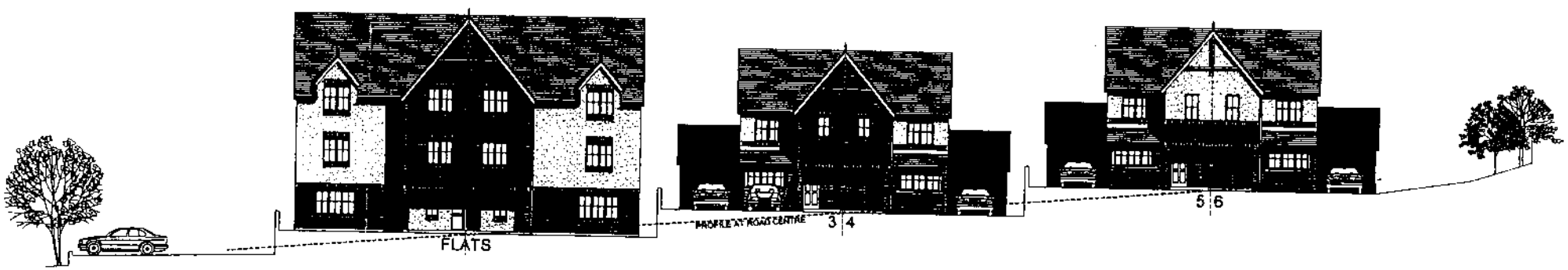
SECTION LOOKING SOUTH



SECTION LOOKING NORTH

A 03.10.02 Site layout altered — Revision / Date / Description — S.H Reviewed by / Checked by

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Project
HOUSING AT HILLCREST AVENUE
FOR MALCOLM WRIGHT LTD

Drawing
SITE SECTIONS

2/02/0785

Scale	Date	Drawn	Comp no	Checked	Number
1/100	7/2002	R.M	04A.Rev		PB021-08A

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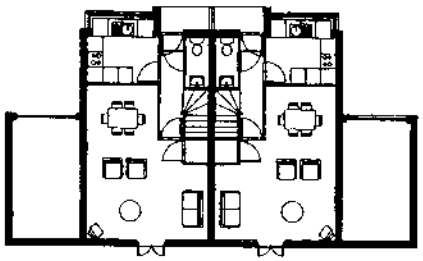
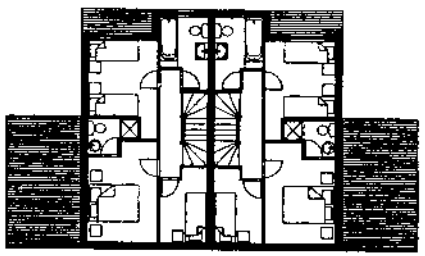
REAR ELEVATION

FRONT ELEVATION

SIDE ELEVATION



GROUND FLOOR



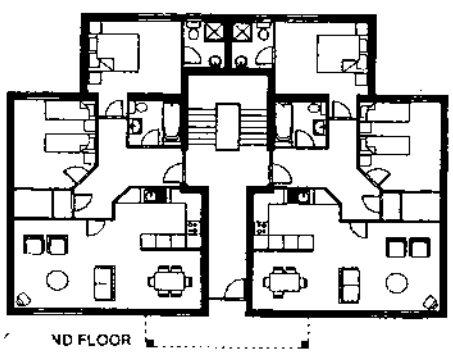
FIRST FLOOR

MATERIALS
ROOF: BLUE BLACK CONCRETE TILE
UPPER WALLS: PAINTED WET DASH RENDER
LOWER WALLS: RED CLAY FACING BRICK

FRONT ELEVATION

REAR ELEVATION

SIDE ELEVATION



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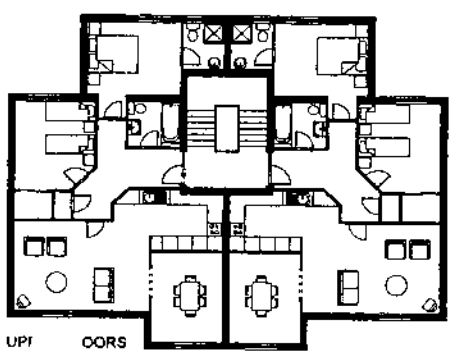

UPI OORS

MATERIALS
ROOF: BLUE BLACK CONCRETE TILE
UPPER WALLS: PAINTED WET DASH RENDER
LOWER WALLS: RED CLAY FACING BRICK

Revision Date Description Revised by Checked by

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Project
HOUSING AT HILLCREST AVENUE
FOR MALCOLM WRIGHT LTD

Drawing
TYPICAL HOUSE TYPE
TYPICAL FLAT TYPE

2002/0783

Scale	Date	Drawn	Comp.no.	Checked	Number
1:100	24/09/02	SH	044Rev		98021-09

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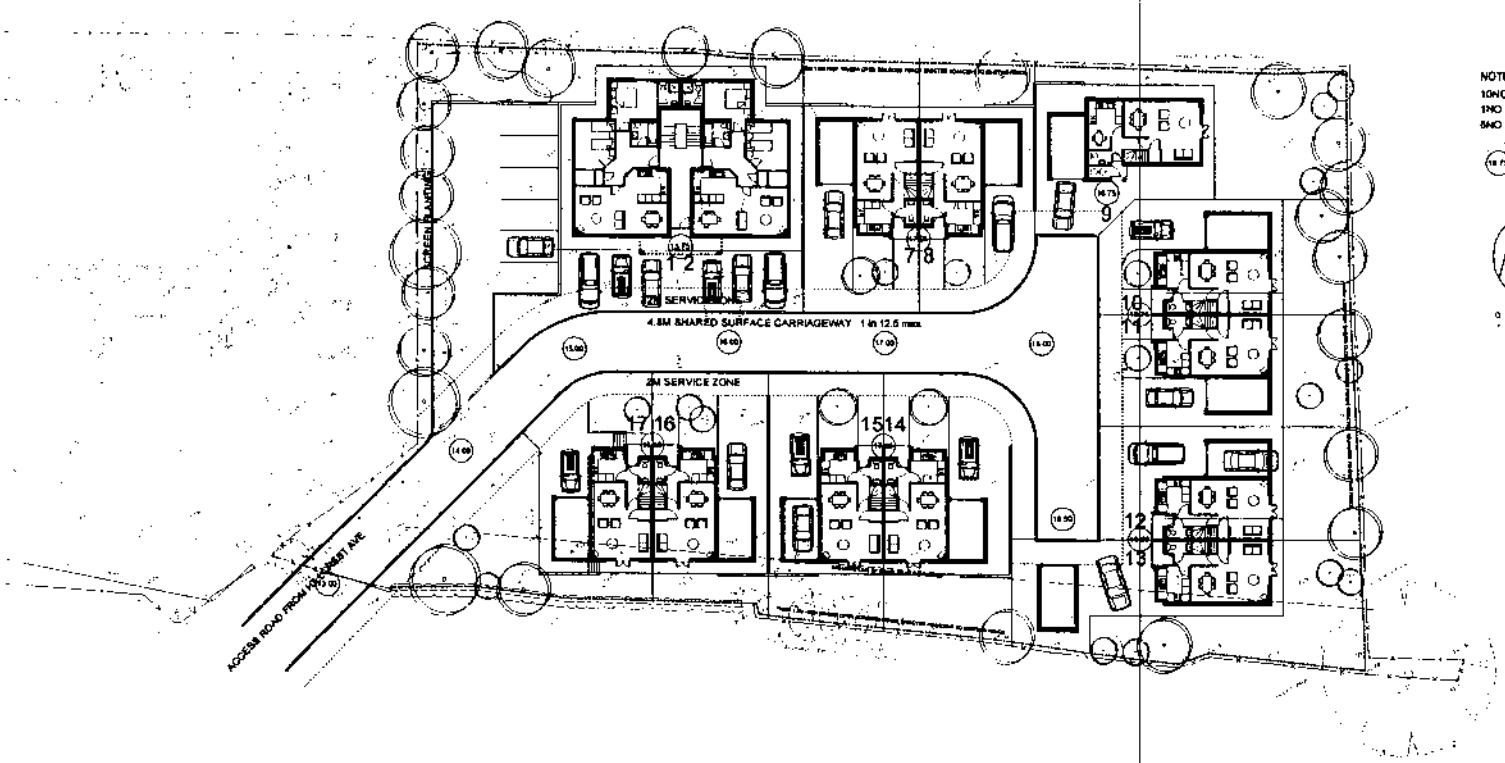

NOTES
10NO 3B/5P SEMI DETACHED HOUSES
1NO 3B/5P DETACHED HOUSES
8NO 2B/4P FLATS

EXISTING LEVEL
PROPOSED LEVEL

NORTH

0 5 10 20

SECTION LOOKING SOUTH

SECTION LOOKING NORTH

Rev/Iss	Date	Description	Revised by	Checked by
H	19.02.03	Layout revised - plots 10-13 moved 1m from boundary access to flats car park amended	RJW	
G	20.01.03	Layout revised - plot 14 omitted, 10-13 revised	RJW	
F	8.01.03	Layout revised - plots 9 & 14 revised	RJW	
C	12.12.02	Layout revised - det. houses added	SJH	
B	31.10.02	Boundary fence indicated	RJW	
A	03.10.02	Site layout altered	SJH	

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Project
HOUSING AT HILLCREST AVENUE
FOR MALCOLM WRIGHT LTD

Drawing
SITE LAYOUT

RECEIVED
26 FEB 2003
22/10/202

Scale	Date	Drawn	Comp no	Checked	Number
1/200	7/2002	RJW	D6		98021-06H

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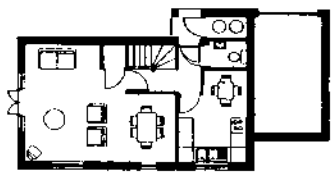
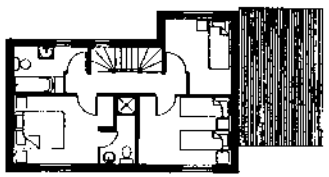
FRONT ELEVATION | REAR ELEVATION | SIDE ELEVATION | SIDE ELEVATION



GROUND FLOOR



FIRST FLOOR

PLOT 9

A 22/09 PLOT 14 OPTIONAL CENTRE RJW
Revision Date Description Produced by Checked by

ARCHITECTS
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Project
HOUSING AT HILLCREST AVENUE
FOR MALCOLM WRIGHT LTD

Drawing
HOUSE TYPES
PLOT 9

Scale	Date	Drawn	Comp No.	Checked	Number
1/100	8/01/03	RJW	98021-06		98021-10A

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SCHEDULE A: Applications with Recommendation

02/0920

Item No: 22 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0920	Wm Morrison Supermarkets PLC	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
23/08/2002		Belah
Location:		**Grid Reference:**
Morrisons, Kingstown Road, Kingstown, Carlisle, CA3 0QZ		339900 558200

Proposal: Alterations to existing supermarket service yard to enclose service delivery area, construction of new 2.4 metre high wall adjacent to service road, and amendment of delivery hours to permit service deliveries to commence from 6.00am.

Amendment:

KB

Report

Planning Policies:

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.

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.

Summary of Consultation Responses:

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

Environmental Services: if the application is approved it is recommended that:-

1) deliveries between 6.00 and 7.00 am are restricted to Morrisons own fresh produce deliveries and no more than four deliveries shall take place

2) effective management of the site will be required in order to ensure that deliveries do not cause undue disturbance to residents; in particular-

a) the gates to the sub station in the perimeter wall shall be kept closed except to allow essential access

b) deliveries prior to 7.00 am shall be carried out with reversing alarms switched off which will require Morrisons to implement a traffic management system in order to maintain a safe system of work

c) an external electricity supply should be provided to the loading bay area to enable refrigerated vehicles to connect avoiding the need for their engines to be run whilst stood

d) vehicles should not stand on the service road whilst waiting to access the yard

e) any external audible warning associated with gaining access to the yard should be turned off for early deliveries.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 15 Kingstown Road	27/08/02				AMND
The Occupier, 17 Kingstown Road	27/08/02				AMND
The Occupier, 19 Kingstown Road	27/08/02				AMND
The Occupier, 21 Kingstown Road	27/08/02				AMND
The Occupier, 23 Kingstown Road	27/08/02				AMND
The Occupier, 25 Kingstown Road	27/08/02				AMND
The Occupier, 27 Kingstown Road	27/08/02				AMND
The Occupier, 29 Kingstown Road	27/08/02				AMND
The Occupier, 31 Kingstown Road	27/08/02				AMND

The Occupier, 33 Kingstown Road	27/08/02		AMND
The Occupier, 35 Kingstown Road	27/08/02		AMND
The Occupier, 75 Lansdowne Crescent	27/08/02		AMND
The Occupier, 79 Lansdowne Crescent	27/08/02		AMND
The Occupier, 81 Lansdowne Crescent	27/08/02	Comme Only	AMND
The Occupier, 105 Lansdowne Crescent	27/08/02		AMND
The Occupier, 107 Lansdowne Crescent	27/08/02		AMND
The Occupier, 109 Lansdowne Crescent	27/08/02		AMND
The Occupier, 111 Lansdowne Crescent	27/08/02		AMND
The Occupier, 113 Lansdowne Crescent	27/08/02		AMND
The Occupier, 115 Lansdowne Crescent	27/08/02		AMND
The Occupier, 106 Lansdowne Crescent	27/08/02		AMND
The Occupier, 108 Lansdowne Crescent	27/08/02		AMND
The Occupier, 110 Lansdowne Crescent	27/08/02		AMND
The Occupier, 112 Lansdowne Crescent	27/08/02		AMND
The Occupier, 114 Lansdowne Crescent	27/08/02		AMND
Richard Southward & Tara Heron, 172 Scotland Road	27/08/02	Comme Only	AMND
The Occupier, 174 Scotland Road	27/08/02		AMND
The Occupier, 176 Scotland Road	27/08/02		AMND
The Occupier, 178 Scotland Road	27/08/02		AMND
The Occupier, 180 Scotland Road	27/08/02		AMND
The Occupier, 22 Kingstown Road	27/08/02		AMND
The Occupier, 1 Brunstock Close	27/08/02		AMND
J S Bowman, 77 Lansdowne Crescent	27/08/02	Objectio	AMND
Ms M Mercer, 83 Lansdowne Crescent	27/08/02	Objectio	AMND
Mrs S Thompson, 168 Scotland Road	27/08/02	Comme Only	AMND
Mrs D B Thompson, 170 Scotland Road	27/08/02	Objectio	AMND
Major (retired) R W Ball MBE, 42 Woodlands Close	27/08/02	Objectio	AMND
Mr J Hindley, 1 Woodlands Close	27/08/02	Objectio	AMND
C M Greenwood, 81 Lansdowne Crescent	27/08/02		AMND

Mr B Carruthers, 67 Gosling Drive	27/08/02		AMND
Major (Retired) RW BAll MBE, 42 Woodlands Close	27/08/02		AMND
Mr J Bailey, 79 Lansdowne Crescent		Comment Only	AMND

The original application was publicised by site notice and 42 neighbour letters, as indicated above, latest expiry date 27 September 2002. A total of ten replies were received, variously expressing objections and comments. It is clear that the respondent making "no observations" had misunderstood the development applied for. The grounds of objection may be summarised as:-

- prior application for unrestricted access was refused
- development contrary to Policy H17 (residential amenity)
- wall full length of the service road not possible due to access to sub station and revised noise attenuation calculations necessary
- doubt that the wall would prove an effective noise barrier
- wall will not reduce noise from vehicles waiting on service road
- vehicles will arrive earlier still
- noise nuisance will be suffered over 18 hours
- there should be no activity between 06.00 and 07.00 hrs
- further attempt to amend the original condition aimed at protecting the quiet hours from midnight to 08.00
- speculation that the intent is 24 hour unrestricted access
- improvements would result in further hours variation applications
- assurance is sought that no further variation applications will be submitted
- light pollution would be suffered early in the morning in winter
- activities in close proximity to housing with unacceptable impact on amenity through noise and dust
- devaluation of property
- reference to prior petition (application 01/0724 refers)
- the divide between the rear gardens of houses and the service road has a number of mature trees housing a variety of wildlife which will be extensively disturbed
- every effort should be made to ensure that disturbance to this area is minimised
- additional planting in this area would assist in reducing noise
- a trial period is suggested ranging between 3 and 12 months
- it is for Morrisons to show that they care for the environmental comfort of residents

Neighbours were reconsulted on the receipt of amended plans detailing timber gates to the sub station access, an updated noise report addressing the gates and clarification from Morrisons that the deliveries between 06.00/07.00 hrs would be for a daily maximum of four of their own vehicles supplying only fresh produce (Sundays excepted).

This has resulted, to date, in one further letter of objection on the following grounds. Any additional responses received will be reported at the meeting.

- the noise attenuation of the 2.4 metre high wall still has to be proved

- the wall foundations/works will considerably disturb the existing planting
- 37.5% to 33.3% of service vehicles will arrive during the quiet hour of 06.00 to 07.00 hrs
- no information on the tonnage of these vehicles is given

Details of Proposal/Officer Appraisal:

Planning History:

The site has a lengthy history, the key elements of which relevant to this application are as follows:

- 84/0968 use for Class 1 retail/starter homes approved on appeal 28/5/86
- 87/0171 construction of superstore approved 1/5/87
- 94/0656 enclosure of loading dock area approved 23/9/94
- 96/0374 alterations/extensions/refurbishment, including extension to rear service yard, approved 28/6/96
- 96/0583 variation of condition 7 of permission 96/0374 to allow deliveries from 7.00 am, withdrawn 24/1/97
- 99/0293 variation of condition 7 of permission 96/0374 to allow deliveries between 7.00 am and midnight approved 24/9/99
- 99/0684 variation of condition 7 of permission 96/0374 to allow deliveries between midnight and 7.00 am refused 2/11/01.

Details of Proposal:

The application is submitted under Section 73 of the Town and Country Planning Act 1990 and seeks variation of condition 7 of planning permission 96/0374, granted on 28 June 1996, to allow service deliveries to commence from 6.00 am.. The condition has been previously varied by permission 99/0293, granted on 24 September 1999, and currently states:-

" Other than in exceptional circumstances, such as inclement weather or vehicle breakdown which delays the arrival of service vehicles, all service deliveries shall take place between the hours of 08.00 am and 12.00 midnight with the exception of fresh goods (bread, milk, fruit, vegetables and flowers) for which delivery by up to 4 vehicles may be permitted, additionally, between the hours of 07.00 am and 12.00 midnight".

In support of their application, Morrisons propose:-

1 alterations to the existing supermarket service yard to partially enclose the service delivery area; and

2 the construction of a new 2.4 metre high wall adjacent to the service road, now amended to incorporate 2.4 metre high x 3.5 metre wide timber gates on the vehicular access to the electricity sub station.

The application is accompanied by an acoustic report prepared by Belair Research

Limited, of Bourn, Cambridgeshire. This report concludes that the enclosure of the loading bays and the construction of the wall to the service road will each reduce the noise level at the nearest houses by approximately 5dB(A) to 10dB(A).

The report has been updated to address the gates now proposed to the sub station access, a factor overlooked in the original application by both draughtsmen and noise consultants alike. The conclusion is that the provision of closed timber gates will not significantly affect the noise attenuation performance of the principal acoustic barrier, the screen wall.

Morrison's case for the application, not dissimilar to that previously submitted, is that "severe problems" are being suffered through not being able to make deliveries prior to 07.00 am.. Morning shoppers, they state,"....are becoming increasingly despondent, not only with the poor availability of fresh products on offer but also having to cope with the inconvenience of numerous pallets on the sales floor". From my own first hand early morning shopping experiences at the store, I do not consider myself despondent but I can vouch for pallets in fruit and vegetables and an occasional lack of fresh flowers. Morrisons have further clarified their overall schedule of service deliveries, a copy of which is attached. I calculate from this that the proportion of deliveries between 06.00 and 07.00 am could be as high as 60% at most and 50% at least, Monday to Saturday.

The single determining issue is the impact of the development on the amenities of neighbouring residents. Morrisons clearly have operational difficulties and argue that the package of noise attenuation works proposed, namely the loading dock enclosure and the screen wall, should be sufficient to mitigate residents' concerns. On the other hand, residents understandably fear this may be the thin end of the wedge and consider that the existing problems experienced may be simply brought forward by an hour.

Arguably, the loading bay improvements could, and perhaps should, be implemented in any event. The case for the screen wall is less certain, and I understand that many of the complaints historically have arisen more from disturbance of vehicles wanting to unload parked on the service road as from noise from the service area itself. These issues, as far as Morrisons vehicles are concerned, could be resolved by more effective management. Nonetheless, the application is submitted as a package and it is on that basis on which it falls to be determined.

There is no dispute regarding the noise consultants' data which also identifies that ambient noise levels at 07.00 hours before which deliveries are not permitted, is approximately 10dB(A) higher than shortly before midnight, when deliveries are permitted. Their report concludes that if deliveries commence an hour earlier, the resultant noise level at the nearest houses would still be similar to the existing fluctuations in the ambient noise level at these houses. The mitigation measure proposed would, however, reduce the noise level at the nearest houses by approximately 5dB(A) ti 10dB(A), This benefit would be experienced throughout the working day.

Environmental Services have no objection to the application but recommend that if approved, certain restrictions and controls be imposed. One of these controls is

'effective management' to deliver a package of operational measures. Separate legislation is available to Environmental Services to regulate any nuisance which may be caused by operations on the site, although it would be fair to say that this process is more reactive than pro active.

Additionally, government advice to local planning authorities is not to duplicate controls available under separate legislation and there is a further overlap here with statute regulated by the Health and Safety Executive. Nonetheless, I consider it perfectly appropriate, were planning permission to be granted, for a condition to be imposed requiring the prior agreement and implementation of a management plan securing the necessary controls for the duration of the permission. This would not be dissimilar to controls imposed, for example, on the operation of mineral sites. Morrisons do not see any difficulties in providing and maintaining such controls.

Some of the residents have referred to a trial run for Morrisons to prove that the noise mitigation measures are effective. However, government advice to local planning authorities is not to do this where the capital expenditure to implement the development is high. The estimated costs of the works here are circa £135,000.

Concerns have also been expressed about the loss of soft landscaping in the area between the service road and the back boundaries of neighbouring homes and whether noise reduction can be achieved by additional planting. Clearly a wall will provide a much more effective noise barrier and any soft landscaping lost by its construction could be reasonably be required to be replaced.

In conclusion, there is a package of improvements on offer here which will undoubtedly benefit local residents who neighbour Morrisons store. The question is whether that benefit is sufficient to outweigh the additional disturbance that will be experienced by the delivery of fresh produce commencing an hour earlier.

I do not take this decision lightly but on balance I consider that permission should be allowed for the variation of the condition subject to additional conditions as indicated.

Informative Notes to Committee:

1. Members should be aware that the effect of granting a variation under Section 73 of the Town and Country Planning Act 1990 is to grant a whole new planning permission. The other conditions of the original permission will be repeated in any approval notice issued, but for expediency only the varied and additional conditions are listed here.

Human Rights Act 1998

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

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

may be affected by such proposals;

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

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

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

Article 8 and Article 1 Protocol 1 are relevant to the determination of this application but approval would neither prejudice the rights of individuals under this legislation nor statutory nuisance issues separately regulated under the Environmental Protection Act.

B-2

Recommendation: 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 development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

   Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. Prior to the completion and the bringing into full use of all of the scheme of refurbishment and extensions to which this planning permission relates, the highway improvement works comprising the formation of the left turning filter lane for traffic approaching from Kingstown Road shall be completed and brought into operation.

   Reason: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

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. Such details shall include the type, colour and texture of the materials.

   Reason: To ensure that materials to be used are acceptable.

5. Noise from the development hereby permitted shall not be allowed to exceed the following levels as measured at any point on the site boundary:-

   45 dB(A) Leq 1 Hr - 0700 - 2200 hrs
   40 dB(A) Leq 1 Hr - 2200 - 0700 hrs]

   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.

6. No refridgerated or other service delivery vehicles shall be parked in the service yard or service road overnight or at weekends.

   Reason: In order to safeguard the environmental amenities of the area.

7. Other than in exceptional circumstances, such as inclement weather or vehicle breakdown which delays the arrival of service vehicles, all service deliveries shall take place between the hours of 8.00 am and 12.00 midnight with the exception of fresh goods (bread, milk, fruit, vegetables and flowers) for which delivery by up to 4 vehicles may be permitted, additionally between the hours of 0600 am and 12.00 midnight.

   Reason: In the interests of the amenity of adjacent and nearby properties by precluding generation of disturbance at unsociable hours.

8. No deliveries of fresh goods authorised by condition 7 of this permission shall commence prior to 0700 am unless and until the following events have occurred: -

   i) the service yard alterations shown on drawing number 44/SY/02 dated April 2002 have been implemented and become fully operational: and

   ii) the screen wall and gates to the service road access shown on drawing number 44/SY/02 Revision C received on 23 December 2002 have been constructed and become fully operational; and

   iii) There has been submitted to and approved in writing by the local planning authority a management plan regulating -
   AND fully implemented on site

   a) an advance booking system for Morrison's own vehicles making deliveries of fresh produce to the store: and

   b) the prohibition of Morrison's own vehicles parking on the service road except when arriving to make their deliveries: and

   c) a code of conduct for other companies' vehicles making deliveries to the store including the hours during which the service yard is open for business, and advice as to where any vehicles arriving early should park; and

d) vehicles delivering before 0800 am and any vehicles unloading such vehicles having their reversing alarms switched off; and

e) the provision of an external ~~l~~ook up point to the loading bay area enabling refrigerated vehicles to connect avoiding the need for their engines to run whilst st~~o~~od; and

f) the removal of any externally audible warning associated with delivery vehicles gaining access to the service yard area; and

iv) written notice has been given to the local planning authority that the works/operations have been carried out and become fully operational.

Once implemented, the works/operations specified shall thereafter be maintained for the duration of this permission.

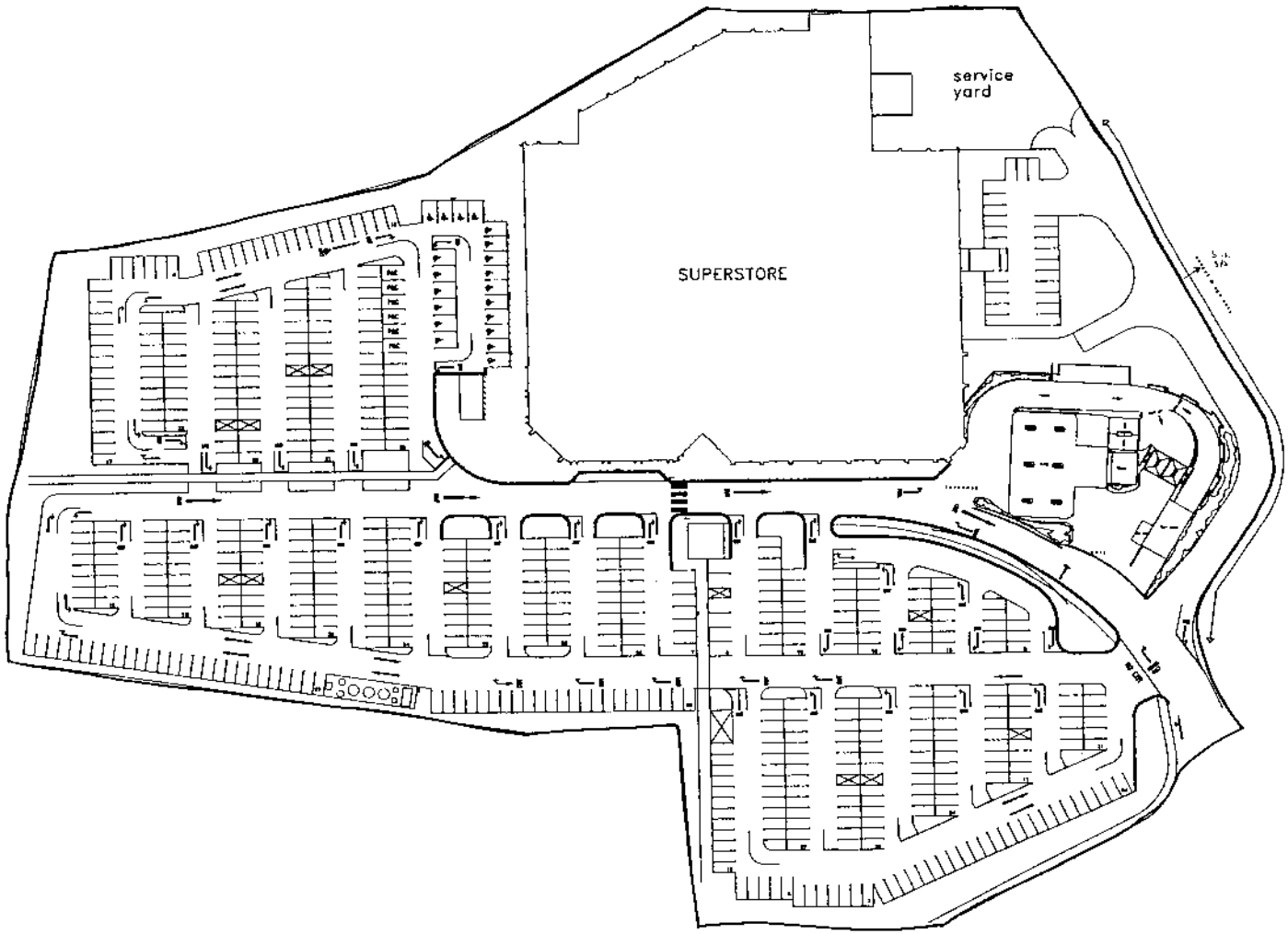
Reason: To define the permission and in the interests of the amenities of neighbouring residents.

9. The gates to the access to the electricity sub station in the service road access screen walk shall be kept closed at all times except to allow essential access.

Reason: In the interests of the amenities of neighbouring residents.

10. Before written notice has been given to the local planning authority under condition 8 (iv) above, a scheme of landscaping for the replacement of any mounds, trees and /or bushes lost through the construction of the screen wall to the service road access shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in the first available planting season following its approval and shall thereafter be maintained for a period of 5 years there from.

Reason: In the interests of the amenity of neighbouring residents.



NOTES

All work to be carried out to the requirements of the Building and the Local Water Board's Contractors must verify all dimensions on job before commencing any shop drawings.
Written dimensions should be taken in preference to scaled-off dimensions.

Site Area =

CAR PARKING
579 Spaces
+ 20 Disabled
+ 6 Parent & C
+ 12 Trolley Bays

REVISIONS

No.	Date	Revision

LOCATION CAR

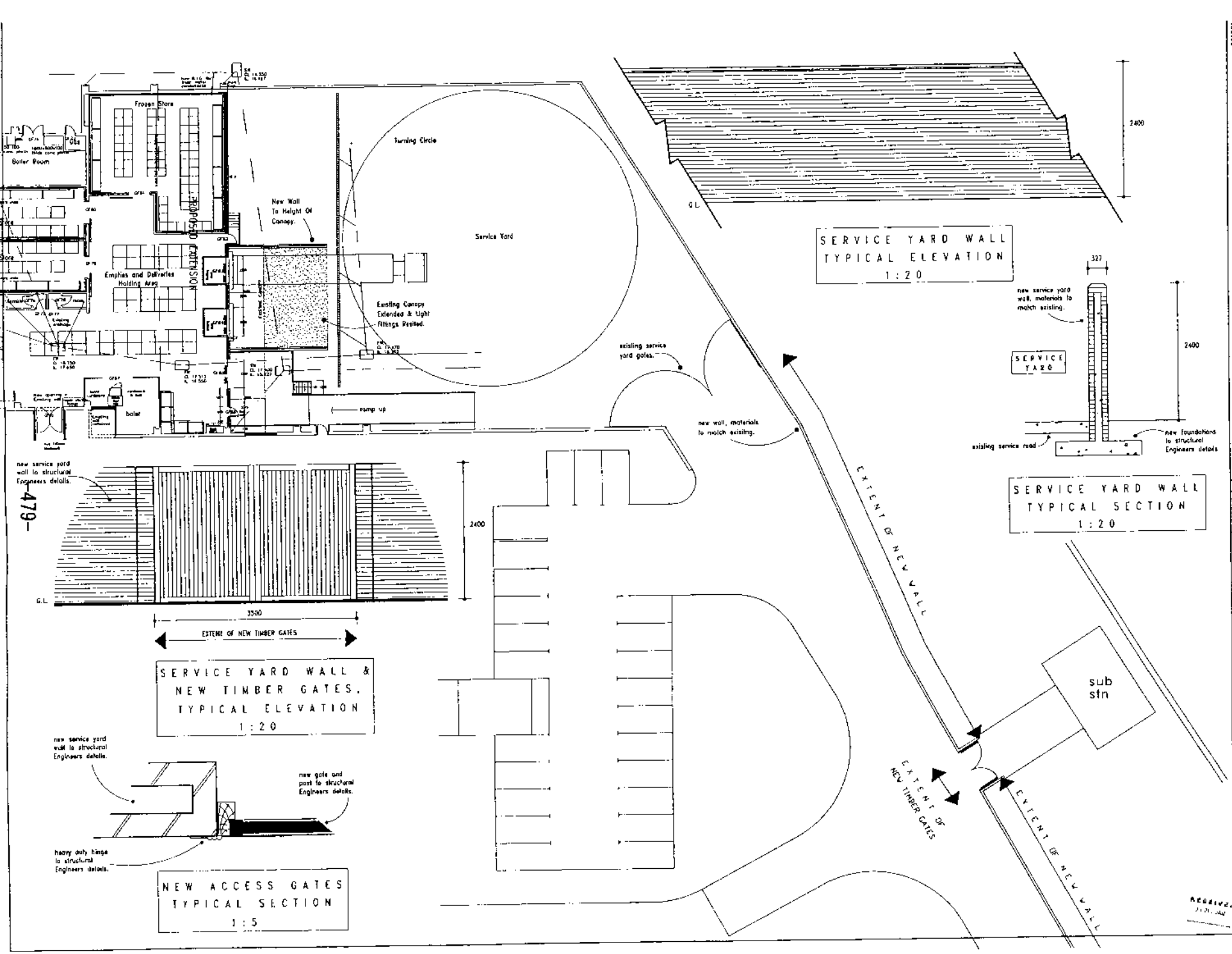
PROJECT Service Yar

DRAWING TITLE Site

Scale 1:500 | Date 21..

WM. MORRISON S
PROPERTY & DEV
HIL
THC
BRAD
Tel:

DRAWING No. 044/ref/


Frozen Store
Boiler Room
Turning Circle
New Wall To Height Of Canopy.
Service Yard
EXTENSION
Empties and Deliveries Holding Area
Existing Canopy Extended & Light Fittings Refitted.
existing service yard gates.
new wall, materials to match existing.
ramp up
boiler
EXTENT OF NEW WALL
sub stn
EXTENT OF NEW TIMBER GATES
EXTENT OF NEW WALL
G.L
2400
SERVICE YARD WALL TYPICAL ELEVATION
1:20
327
new service yard wall, materials to match existing.
SERVICE YARD
2400
existing service road
new foundations to structural Engineers details
SERVICE YARD WALL TYPICAL SECTION
1:20
new service yard wall to structural Engineers details.
2400
G.L
3500
EXTENT OF NEW TIMBER GATES
SERVICE YARD WALL & NEW TIMBER GATES. TYPICAL ELEVATION
1:20
new service yard wall to structural Engineers details.
new gate and post to structural Engineers details.
heavy duty hinge to structural Engineers details.
NEW ACCESS GATES TYPICAL SECTION
1:5
-479-
REVISIONS
LOCATION Carlisle
PROJECT Service Yard Alterations
DRAWING TITLE Proposed Details
Scale 1:100
Date Feb 2002
Drawn by ABC
MORRISON SUPERMARKETS PLC
Property & Development Division
Hilmore House
Thornton Road
Bradford BD8 9AX
DRAWING No. 44/ST/01
Revision C
02/0920 AMENDED PLAN

ACOUSTICAL CONTROL ENGINEERS LIMITED

BROADWAY BOURN CAMBRIDGESHIRE CB3 7TA

Tel: 01954 718 344 • Fax: 01954 718 355 • E-mail: ace@acoustical.co.uk

Our ref. B420/RAC/ks

Mr J Clegg
Wm. Morrison Supermarkets Plc
Property & Development Division
Hilmore House, Thornton Road
Bradford, West Yorkshire
BD8 9AX

RECEIVED
17 DEC 2002

17th December 2002

Dear Mr Clegg

Re. Carlisle

I have reviewed the wooden gate proposed to allow access to the sub-station at Carlisle.

The attached calculation sheet shows an analysis based on wooden gates having a surface density of 10Kg/m^2. This shows that the sound reduction index will vary from 9dB to 45dB based on a mass law calculation from the surface density of the gates. This is consistent with the expected performance of the proposed acoustic barrier. Allowing for a 30mm gap between each post and gate, together with a 30mm gap between the gates and a further 30mm gap along the bottom of the gates means that the sound reduction index of the gates with gaps will be limited to 15dB. Combining these 2 factors shows that the gates with the gaps detailed above will provide a sound reduction index of between 8dB and 15dB which will not significantly affect the screening provided by the acoustic barrier.

Please note that this is a worst case analysis as it assumes that all noise will be breaking through in the immediate vicinity of the gates. If the surface area of some of the wall is also included in the calculation the effect of the gaps is minimised still further.

I hope that this assessment is of assistance to you and will be pleased to provide any clarification if this is required.

Yours sincerely
for Belair Research Limited

Richard A. Collman, BSc. (Jt. Hons), CEng, MIOA
Director

RECEIVED
23 DEC 2002

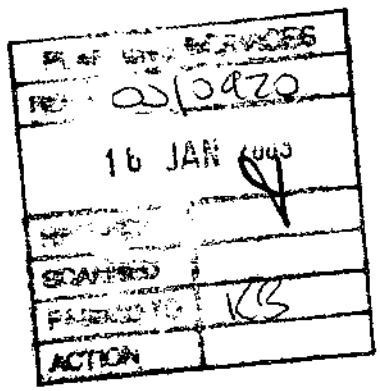
Enc. Calculation Sheet

Analysis of acoustic screen downrating due to noise breaking through gate and associated gaps

Line	Details		(A)	63	125	250	500	1k	2k	4k	8k	
1	Surface density of gate (kg/m^2)	10										
2	Random incidence SRI of gate			9	13	18	23	28	34	39	46	Based on mass law
3	Area of aperture around gates (30mm gaps) m^2 Area of gates m^2 Loss due to relative area of gap and gates	0.34 9.60	15									30mm for 3 uprights and bottom edge 2.4m high x 4m wide (approx).
4	Combined gate SRI with gaps			8	11	13	14	14	15	16	15	-10 Log ($10^{-SRI/10}$ + $10^{-Line\ 3/10}$)

Wm MORRISON SUPERMARKETS PLC
Property and Development Division
HILMORE HOUSE • THORNTON ROAD • BRADFORD • WEST YORKSHIRE BD8 9AX
Telephone BRADFORD (01274) 494140 • Fax (01274) 498395
Sir Kenneth Morrison CBE - Chairman • M.M. Melnyk & R.W. Stott - Joint Managing Directors
M. Ackroyd FCT • M. Gunter • D.R. Hutchinson • R.A. Owen FRICS MCIArb

Our Ref: JBC/HJF Your Ref: Date: 13 January 2003



Carlisle City Council
Department of Environment & Development
Civic Centre
CARLISLE
CA3 8QG

For the attention of K Brooke Esq

Dear Sirs

CARLISLE - APPLICATION No: 02/0920, ALTERATIONS TO LOADING DOCK AREA/SERVICE ROAD AND AMENDMENT OF DELIVERY HOURS.

With reference to the above application we confirm that we are currently suffering severe problems with not being able to make deliveries prior to 7.00 am. The customers who shop with us during the morning are becoming increasingly despondent, not only with the poor availability of fresh products on offer but also having to cope with the inconvenience of numerous pallets on the sales floor. As a company we pride ourselves on our very high standards of shopkeeping which unfortunately, due to the current delivery restrictions we are unable to maintain at this particular store. The application that we have submitted is to amend the current restrictions in order to allow a maximum of 4 daily deliveries (Monday to Saturday) between the hours of 6.00 am and 7.00 am of fresh products only, ie bread, milk, fruit, vegetables, flowers etc. These deliveries will be made directly from our distribution warehouse's enabling ourselves to maintain full control of the delivery vehicles. We enclose a schedule of daily deliveries which details our requirements.

We appreciate the sensitivity of this issue and would confirm that it is not our intention to upset our neighbours, hence our proposals to partially enclose the loading dock area and extend the service yard wall along the length of the service road in order to reduce the noise attenuation to an acceptable level.

We trust yourselves now have sufficient information in order to allow our application to be determined, however should further discussions be required on this matter please contact John Clegg at the above address.

Yours faithfully

Wm Morrison Supermarkets PLC
Property and Development Division

Enc

Registered in England No. 358949

Item No: 23 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0934	Mr B P Bradley	Dalston
Date of Receipt:	**Agent:**	**Ward:**
11/09/2002	Tsada Building Design Services	Dalston

Location: L/A adjoining The Village House, Carlisle Road, Dalston, Carlisle

Grid Reference: 337200 550850

Proposal: Erection of dwelling house and garage (outline)

Amendment:

KG

Report

Planning Policies:

Waste Disposal Site

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

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 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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections but 6 planning conditions recommended;

Dalston Parish Council: recommend refusal as there are serious concerns regarding access at a dangerous bend;

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

Environment Agency (N Area (+ Waste Disp)): no objections but one condition and informatives are requested if approval is given;

Cumbria County Council - (Archaeological Services): no objections and no wish to comment or make recommendations;

Design Services - Drainage Engineer: awaited.

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, The White Cottage	12/09/02			Undeliv	NFA

The application has been publicised by site notice and one neighbour letter, latest expiry date 11 October 2002. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

None relevant for the application site. However, planning permission was granted

on 30 October 1987 for the conversion of Village House to three dwellings, reference 87/0842, and on 23 May 2002 for the erection of a dwelling in outline on adjoining land to the north east, reference 02/0267.

Details of Proposal:

The application seeks outline planning permission for the erection of a dwellinghouse and garage and, originally, a septic tank, on land to the south west of Village House. The septic tank element has now been superseded by a proposed Biotec P25 sewage disposal system which is proposed to be located on land in the applicant's ownership to the north east of Village House, beyond the site of the outline approval in 2002 for an additional dwelling. An engineered attenuation mound has been included as a contingency should piped filtration disposal prove to be impractical (trial pits are being tested). It is the applicant's intention that the system will serve all five dwellings should permission be granted. Determination of the application has been delayed pending resolution of the drainage issue and restrictive covenants on the land.

The application site comprises a triangle of garden land situated immediately south west of Village House which now contains three dwellings. It is bounded to the north west by the B5299 Dalston to Carlisle road and to the south east by the railway line. There is an existing gated access onto the highway which will be the single access to this new dwelling should permission be granted. The existing access to Village House and to the new plot to the north east will be unaffected. An indicative location for the dwelling has been shown but all detailed matters are reserved for subsequent approval.

The site is located within a Primary Residential Area as designated in the Carlisle District Local Plan and Policy H2 applies as indicated above. The site comprises existing garden land and it is considered that the development will complement the residential area without adversely affecting the amenity of the existing dwellings. Indeed there would be planning gain in that all five properties will benefit from a replacement sewage disposal system. The only concern regarding the development is with the access to the site.

The parish council has recommended refusal as there are serious concerns regarding access on a highly dangerous bend. Nonetheless, the point of access is within the 30 mph area and County Highways have no objection subject to conditions. These include the provision and retention of specific visibility splays onto Carlisle Road which will entail the lowering of the sandstone wall fronting the application site to a height not exceeding 1 metre along its entire frontage.

I consider that the highways conditions will overcome the parish council's concern and recommend that outline planning permission be granted.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and unlikely to prejudice such rights.

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 devlopment 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. This permission relates to the application as amended by plan 50/2002/1A received on 14 February 2003 and by the drainage report dated 29 January

2003.

Reason: To define the permission.

4. The development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

   Reason: To ensure that the development accords with the scheme approved by the local planning authority.

5. This permission shall relate to a single dwelling only, the siting of which shall adhere to the schematic layout plan submitted as part of this application.

   Reason: To ensure a satisfactory development in the interests of amenity.

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

   Reason: To ensure the works harmonise as closely as possible with the existing buildings.

7. Particulars of height and materials of all screen walls and boundary fences to be erected shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted and the development implemented in accordance therewith.

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

8. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

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

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

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

10. The dwelling hereby approved shall not be occupied until such time as the proposed sewage treatment plant referred to in the submitted report, or any other sewage treatment system of a similar type, has been installed and become operational to the full satisfaction of the local planning authority. The plant, or any replacement, shall thereafter be retained at all times in connection with the development hereby approved. This plant should also provide the means of foul drainage to the additional dwelling approved in outline on 23 May 2002, reference 02/0267, as well as to the existing dwellings at Village House.

    Reason: To ensure that adequate drainage facilities are available.

11. Notwithstanding the reqirements of condition 2 above, access to the development shall only be taken from the existing access as indicated on the approved plans. The access shall be provided for use before the dwelling hereby approved is occupied and thereafter retained at all times. Before the access is brought into use, the wall fronting the site to Carlisle Road shall be lowered to a height not exceeding 1 metre above the level of the adjacent carriageway and thereafter retained at that height at all times.

    Reason: In the interests of highway safety.

12. The dwelling hereby approved shall not be occupied until visibility splays providing clear visibility of 90 metres x 2 metres x 90 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.

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

    Reason: To preserve sight lines.

14. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

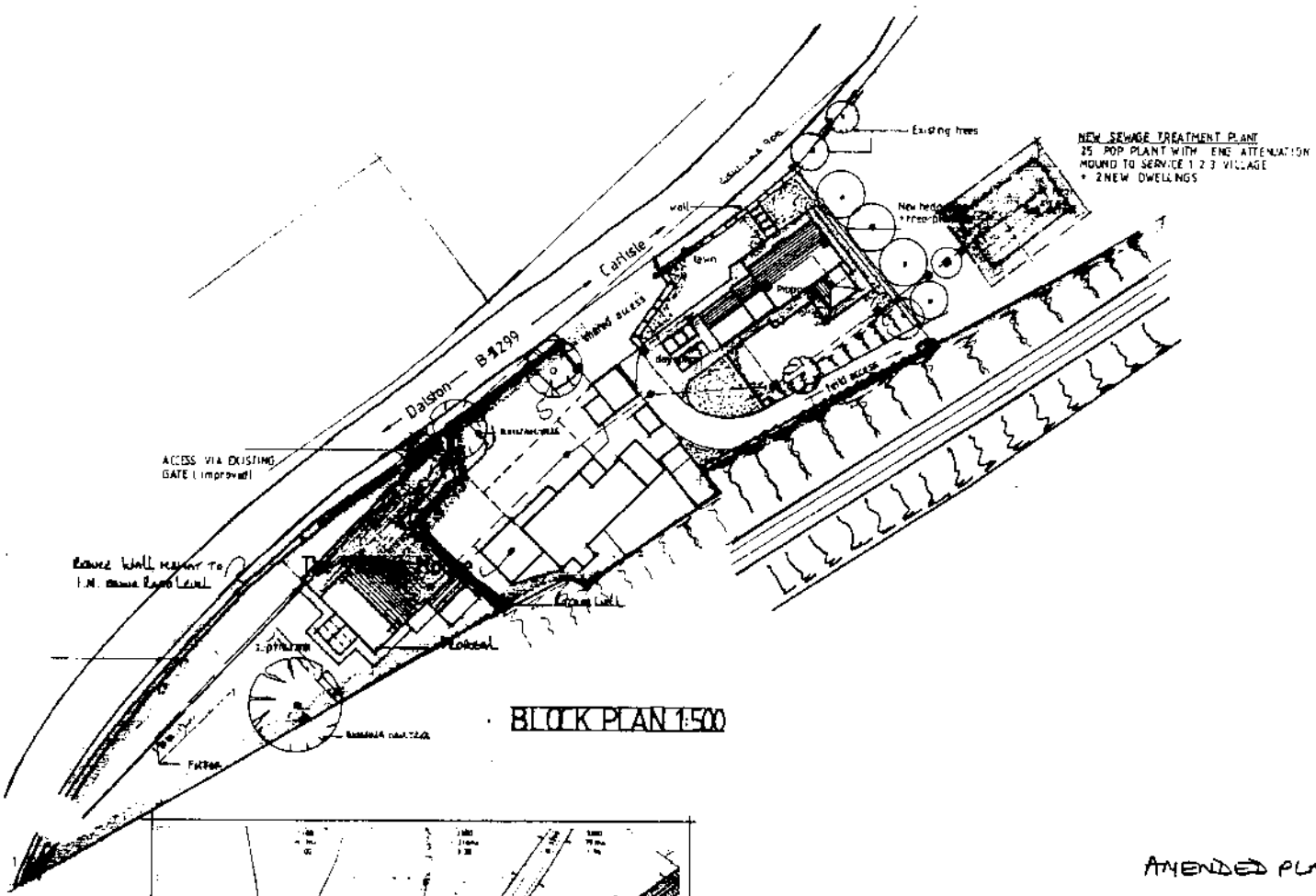
Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users.

15. The access drive and turning space shall be surfaced in bituminous or cement bound materials, or otherwise bound, shall be constructed and completed before the development is occupied and thereafter retained at all times.

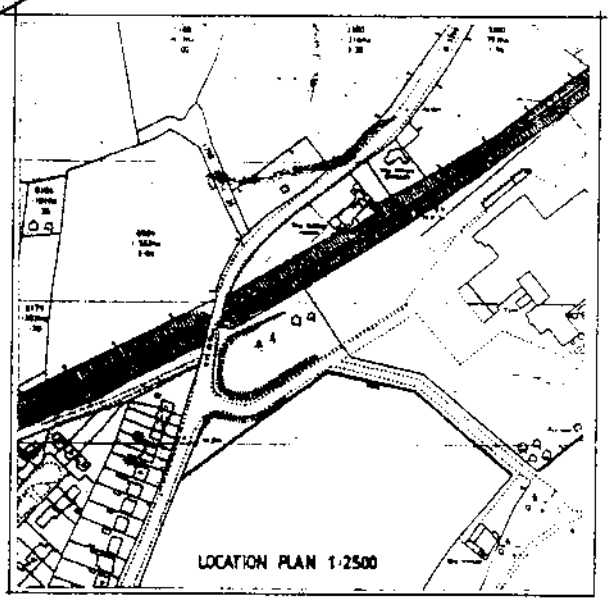
Reason: In the interests of highway safety.

16. 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: To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.



BLOCK PLAN 1:500



AMENDED PLAN

TSADA BUILDING DESIGN SERVICES

Tsada Cottage, Longtown, Carlisle, Cumbria CA6 5NA.
Telephone: (01228) 791807.
Mobile: (07957) 858712

Job title
Proposed Dwelling to West of
The Village House
Dalston

2002/0924

Drawing by	Amendments	Client	Drg No.
W.R. Faulder	A 23.8.2002 Dwelling West of Village House	Mr. B. Bradley Village house Dalston	50/2002/1A
Date: 19/4/2002			Scale: As shown

Item No: 24 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0961	Mr M Hodgson	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
05/09/2002		Wetheral
Location:		**Grid Reference:**
L/Adj to, Red House, Scotby Road, Scotby, Carlisle		344000 555230

Proposal: Erection of bungalow and garage (outline)

Amendment:

Report

Planning Policies:

Gas Pipeline Safeguarding Area

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

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 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, Gilsland, 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, Lyneholmeford, 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): since the site is served by an existing access, which is used in conjunction with a garage and a large shed there is no objection to the proposal from a highway point of view subject to 4 planning conditions being attached to any approval that may be given;

Wetheral Parish Council: OBJECTION- the Parish Council has extreme concerns over the highway access at this site. The location has already been subject of a fatal accident. The bridge "pulls" vehicles into the centre of the road making the access even more hazardous;

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

Design Services - Drainage Engineer: the applicant should consider a soakaway for disposing of surface water run-off as there are known problems with sewer flooding in Scotby due to excess surface water in times of storm. The applicant should arrange percolation tests;

Environment Agency (N Area (+ Waste Disp)): request that one condition be imposed if planning permission is granted.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, Beckfoot	09/09/02				AMND
The Owner / Occupier, 62 Scotby Village	09/09/02				AMND
The Owner / Occupier, Railbeck House	09/09/02				AMND
The Vicar, All Saints Church	09/09/02			Undeliv	NFA
The Owner / Occupier, Red House	09/09/02				AMND
Mr A Whitaker, The Mews				Objection	AKN

The application has been publicised by site notice and six neighbour letters, latest expiry date 4 October 2002. One letter has been received objecting to the application on the grounds that:-

- the site does not presently afford vehicular access and has not done so for many years
- the land is adjacent to the main road into/out of Scotby which has become increasingly busy over recent years as the village has grown
- the site is in close proximity to the railway bridge which due to its width and alignment is already dangerous
- the proposed development would exacerbate highway safety concerns presenting further risk of accidents
- the adjoining land has already been the subject of approval for a bungalow earlier this year
- if both developments proceeded, the risk of accidents would besignificantly increased, not just for road users but also for pedestrians using the narrow pavement (which is used regularly by children attending Scotby school.

Neighbours have been reconsulted on the additional plans submitted on 9 December 2002 which gave an indicative siting for the bungalow. No additional representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

None for application site. However, planning permission has been variously granted for the erection of a bungalow and garage on the land between the site and Red House, the last approval reference 01/1112 on 1 February 2002.

Details of Proposal:

The application seeks outline planning permission for the erection of a bungalow and garage on land to the north of Red House, Scotby. All detailed matters are reserved for subsequent approval, but the applicant has provided, at the local planning authority's request, an additional plan indicating the siting and internal layout of the bungalow as well as the use of **the existing access**.

The site extends to 625 m2 and is located to the north of Red House at Scotby. It is bounded to the east by the main road through the village immediately south of the railway bridge, to the north by the railway line and to the west by open and low lying ground. Railbeck House, one of the new dwellings recently built at Parkett Hill, is some 60 metres further to the west. The land between the site and Red House is the subject of a planning permission granted in outline on 1 February 2002 for the erection of a bungalow and garage, reference 02/1112.

The site is currently occupied along most of its frontage by a dilapidated brick and timber building which was formerly a joiner's workshop operated by the applicant. There is a collection of old sheds, structures and a greenhouse to the rear. The existing gated access is on the southern site frontage and serves a timber garage. Contrary to the objection received, the access had been in use not long prior to my own site visit on 19 November 2002. This point is also noted in the highway authority's additional response of 21 October 2002.

Policy H5 of the Carlisle District Local Plan is relevant to the determination of the application. This indicates that small scale residential development will normally be acceptable subject to the criteria as listed above. In my view, all the criteria within the policy can be met and the only concerns which have been identified are drainage and road safety. A separate drainage report submitted has identified the need for an underground surface water attenuation system; foul water is intended to be discharged to the public sewer. As to road safety, there are no objections to the application from the highway authority, who have requested conditions.

There is an existing vehicular access to the site with dropped kerbs. This does not have a turning area. The additional plan submitted indicates how a bungalow with garage may be located on the site, which is well related to the building footprint proposed for the neighbouring plot and broadly acceptable in planning terms, except no turning area is shown. The corrolary of providing a turning area is that the dwelling would need to be located further into the plot, leaving it with a limited rear garden, which may ultimately prove to be satisfactory given that the land to the rear is not developed. There is no doubt that it is desirable for a vehicle turning area to be provided, but I do not wish the local planning authority to be committed to a plan which does not show one.

On balance, I consider that there will be planning gain in the development of this site for a dwelling, and that the matter of the vehicle turning area can be regulated by planning condition for incorporation at reserved matters stage. This is comparable to the manner in which the neighbouring plot has been dealt with. Accordingly, I

recommend that outline planning permission be granted.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and unlikely to prejudice such rights.

SJ

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 devlopment 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) 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 consent is hereby conferred or conveyed for the siting (or design) of the dwelling as shown on the additional plan number 11195/02 received on 9 December 2002 which is for indicative purposes only.

   Reason: To define the permission.

4. This permission relates to a single bungalow with garage only, served by the existing access to the site, and to the application as amended by the drainage report dated 17 December 2002.

   Reason: To define the permission.

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

   Reason: To ensure the works harmonise as closely as possible with the existing buildings.

6. 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 a satisfactory appearance for the completed development.

7. 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.

8. 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.

9. The development hereby approved shall not be occupied until such time as the proposed scheme for the attenuation of surface water disposal as indicated in the report submitted in connection with the application, or such other system of

a similar type, has been installed and become operational. Once installed, the system or any replacement shall be retained at all times. Foul water shall be discharged to the public sewer.

Reason: to ensure that satisfactory drainage facilities are provided and retained for use in connection with the development approved.

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

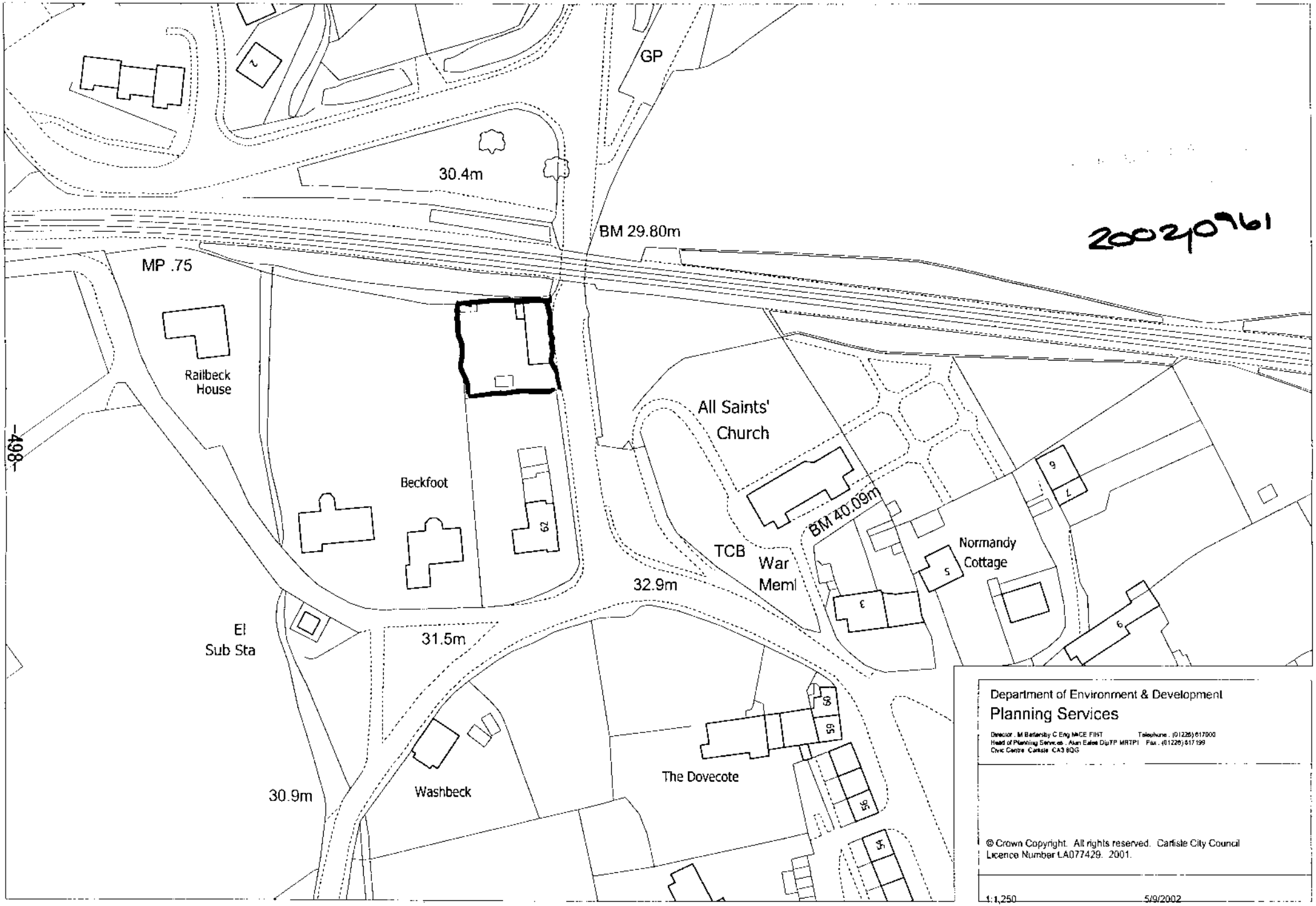
Reason: In the interests of highway safety.

11. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the local planning authority for approval. The dwelling hereby approved shall not be occupied until such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety.

12. The access drive and vehicle turning area shall be surfaced in bituminous or cement bound materials, or otherwise bound, shall be constructed and completed before the development is occupied, and thereafter retained at all times.

Reason: In the interests of highway safety.



20020961

Department of Environment & Development

Planning Services

Director : M Battersby C Eng MICE FIHT Telephone : (01228) 617000
Head of Planning Services : Alan Eales DipTP MRTPI Fax : (01228) 617199
Civic Centre Carlisle CA3 8QG

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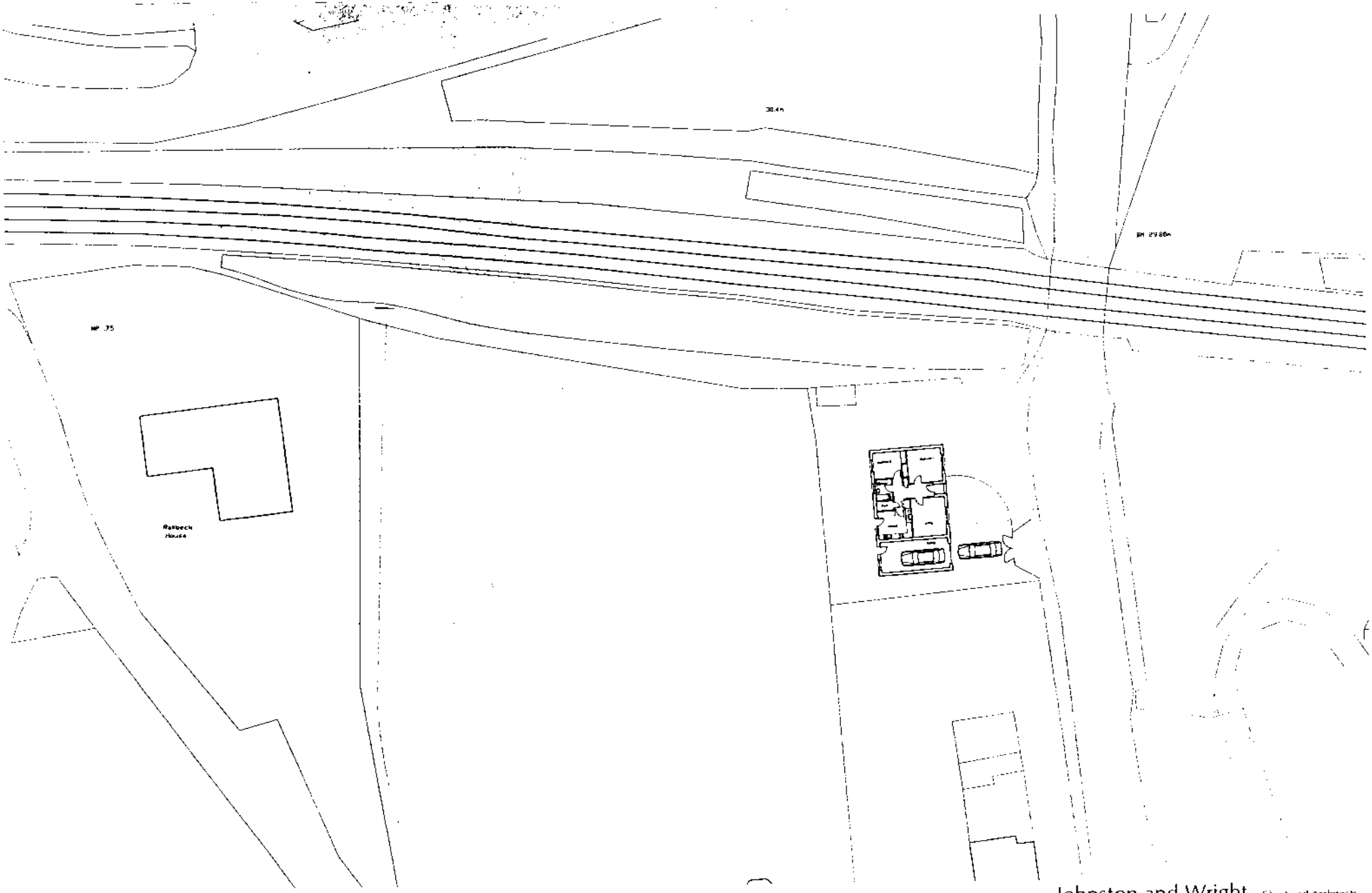
1:1,250 5/9/2002



Revisions.

Johnston and Wright Chartered Architects

15 Castle Street Carlisle Cumbria CA3 8SY tel +44 (0) 1228 515161 fax +44 (0) 1228 515569
email post@jwarchitects.co.uk

Project Proposed Bungalow at Scotby Road, Scotby for Mr M Hodgson

Drawing

2007/090

Scale 1/200 Date 12/02 Drawn am Number 1 1 / 02

This drawing is the property of Johnston and Wright Chartered Architects and may not be reproduced or used in any way without their consent. Do not scale from this drawing. All dimensions must be checked on site before any work is put in hand.

Item No: 25 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0976	Mr & Mrs Forster	Brampton
Date of Receipt:	**Agent:**	**Ward:**
26/09/2002	Hogg & Robinson Limited	Brampton
Location:		**Grid Reference:**
53 Townfoot Park, Brampton		352500 561019

Proposal: Conversion of garage to day room, together with construction of 2 storey extension to provide garage and utility, with bedroom above.

Amendment:

1. Alterations to the size and design of the two storey extension, and omission of single storey garage.

SG

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Brampton Parish Council: no objections.

Planning Services - Local Plans: the trees are in an inappropriate location and are struggling to survive, as indicated by early leaf loss. There are too many trees crowded together in a cramped space, with little public amenity value. As such no objections are raised to their removal.

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
L J Bates, 9 Townfoot Park	26/09/02			Objectio	AMND
The Occupier / Owner, 11 Townfoot Park	26/09/02				AMND
The Occupier / Owner, 13 Townfoot Park	26/09/02				AMND
The Occupier / Owner, 51 Townfoot Park	26/09/02				AMND
A & A M Rees, 55 Townfoot Park	26/09/02			Objectio	AMND

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Two letters of objection have been received from local residents in response to the original plans submitted. The issues raised have been summarised as follows:

1. loss of light to their properties;
2. loss of privacy;
3. the proposed extension is out of character with other properties on the estate;
4. potential structural disturbance; and
5. potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby.

A further letter of objection has been received, in response to the amended plans submitted. The letter of objection reiterates the previous concerns raised.

Details of Proposal/Officer Appraisal:

Planning History:

In 1995 planning permission was granted for the change of use of public open space to garaden area on a small parcel of land to the south of 53 Townfoot Park.

Details of Proposal:

This application was deferred at the last meeting of this Committee in order to allow the applicant to submit amended plans.

This follows an earlier decision of the Committee where Members were minded to refuse this application. Members considered that the proposed two storey extension was not in keeping with the surrounding properties in the estate and that by virtue of its visual appearance the proposed extension would have an adverse impact upon the street scene. Members also considered that the proposed development would make it more difficult to manoeuvre vehicles to and from the application site onto the estate road, would thereby give rise to a hazard to other road users and increase the

risk of accidents. On that basis Members considered that the proposal would therefore be detrimental to highway safety. The applicant has submitted amended plans to address Members concerns.

The revised proposal seeks full planning permission for the erection of a two storey extension to the side elevation of 53 Townfoot Park, Brampton. The scale of the extension has been reduced and the design has been amended to be more in keeping with other properties on the estate. No.53 Townfoot Park is a modern two storey brick built property with a tiled roof. It is situated within a residential estate with residential properties situated on either side of the property. A six foot high close boarded fence encloses the property to the side and the rear. A site plan illustrating the location of the property and the adjacent properties has been reproduced following this report.

It will be recalled that the application, as originally submitted, sought permission for a two storey extension to the gable wall of the property. The proposal involved the conversion of the garage to a day room, together with the erection of a two storey extension to provide a double garage and utility on the ground floor and an en-suite bedroom above. The first floor element of the proposed extension measured 2.95 metres in width and therefore did not extend over the full width of the proposed double garage. The rear of the proposed extension was staggered to allow a means of access between the rear of the extension and the boundary fence. The height of the two storey extension matched that of the original dwelling. The external materials to be used were to match those of the existing property. A plan illustrating the original plans submitted is reproduced following this report.

The amended application significantly reduces the size of the proposed two storey extension and alters the design. The revised proposal would involve the conversion of the garage to a day room, together with the erection of a two storey extension to provide a single garage and utility on the ground floor and a bedroom above. The proposed extension would project outwards from the side elevation by 2.95 metres and have an overall length of 7.2 metres. The two storey extension would reach 5.9 metres, at the peak of the pitched roof, 1.6 metres below the height of the existing ridgeline. The external materials to be used will match those of the existing property. A plan illustrating the revised application is reproduced following this report, along with a photograph of the existing property.

With regards to this application it is felt that the main issues to consider are whether or not the proposed extension is in keeping with other properties on the estate and its potential impact upon the residential amenity of adjacent properties.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that two letters of objection had been received from the occupiers of neighbouring properties in response to the original plans submitted. The grounds for objection related to loss of light, loss of privacy, the design of the extension, potential structural disturbance as a result of the extension and a potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby. It is not considered that the extension hereby proposed would result in any structural

damage to the neighbouring property provided that the work is carried out in a proper manner. A further letter of objection has been received, in response to the amended plans submitted. The objection reiterates the earlier concerns raised. The other concerns raised are covered in the paragraphs below.

It is the Officers view that the revised plan does not adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

Members had previously considered that the original plans submitted were out of character with other properties on the estate. It is felt that the amended plans submitted have addressed concerns previously expressed by Members. It is the Officers view that the design and materials are acceptable and the proposal is in keeping with other properties on the estate. The proposal is not considered to be of an unacceptable scale or visually intrusive.

Members should be aware the proposal is very similar in design to other properties on the estate, most notably No.6 Townfoot Park. A photograph of this property has been reproduced in the Schedule.

Members had also previously considered that the proposed development, as originally submitted, would make it more difficult to manoeuvre vehicles into and out of the site, and would thereby give rise to a hazard to other road users and increase the risk of accidents. However, Members will note that the Highway Authority raised no objection to the proposal and the proposal therefore considered acceptable on highway grounds.

In conclusion, it is felt that the amended plans address the concerns raised by Members. The proposed extension is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998:

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

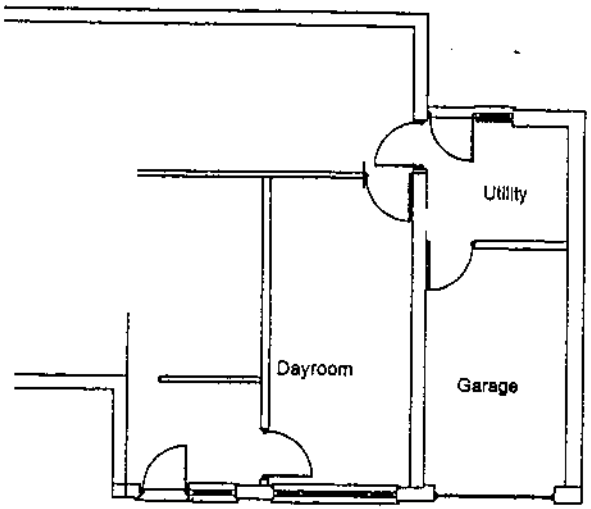
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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.

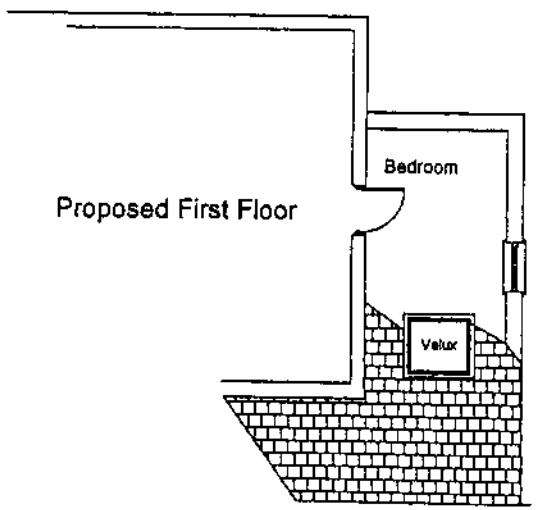
   Reason: To ensure the works harmonise as closely as possible with the existing building.

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 north east facing elevation without the prior consent of the local planning authority.

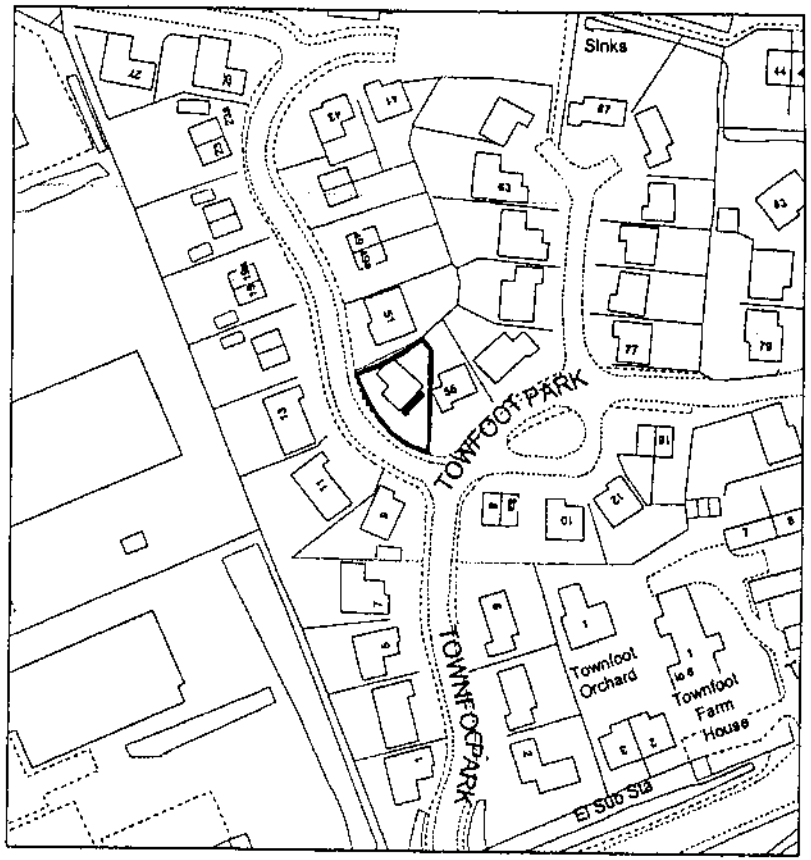
   Reason: In order to protect the privacy and amenities of residents in close proximity to the site.



Proposed Ground Floor



Proposed First Floor



Location Map Scale
1:2500

RECEIVED
20 FEB 2003
2003/0076

REVISIONS.		
NO.	DETAILS.	DATE

CONTRACT.
53 Townfoot Park

CLIENT.
Mr Mrs P Forster

DETAIL.
Two story Dormer extension

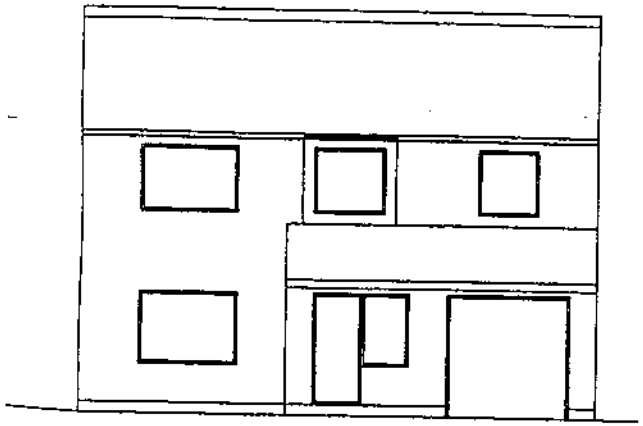
DRAWN. DATE 29/01/03
REVISION. SCALE 1:100
STATUS.

DRAWING NO.
Dwg. /1

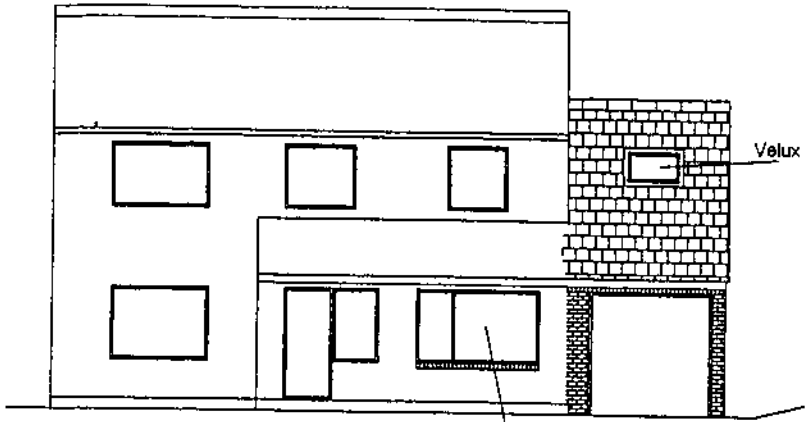
RECEIVED
28 FEB 2003

REVISIONS.		
NO.	DETAILS.	DATE.

CONTRACT. 53 Townfoot Park	CLIENT. Mr Mrs P Forster	DETAIL. Two story Dormer extension	DRAWING NO. Site Layout
		DRAWN.	DATE. 26/02/03
		REVISION.	SCALE. 1:100
		STATUS.	

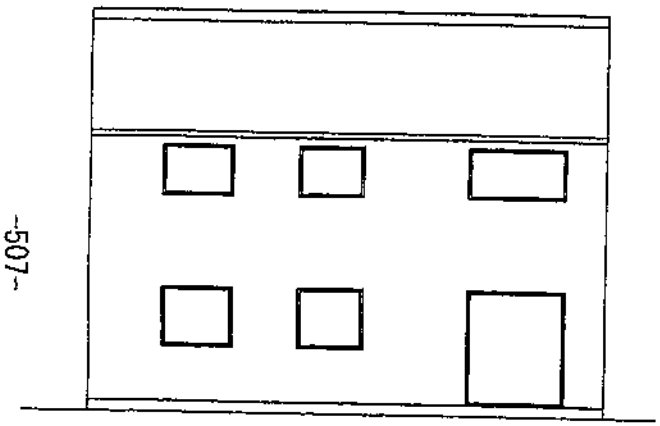


Existing Front Elevation

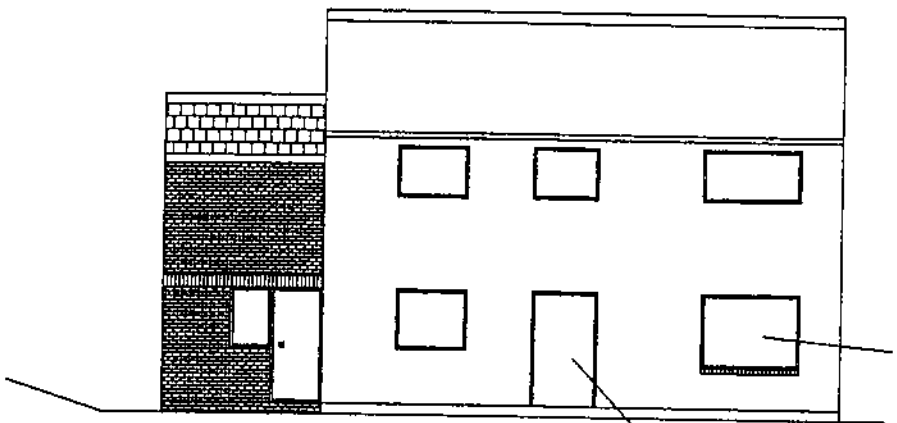


Proposed Front Elevation

Remove existing garage door and fit new window and make good brickwork



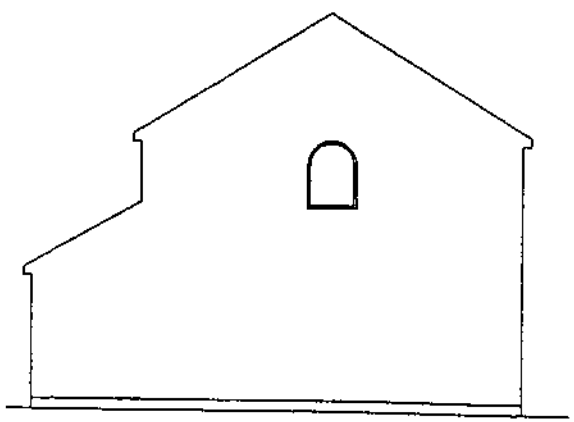
Existing Rear Elevation



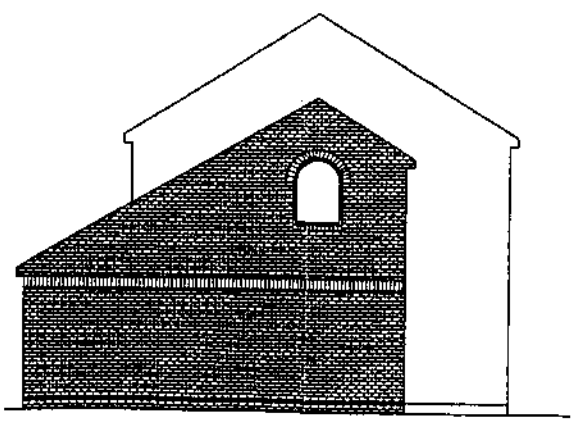
Proposed Rear Elevation

Remove existing patio door, fit new window to match existing and make good brickwork.

Remove existing window and fit french doors



Existing Side Elevation



Proposed Side Elevation

RECEIVED
20 FEB 2003
2002/0976

REVISIONS.		
NO.	DETAILS.	DATE.

CONTRACT.
53 Townfoot Park

CLIENT.
Mr Mrs P Forster

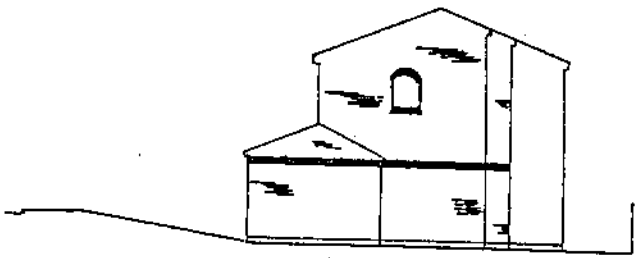
DETAIL.
Two story Dormer extension

DRAWN. DATE. 28/01/03
REVISION. SCALE. 1:100
STATUS.

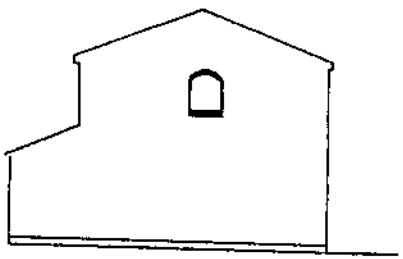
DRAWING NO.
Dwg 1/1

-507-

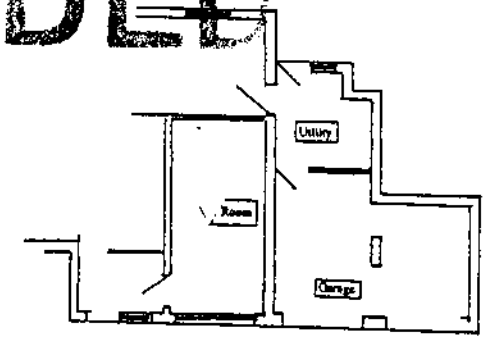
SUPERSEDED



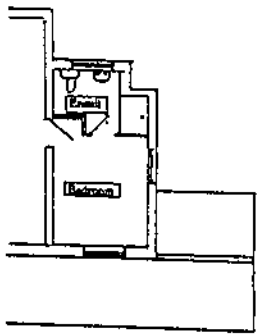
Proposed Side Elevation



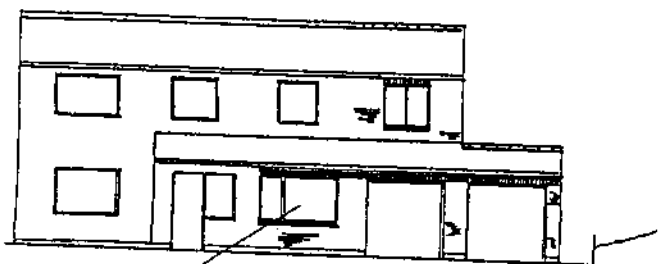
Existing Side Elevation



Proposed Ground Floor

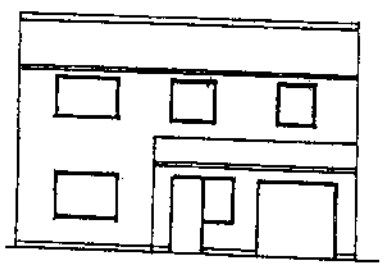


Proposed 1st Floor



Proposed Front Elevation

Remove existing garage door and fit new window and make good brickwork.



Existing Front Elevation

External Finishes

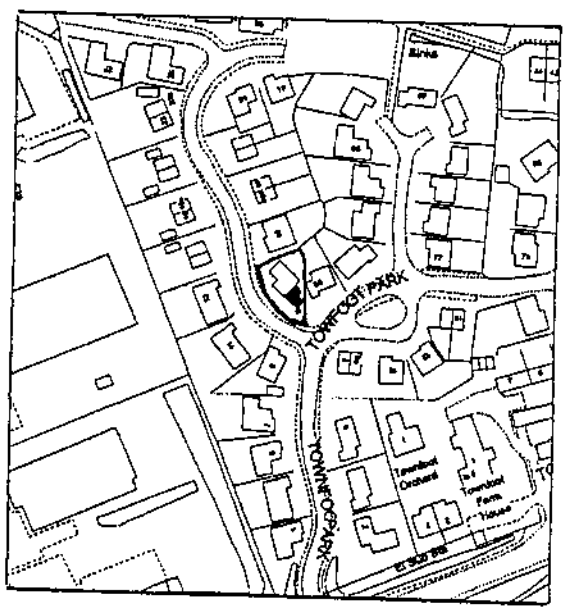
Roof
Marly modern tile to match existing with Code 4 lead flashings & trays.

Walls
Clay facing brick to match existing.
Internal to be 100m fenlight blocks with Plasterboard and skim finish.

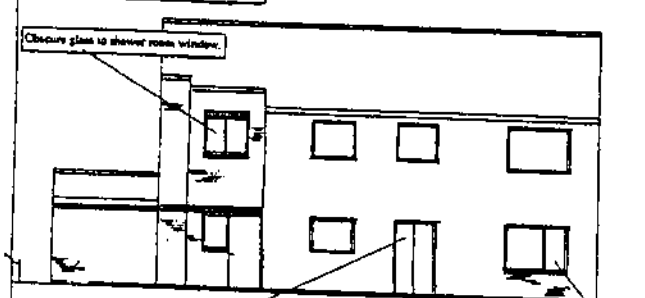
Windows
White UPVC to match existing.

Gutters & facia
Dark brown to match existing.

Ground work
Block paviours to paths & drive to Match existing.



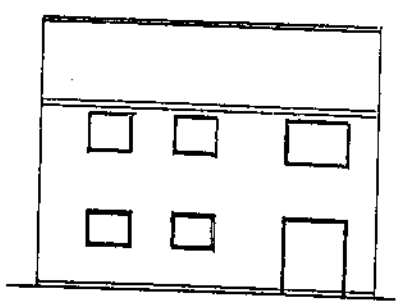
Obscure glass to shower room window.



Proposed Rear Elevation

Remove existing window and fit French doors.

Remove existing patio door, fit new window to match existing and make good brickwork.



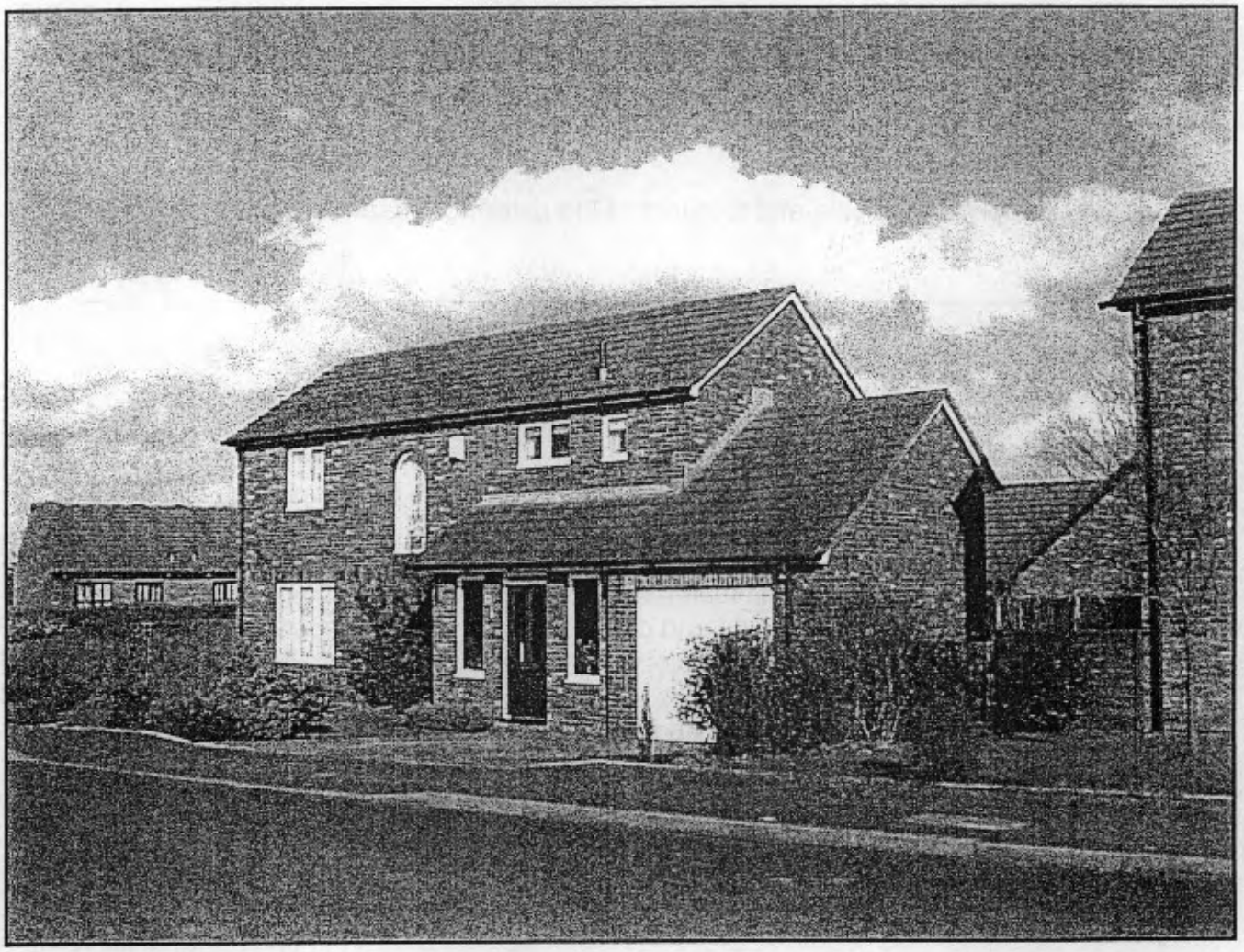
Existing Rear Elevation

HOGG & ROBINSON DESIGN SERVICES
Proposed Extension To 53 Townfoot Park, Brampton, Cumbria.
Date: 11 September 2002
Drawing Scale: 1:100 Location Drawing: 1:1,250

-508-

Photograph 1: Photograph of the application site, No.53 Townfoot Park.

Photograph 2: Photograph of No.6 Townfoot Park.



Item No: 26 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1029	Bowker Bros	Scaleby
Date of Receipt:	**Agent:**	**Ward:**
06/11/2002	Tsada Building Design Services	Stanwix Rural

Location: The Hunley, Scaleby, Carlisle, Cumbria

Grid Reference: 345350 564800

Proposal: Erection of poultry unit managers house and garage

Amendment:

1. Revision to the scale and footprint of the dwellinghouse.

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan
Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

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 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 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.

Summary of Consultation Responses:

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

Scaleby Parish Council: The following observations are made:

1. The size of the structure is out of proportion to need in respect of the poultry unit;
2. The building specification appear to be beyond that needed for an agricultural dwelling;
3. Drainage provision should be independent of the poultry unit;
4. The Council is concerned to see appropriate agricultural conditions applying i.e. being tied for workers;
5. The Council is concerned that the conditions of H6 should apply; and
6. The Council is concerned that this application may be the start of further residential development in the area.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the inclusion of a Supplementary Informative.

Design Services - Drainage Engineer: Since there are no public sewers in the area, and the proposal is to use an existing septic tank, I have no comments or additions relating to the above planning application.

County Land Agent (Capita dbs): I believe you require guidance only on the magnitude of the proposed permanent dwelling (I should however draw your attention to paragraph I5(c) of PPG7). In this regard guidance is given in paragraph I11 of PPG7 (Annex I).

I have sought an update on the current business from Mr John Bowker on behalf of the applicant, Bowker Brothers, and can advise Mr. Bowker provided the following information:

Land Occupied

This remains at 5.26 hectares (13 acres).

Livestock

At the present time there are 17,000 female birds and 2,000 male birds in the buildings at The Hunley. These are classed as Great Grandparents stock and have been in the buildings for 33 weeks. (They start laying after 24 weeks until they are 50 to 60 weeks of age, when all the birds are cleared and a new batch of day-old chicks are brought in after cleaning and disinfecting the buildings).

Bowker Brothers continue to operate at Gretna where they have 32,000 birds in buildings there.

Labour

At The Hunley site, 6 full-time staff and 4 part-time staff are currently employed. In addition the unit is managed by Mr Matthew Bowker. The permanent dwelling is required for Mr Matthew Bowker.

As I reported on 30 April 2002, the management of this unit is demanding in skill and technical knowledge in that feeding, watering and ventilation equipment is of considerable complexity. If problems occur with such equipment and are not remedied quickly and correctly, valuable livestock is at risk. Therefore, the person resident on this site must have those skills and technical knowledge to deal with those issues.

Further comments received on 26 February 2003 read as follows:

I have no further comments to make.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status

Mr & Mrs Musgrove,
Brown Dyke
The Occupier, Hillfield
House
The Occupier, Pump
Cottage
The Occupier, Halfway
House
The Occupier,
Woodclose
The Occupier, Moss
House
The Occupier, Croft
House Bungalow
The Occupier, West
Brightenflat
The Occupier,
Brightenflat
The Occupier, Whitehill
The Occupier, Whitehill
Cottage
The Occupier, West
Highberries
The Occupier, Ashfield
Alan Gosling &
Associates, The
Beeches
Miss E J Musgrove, 48
Henderson Road
The Occupier, 65
Castlesteads Drive
Messrs R M & P
Armstrong, Slealands
Mr B Stevinson, Dollins
Close

This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the erection of poultry sheds and general storage building, provision of access road and car parking, creation of new access and associated landscaping works on 3 August 2001, under application reference 01/0206.

On 3 May 2002, planning permission was granted for the temporary siting of a residential caravan for residential use by site manager at poultry unit, under application reference 02/0231.

Details of Proposal:

The current application has been submitted as a full application and seeks consent for the erection of an agricultural workers dwelling at The Hunley, Scaleby, Carlisle. The site is accessed from the main A6071 Longtown to Brampton road and is approximately 1 mile (1.6 km) east of Smithfield.

The proposed dwelling, as originally submitted, would have had a footprint measuring 16 metres by 10 metres. The height to the ridge would measure 9.2 metres. The single storey element consisting of a utility room, office, store and double garage would measure 9 metres by 14.6 metres. The building would be constructed from facing brick under a slate roof and would also include the use of stone quoins, cills, lintels and mullions. The windows would be of upvc construction.

When the matter was presented to Members at the January meeting of this Committee, Members expressed concern with regard to the size of the proposed dwelling. The applicant's agent has submitted a revised scheme which shows the dwelling reduced to 14.6 metres by 10 metres. The height to the ridge would remain as originally proposed whilst the single storey element would measure 9 metres by 7.4 metres. The loft space would no longer be used as bedroom accommodation.

The site is situated in the open countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

Planning Policy Guidance 7 (The Countryside - Environmental Quality and Economic and Social Development) also requires that applications for agricultural workers dwellings are assessed by means of a functional and financial test.

As is normal practice with proposals of this nature, the County Land Agent (now part of Capita dbs) has been asked for observations on this application. A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken. This report cannot be fully reproduced because it contains confidential financial information. The relevant comments are, however, reproduced in the Summary of Consultation Responses found earlier in this report.

The functional test applied by the County land Agent clearly demonstrates that it is essential for the proper functions of the enterprise for one or more workers to readily available at most times. Furthermore, the business is financially viable and the proposal will support recent investment and expansion of the business made by the applicant.

Further correspondence has been received from the applicant, specifically in relation to the justification of the application. Of relevance, is the following paragraph:

> "The livestock that are housed in the breeding buildings at Hunley Bank Farm are of high genetic profile with 70% of all the progeny produced exported. Hunley Bank took stock in April 2002 and is on target to produce livestock with a value in excess on £5,000,000 in the first 16 months of production.

> The production facilities at Hunley Bank Farm are entirely new and represent a significant amount of financial investment, incorporating a large amount of specialised equipment, the management of which requires a large amount of technical knowledge."

The issue of the principle of a dwelling on the site is not under debate. This has already been accepted following the earlier report prepared by the County Land Agent and the granting of planning permission under application reference 02/0231.

Policy guidance also requires that the siting of the building is well related to the farm steading and that the building is commensurate to the agricultural business. It is considered that in this regard, the proposal is acceptable.

Further advise can be taken from PPG7. Paragraph 11 of Annex I states that:

> "Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income can sustain in the long-term, should not normally be permitted. It is the requirements of the enterprise rather than the owner or occupier which are relevant to determining the size of dwelling that is appropriate to a particular holding."

What is important to note is that from the financial information submitted, it is considered that the size of dwelling and cost of construction are likely to be supported by the income generated by the business.

The Parish Council have raised a number of concerns regarding the proposed dwelling. Primarily is the issue of the size of the building and that the specification is out of proportion with the nature of the agricultural use of the site. Members will have to form a subjective view on this matter. The advice of the County Land Agent refers to the technological operations within the poultry buildings and the need for a knowledgeable and specialist person to be resident on the site.

In conjunction with this, is the planning permits of the building, namely the scale, design and materials for this particular location within the site are of equal importance. Policy 13 of the Cumbria and Lake District Joint Structure Plan require that the siting, scale and design of dwellings are well related to the character of the area and do not harm distinctive features of local landscape significance.

The site itself is approximately 150 metres from the junction with the main road and the topography of the land at this point is at a slightly lower level than that of the access road. Nevertheless, the height to the ridge is 9.2 metres and the surround character of the countryside is relatively level. Whilst the building will be visible on the landscape it is not considered that the development would be obtrusive or result in a detrimental impact on the character of the countryside in this locality.

The Parish Council also raise several other issues. Both the Environment Agency and the Drainage Engineer have not requested that a separate treatment plant be incorporated as part of this development. Furthermore, the Environment Agency

has requested that Supplementary Informatives be attached to cover this issue.

The Government's advice within PPG7 and Circular 11/95 recommends the use of a condition to restrict the occupancy of the dwelling. This is normal practice in applications of this nature.

It is unlikely that further residential development would occur, or that the granting of planning permission for this proposal would create a precedent for further dwellings. The site is clearly within open countryside and both national, regional and local planning policies require that any development proposals have to be sufficiently justified i.e. for an agricultural of forestry worker.

In conclusion, the principle of a dwelling on this site has been established and this issue is not under debate. The siting, design and use of materials are also considered to be appropriate for the dwelling.

The footprint and overall scale of the dwelling is significantly larger than Members would expect for an agricultural worker. The advice within PPG7 states that the proposed dwelling should be commensurate to the agricultural unit. This is off-set by the advice from the County Land Agent who states that the business is of a significant size using considerable technology for this type of operation and that a competent and knowledge person must be resident on the site. This comment specifically refers to the Mr Matthew Bowker, who is a partner in the business.

The scheme has been reduced by the applicant's agent and the issue as to whether the scheme has been amended sufficiently is a subjective one and is a matter for Members to form a view.

Human Rights Act 1998:

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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 occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower of such a person.

   Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

3. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

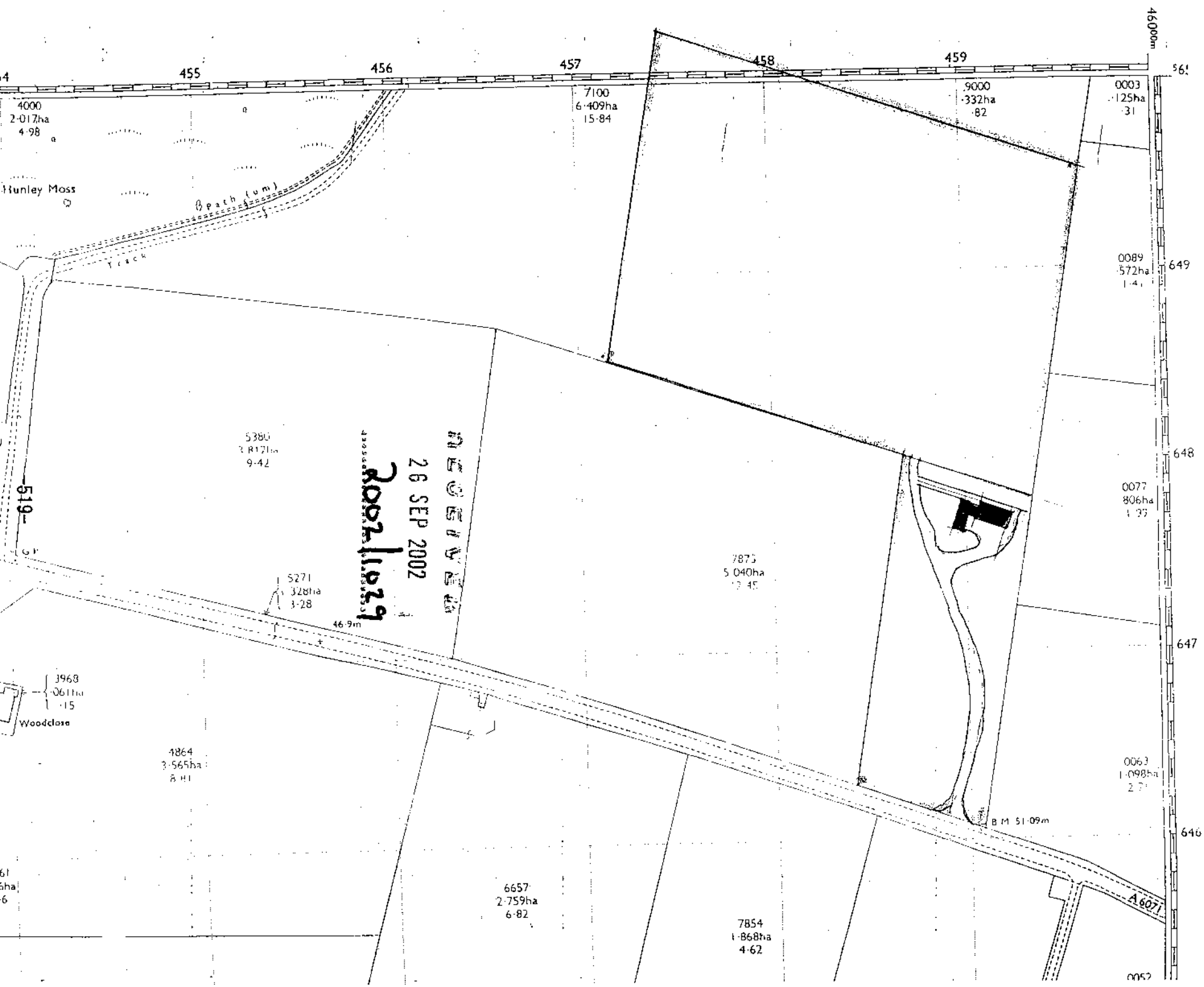
   Reason: To ensure the works harmonise as closely as possible with the existing building.

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.

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

   Reason: To ensure that a satisfactory landscaping scheme is implemented.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Beach (um)
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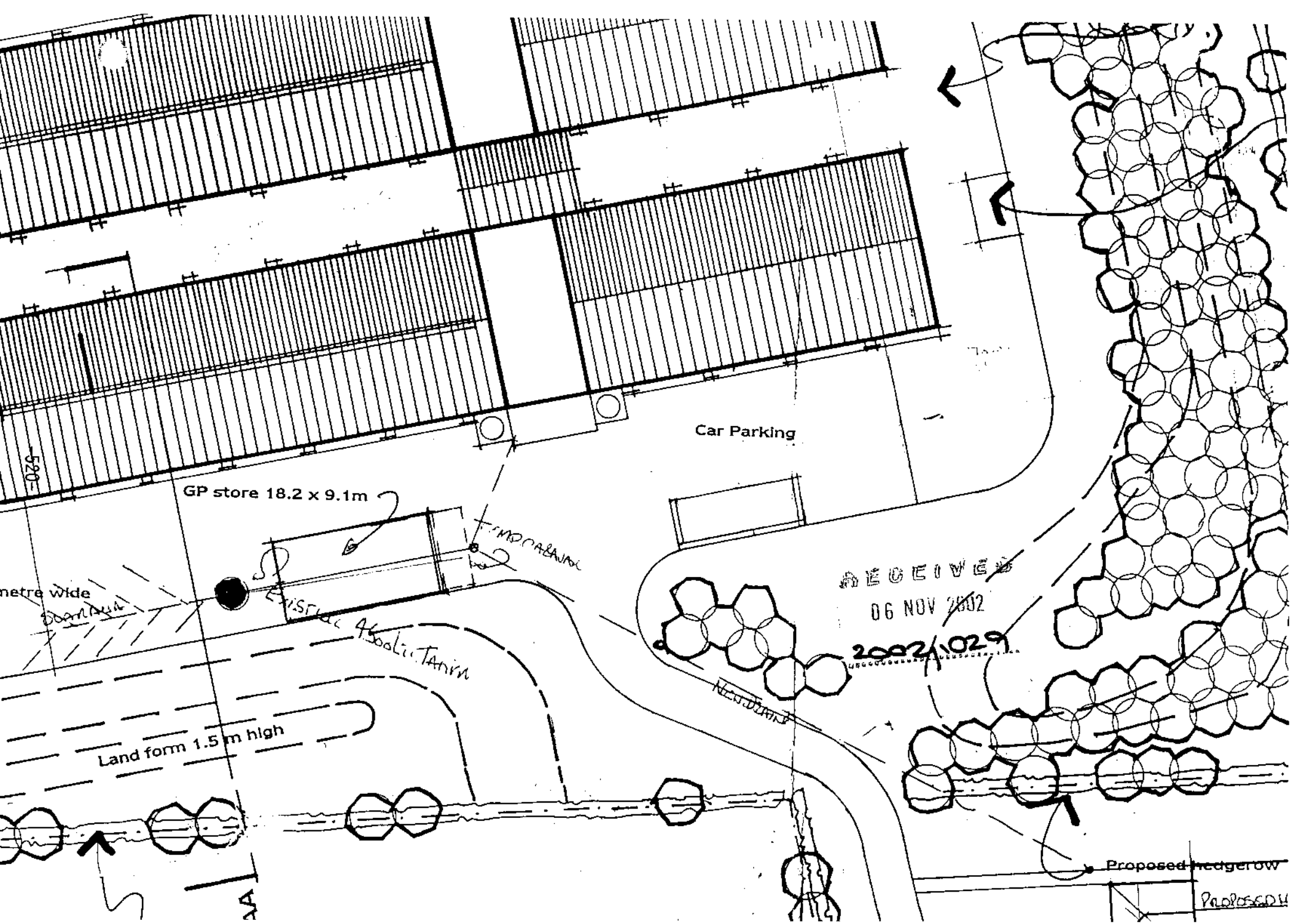
29 SEP 2002


Car Parking
GP store 18.2 x 9.1m
Land form 1.5 m high
Proposed hedgerow
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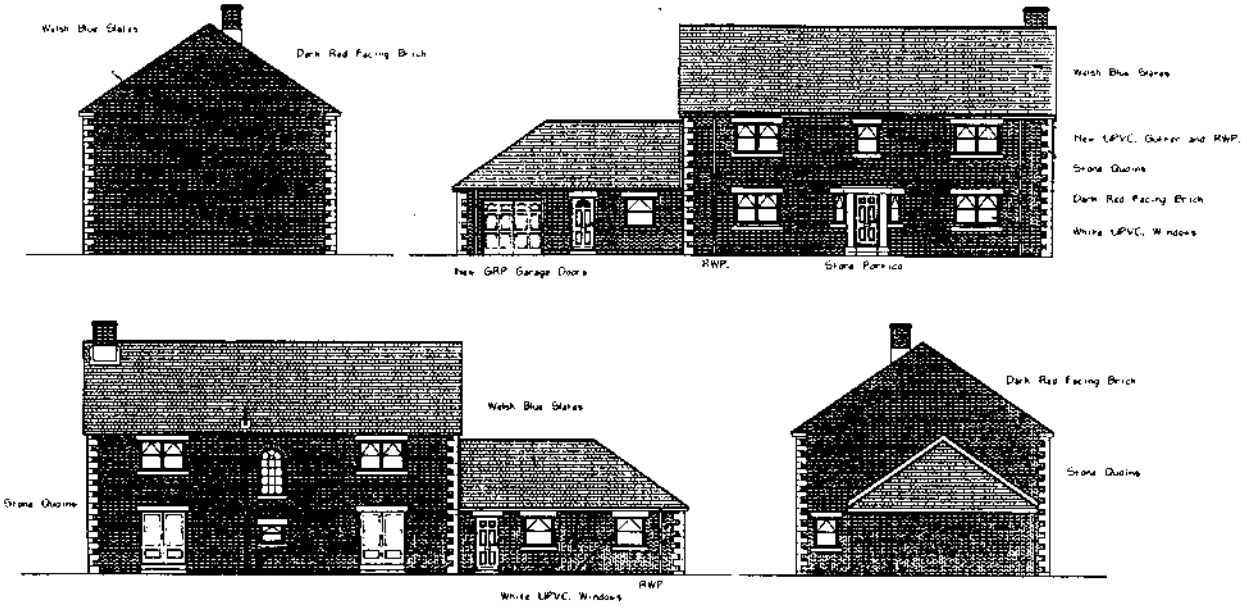
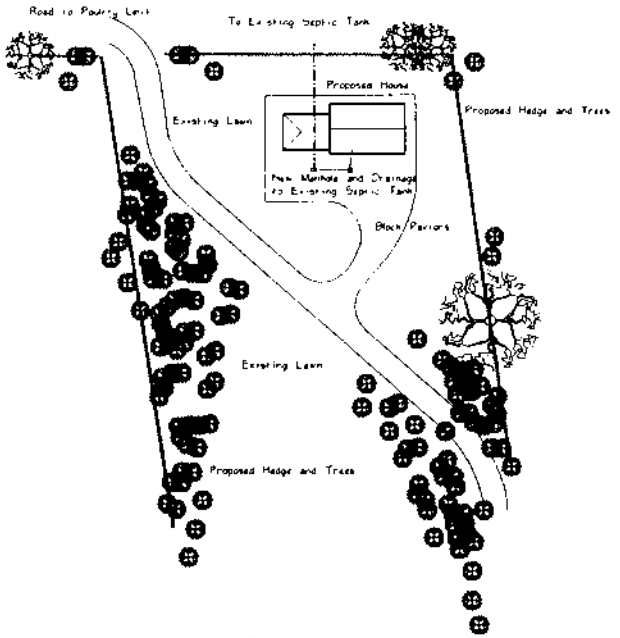
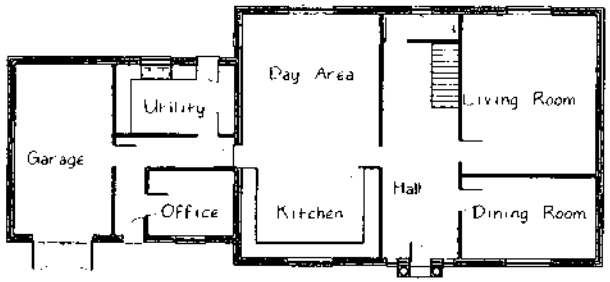
06 NOV 2002
2002/029



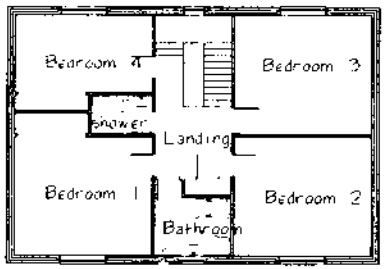
ELEVATIONS 1:100



BLOCK PLAN 1:500



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

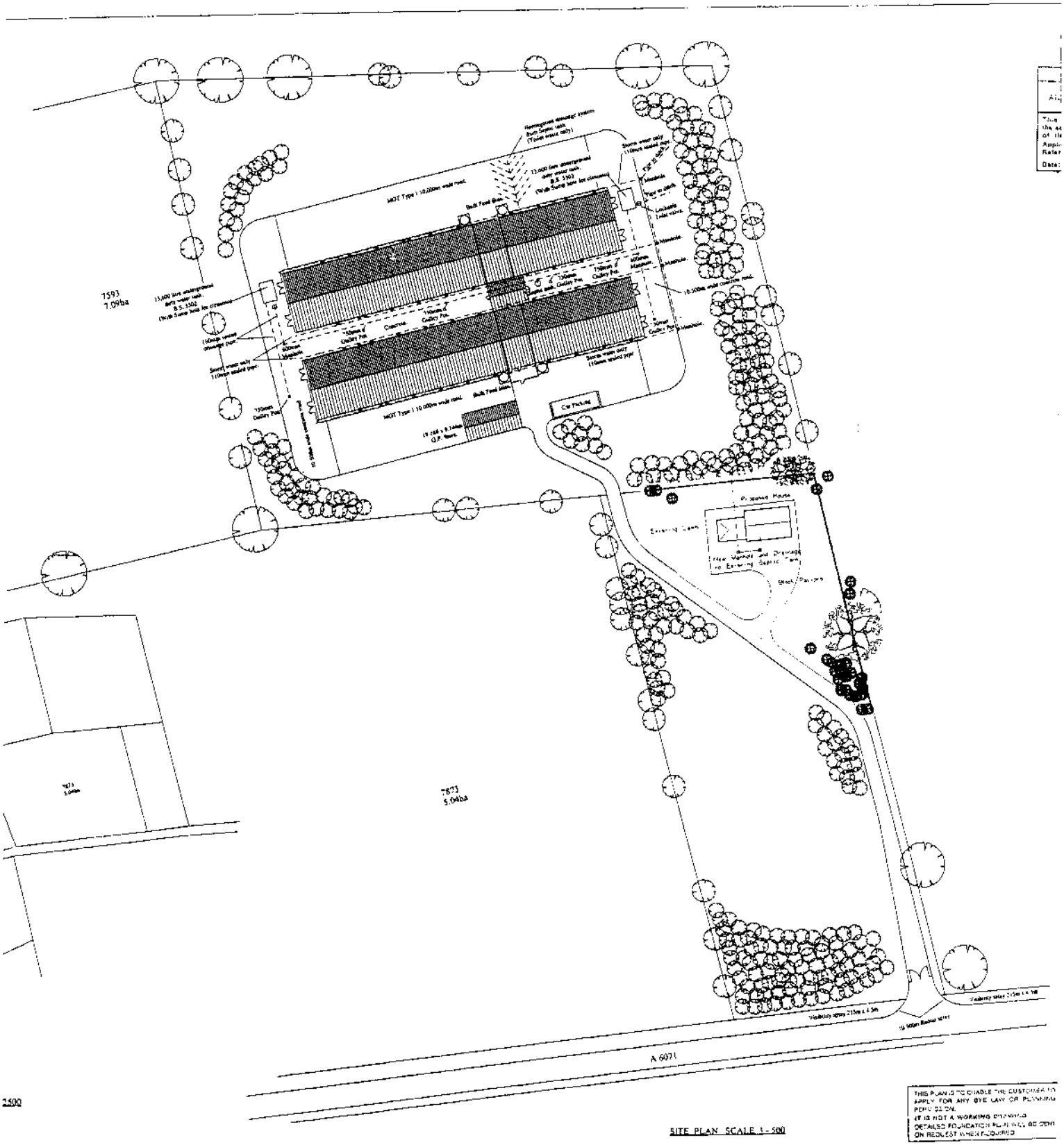
TSADA BUILDING DESIGN SERVICES

Tsada Cottage, Longtown, Carlisle, Cumbria CA6 5NA
Telephone (01228) 791807
Mobile (07931) 658712

Job title
Proposed Poultry Managers House
The Hurley
Scaleby

2Cwr/1029

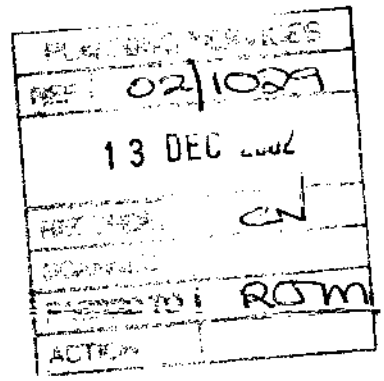
Drawing by W.R.Faulder	**Amendments**	**Client** Bowker Brothers, The Hurley, Scaleby, Carlisle	**Drg No.** 84/2002/1c
Date 14/2/2003			**Scale** As Shown


7593
7.09ha
7873
5.04ha
A 6071
SITE PLAN SCALE 1 - 500
2500

12 December 2002
Your reference: RJM/DC/02/1029
Our reference: P3/3a/AGJ/bb/18147
Enquiries to: Alan Jackson

Clint Mill Cornmarket Penrith CA11 7HP
tel 01768 242322 fax 01768 242321
e-mail enquiries penrith@capitadbs.co.uk

Mr R Maunsell
Carlisle City Council
Planning Services Division
Civic Centre
CARLISLE
Cumbria
CA3 8QG



Dear Mr Maunsell

PROPOSED POULTRY UNIT MANAGER'S HOUSE AND GARAGE THE HUNLEY, SCALEBY, CARLISLE

I refer to your letter of 3 December and our subsequent telephone conversation.

As we discussed, I reported to you on 11 April 2001 (Your Ref. SAG/DC/01/0206) on the application for the new poultry buildings and on 30 April 2002 (Your Ref. RJM/DC/02/0231) on the manager's temporary residential caravan.

I believe you require guidance only on the magnitude of the proposed permanent dwelling (I should however draw your attention to paragraph I5(c) of PPG7). In this regard guidance is given in paragraph I11 of PPG7 (Annex I).

I have sought an update on the current business from Mr John Bowker on behalf of the applicant, Bowker Brothers, and can advise Mr Bowker provided the following information:-

1. Land occupied

   This remains at 5.26 hectares (13 acres).

2. Livestock

   At the present time there are 17,000 female birds and 2,000 male birds in the buildings at The Hunley. These are classed as Great Grandparents stock and have been in the buildings for 33 weeks. (They start laying after 24 weeks until they are 50 to 60 weeks of age, when all the buildings are cleared and a new batch of day-old chicks are brought in after cleaning and disinfecting the buildings.)

   Bowker Brothers continue to operate at Gretna where they have 32,000 birds in buildings there.

3. Labour

At The Hunley site, 6 full-time staff and 4 part-time staff are currently employed. In addition the unit is managed by Mr Matthew Bowker. The permanent dwelling is required for Mr Matthew Bowker.

4. Financial throughput

Mr Bowker advised that The Hunley unit has a current turnover of around £5 million per year, with around 70% of the product being exported to overseas countries. The set-up costs at Hunley, in buildings and other works, has been around £860,000.

Therefore there has been a substantial investment in this business which produces a very significant turnover, far in excess of a normal commercial agricultural business in this area.

As I reported on 30 April 2002, the management of this unit is demanding in skill and technical knowledge in that feeding, watering and ventilation equipment is of considerable complexity. If problems occur with such equipment and are not remedied quickly and correctly, valuable livestock is at risk. Therefore, the person resident on this site must have those skills and technical knowledge to deal with those issues.

Would you please note the applicant has asked that the financial figures given above are confidential for commercial reasons and should not be disclosed.

Yours sincerely

Alan Jackson
Senior Associate

Item No: 28 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1181	Julie Pattinson	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
12/11/2002	J Cowper	Burgh
Location:		**Grid Reference:**
Aldersyde, Burgh-by-Sands, Carlisle		332923 559120

Proposal: First floor extension to provide en-suite bedroom.

Amendment:

1. Reduction of the ridge height of the extension by 0.45 metre so that it matches that of the existing property.
2. Alteration to the design of the guttering where the proposed extension adjoins the neighbouring property known as Stanthwaite.

Report

Planning Policies:

Conservation Area

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

Ancient Monument

Cumbria & Lake District Joint Structure Plan
Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

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.

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permisson 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.

Summary of Consultation Responses:

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

Further coments received on 16th January read 'no objections';

Further coments received on 10th February 2003 read 'no objections';

Burgh-by-Sands Parish Council: no objections;

Conservation Advisory Committee: the materials should match the existing property. At present the extension looks odd with the higher ridge lines and eaves. It was felt that these should be reduced to match the existing.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr M O Moore, Stanthwaite	13/11/02			Comme Only	RESP
The Occupier / Owner, Sandalwood House	13/11/02				AMND

This application has been advertised by means of site and press notices as well as notification letters sent to two neighbouring properties. One letter has been received from the occupant of a neighbouring property stating that they have no objections to the proposed extension.

Details of Proposal/Officer Appraisal:

Planning History:

In 1990 planning permission was refused, application reference 90/0490, for the erection of a two storey extension to provide a kitchen and dining room on the ground floor with a bedroom and bathroom above.

In 1991 planning permission was granted, under application reference 91/1010, for the erection of a first floor extension to provide a double bedroom. This proposal was never implemented.

Details of Proposal:

This application seeks planning permission for the erection of a first floor extension to the rear of Aldersyde, Burgh By Sands, Carlisle. The property is a semi-detached property finished in white painted render with timber-framed windows and a slate roof. The property, which is situated within the Burgh By Sands Conservation Area, is enclosed to the east, west and south by residential properties. To the north of the application site is open countryside. A lane, which provides access to 'The Rectory' and 'Garth House', runs alongside the eastern boundary of the application site. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as originally submitted, seeks approval for the erection of a first floor extension to the south facing rear elevation to provide an en-suite bedroom. The extension, which shall be built above the ground floor kitchen/dining room, projects outwards by 4.95 metres and measures 6.15 metres in width. The ridge of the proposed first floor extension projects 0.45 metres above the ridgeline of the original dwelling. The external materials used shall match those of the existing property.

An amended plan has been received reducing the height of the ridgeline to match that of the existing property. A copy of the revised plan is reproduced following this report.

Members should note the only reason that this application has been brought before the Development Control Committee is because the applicant is an employee of Carlisle City Council.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that the adjoining property, Stanthwaite, has an existing two storey rear extension which is positioned along the boundary with the application site, that projects outwards by 6.5 metres. The extension hereby proposed, which would project outwards by 4.95 metres, would be built alongside the extension to the rear of Stanthwaite. On that basis it is considered that the proposal would not adversely affect the amenity of Stanthwaite.

It is not considered that this development will adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is considered to be appropriate to the dwelling,

its design and its setting. It is not considered to be of an unacceptable scale or visually intrusive.

Members should note that the first floor extension that was approved in 1991, under application reference 91/1010, is very similar to that hereby proposed. The extension previously approved was 4.4 metres in width whereas the current proposal seeks to occupy the full width of the ground floor extension.

In conclusion, the proposed extension is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

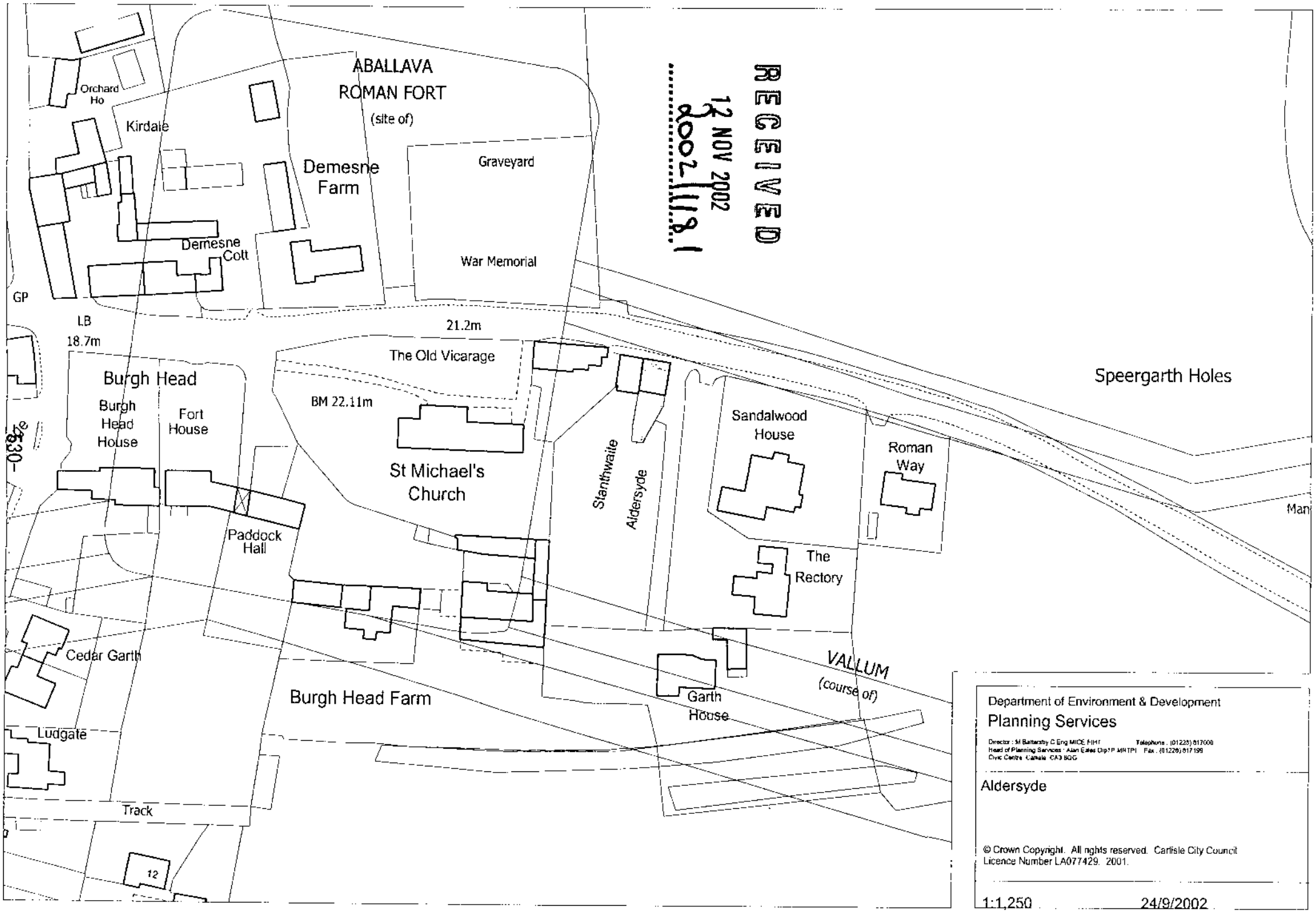
2. The external walling and roofing materials to be used in the building works

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.

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 bathroom window on the eastern elevation 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.



RECEIVED
12 NOV 2002

Department of Environment & Development
Planning Services

Director : M Battersby C Eng MICE FIHT Telephone : (01228) 812000
Head of Planning Services : Alan Eales Dip TP MRTPI Fax : (01228) 817199
Civic Centre Carlisle CA3 8QG

Aldersyde

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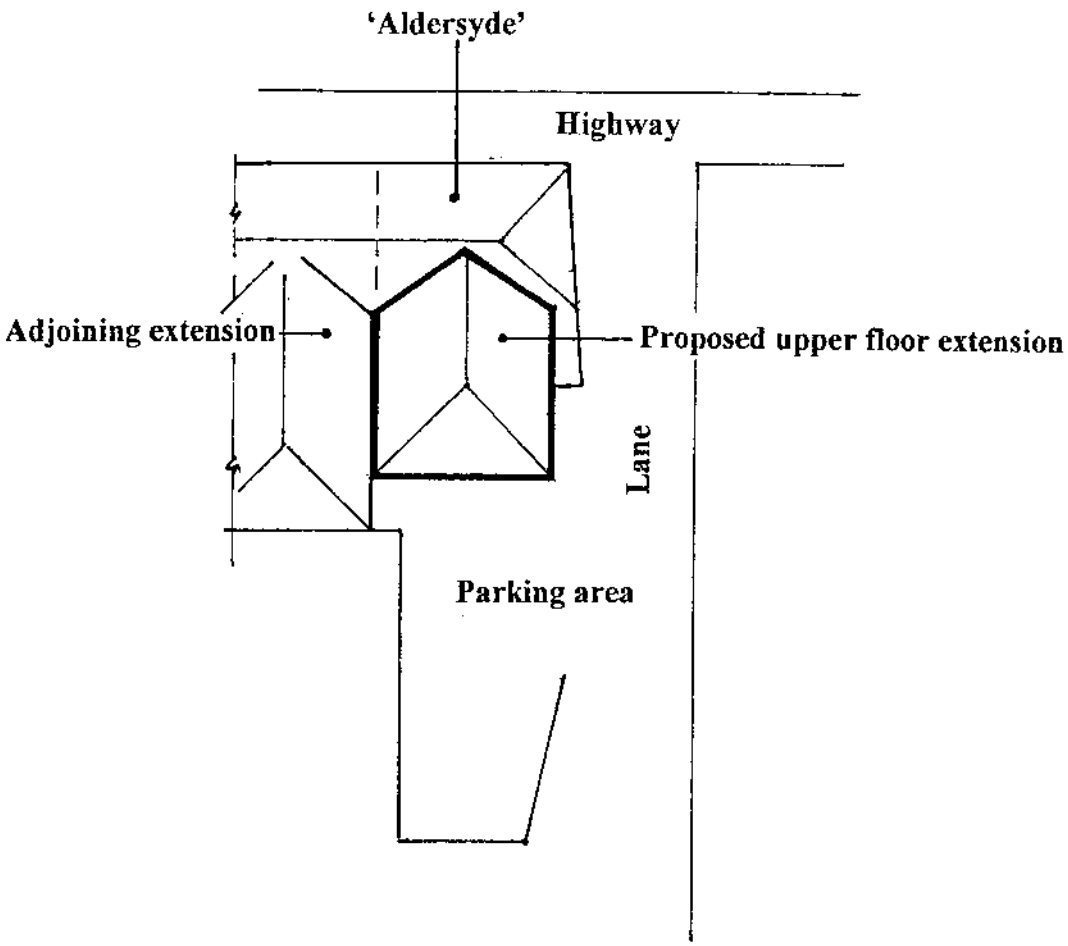
1:1,250 24/9/2002



North

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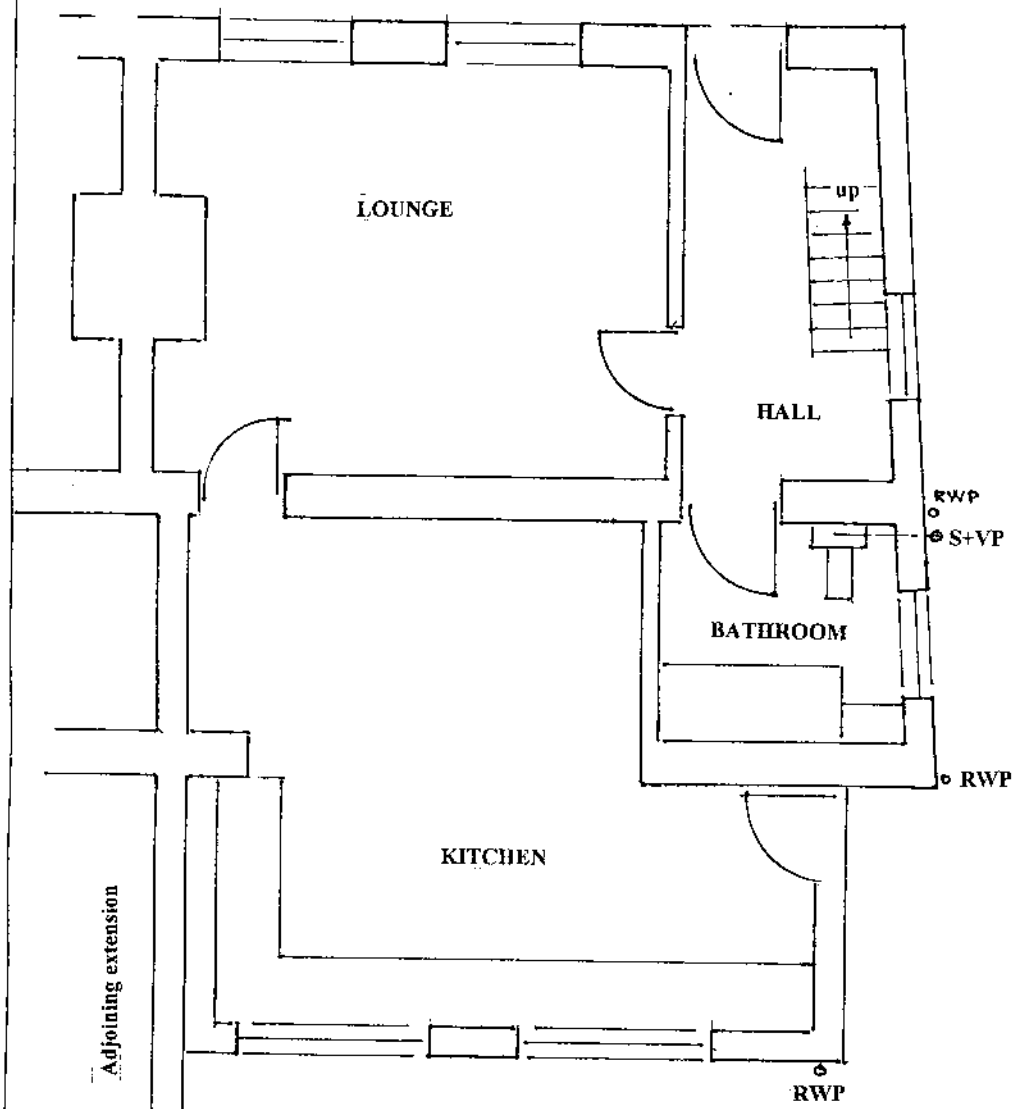
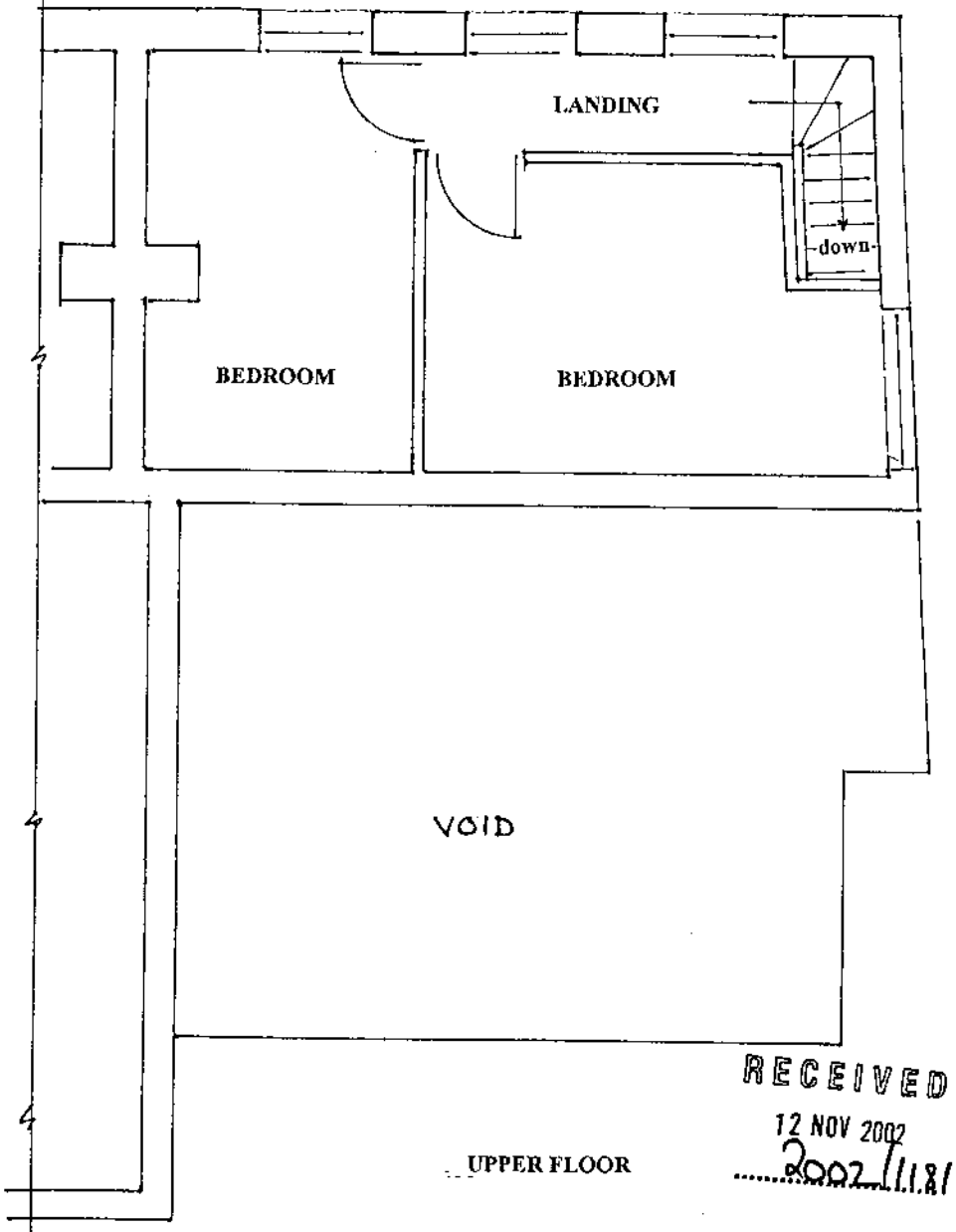
12 NOV 2002
.....2002/1181

Block plan	**'Aldersyde', Burgh by Sands.**	
Scale 1:250	**October 2002**	**618/2**



GROUND FLOOR



UPPER FLOOR

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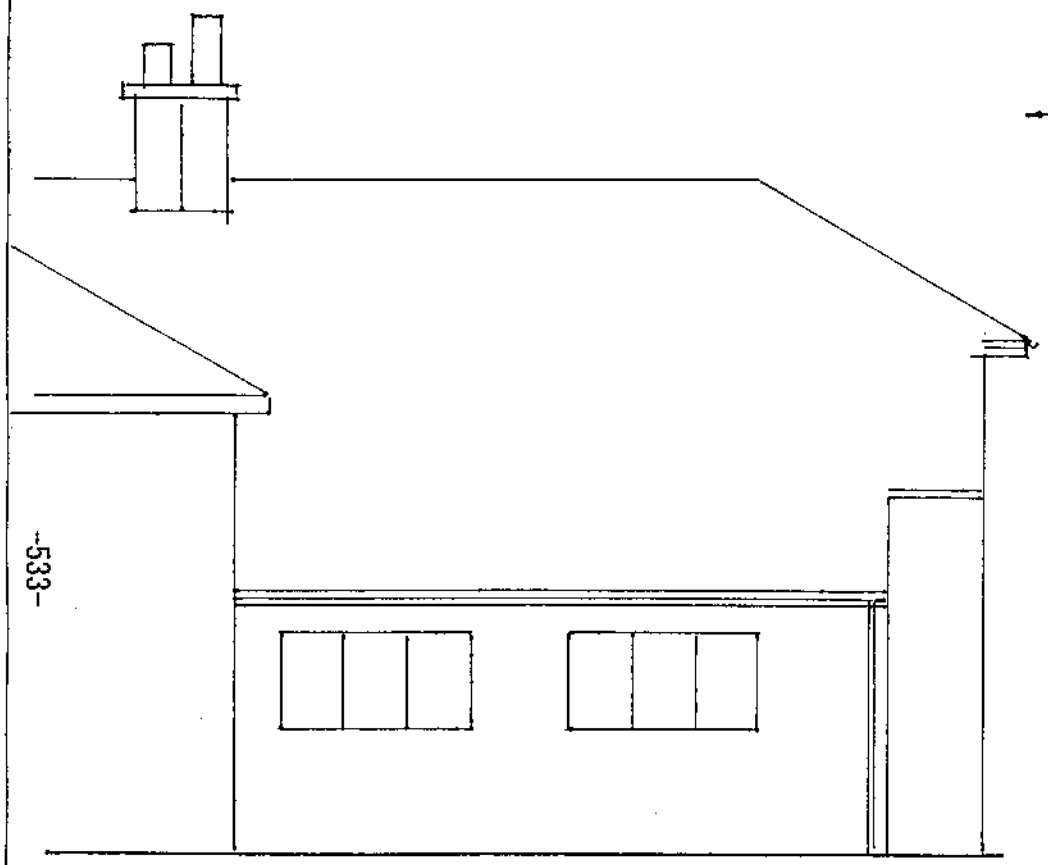
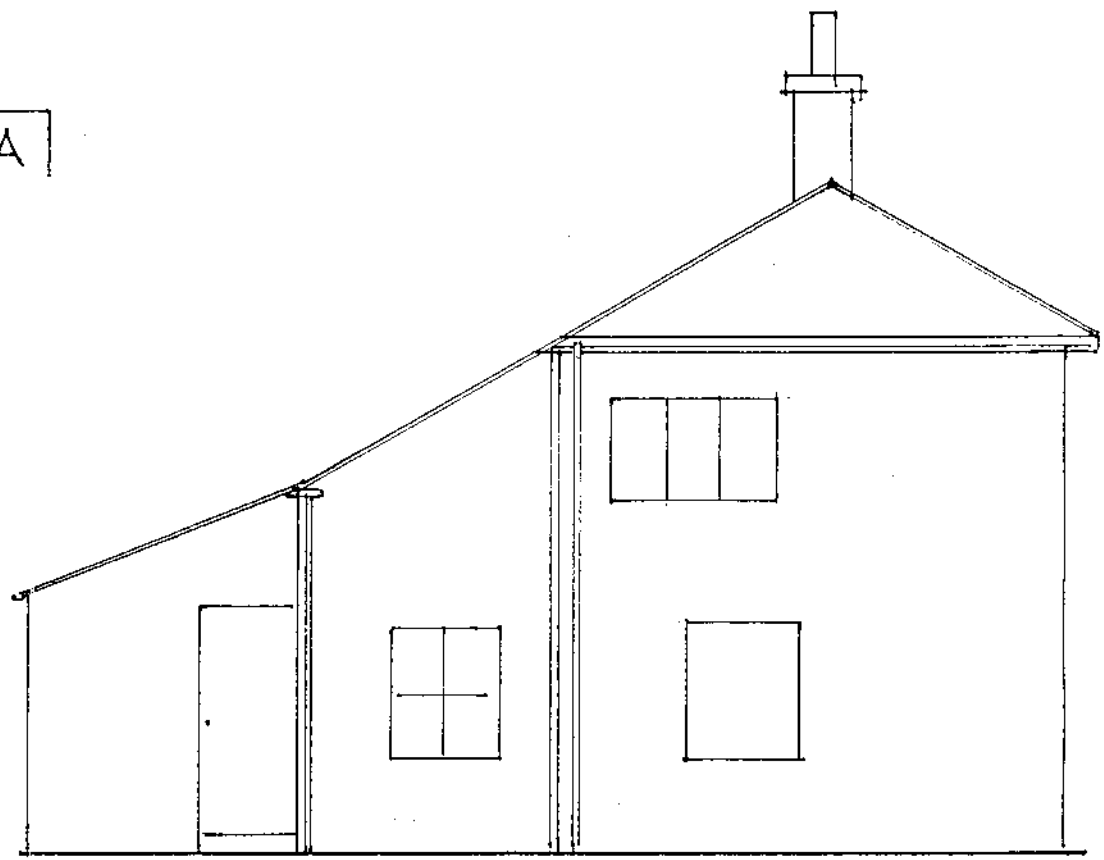
12 NOV 2002
2002/1181

Existing layout at 'Aldersyde' Burgh by Sands
Scale 1:50 October 2002 618/3



REAR ELEVATION



SIDE ELEVATION A

-533-

Existing elevations at 'Aldersyde' Burgh by sands
Scale 1:50 January 2003 618/5

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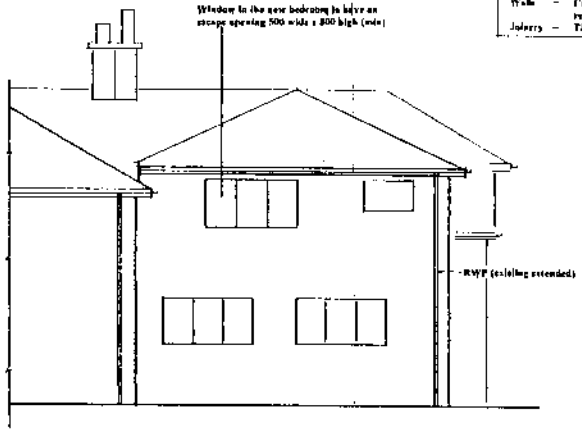
- 9 JAN 2003

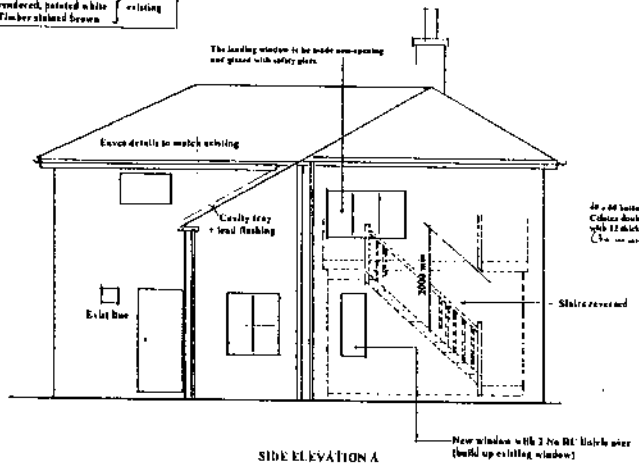
.2a 21.....

All dimensions to be verified on site

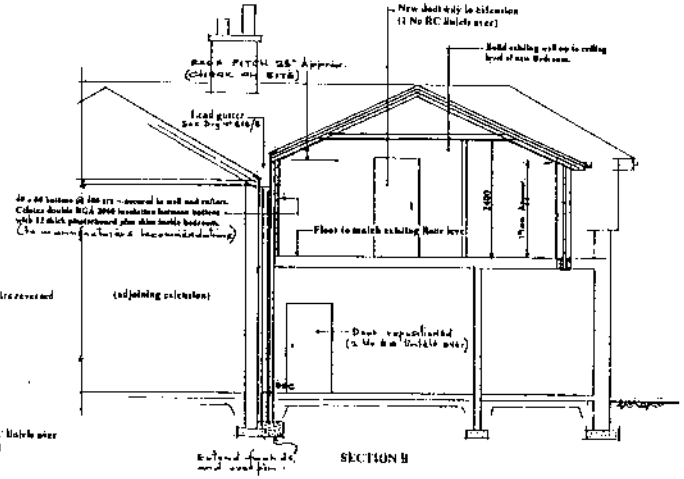
External materials			
Roof	–	Grey slate	to match existing
Walls	–	Concrete block rendered, painted white	
Joinery	–	Timber stained brown	



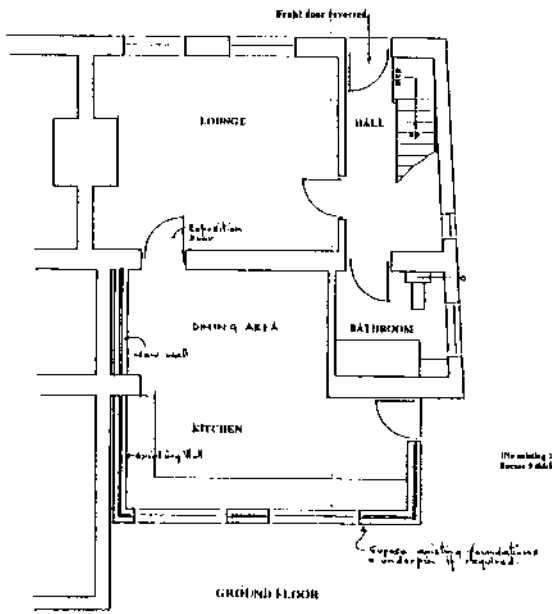
REAR ELEVATION



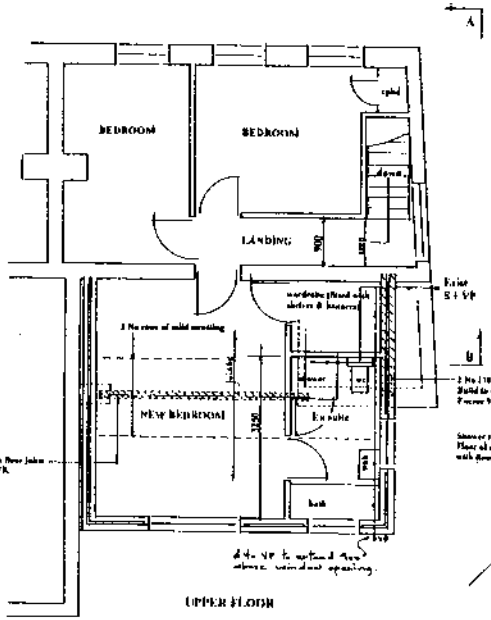
SIDE ELEVATION A



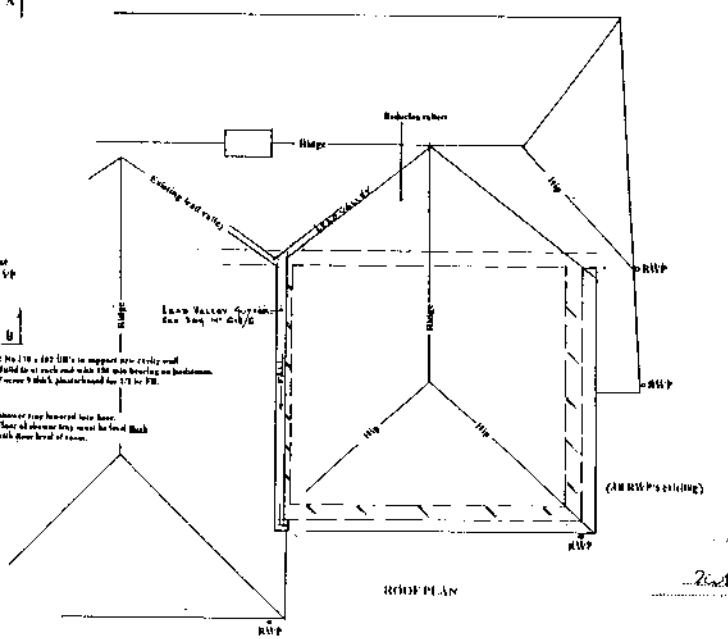
SECTION B



GROUND FLOOR



UPPER FLOOR



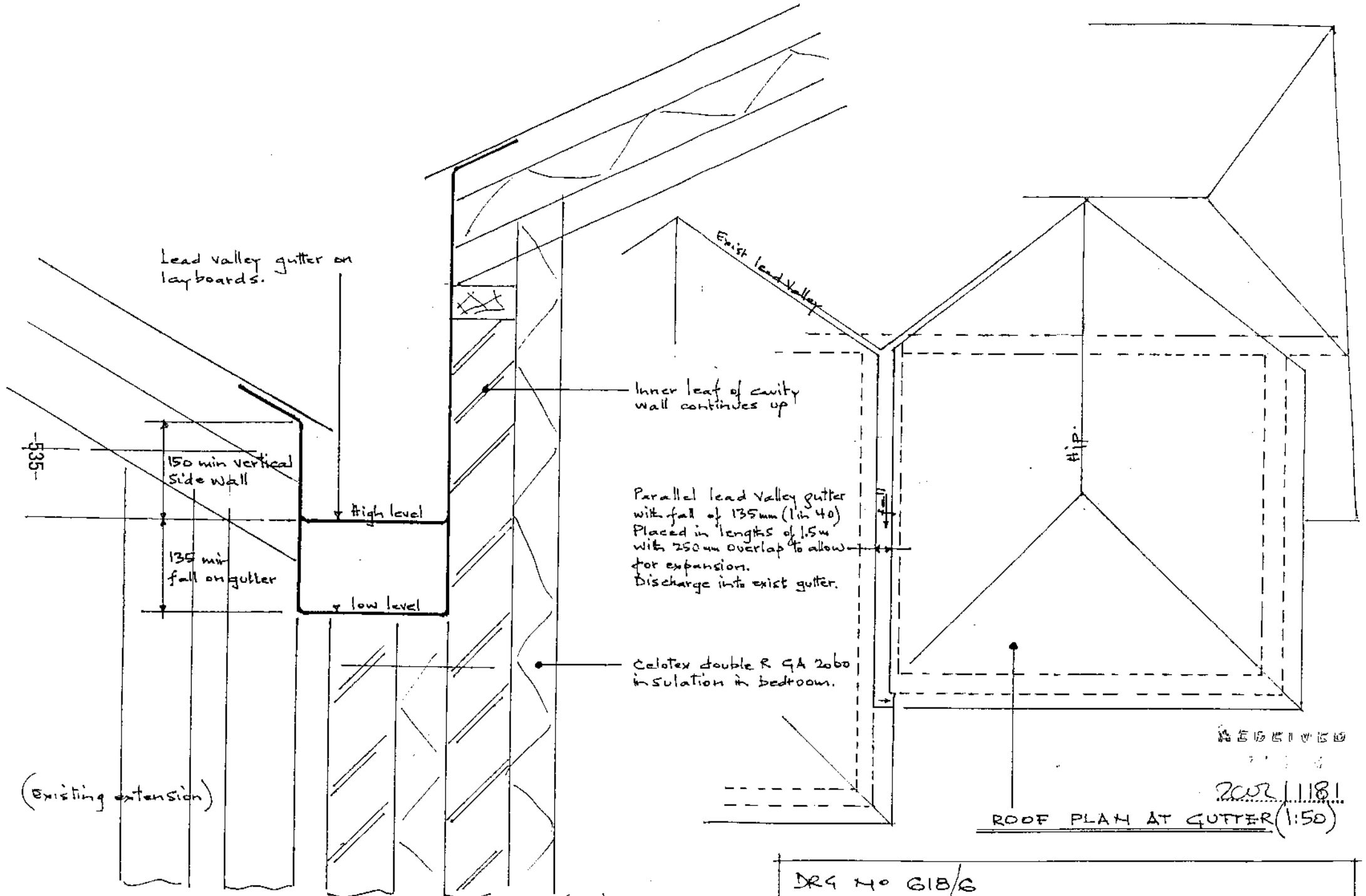
ROOF PLAN

2nd 2/99

COWPER
Tel 521710

See separate Construction Specification

Proposed extension at "Ahlerydr", Burgh by sands
Scale 1:50 Nov 2002 ABH C.


Lead valley gutter on layboards.
Exist lead valley
Inner leaf of cavity wall continues up
150 min vertical side wall
high level
135 min fall on gutter
low level
Parallel lead valley gutter with fall of 135mm (1 in 40) Placed in lengths of 1.5m with 250mm overlap to allow for expansion. Discharge into exist gutter.
Celotex double R GA 2060 insulation in bedroom.
-535-
(existing extension)
Hip
fall
RECEIVED
2021 1181
ROOF PLAN AT GUTTER (1:50)
SECTION THRO LEAD GUTTER (1:5)
DRG NO 618/6
PROPOSED LEAD GUTTER 'ALDERSYDE'
Burgh. by Sands

SCHEDULE A: Applications with Recommendation

02/1194

Item No: 29 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1194	Mr A Hunter	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
14/11/2002	Jock Gordon	Stanwix Urban
Location:		**Grid Reference:**
Braeside, 18A Brampton Road, Carlisle, CA3 9HS		340561 557191

Proposal: Terracing to rear garden (retrospective)

Amendment:

CSH

Report

Planning Policies:

Conservation Area

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

Carlisle District Plan
Environment - Policy E43

The City Council will encourage and permisson 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.

Summary of Consultation Responses:

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

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs J G Watt, 18 Brampton Road	18/11/02			Petition	AMND

02/1194

Ms H Hunter, 20 Brampton Road	18/11/02	Objectio	AMND
Mr & Mrs Yardley, 22 Brampton Road		Objection	AMND
Mr P F Atkinson, 26 Brampton Road		Objection	AMND
Mr & Mrs J G Watt, Park End		Objection	RESP

This application has been advertised by means of site and press notices, and neighbour notification. A number of letters were submitted whilst the existing structures were under construction. These raise not only the issue of the need for permission, but also the visual impact of the structure, both from Rickerby Park and adjoining gardens, and the stability of the structures. Since the application was submitted, five further letters of objection were received, plus a petition signed by 34 people. These letters raise the same issues as set out above, and a further letter reiterates these objections in respect of the amended proposal.

Details of Proposal/Officer Appraisal:

Planning History:

An application for a new detached dwelling between 18 and 20 Brampton Road was first approved in May 1996, under application 96/0212. A revised application was approved in June 2000, which was subsequently implemented. In September this year, a total of five complaints were received regarding structures being constructed in the rear garden. It transpired that although consultation had taken place regarding this proposal, and the view expressed that planning permission was not required, this was not what had been constructed. The applicant was therefore informed that because of their scale, the terraces were an engineering operation which required permission.

Details of Proposal:

This application was deferred at the meeting on 31st January, to enable officers to put forward recommended reasons for refusal of the application, given that members are minded to refuse the application.

This application had previously been deferred at the meeting on 20th December, to enable members to visit the site. It will be recalled that the application relates to a garden area of a new property recently erected in Brampton Road. This detached house is an infill plot next to the first house in the continuous run of properties on the south side of the road. The gardens of properties on this side of the road slope down to Rickerby Park and the floodplain of the River Eden, and the lower portion of the slope is steep at around 25 degrees. The site is within the Stanwix Conservation Area.

The application was submitted following the construction of two substantial sections of terracing in the garden, as explained in the history section of the report. Photographs of these appear in the schedule. As submitted, the application proposed three terraces, each around 2.6m. in height, of similar construction.

The three issues raised by this proposal are the appearances of the terraces, particularly when viewed from Rickerby Park, the effect on the amenity of adjacent residents, and the structural stability of the terraces.

Since the meeting on 20th December, discussions have continued regarding the details of the proposal. It has been ascertained that the two existing terraces are 3.1m. in height, compared with the 2.6m. of those in the originally submitted application. It has also been established that the profile of the terraces is different from that shown, with a front slope 10 degrees steeper at around 80 degrees.

The applicant has confirmed that the construction of the terraces requires this steeper angle to the front face. He has also amended the submitted proposal from three terraces, of 2.6m. in height, to four smaller terraces. The upper and lower terraces are each a maximum of 1.2m. in height and retain a small section of the two existing terraces. The two intervening structures are each a maximum of 2m. in height. The net result therefore would be two small terraces at the top and bottom, each 1.2m. high by 2.7m. in horizontal extent, and two larger terraces in the middle 2m. high by 5m. in horizontal extent.

The relevant issues were identified in the two previous reports, i.e., the appearance of the terraces, particularly from Rickerby Park, the effect on the new amenity of adjacent residents and the structural stability of the terraces.

In relation to the first point, the site is visible from Rickerby Park, which lies at a lower level at the bottom of the bank. Having viewed the site from the park, members were of the view that the terraces had an adverse visual impact on the park and the conservation area.

In relation to the second point, it will be apparent that the terraces raise the garden level above that of the adjoining properties. In the case of the existing terraces, this difference in level is significant at up to 3.1m. Even though the revised proposal reduced the maximum height of the terrace to 2m. , members took the view that they would have an adverse impact on the amenity of neighbouring residents, by way of overlooking and their stark and unattractive appearance.

As far as the final point is concerned, details of the construction of the terraces have been submitted and the Chief Building Control Manager has confirmed that they are acceptable.

Human Rights Act 1998:

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

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

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

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

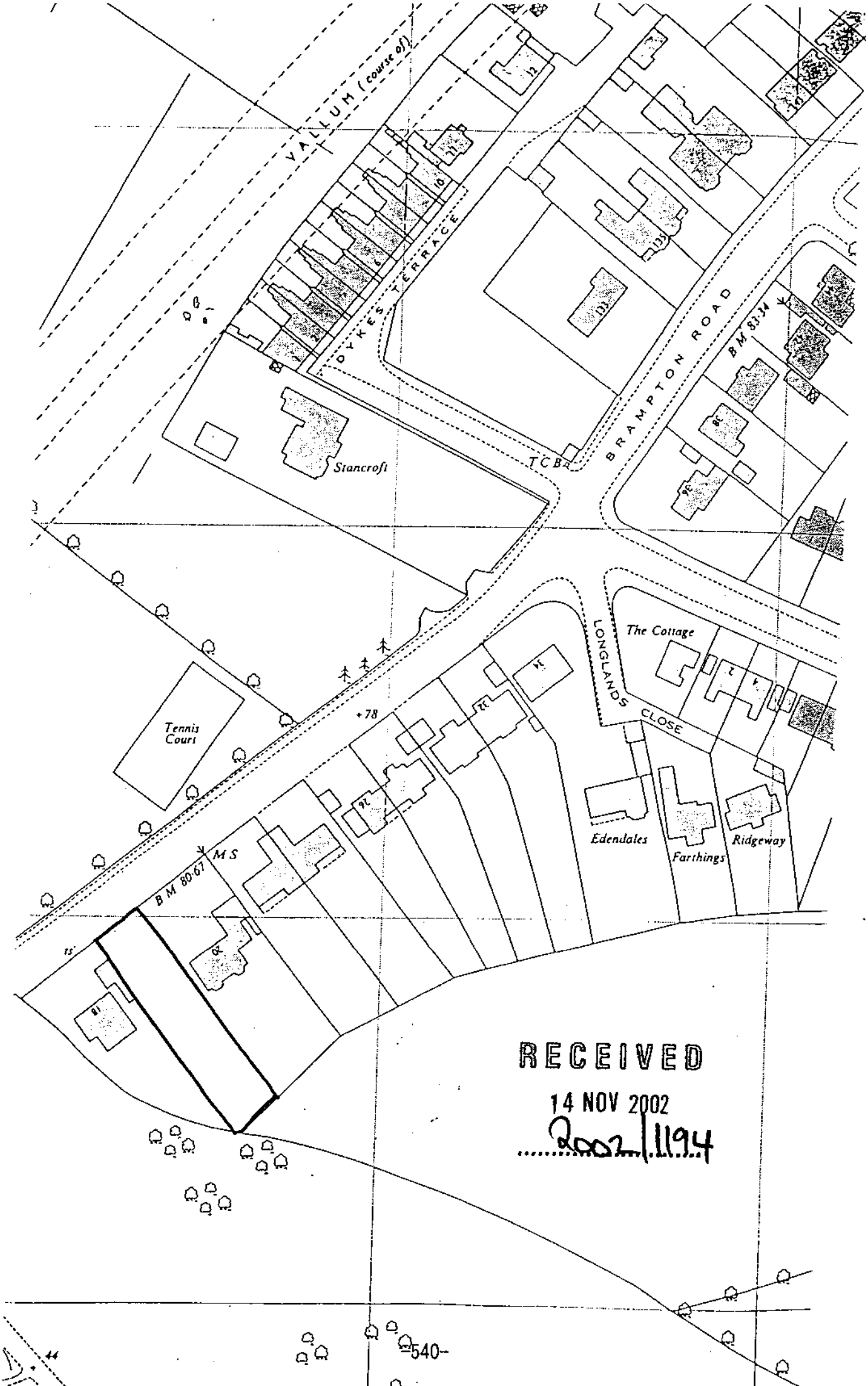
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could have implications under Article 8 the Human Rights Act. Members need to take this into account in reaching a decision.

Recommendation: Refuse Permission ✓

1. **Reason:** The proposed terraces would by reason of the bulk, height and stark appearance be detrimental to the character of the Stanwix Conservation Area, and the amenity of surrounding residents, contrary to policy E43 and criteria 2 and 4 of policy H17 of the Carlisle District Plan.

ENF Action ✓


VALLUM (course of)
DYKES TERRACE
BRAMPTON ROAD
BM 83·34
Stancroft
TCB
LONGLANDS CLOSE
The Cottage
Tennis Court
+78
BM 80·67
MS
Edendales
Farthings
Ridgeway
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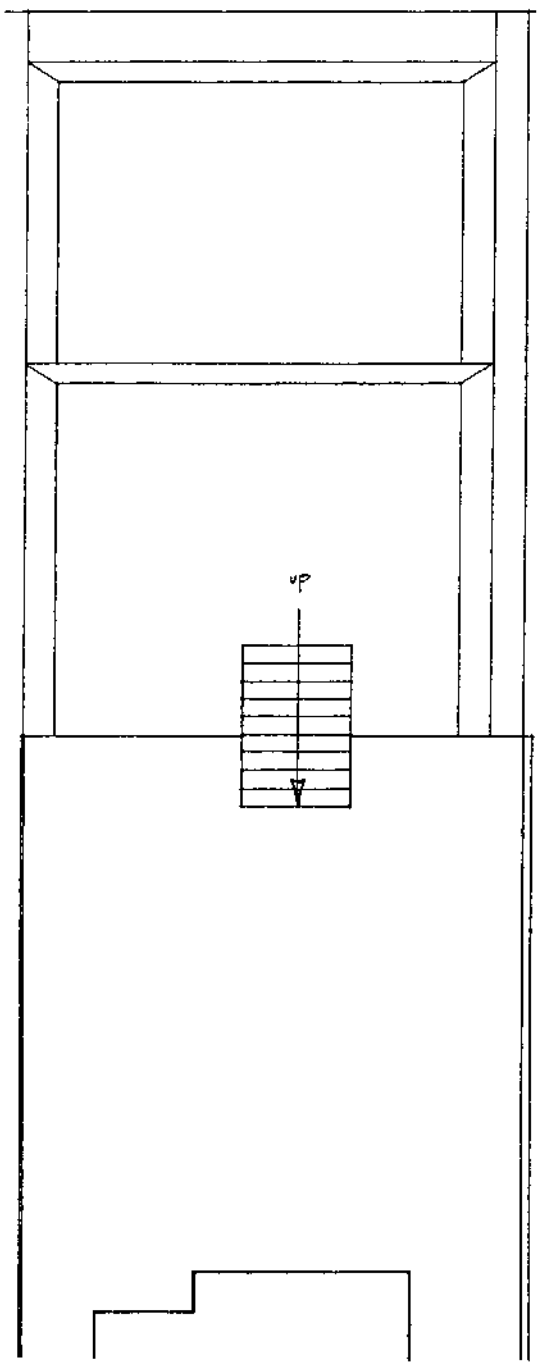
14 NOV 2002
2002/1194
540-



PLAN

SECTION

AS BUILT

PROPOSED TERRACING
BRAESIDE(18A) BRAMPTON ROAD
CARLISLE

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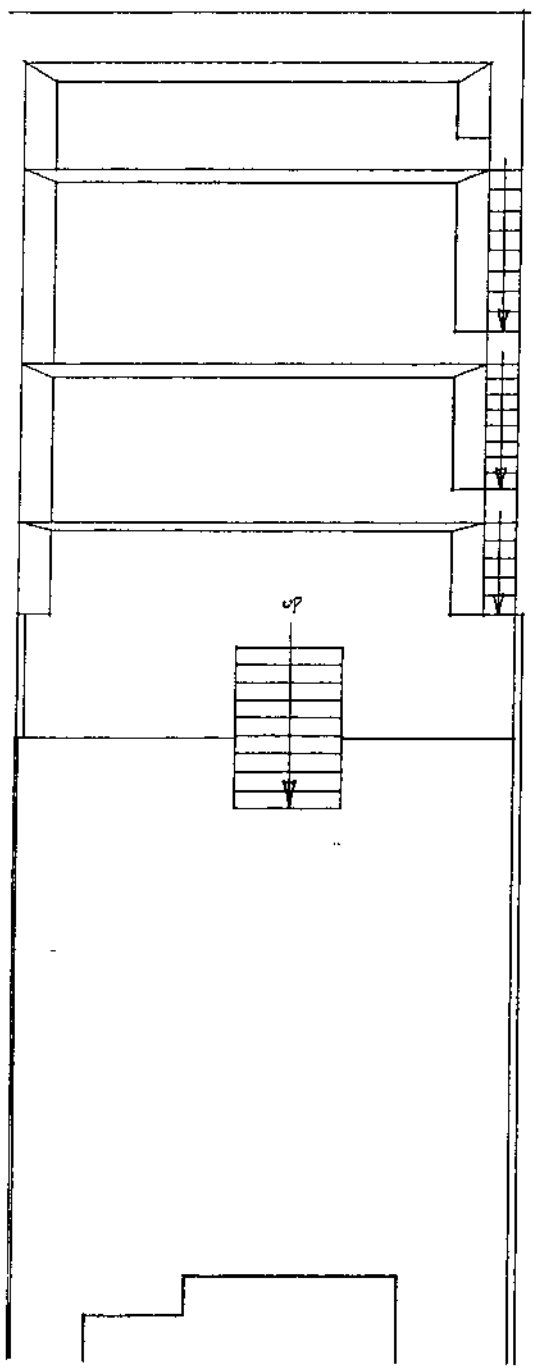
13 JAN 2003

DRG. No. 966/2A
SCALE: 1-100
DATE: DEC. 2002



PLAN

SECTION

PROPOSED ALTERATIONS

PROPOSED TERRACING
BRAESIDE(18A) BRAMPTON ROAD
CARLISLE

RECEIVED
13 JAN 2003
2003/1184

DRG. No. 966/2B
SCALE: 1-100
DATE: JAN. 2003

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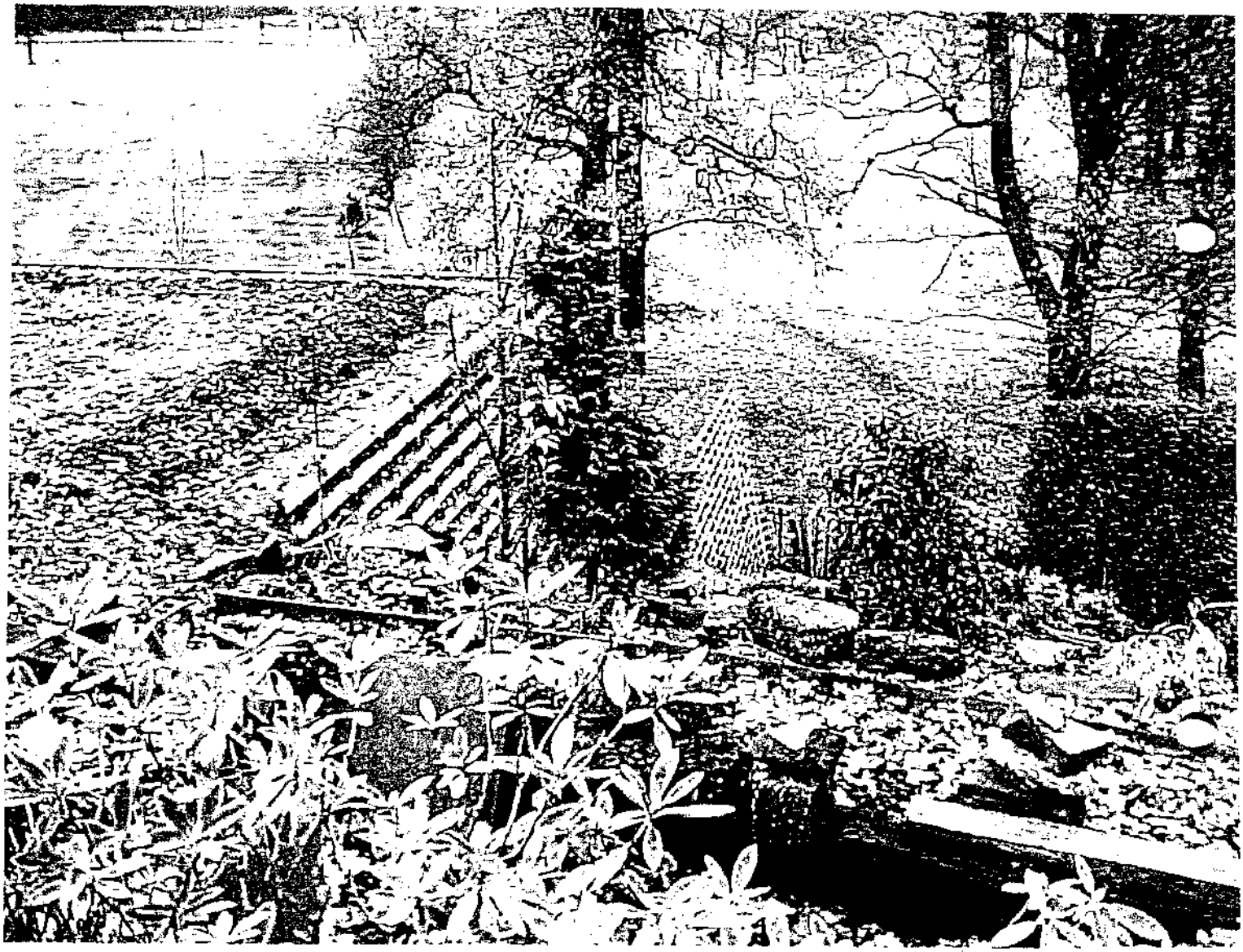

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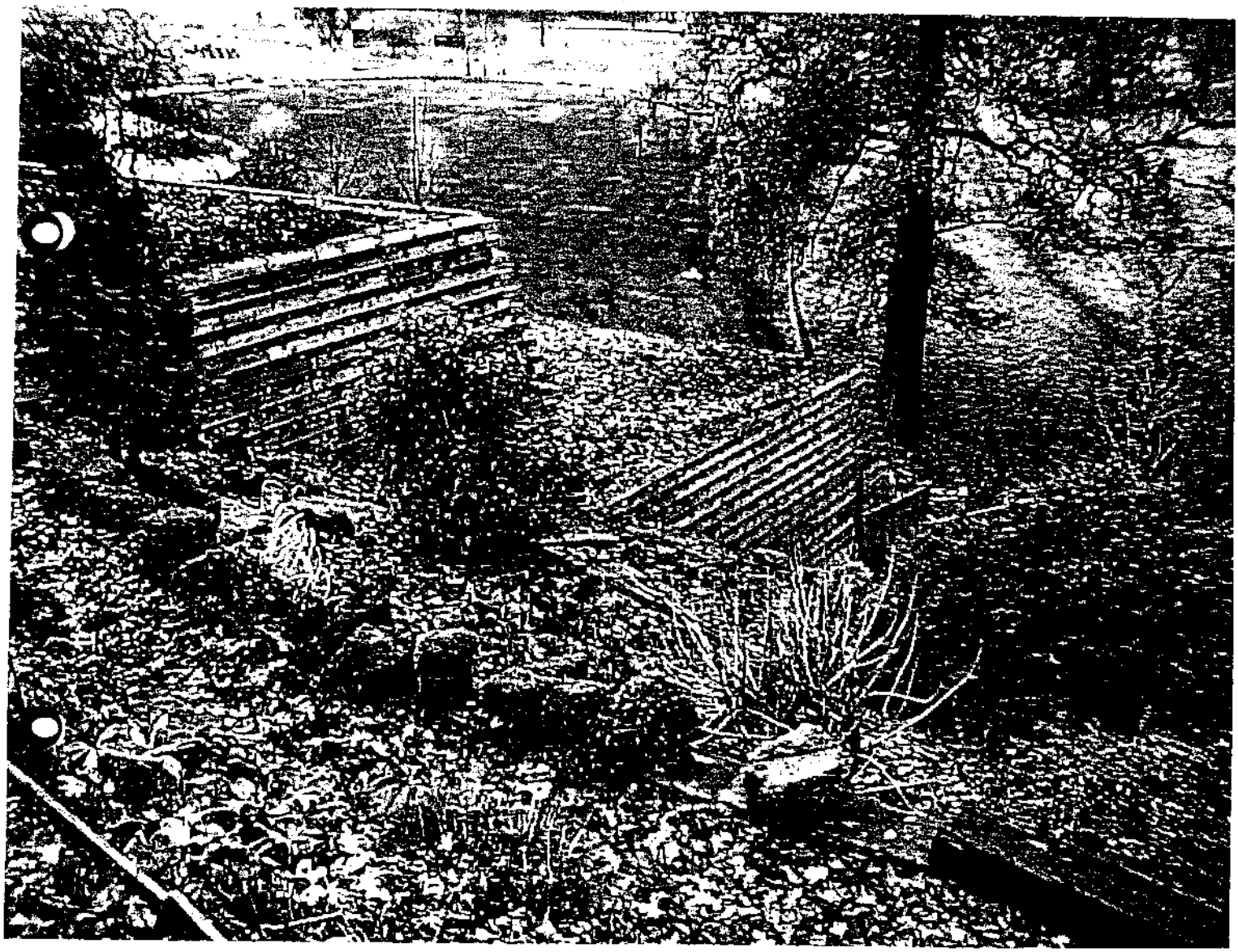

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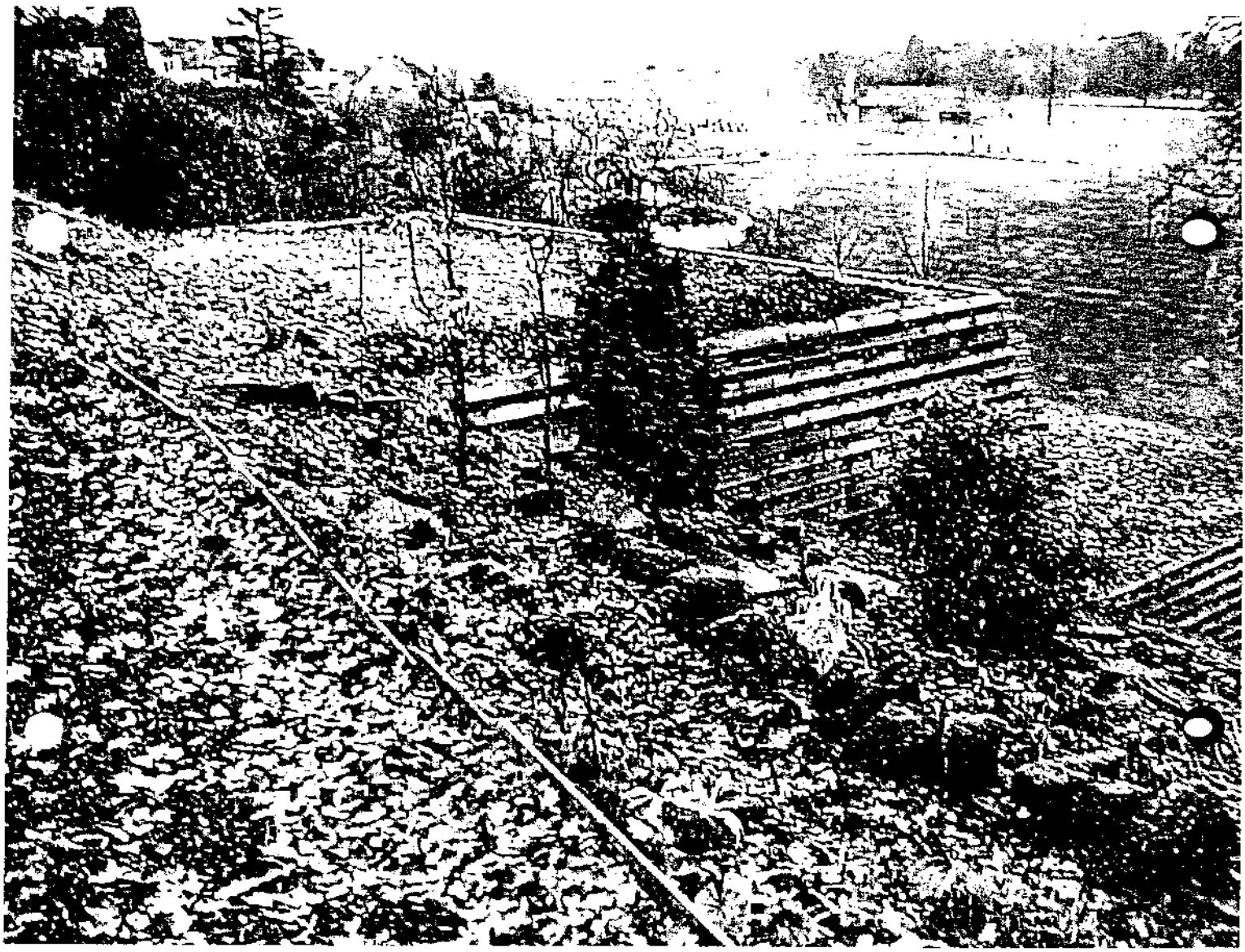


JOCK GORDON
ARCHITECTURAL SERVICES

Tel. 01228 543289
Fax. 01228 543289

47 SCOTLAND ROAD, CARLISLE, CA3 9HS

16 January 2003

John Hamer
Planning Services
Carlisle City Council
Civic Centre
Carlisle

Dear Sir

TERRACING TO REAR GARDEN
18A BRAMPTON ROAD, CARLISLE
APPN. REF. 02/1194

LANDSCAPING SCHEME :

The terracing has a southerly aspect so growth of the plants should be quite quick.

The sides of the terracing facing adjoining properties, east and west, would be planted with a mixture of Hedera Helix - 'Eva', 'Goldheart' and 'Gracilis', which are all evergreen and will cover the cribbage surface without intruding into the adjoining spaces.

The southerly faces of the cribbage would be planted with some of the previously mentioned Hedera Helix varieties plus varieties of Clematis, Schizophragma Viburnoides, Lonicera Japonica 'Halliana' and Jasminum Polyanthum.

The lowest terrace would have one Prunus 'Shogetsu' and two Prunus 'Yae-murasaki' planted in front of it.

I have enclosed a photocopy of how the terracing would look when the planting became established.

Yours sincerely

Jock Gordon (Agent)

Item No: 30 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1301	Mr & Mrs R Mason	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
10/12/2002	Architects Plus	Stanwix Rural
Location:		**Grid Reference:**
L/A, Houghton Hall, Houghton, Carlisle		341000 559945

Proposal: Erection of detached dwelling with integral garage (outline)

Amendment:

AMT

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

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, Gilsland, 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, Lyneholmeford, 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.

Summary of Consultation Responses:

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

Stanwix Rural Parish Council: does not wish to make represention;

Design Services - Drainage Engineer: no comments;

Environment Agency (N Area (+ Waste Disp)): no comments;

Cumbria County Council - (Archaeological Services): do not require any archeological work on this site.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, Two Hands	13/12/02				INIT

Publicity has been given using Site and Press Notices and notification by letter to an adjacent occupier: there have been no representations from persons in the locaility.

However, one letter of objection has been received from the CPRE, through its North

Cumbrian representatives, Friends of the Lake District. FLD considers that the site lies in open countryside some distance away from the village environs and built up part of Houghton. No special need has been justified for the application and FLD recommend refusal on the grounds that the development of the site would be contrary to well established planning policies relating to development in the open countryside.

Details of Proposal/Officer Appraisal:

Planning History:

There has been no previous planning history relating to the site.

Details of Proposal:

Outline Planning Permission is sought to erect a bungalow within what is effectively a walled garden comprising part of the extensive curtilage to Houghton Hall (see location plan).

The proposed site extends to 0.16 hectares in area and is situated to the north of the Grade II Listed Hall and immediately south of the garden area of Two Hands, the adjacent property fronting onto the A689. It is enclosed on its northern, eastern and western sides by high brick walling and is contained and screened on its' southern side by a tall, dense coniferous hedge. In that sense it is wholly inconspicuous and discrete.

The proposal is supported by a sketch layout plan and indicative notation suggesting that the dwelling would be a 3/4 bedroomed bungalow with double garaging and a garden room. It is suggested that it would be finished in painted rendered walls with pained timber windows and would be covered with a natural slate roof with mitred hips. Its' vehicular access would utilise the existing gateway leading through to the walled garden.The proposed dwelling would utilise a biotec sewage treatment system with an engineered mound soakaway.

Members will recognise from the above background that the visual impact of the dwelling is negligible if at all and that its' relationship to Houghton Hall and the neighbouring property (Two Hands) means there is no issue of loss of amenity/privacy.

However, Members will recognise that in policy terms the proposed site lies outside the built up confines of Houghton and is detached from the established ribbon of development running north-eastwards from the A689 from Townhead, past Far Boot and onwards to The Knells. It is therefore not supported by the general provisions of Policy H5 of the Local Plan. Whilst the Reasons/Explanations to that policy

acknowledge that it is sometimes difficult to identify the precise limits of a settlement boundary and there can be a case for limited "infilling" opportunities, the recent adoption of the Interim Housing Policy Statement emphasises the need for the City Council to both arrest the pace of development in the rural area and to focus new development opportunities in more sustainable locations. That approach inevitably means that a more rigorous assessment of sites in the general countryside is required, not just to protect the amenity and landscape character of the countryside for its own sake but to achieve the objectives of the Interim Statement. For those reasons it is considered that the application cannot be supported.

Human Rights Act 1998:

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

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

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

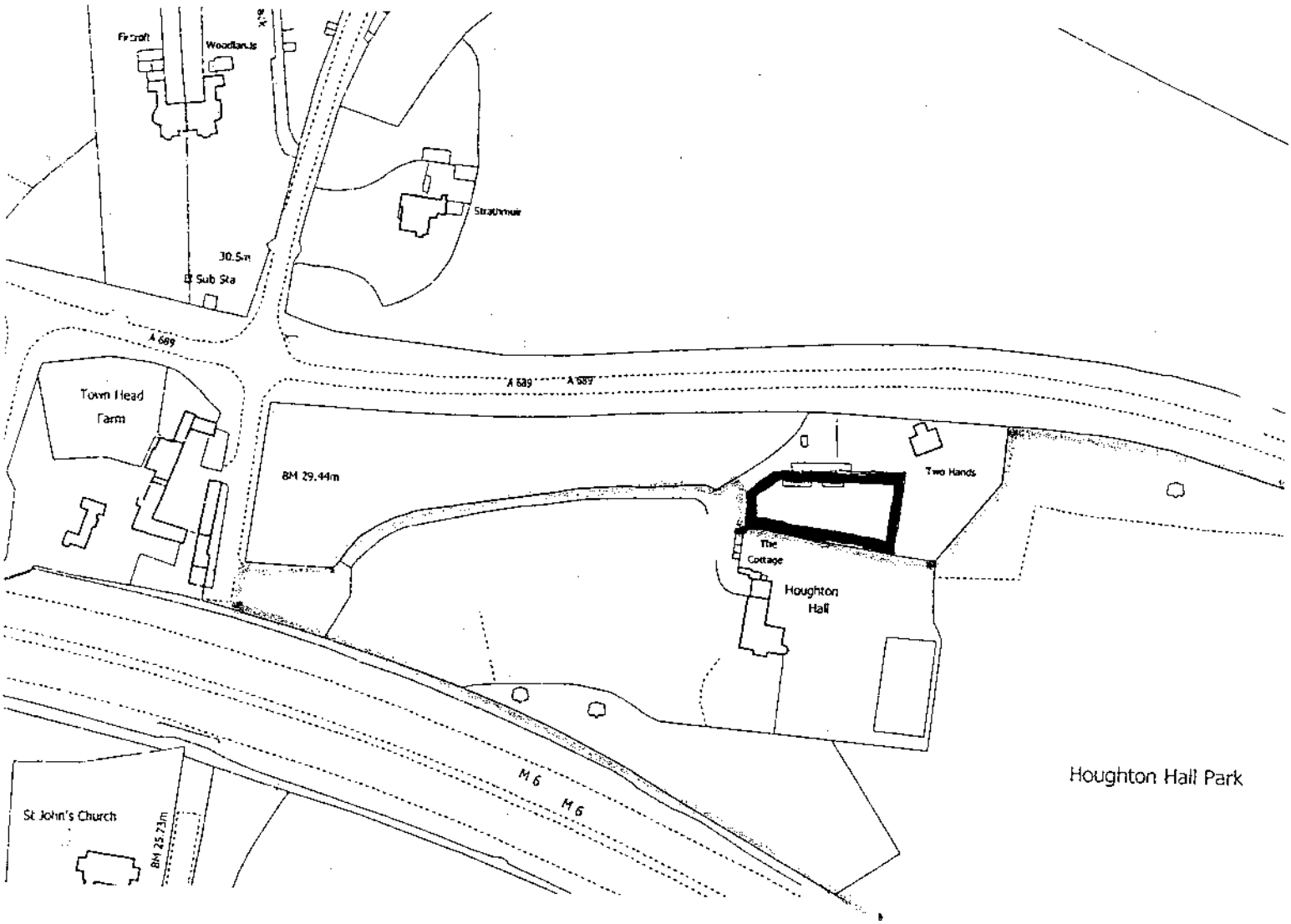
Article 8 recognises the "Right To Respect for Private and Family Life";

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

It is not considered that these proposals conflict with the Act.

Recommendation: Refuse Permission

1. **Reason:** The proposed site lies in a location outside the established and defined limits of any settlement or focus of significant residential development and, if permitted, would detract from planning policies aimed at concentrating new residential development within those settlements that fulfil a rural service role. Approval of the proposed develpopment would thus conflict with the provisions of Policy H5 of the Carlisle District Local Plan and the associated Interim Housing Policy Statement (2002).



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10 DEC 2002
2002/1301.

LOCATION PLAN

ARCHITECTS

P L U S

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle (0228) 515144 Annan (04612) 5463 Fax Number (0228) 515033

Scale	Date	Drawn	Number
1:2500			02080-01

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View B

Indicative plan of 3/4 bedroomed single storey dwelling with double garage and garden room attached. Suggested external materials, natural slate roof with mitered hips, painted scrapped render walls, stone cills, mullions, lintels and quoins. Painted timber windows.

Access through existing gateway to walled garden.

Two Hands

Existing garden walls retained

Parking & turning

View B

Enclosed garden area

Access drive to proposed new dwelling

Retain existing belt of conifers to provide screening from Houghton Hall.

Houghton Hall

Maintain separate access drive to Houghton Hall.

View A

View A

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10 DEC 2002
2002/1301

Revision Date Description Revised by Checked by

ARCHITECTS

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515033
e mail ap@architectsplus.co.uk

Project
Land Adjacent to Houghton Hall, Houghton.

Drawing
As Proposed.

Scale	Date	Drawn	Comp No.	Checked	Number
1:500	08/02	DL			02080-02

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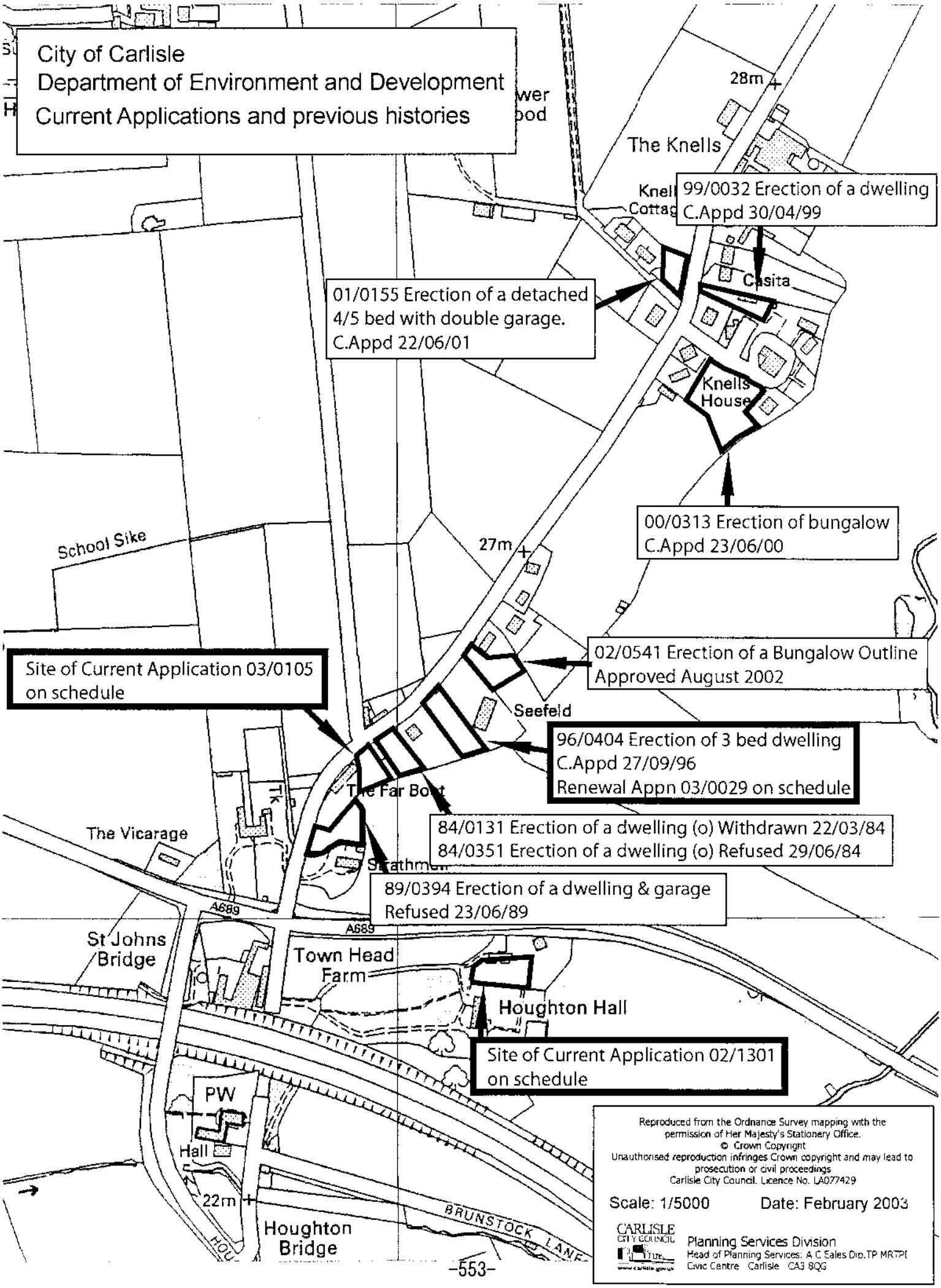
City of Carlisle
Department of Environment and Development
Current Applications and previous histories
28m
The Knells
99/0032 Erection of a dwelling
C.Appd 30/04/99
Casita
01/0155 Erection of a detached
4/5 bed with double garage.
C.Appd 22/06/01
Knells
House
00/0313 Erection of bungalow
C.Appd 23/06/00
School Sike
27m
02/0541 Erection of a Bungalow Outline
Approved August 2002
Site of Current Application 03/0105
on schedule
Seefeld
96/0404 Erection of 3 bed dwelling
C.Appd 27/09/96
Renewal Appn 03/0029 on schedule
The Far Boat
84/0131 Erection of a dwelling (o) Withdrawn 22/03/84
84/0351 Erection of a dwelling (o) Refused 29/06/84
The Vicarage
89/0394 Erection of a dwelling & garage
Refused 23/06/89
A689
A689
St Johns
Bridge
Town Head
Farm
Houghton Hall
Site of Current Application 02/1301
on schedule
PW
Hall
22m
Houghton
Bridge
BRUNSTOCK LANE
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prosecution or civil proceedings
Carlisle City Council. Licence No. LA077429
Scale: 1/5000
Date: February 2003
CARLISLE CITY COUNCIL
Planning Services Division
Head of Planning Services: A C Sales Dip.TP MRTPI
Civic Centre Carlisle CA3 8QG

Item No: 31 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0029	SWA Hodgson	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
16/01/2003	Concept Support	Stanwix Rural
Location:		**Grid Reference:**
L/A Seefeld, Houghton, Carlisle		341065 560255

Proposal: Erection of dormer bungalow

Amendment:

AMT

Report

Planning Policies:

Carlisle District Plan
Housing - Proposal H5

Within the following settlements, large scale residential development will not ber 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, Gilsland, 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, Lyneholmeford, 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): the details are satisfactory;

Environmental Services: no comments on this application.

Stanwix Rural Parish Council: No objections as permission has been granted for this site in the past. It is understood that the resident of Seefeld is in very poor health and needs accommodation at one level;

Design Services - Drainage Engineer: no comments on this application;

Environment Agency (N Area (+ Waste Disp)): No objections but a planning condition is advised.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, Parkside	17/01/03				INIT
Mr Little, Stonegarth	17/01/03				INIT

A Site Notice has been displayed and adjacent occupiers notified of the application by letter: no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

In 1964 planning approval was granted for the erection of a large modern detached house with attached garages/car-port set within a substantial plot. That dwelling was duly built and iss known as "Seefeld".

In 1996 detailed planning permission was granted for the erection of a 3 bedroomed bungalow on a part of the garden of Seefeld. That application has not been

implemented and effectively expired in September 2001.

Details of Proposal:

The current submission relates to the same site for which planning consent was granted in 1996.

It seeks a further Full Planning Permission for the erection of a 2/3 bed dwelling containing the bulk of its accommodation at ground floor level but with its second (guest) bedroom and study/possible 3rd bedroom within its roofspace.

The design/detailing are unaltered with the property being proposed to be built of hand made bricks/cement rendered walls with some timber cladding to gables under a slate or slate substitute pitched roof. Those proposed finishes complement the existing property (Seefeld).

Similarly, the application also provides for the previously approved foul drainage principles comprising a biodisk treatment plant discharging its treated effluent through a system of trenches. Members should nonetheless note that as with the earlier consent a planning condition is recommended requiring further detailed information concerning that form of treatment plant and related disposal arrangements.

In considering this application, Members will need to have regard to the provisions of the Interim Policy Statement on Housing that the Committee accepted in late 2002 as a basis for guiding rural housing proposals. In summary, the approach that it advocates is to more strictly control both the **pace** of housing development (to bring it more into line with the expected 70/30 percentage split between the urban and rural areas that the District Plan seeks to achieve) and to secure a **more sustainable locational pattern** of development by essentially focussing on those rural settlements that perform a rural service role.

However, there are some further considerations to be borne in mind in applying those principles to the current application. First, the Committee has quite recently (August 2002) given permission for a new dwelling on land at "Parkside" (application 02/0541) which is the immediately adjacent property to the north-east, contrary to the Officer recommendation. Secondly, a refusal of an application for a dwelling at a property known as "The Far Boot" was dismissed at Appeal in November 2002 but the Inspector, aware of the approval at Parkside, confined his objections to only access issues and that site is being pursued through a further application. It appears in Schedule B (App No. 03/0105).

Given the above background it is not considered that a refusal of permission in line with the guidance in the Interim Policy Statement could be sustained.

Human Rights Act 1998

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

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

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

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

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

No obvious conflict with the above provisions is discernible with this application.

Recommendation: 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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

   Reason: To ensure that materials to be used are acceptable.

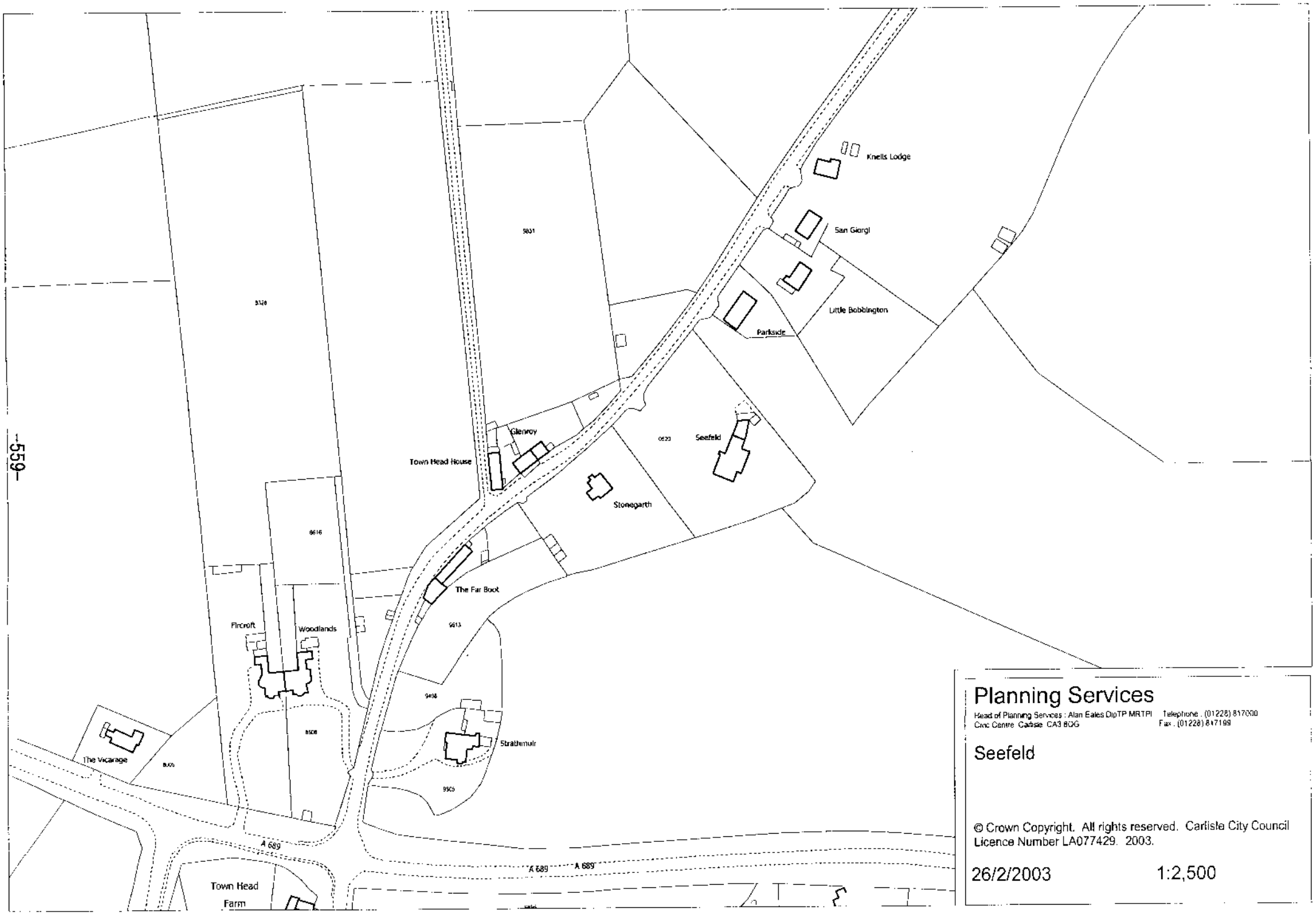
3. Before the development is commenced there shall be submitted to, and approved in writing by the Local Planning Authority, a detailed scheme for the treatment and disposal of foul drainage for the dwelling hereby approved and the said drainage scheme shall be based upon the installation of the Entec Biodisc and related sub-surface irrigation system shown on drawing no. MH01 which forms part of the approved documents. The proposed dwelling shall, thereafter, not be occupied until such times as the drainage scheme has been installed and is fully operational.

   Reason: to ensure that adequate drainage facilities are available.

4. The development shall be landscaped in accordance with a detailed scheme which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the heights and profiles of any proposed earth modelling. The scheme shall be implemented

during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

Reason: to ensure that a satisfactory landscaping scheme is prepared, implemented and maintained.



Planning Services

Head of Planning Services : Alan Eales DipTP MRTPI Telephone . (01228) 817000
Civic Centre Carlisle CA3 8QG Fax . (01228) 817199

Seefeld

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26/2/2003 1:2,500

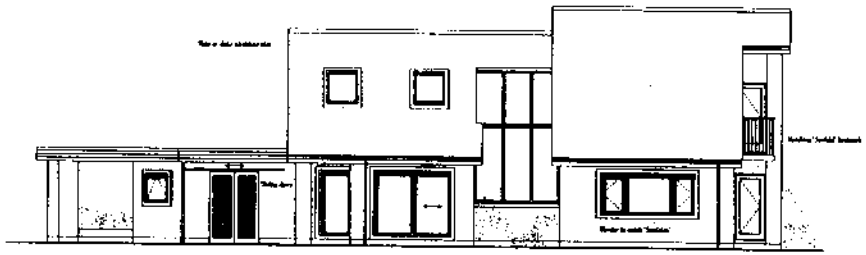
CITY OF CARLISLE

TOWN & COUNTRY PLANNING ACT, 1990
AND ASSOCIATED ORDERS AND REGULATIONS
THEREUNDER

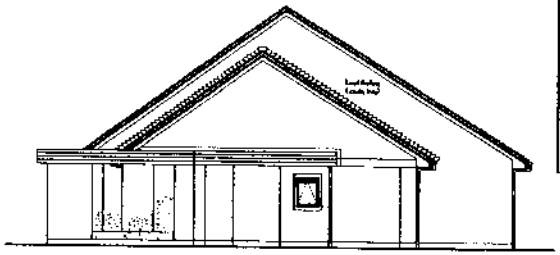
This application has been Approved/~~Refused~~ under the above Act and Regulations in accordance with the terms of the official Notice of Approval/~~Refusal~~ under

Application Reference No: 96/0464

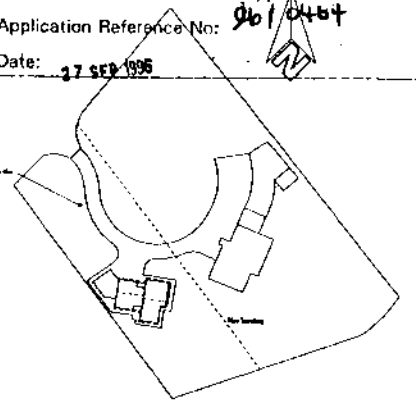
Date: 17 SEP 1996



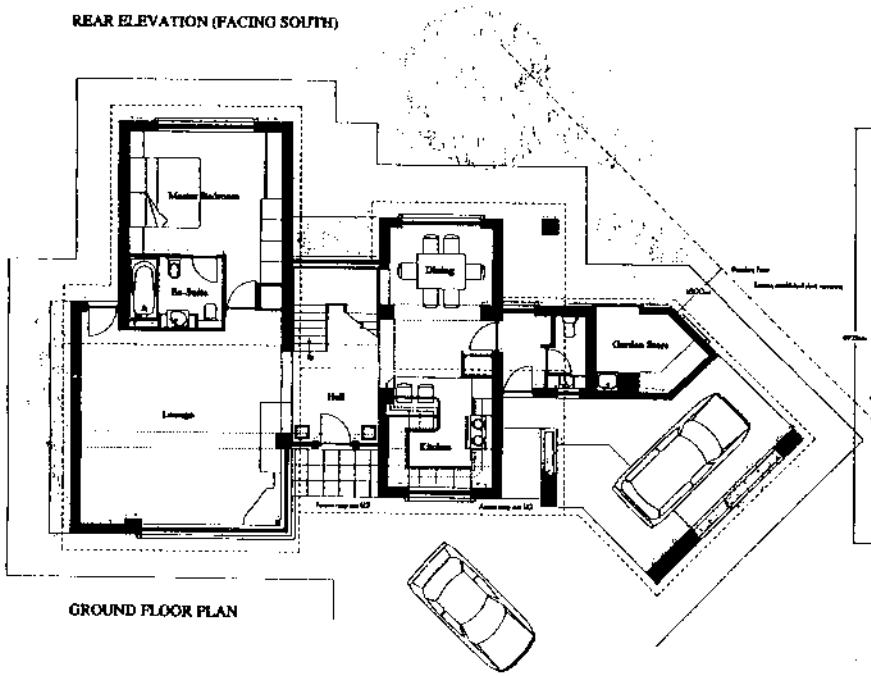
REAR ELEVATION (FACING SOUTH)



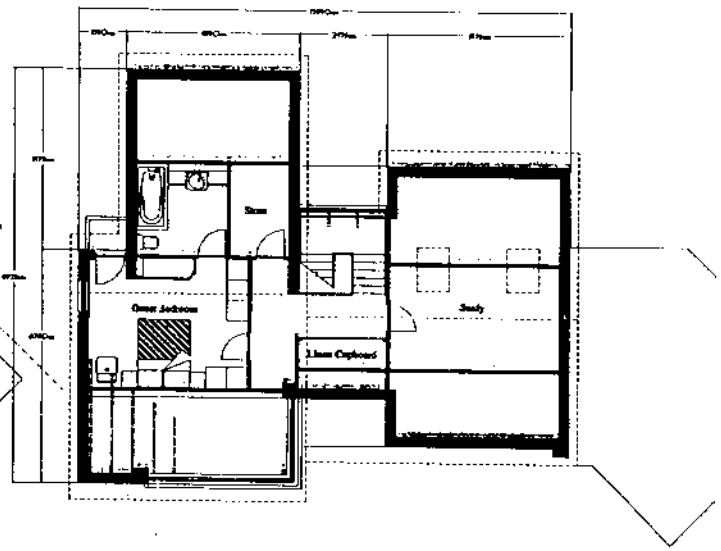
SIDE ELEVATION (FACING WEST)



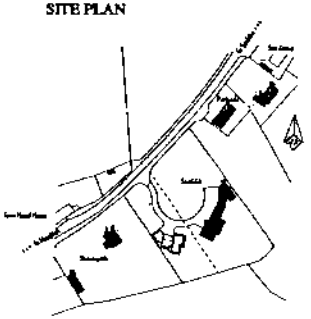
SITE PLAN



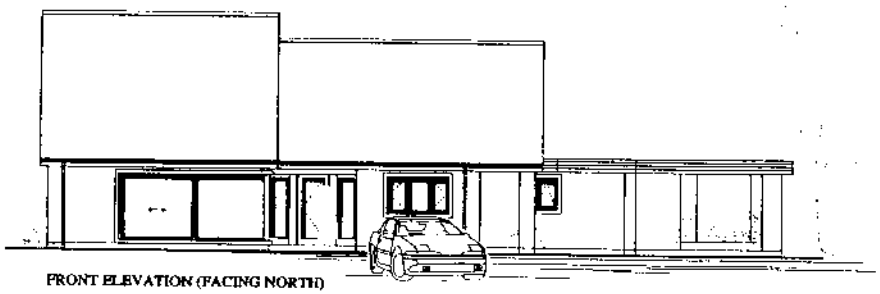
GROUND FLOOR PLAN



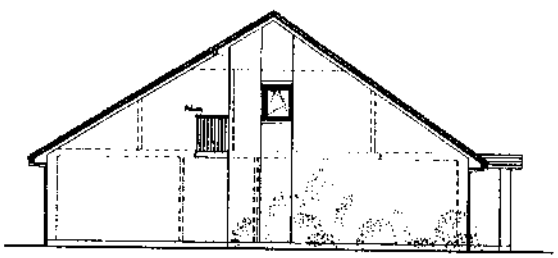
FIRST FLOOR PLAN



LOCATION PLAN (Scale 1:2500)



FRONT ELEVATION (FACING NORTH)



SIDE ELEVATION (FACING EAST)

Concept Support
Architectural Plans and Design
CAD / PC Bureau Service
Border Court, Moorville, Carlisle. UK. CA3 0AE.
Telephone / Fax 01228 515297
E-Mail 100304.3641@compuserve

Proposed Dwelling
Seefeld, Houghton, Carlisle.

Scale 1:100 Date 18/07/96 File: Seefeld3 Drawing 1 of 1

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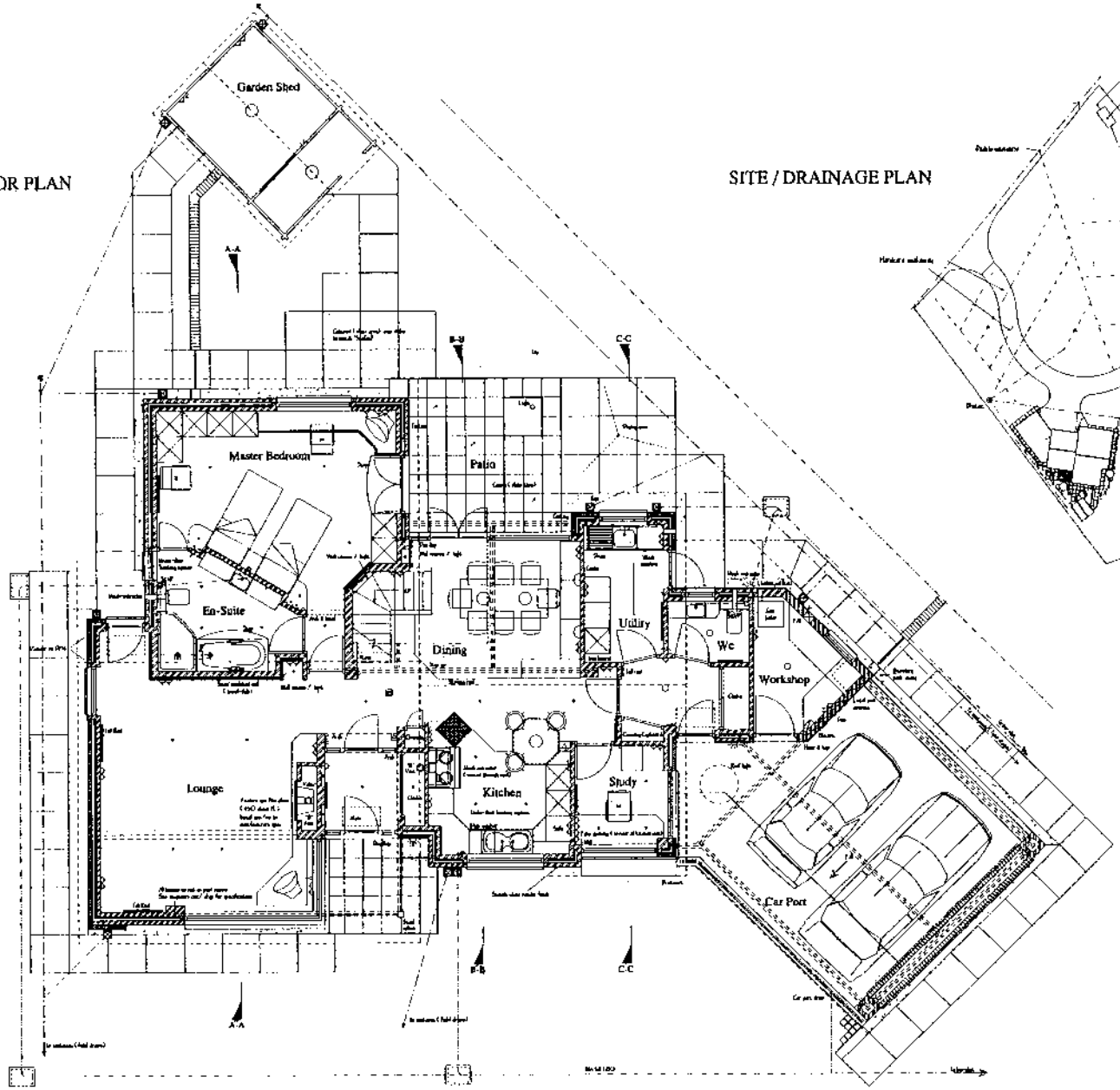
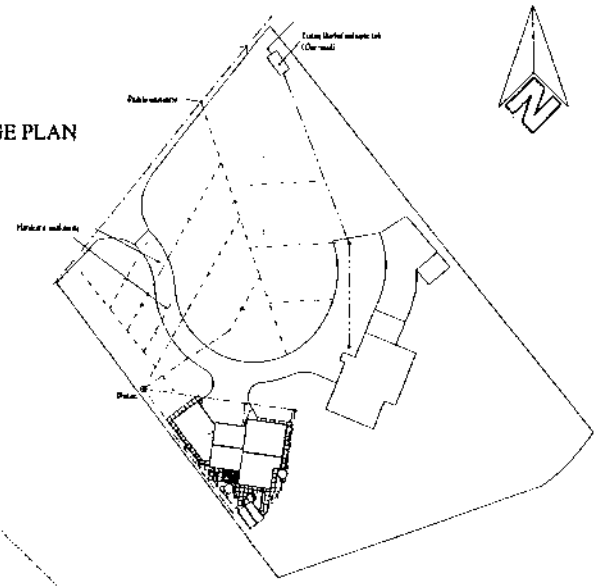
22 JUL 1996
Planning

GROUND FLOOR PLAN



SITE / DRAINAGE PLAN



Concept Support
Architectural Drafting & Design
CAD / PC Bureau
Burnrigg Cottage, Wetheral, Carlisle, CA4 8HE, UK
Tel / Fax: (01228) 561597 or (mobile) 07930 413418 e-mail: concept@compuserve.com

Proposed New House
Seefield, Houghton, Carlisle.

CLIENT Mr & Mrs Peter Hodgson
PROJECT Proposed New House at Seefield
DRAWING Ground floor Plan

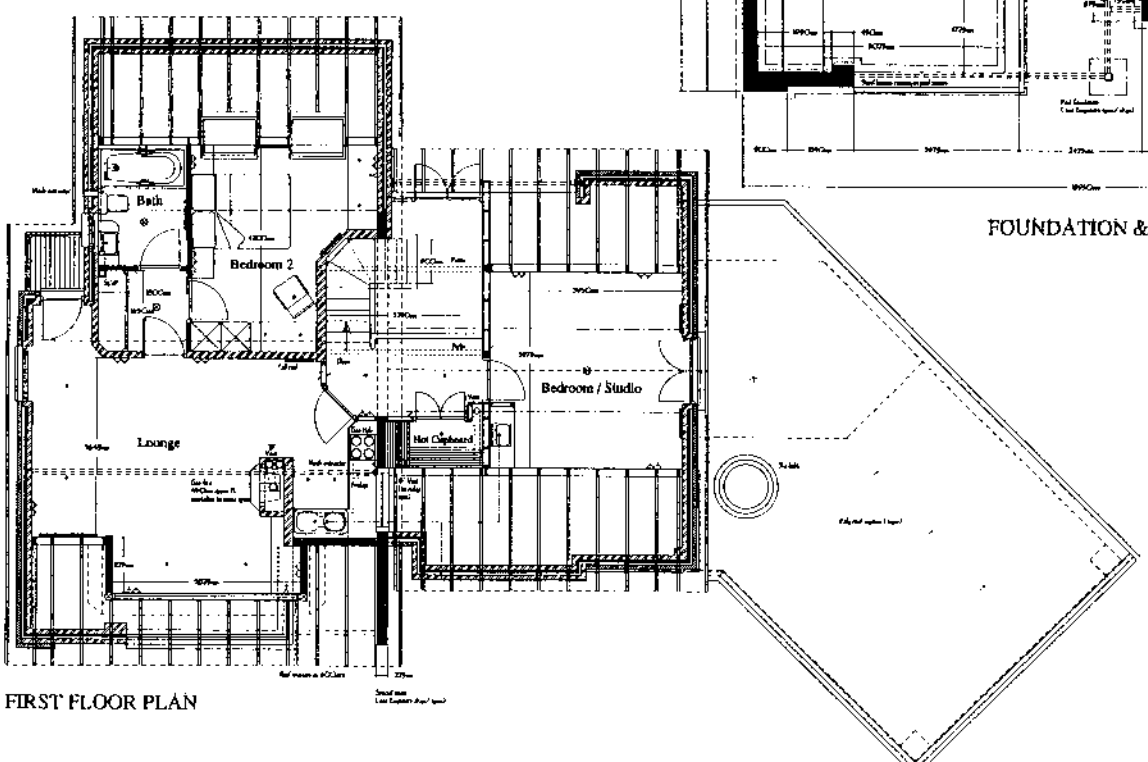
Dwg No. 1/03/01 Scale 1:50 Date 30/10/01 Rev. Mark 04/01

REVISIONS
Rev. A Amendments to site plan 07/11/01
Rev. B Amendments to site plan 16/12/01

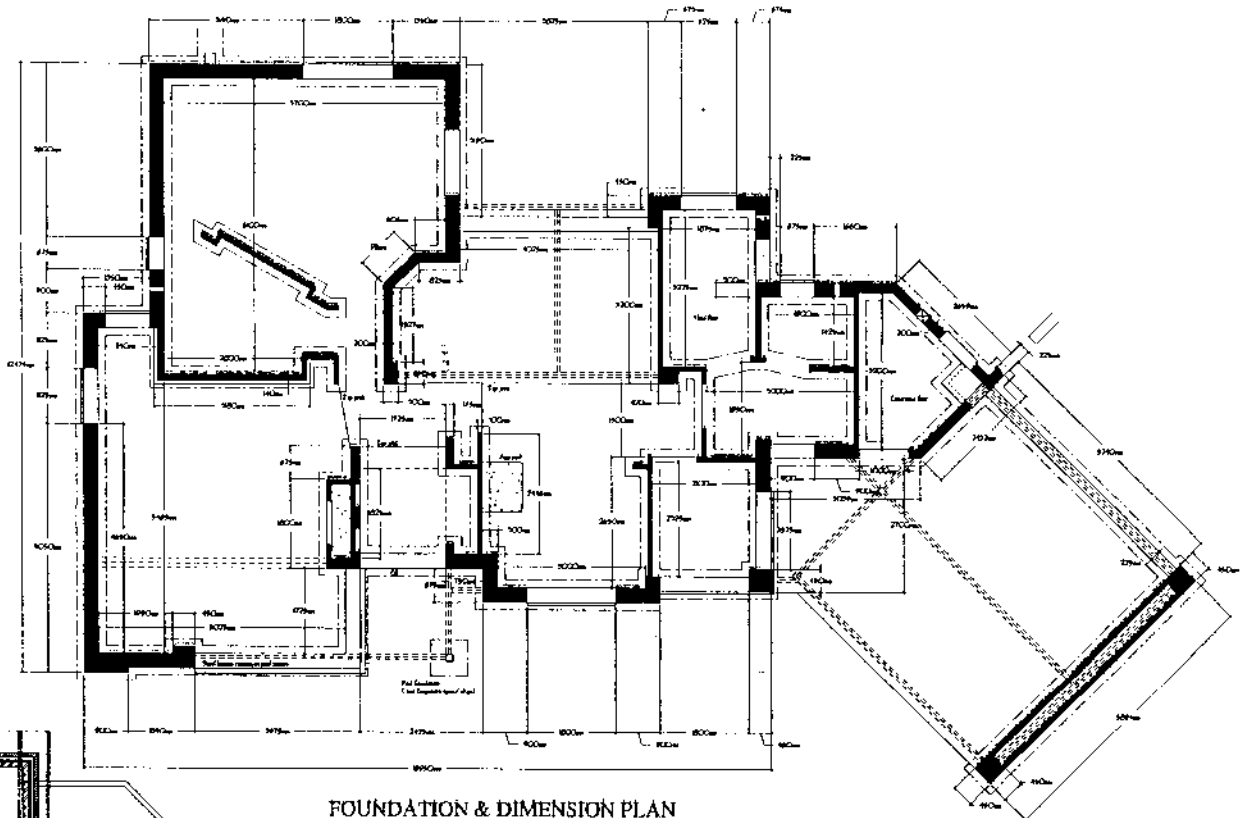
RECEIVED
Dec 04

DIAGRAMMATIC KEY TO BE SCALED FROM
ALL DIMENSIONS TO BE CONFIRMED ON SITE

SPECIFICATION NOTES



FIRST FLOOR PLAN



FOUNDATION & DIMENSION PLAN

Concept Support

Architectural Drafting & Design
CAD / PC Bureau

Proposed New House
Seeield, Houghton, Carlisle.

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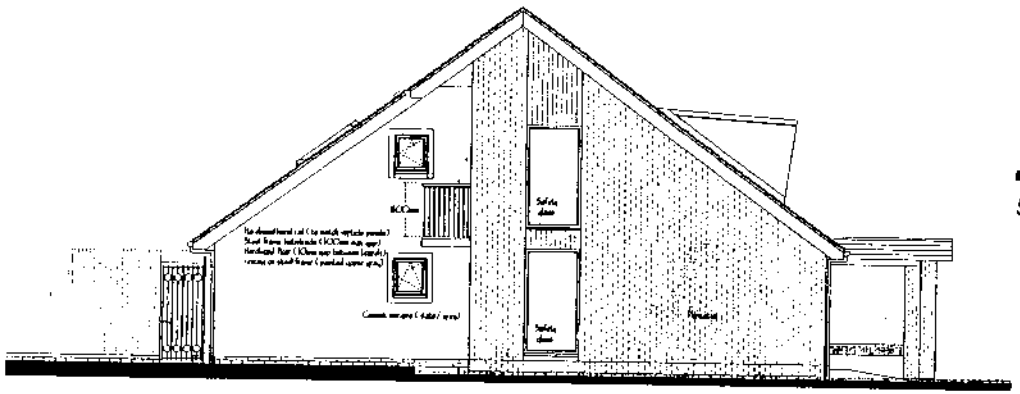
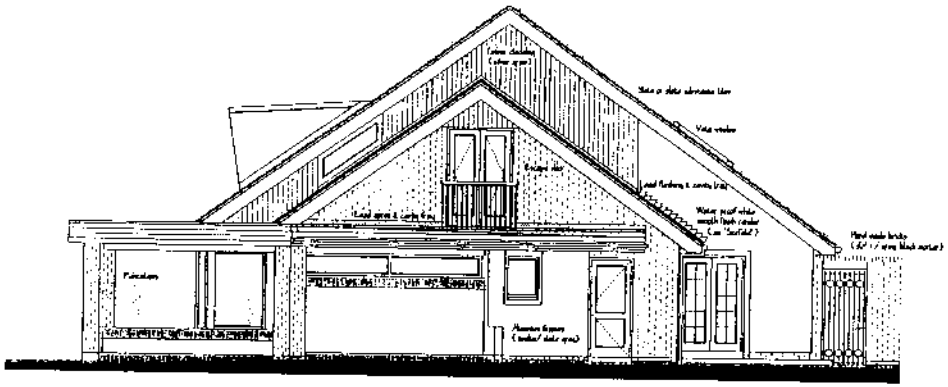
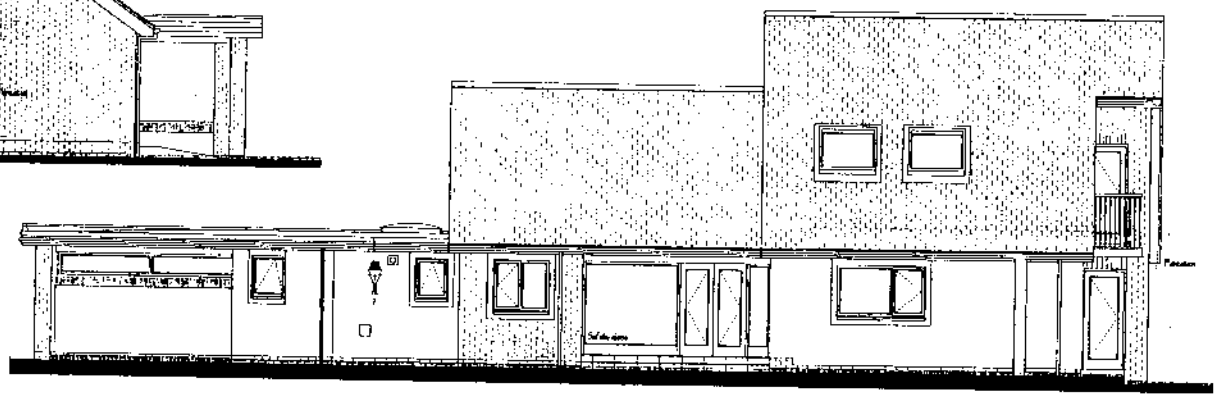


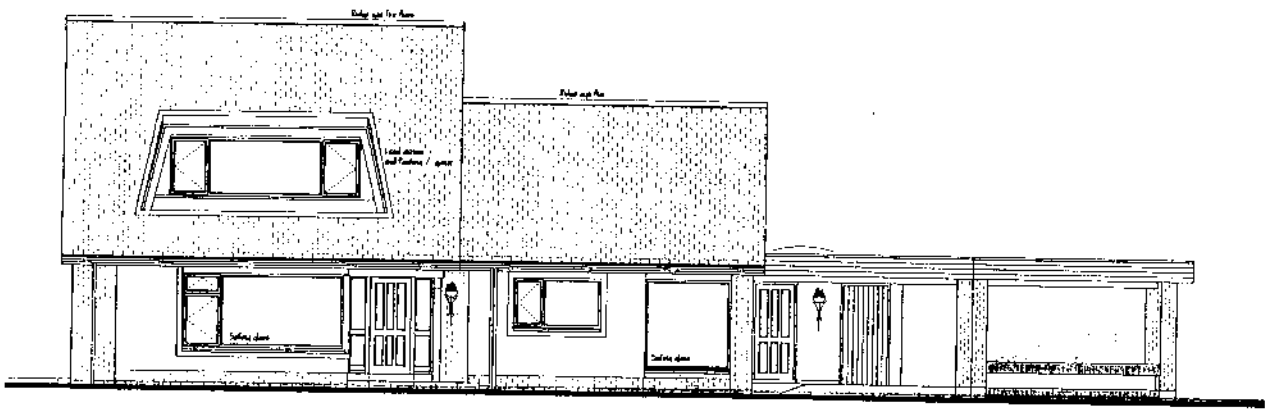
SIDE ELEVATION (EAST)



SIDE ELEVATION (WEST)



FRONT ELEVATION (SOUTH)



FRONT ELEVATION (NORTH)

Concept Support
Architectural Drafting & Design
CAD / PC Bureau

Proposed New House
Seafield, Houghton, Carlisle

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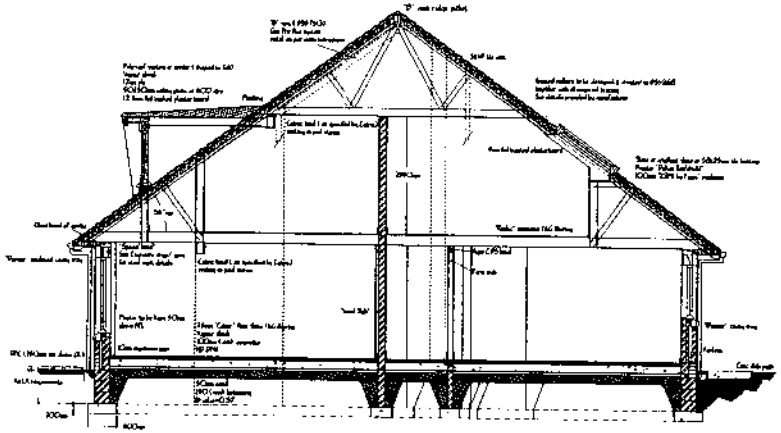
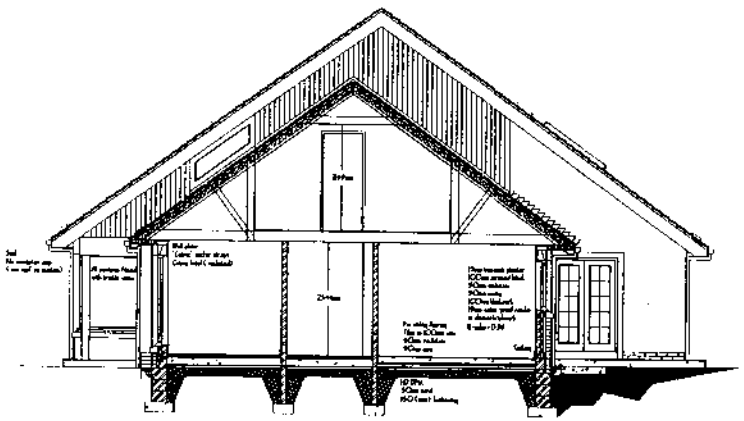
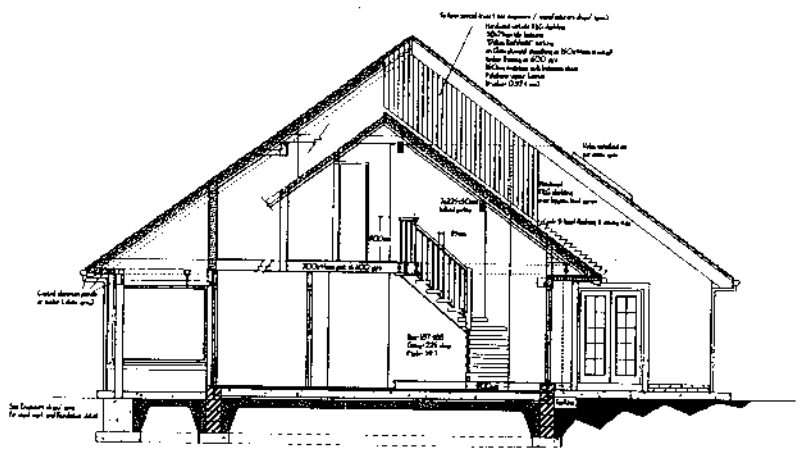
26/04/04



SECTION A-A



SECTION C-C



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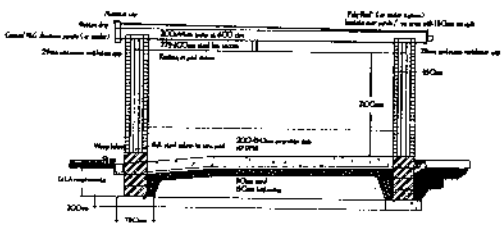

CAR PORT SECTION

Concept Support
Architectural Drafting & Design
CAD / PC Bureau
Beehive Court, Ulverston, Carlisle, CA5 6AS, Uk.
Tel / Fax: (01228) 810577 or E-mail: 100681.367@compuserve.com

Proposed New House
Seawald, Houghton, Carlisle.

CLIENT: Mr & Mrs P.K. Hodgson
PROJECT: Proposed New House at Seawald
DRAWING: Sections

Drg No: 100681 Scales: 1:50 Date: 2nd Nov Plot Scale: As Scale
REVISIONS

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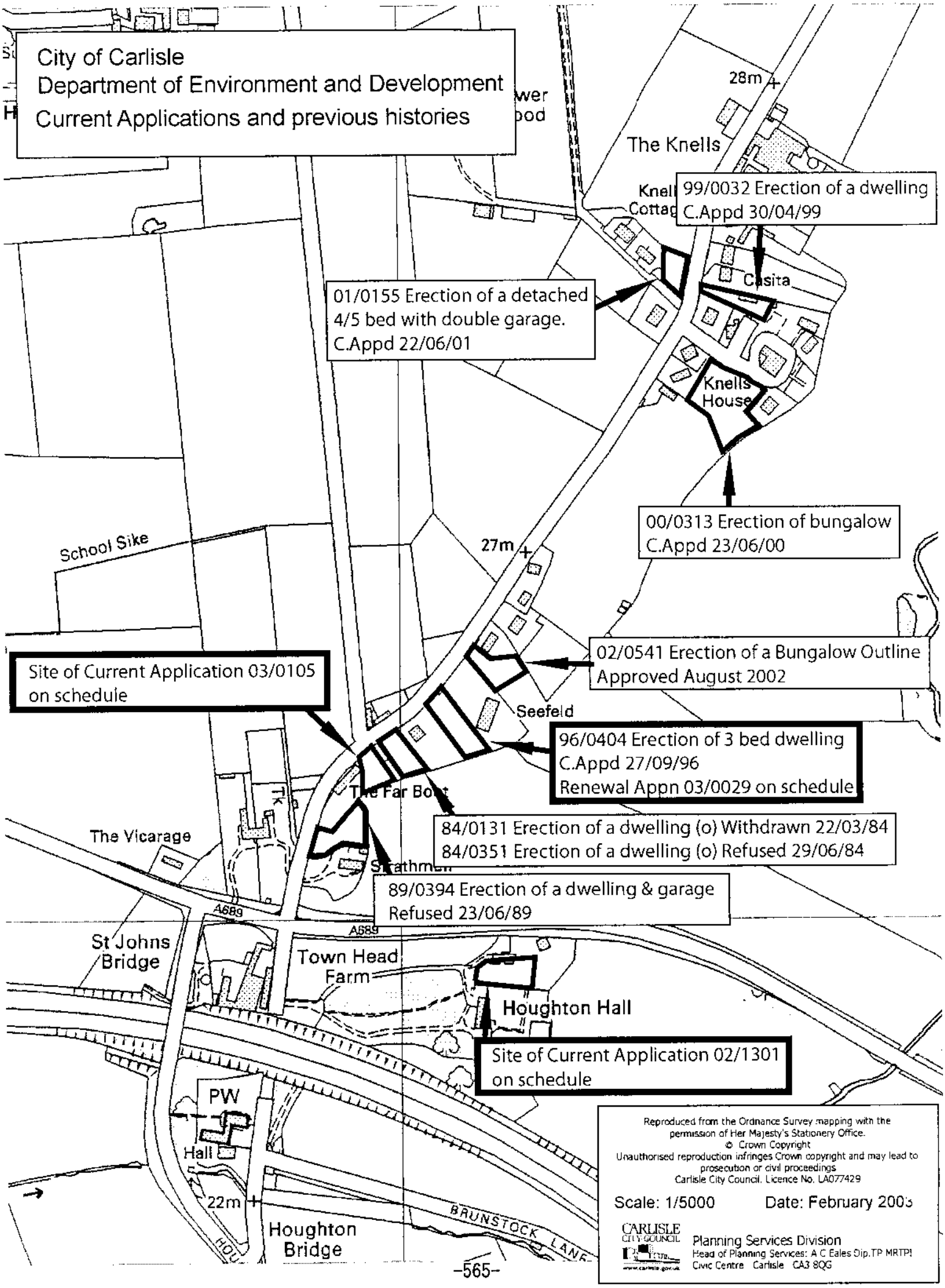
26/11/04

DRAWINGS ARE NOT TO BE SCALED FROM


City of Carlisle
Department of Environment and Development
Current Applications and previous histories
28m
The Knells
99/0032 Erection of a dwelling
C.Appd 30/04/99
Casita
01/0155 Erection of a detached
4/5 bed with double garage.
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C.Appd 23/06/00
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Approved August 2002
Site of Current Application 03/0105
on schedule
Seefeld
96/0404 Erection of 3 bed dwelling
C.Appd 27/09/96
Renewal Appn 03/0029 on schedule
The Far Boat
84/0131 Erection of a dwelling (o) Withdrawn 22/03/84
84/0351 Erection of a dwelling (o) Refused 29/06/84
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Strathmell
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A689
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St Johns
Bridge
Town Head
Farm
Houghton Hall
Site of Current Application 02/1301
on schedule
PW
Hall
22m
Houghton
Bridge
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Date: February 2003
CARLISLE CITY COUNCIL
Planning Services Division
Head of Planning Services: A C Eales Dip.TP MRTPI
Civic Centre Carlisle CA3 8QG

Item No: 32 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0105	Mr P J Ashworth	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
31/01/2003	Taylor & Hardy	Stanwix Rural

Location: L/Adj The Far Boot, Townhead, Houghton, Carlisle, Cumbria

Grid Reference: 340970 560165

Proposal: Erection of dwelling (outline)

Amendment:

CJH

Report

Planning Policies:

Carlisle District Plan
Housing - Proposal H5

Within the following settlements, large scale residential development will not ber 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, Gilsland, 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, Lyneholmeford, 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.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): Detailed comments are awaited on the access arrangements now put forward.

Stanwix Rural Parish Council: Comments awaited.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

Cumbria County Council - (Archaeological Services): Comments awaited.

Environment Agency : Comments awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, Stonegarth	10/02/03				INIT
The Occupier, Glenroy	10/02/03				INIT
The Occupier, Strathmuir	10/02/03				INIT
The Occupier, Woodlands	10/02/03				INIT

This application has been advertised by means of a site notice and neighbour

notification. To date, no responses have been received.

Details of Proposal/Officer Appraisal:

Planning History:

This site has been the subject of two previous outline applications for the erection of a dwelling. The first of these, in 1991 was refused, but was not pursued to appeal. More recently, application 01/0969 was likewise refused, and an appeal was dismissed, but on highway grounds.

Details of Proposal:

This application is a re-submission of an application considered in 2001. It is an outline application for the erection of a dwelling on a site of 0.1ha, in the garden of a property known as The Far Boot, at Townhead, Houghton. This is located a short distance north of the junction between the A689 and the C1012 road leading to the Knells and Scaleby.

The existing property is a traditional property on the road frontage. The application site is at the northern end of the site, and is screened from the road by a hedge. The existing vehicle access lies at this northern end of the site, and it is proposed to alter this, so that there would be a new communal entrance to the two properties, with separate individual entrances set back from the road. All other matters are reserved for subsequent approval.

The current application follows a previous application (01/0969) which was refused in December 2001 and which was then the subject of an appeal.

The appeal decision was issued in November 2002, and the decision letter is reproduced in the schedule. It will be noted that although the appeal was dismissed, the decision was made on highway grounds, because the visibility splay recommended by the highway authority could not be achieved from the existing access point. The current application seeks to overcome this problem by constructing a new access, as described above.

In assessing this revised application, members should take careful note of the inspector's comments, particularly on the issue of the acceptability of the principle of the erection of a new dwelling in this location. In this regard, members will recall that shortly before the appeal was determined in August 2002, the Council approved another outline application for a dwelling on a nearby site, adjacent to Parkside (application 02/0541), (see plan in schedule). This decision was brought to the attention of the inspector, and in view of the comparability of the two situations, and the recent date of the decision, it probably played a part in his decision to conclude that there was no objection in principle to the application. In any event, that view must now be followed in dealing with this revised application.

In terms of the detailed aspects of the application, it will be apparent that highways and drainage are relevant issues. In relation to highways, it is argued on behalf of the applicant that although the original proposal did not comply with the

recommended visibility splay because the existing building restricted visibility from the entrance to the left, the proposed new communal entrance is an improvement on the existing situation, and with only marginal increase in traffic arising from an additional single dwelling, should be regarded as acceptable. The Highway authority have been appraised of the situation regarding the appeal, and a view on the acceptability or otherwise of the access arrangements now proposed has been requested.

In relation to drainage, the proposal states that foul drainage is to be by means of a septic tank. Further details have been requested, to enable the acceptability of this arrangement to be assessed. In particular, it will be necessary to demonstrate how the effluent is to be disposed of; in this location, it is more likely that a bio-disc treatment plant will be an appropriate solution.

A further verbal report will be given on the highway and drainage issues at the meeting.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

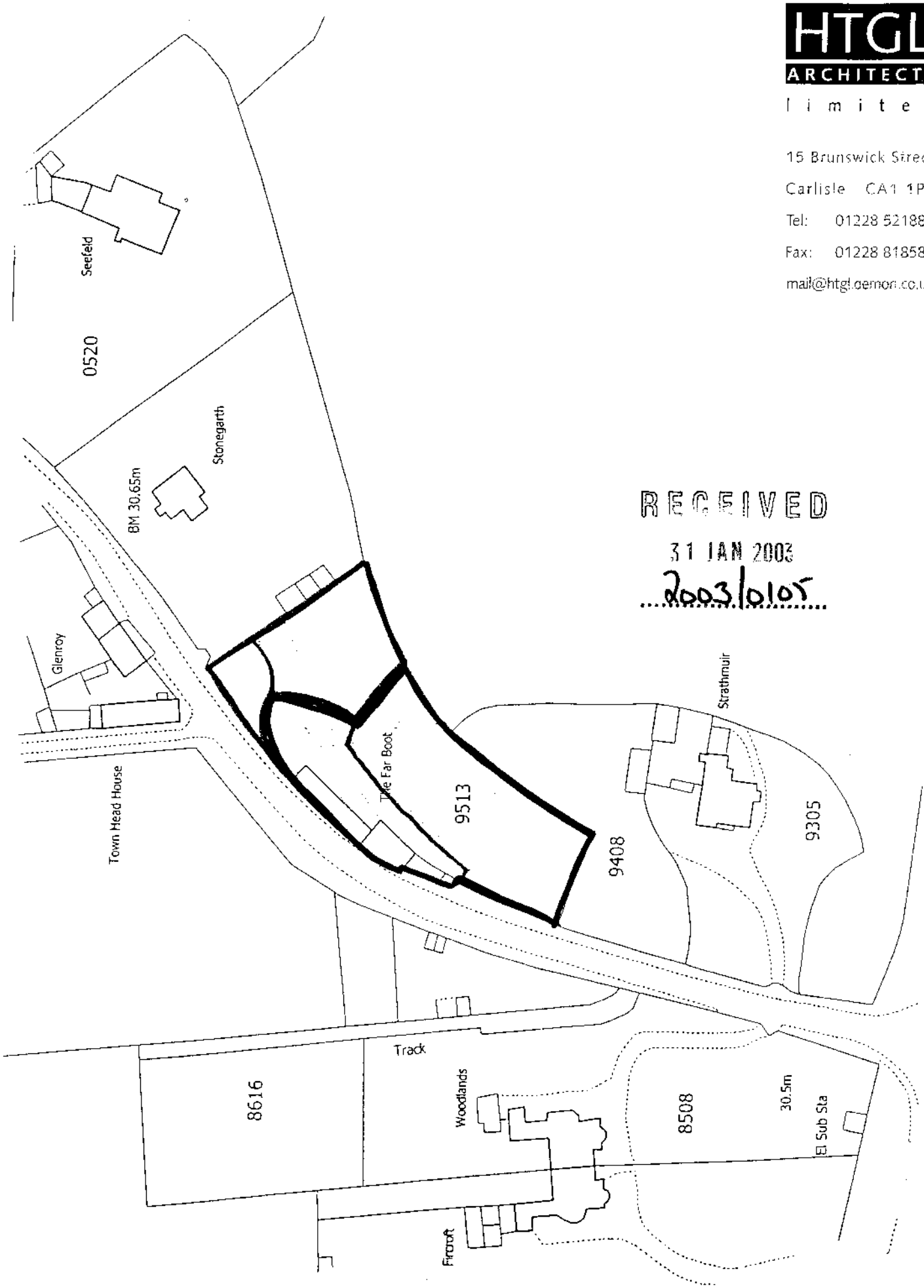
Recommendation:

Reason for including report in Schedule B

A specific recommendation cannot be made regarding this application because highways and drainage are still outstanding at the time of writing.

HTGL
ARCHITECTS
limited

15 Brunswick Street
Carlisle CA1 1PB
Tel: 01228 521887
Fax: 01228 818582
mail@htgl.demon.co.uk



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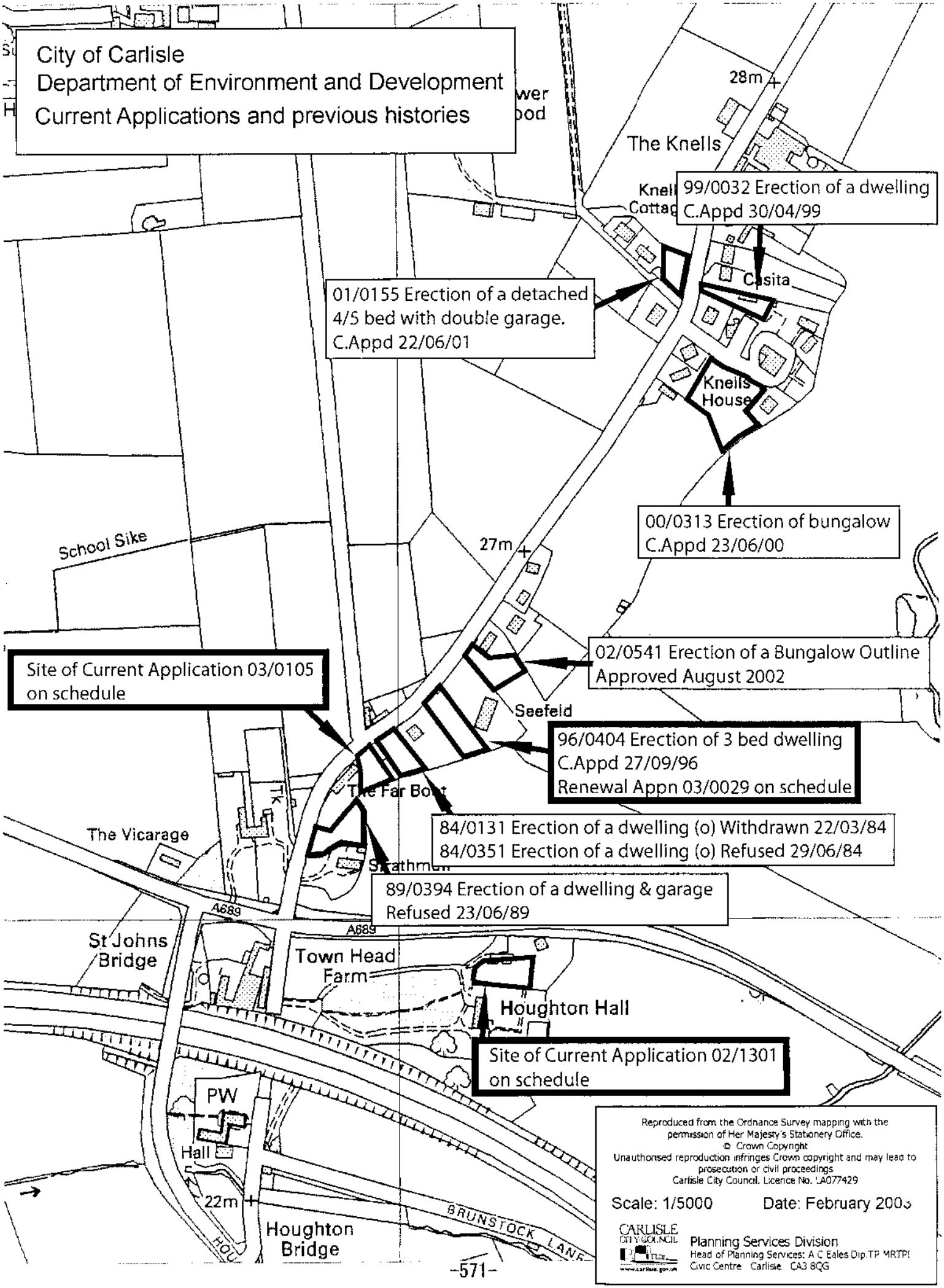
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School Sike
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CARLISLE CITY COUNCIL
Planning Services Division
Head of Planning Services: A C Eales Dip.TP MRTPI
Civic Centre Carlisle CA3 8QG

Appeal Decision

Site visit made on 14 October 2002

by Graham Garnham BA BPhil MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date 14 NOV 2002

Appeal Ref: APP/E0915/A/02/1092750
The Far Boot, Town Head, Houghton, Carlisle, CA6 4JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P J Ashworth against the decision of Carlisle City Council.
- The application ref: 01/0969, dated 25 October 2001, was refused by notice dated 14 December 2001.
- The development proposed is the erection of a dwelling.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The application is made in outline, with means of access to be considered at this stage. All other matters are reserved for subsequent approval.

Main Issues

2. I consider there to be 2 main issues. The first is the effect of the proposed dwelling on its countryside setting. The second concerns the implications of the proposed means of access for highway safety.

Development Plan and other Planning Policies

3. The provisions of the development plan for the purposes of s.54A of the 1990 Act, as amended, are found in the Cumbria and Lake District Joint Structure Plan 1991-2006 and the Carlisle District Local Plan (1997). Policy 40 of the structure plan concerns housing in rural areas, and states that housing will normally be permitted in rural settlements. Outside such settlements, new dwellings will normally only be permitted for agricultural purposes.

4. In the local plan, policy H5 provides criteria against which to assess proposals for small scale residential development in named settlements, including Houghton and Knells. The text linked to this policy has also been cited. Here, paragraph 4.46 indicates that there may be opportunities for acceptable infill development within smaller hamlets and groups of dwellings not listed in policy H5. However, not all infill sites will be acceptable for development, for example if ribbon development would be extended.

5. The Council has begun a review of policy H5 and paragraph 4.46, in view of the more recent provisions of PPG3. This process is at the early stages of consultation and, in accordance with paragraph 48 of PPG1, I am able to attach very little weight to it.

6. Attention has also been drawn to 2 Planning Policy Guidance notes. PPG3, *Housing*, sets out a sequential approach to be followed in allocating and releasing sites for development. PPG7, *The Countryside - environmental quality and economic and social development*,

indicates that new housing in the open countryside should be strictly controlled. Sensitive infilling in small groups of houses may acceptable, depending on the character of the surroundings and the number of such groups in the area.

Reasons

First main issue – effect on the countryside setting

7. The appeal site comprises the northern end of a large garden attached to The Far Boot. This detached dwelling abuts the inside of a bend in a minor road that runs north through open countryside from Houghton to Scaleby. It is within an almost continuous line of detached dwellings that extend along the eastern side of the road for a distance of some 400 metres north of its junction with the A689. To my mind, this is a small but identifiable group of dwellings, not atypical of others in the general area. It is separated by an open field from The Knells to the north, and by open land and the M6 from Houghton to the south. It is not within a settlement listed in policy H5 in the local plan, which thus does not apply in this case. However, the appeal site is entirely within an identifiable group, and its development would not extend ribbon development into open countryside. I therefore consider it to be an infill site in respect of which paragraph 4.46 of the local plan would have relevance.

8. The garden of The Far Boot is largely screened from the road by a high hedge. The access gate provides the only open part of the boundary. The boundary to the fields at the rear comprises a hedge with trees, which provides a degree of screening from the countryside. These features are shared with the very large detached properties immediately to the north and south. Some smaller detached properties at the far end of the group are more open to the highway. To the north of the appeal site, directly across the road, 2 detached houses adjoin the highway, and provide screening from that direction. In my view, an additional dwelling and access in the position proposed would not be out of character, nor would it impinge significantly on the open countryside outside the group. In the circumstances I consider that the proposal can be considered as an infill development that would not harm the rural character of its countryside setting.

9. The Council is concerned that granting planning permission in this case would create an undesirable precedent for further individual dwellings in nearby gardens, and intensify the sporadic nature of development in the area. However, in my view the site is within a group of dwellings, where each application can be treated on its merits. I consider that this view has been confirmed by the recent decision of the Council to grant outline planning permission for a bungalow on land adjoining Parkside. If implemented, this site would close the only open gap in the line of existing dwellings. In addition, it is said that the proposal would not comply with the sequential approach in PPG3. However, I note that the proposal would be on previously developed land, as defined in PPG3, and its release would not in my opinion impact significantly on the development of local plan policies.

10. Finally, with respect to the effect on its countryside setting, I note that the proposed development does not comply with structure plan policy 40, in that it would not be for agricultural purposes. I have taken into consideration that the site is within an existing residential curtilage, and within a group of dwellings. The site is well screened from the open countryside. In the absence of any harmful impact on the countryside (which policy 40 is intended to protect), I find that on this issue, other material considerations apply, deriving from the local plan.

Second main issue – implications for highway safety

11. Although the application is made in outline, the means of access is to be considered at this stage. The proposed new access for the appeal site would be created adjoining the boundary with Stonegarth, and close to the entrance to that property. I note that the highway authority has not objected to this. The Council, in its list of suggested conditions, has included at no.6 the visibility splay sought by the highway authority. This would require dimensions of 70 x 2.4 x 70 metres. These seem to be reasonable for the type of road and the access as proposed. I note that the appellant has not objected to this requirement. The necessary length can be achieved without difficulty to the north-east. However, from my observations, it is not possible to achieve this distance in the other direction. The line of sight falls short by around one third of the required distance. This is because of the closeness of the Far Boot house to the edge of the carriageway, and its position on the inside of the bend. I note that the existing accesses for The Far Boot and Stonegarth do not comply with this requirement. However, these are already established. The proposed access would result in there being 3 accesses in close proximity to each other and to the junction of the track on the opposite side of the road. The national speed limit of 60 mph applies, there is a reasonable amount of traffic, and it moves freely in both directions. In these circumstances, I find that the failure of the proposed access to comply with the highway authority's requirements would place road safety at risk, as a result of inadequate visibility to the south-west of the proposed means of access.

12. I note from the grounds of appeal that the appeal proposal would envisage the provision of a combined access located to the north of the existing access. It is said that this would represent a highway improvement by increasing the visibility achievable to the south. However, this intention is not clear from the application itself. It is also not clear from the observations of the highway authority, or from the conditions suggested by the Council, that these bodies took this intention into account when the application was determined. In this situation, the application as submitted has to be given preference, and the possibility of combining the accesses is not a matter on which I can base my decision.

Conclusions on the main issues

13. With respect to the effect on the countryside setting, I consider that the appeal site is located within an identifiable group of dwellings, where it would be an infill site. It would not be within a settlement listed in local plan policy H5, which therefore does not apply. The site would be well screened from the open countryside, and not detract from its rural character. Whilst having due regard to the provisions of structure plan policy 40, I find that the proposal would not conflict with national policy on housing in the countryside. In the absence of identifiable harm arising, and in view of the provisions of the local plan, I conclude that the effect of the proposed dwelling on its countryside setting would be acceptable.

14. The second main issue concerns highway safety. I have found that the highway authority's visibility requirements could be met only in part. Visibility to the south-west would fall well short of the desired distance. In my view, the requirement is reasonable. However, given the traffic conditions and the number of accesses near by, the effect of not achieving it would detract from highway safety. I therefore conclude that the proposed means of access would have unacceptable implications for highway safety, that cannot be overcome by the condition suggested.

15. Overall, while I consider that the proposal would be acceptable with respect to the effect on its countryside setting, I do not consider that this finding outweighs my conclusion with respect to the adverse implications for highway safety. Planning permission should therefore be withheld.

Other Considerations

16. Mention has been made of possible difficulties in meeting foul drainage needs. However, I note that the Environment Agency has not objected on this basis, and I consider this is a matter that could be dealt with by means of a condition.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

18. In exercise of the powers transferred to me, I dismiss the appeal.

Information

19. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

INSPECTOR

Item No: 33 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1321	Tanya Jaqueline Haandrikman	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
16/12/2002	Curwen & Co	Stanwix Rural
Location:		**Grid Reference:**
16 Marlborough Gardens, Stanwix, Carlisle, CA3 9N		339732 556933

Proposal: Replacement of UPVC windows (retrospective application)

Amendment:

RM·C.

Report

Planning Policies:

Conservation Area

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, 14 Marlborough Gardens	20/12/02				INIT
The Owner / Occupier, Edenfield	20/12/02				INIT
The Owner / Occupier, 21 Marlborough Gardens	20/12/02				INIT
The Owner / Occupier, 23 Marlborough Gardens	20/12/02				INIT
Mr G R Unwin, Birkby House	20/12/02			Objectio	RESP

This application has been advertised by means of press and site notices and direct neighbour notification. In response a letter has been received from a neighbour objecting to the "disappointing handling" of the new windows.

Details of Proposal/Officer Appraisal:

Planning History:

An application in respect of a change of use to a hotel and restaurant was withdrawn in 1983.

Details of Proposal:

This application seeks retrospective approval for the installation of "wood effect" upvc windows at 16 Marlborough Gardens, Carlisle. The property is located within the Stanwix Conservation Area and is covered by an Article 4(2) Direction. This removes certain permitted development rights including the replacement of windows.

The property was recently bought by the applicant and during the property search it was discovered that the windows had been installed without permission by a previous owner. The new owner now wants to regularize the situation by obtaining retrospective consent to retain the windows.

A letter of objection has been received from a neighbour concerned that the windows are out of keeping with the character of the area. While this may be the case it is not clear if the replaced windows were traditional timber windows or existing upvc windows, installed before the Article 4(2) Direction was made. Recent case law, in respect of the Wirksworth Conservation Area in Derbyshire, has shown that when similar applications have been considered at appeal, following the refusal of planning permission, the Planning Inspectorate have allowed the appeals. A similar outcome could be expected in this case given to the lack of evidence about the replaced windows and the presence of other upvc windows on properties in the area. Even with evidence it would be extremely difficult to take enforcement action against the previous owner and unreasonable to penalise the new owner.

The purpose of the Article 4(2) Direction in this part of Stanwix is obviously to prevent insensitive, piecemeal development. However, the Direction was also applied to historic properties which already had modern, insensitive alterations. The reason being that it allows the City Council to encourage owners to consider more sympathetic materials and styles by offering grant assistance towards the cost of sash windows, timber doors etc. In this particular case the Council was not given the opportunity to influence the style of windows as the owner at the time was unaware of the Direction or chose to ignore it. Nevertheless, despite the unfortunate outcome in this instance it is still the case that the Article 4(2) Direction can be used

to bring about positive planning results in this area.

Therefore, in the light of the case law and the lack of evidence, it is recommended that retrospective permission be granted.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

TITLE NUMBER

CU174668

CUMBRIA : CARLISLE

N

RNCE SURVEY MAP REFERENCE: NY3956NE

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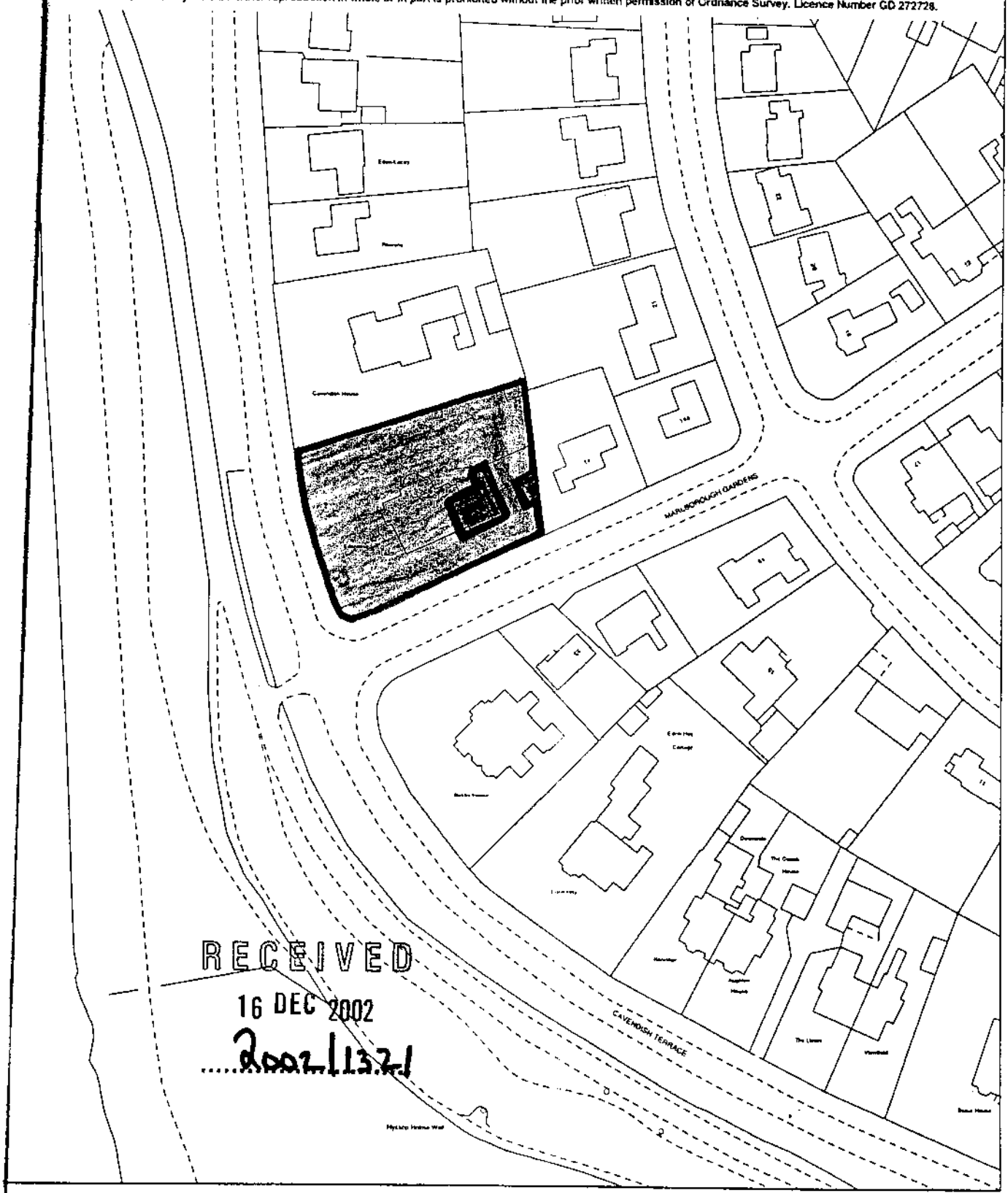

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H.M. LAND REGISTRY
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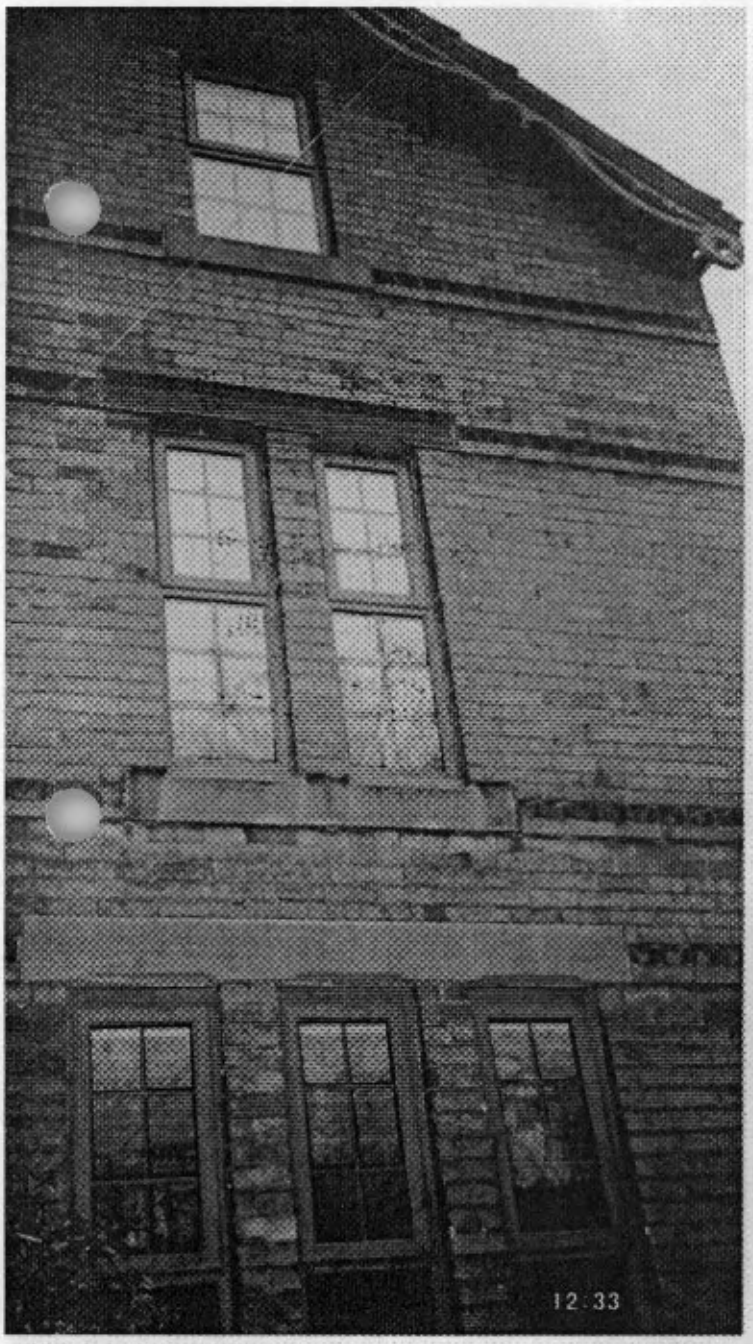
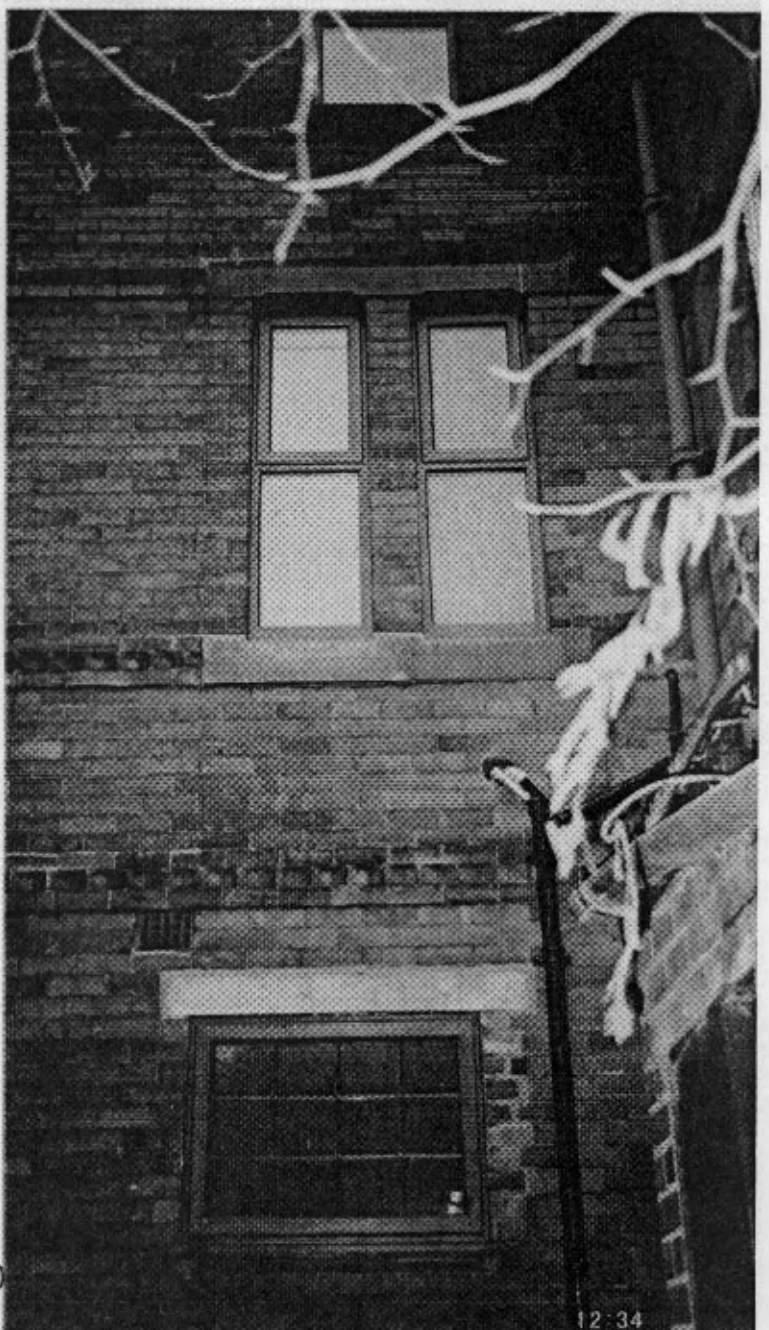
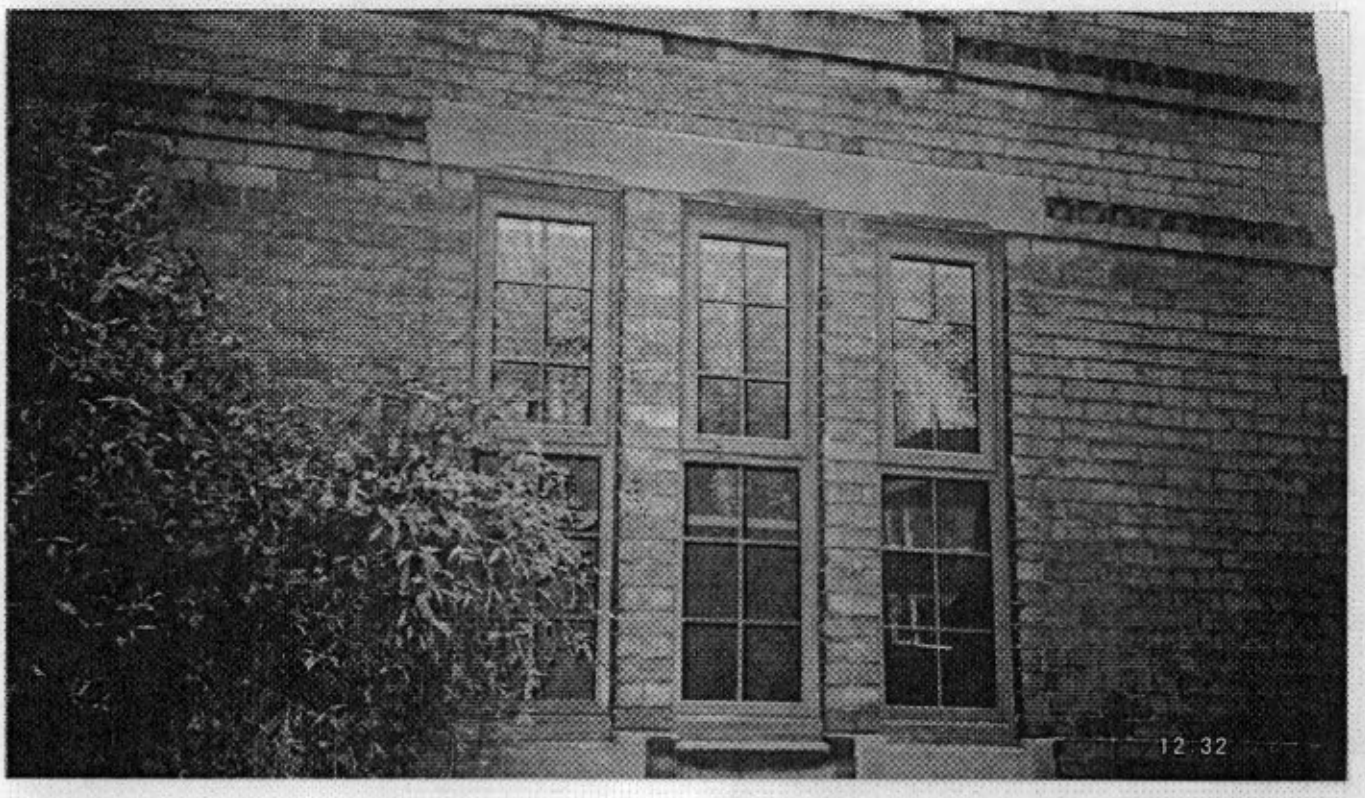
04/2002

FRONT ELEVATION





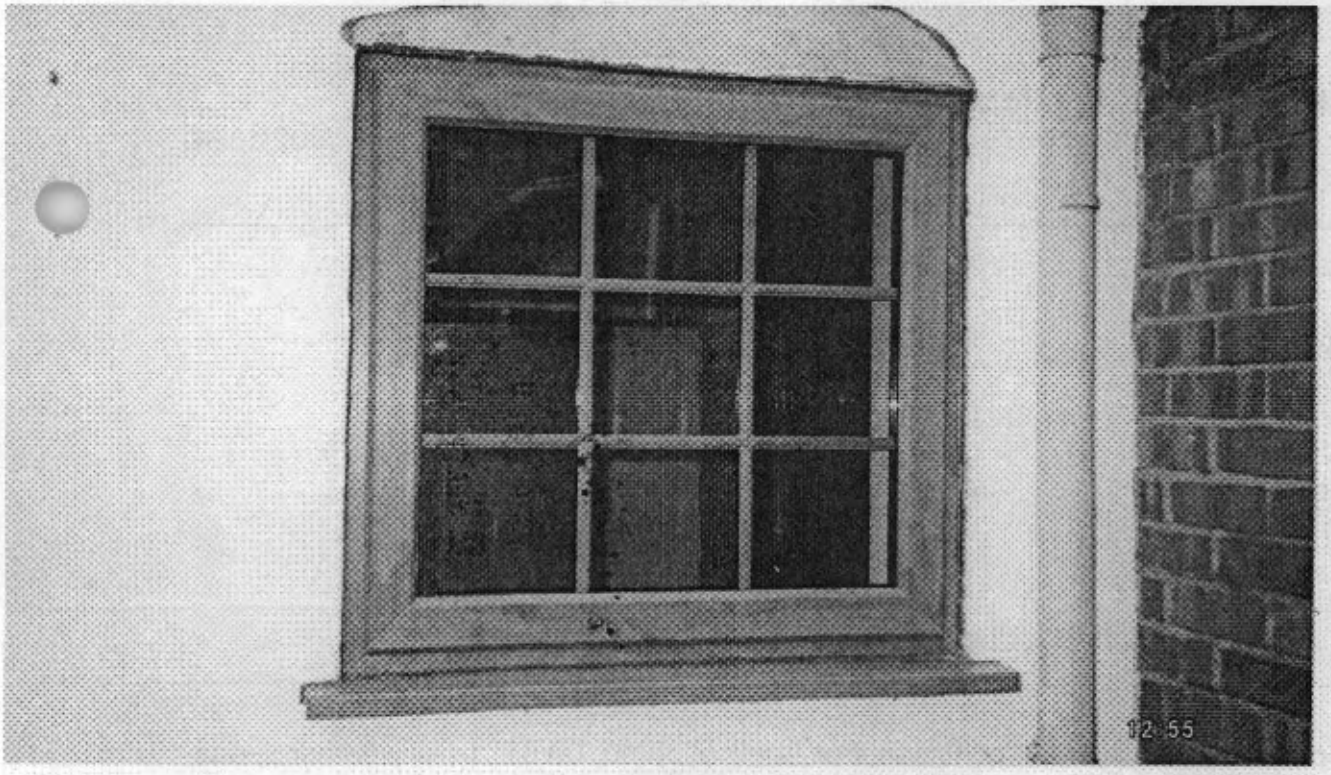
BACK ELEVATION



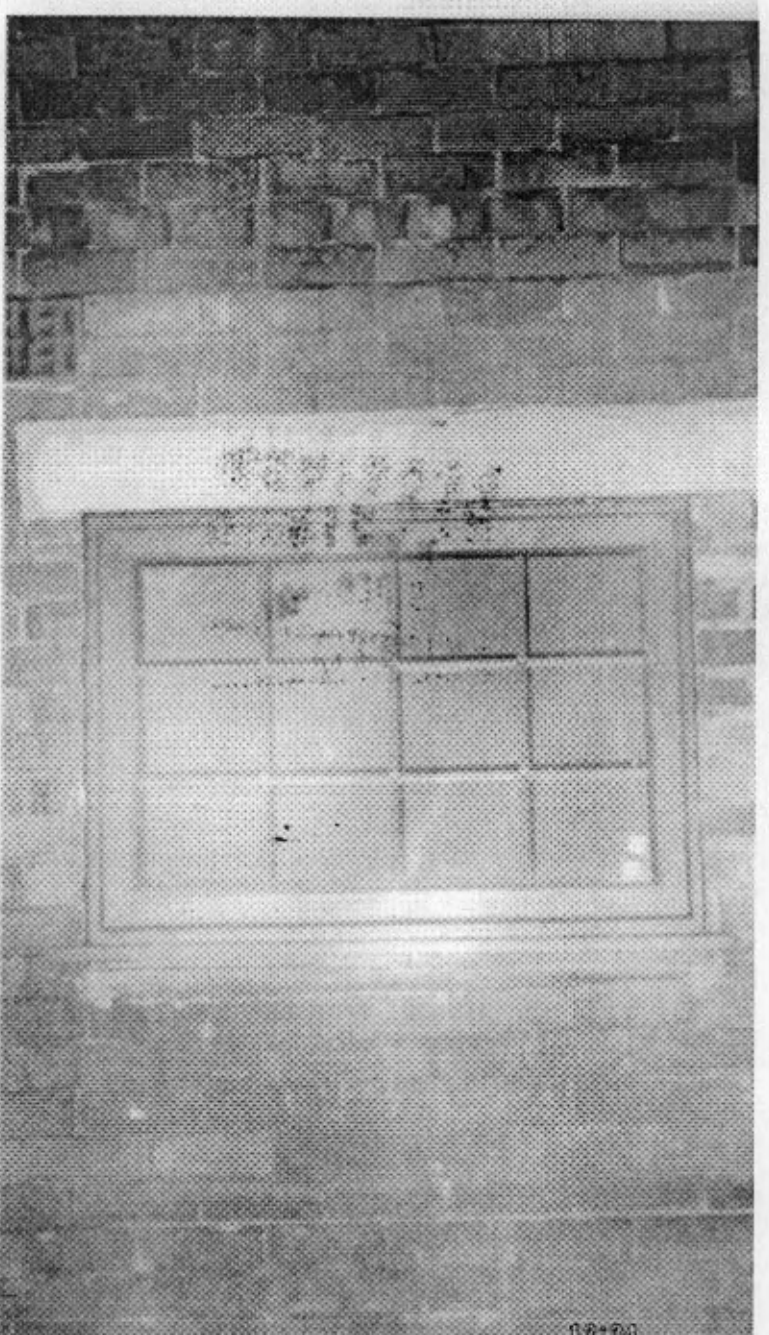
FRONT ELEVATION GROUND FLOOR

FRONT ELEVATION

FIRST FLOOR



SIDE ELEVATION GROUND FLOOR



BACK ELEVATION
GROUND FLOOR

Item No: 34 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1324	The Governors-Paul Diggle	Brampton
Date of Receipt:	**Agent:**	**Ward:**
16/12/2002	Capita dbs Limited	Brampton

Location:
William Howard School, Longtown Road, Brampton, CA8 1AR

Grid Reference:
352528 561288

Proposal: Amendment to condition 4 of Application no: 00/0571 (All weather sports pitch and external lighting including fence) to extend time to 22.00 hours from 21.30 hours,and to permit use on Sundays and public holidays.

Amendment:

CJH

Report

Planning Policies:

Airport Safeguarding Area

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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): No objection

Brampton Parish Council: The application should only be granted if conditions

are imposed requiring the site to be cleared by 22.30.

Sport England North West: Awaiting comments.

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 12 Howard Gardens	19/12/02				AMND
The Occupier, 14 Howard Gardens	19/12/02				AMND
D H McAdam, 16 Howard Gardens	19/12/02			Objectio	RESP
The Occupier, 18 Howard Gardens	19/12/02				AMND
The Rt Hon David Maclean MP, House of Commons	19/12/02				AMND
The Occupier, 40 Beckriggs	19/12/02				AMND
The Occupier, 42 Beckriggs	19/12/02				AMND
The Occupier, 44 Beckriggs	19/12/02				AMND
The Occupier, 65 Townfoot Park	19/12/02				AMND
Mr D Ambridge, 67 Townfoot Park	19/12/02			Objectio	RESP
The Occupier, 69 Townfoot Park	19/12/02				AMND
The Occupier, 31 Townfoot Park	19/12/02				AMND
The Occupier, 33 Townfoot Park	19/12/02				AMND
The Occupier, 35 Townfoot Park	19/12/02				AMND
The Occupier, 37 Townfoot Park	19/12/02				AMND
The Occupier, 39 Townfoot Park	19/12/02				AMND
Mrs H Atherton, 2 Hillside				Objection	RESP

This application has been advertised by means of a site notice and neighbour notification.
The three letters received of comment/objection raise the following issues, not all of which are directly related to the current application:-

1. The extended hours would cause noise and disturbance to local residents.
2. This would be made worse by a lack of car parking at the site, so that cars park all over the highway verge.
3. Noise and disturbance would also be made worse by the antics of players and spectators.
4. An unofficial footpath into the school has appeared to the rear of the all weather pitch into Townfoot Park.

Details of Proposal/Officer Appraisal:

Planning History:

Permission was originally given for the all-weather pitch and floodlights at William Howard School in July 1996 under reference 96/0221. The permission was renewed under reference 00/0571 in September 2000. This facility was one of a number of developments at the school in recent years. Since 1992, there have been six significant extensions to the school. The most recent of these, approved in August 2000, is in the area adjacent to the all-weather pitch, and has recently been completed.

Details of Proposal:

This application seeks a variation in the conditions applied to the operation of the all weather sports pitch and floodlights at William Howard School. It will be noted from the history section that the permission was originally granted for this facility in 1996, with a renewal being granted in September 2000, with a condition which requires that the floodlights be switched off no later than 9.30pm Monday to Friday, and prohibits use on Sundays and public holidays.

The pitch has now been constructed and the floodlights erected, but it is not yet fully operational. The current application seeks the variation of the conditions related to the operation of the floodlights, so that they would be allowed to remain switched on for an additional half an hour up to 10pm on Monday - Saturday and to be used on Sundays and public holidays.

The pitch and the floodlights are located to the rear of the school buildings where houses in Townfoot Park and Howard Gardens are in reasonably close proximity. The issue here is therefore whether the proposal would result in unreasonable impact on residential amenity.

It will be noted that a number of objections have been received to the application, on this basis. Particular concerns are the noise generated by players and spectators, as well as the extended period of disturbance when the lights are switched on. These points have been put to the applicants and their response is reproduced in the schedule.

In considering this matter, members need to bear in mind the following points:

1. The application is for an extension to the period during which the lights can remain switched on, and when the facility can therefore operate. Consideration must therefore be limited to the issues arising from this. Some of the issues raised in the representations relate to the facility in general terms, or in some cases other matters altogether, and are not therefore relevant to the consideration of the application.

2. In terms of these issues, it is the potential for noise and disturbance to nearby residents which is the relevant issue. Parallels may be drawn with the similar facility at St. Aidan's which has been operating for some time, and which was the subject of an application for extended hours of usage at weekends in 1998. This application

was subsequently the subject of an appeal, and although the inspector allowed an extension of the permitted hours on Saturdays to 5pm, the closure time on Sunday was retained at 3pm. In the case of William Howard the relationship with adjacent housing is different, with the houses further away, at a lower level and screened by trees and hedges. Nevertheless it is considered that there is some potential for noise and disturbance and there should be additional restrictions at weekends compared with weekdays.

3. The weekday closure time of the St.Aidan's facility is 9pm and taking into the comparison of the two sites as explained above, the proposed extension of the hours at William Howard by half an hour to 10pm on weekdays is considered reasonable.

4. At weekends, it is considered that reasonable closure times would be 6pm on Saturdays and 4pm on Sundays. This would still enable use at weekends on winter afternoons when the failing light would otherwise preclude its use. This would result in a closure time at William Howard one hour later than at St.Aidan's on weekdays and weekends which is considered reasonable in the circumstances.

5. As far as the other issues of noise and disturbance generally are concerned, it is true that experience with the pitch at St.Aidan's has shown that there is potential for this to occur, but as stated above, in this case, the houses are further away and there is more screening, so the problem if it does occur should be less. It should also be stated that in most cases there will be no spectators present and that the use of the facility will be monitored and supervised.

In conclusion therefore, the proposed extension of the permitted hours is considered to be acceptable, subject to a limitation to 4pm on Sundays, and 6pm on Saturdays.

Human Rights Act 1998

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

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

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

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

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

02/1324

This application raises issues which may be relevant to Article 8 of the Human Rights Act. This should be borne in mind in reaching a decision.

Recommendation: 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 development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

   Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. Except when the facility is being used for hockey,the lighting level of the floodlights shall be limited to two luminaries per column.

   Reason: to prevent disturbance to nearby occupants.

4. The floodlights shall be switched off no later than 2200 hours on Mondays to Fridays, and no later than 1800 hours on Saturdays and 1600 hours on Sundays and public holidays

   Reason: to prevent disturbance to nearby occupants

5. Before development commences, details of the baffles to be fitted to the luminaries shall be submitted to and approved by the local planning authorityl.

   Reason: to prevent disturbance to nearby occupants.

6. 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 the investigation and recording of any surviving remains of archaeological interest revealed during developer grounworks

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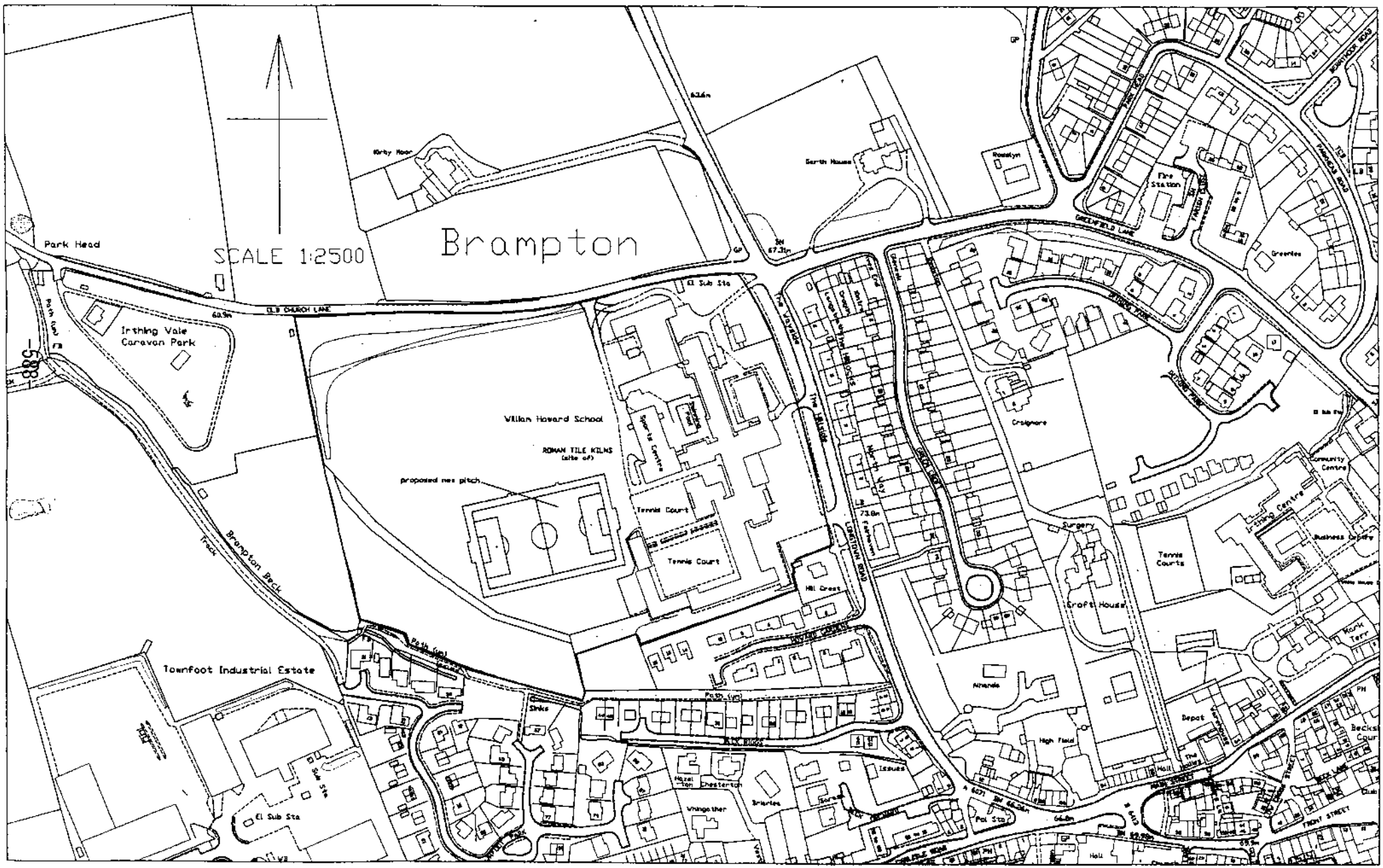
RECEIVED

16 DEC 2002

2002/1324

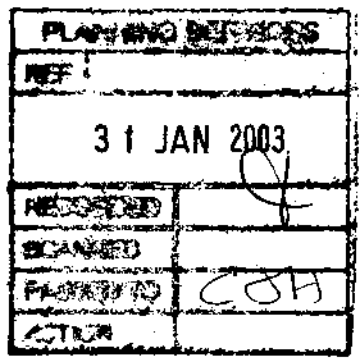

SCALE 1:2500
Brampton
Park Head
Irthing Vale Caravan Park
OLD CHURCH LANE
William Howard School
ROMAN TILE KILNS (site of)
proposed new pitch
Tennis Court
Tennis Court
Sports Centre
Brampton Beck
Townfoot Industrial Estate
Sinks
Hill Crest
The Laurels
Longtown Road
North Lea
Craigmore
Surgery
Tennis Courts
Croft House
Greenfield Lane
Fire Station
Greenlea
Irthing Centre
Community Centre
Business Centre
Depot
High Field
Athenia
Hazel Tan
Chesterton
Whingather
Briarlea
Issues
Pol Stn
Hall
Front Street
Market Place
Becks Court
Burnfoot Road
Tarraby Road
Kirby Moor
Barrin House
Rosselyn
Greenlea
Orchard
Orchard Rise
Orchard Park
Orchard Close
Orchard Gardens
Hillside
Hillside Park
Hillside Avenue
Hillside Drive
Hillside Crescent
Hillside Terrace
Hillside Gardens
Hillside Court
Hillside Road
Hillside Lane
Hillside Close
Hillside Grove
Hillside Mews
Hillside Square
Hillside Way
Hillside Walk
Hillside Path
Hillside Bridge
Hillside Cottage
Hillside Farm
Hillside House
Hillside Barn
Hillside Stables
Hillside Garage
Hillside Workshop
Hillside Yard
Hillside Office
Hillside Shop
Hillside Pub
Hillside Hotel
Hillside Restaurant
Hillside Cafe
Hillside Bar
Hillside Club
Hillside Hall
Hillside Church
Hillside Chapel
Hillside Vicarage
Hillside Rectory
Hillside Manse
Hillside Presbytery
Hillside Convent
Hillside Monastery
Hillside Abbey
Hillside Priory
Hillside Friary
Hillside Nunnery
Hillside Hermitage
Hillside Shrine
Hillside Grotto
Hillside Cave
Hillside Quarry
Hillside Mine
Hillside Tunnel
Hillside Bridge
Hillside Viaduct
Hillside Aqueduct
Hillside Canal
Hillside River
Hillside Stream
Hillside Brook
Hillside Beck
Hillside Burn
Hillside Ford
Hillside Weir
Hillside Lock
Hillside Dam
Hillside Reservoir
Hillside Pond
Hillside Lake
Hillside Loch
Hillside Tarn
Hillside Mere
Hillside Marsh
Hillside Bog
Hillside Fen
Hillside Swamp
Hillside Wetland
Hillside Meadow
Hillside Pasture
Hillside Field
Hillside Wood
Hillside Forest
Hillside Plantation
Hillside Orchard
Hillside Garden
Hillside Park
Hillside Common
Hillside Green
Hillside Square

CAPITA

LOCAL PRACTICES

30 January 2003
Your reference:
Our reference: DC/TAA/41465
Enquiries to: Alan Armstrong
Tel: (01228) 606178
E-Mail alan.armstrong@capitadbs.co.uk

Unit H, Baron Way
Kingmoor Business Park
Carlisle, Cumbria CA6 4SJ
Tel: 01228 606107 Fax: 01228 606112



Department of Environment and Development
Planning Section,
Carlisle City Council
Civic Centre,
Carlisle,
CA3 8QG

FAO John Hamer

Dear Sir,

WILLIAM HOWARD SCHOOL, LONGTOWN ROAD, BRAMPTON – ALL WEATHER PITCH – AMENDMENT TO PLANNING APPLICATION

Further to the objection letter received from a local resident regarding the above application, I write on behalf of the School to clarify the following points:-

1. The new All Weather pitch will be leased out by the School to other outside parties but the floodlights will be turned off by the times stated on the Planning Consent. (10.00 PM Monday to Saturday and 6.00PM Sundays on the new application)
2. The final setting of the floodlight heads has not been finalized, this will happen after completion of the pitch carpet when lux level readings can be determined at pitch level.
3. The two metre high landscaping mounds at the side and end of the pitch formed by the soil removed when constructing the pitch can only help to screen the pitch development from the surrounding properties.
4. The School have been trying to discourage students from using this 'unofficial footpath' from Townfoot Park and will in the near future erect a new two metre high fence on the School Boundary which will prevent entry to the School Grounds and give added security to the new Pitch area and landscaping mounds.
5. Item no 5 is nothing to do with the School.

Please contact this office if you require any further information.

Yours faithfully,

TA Armstrong

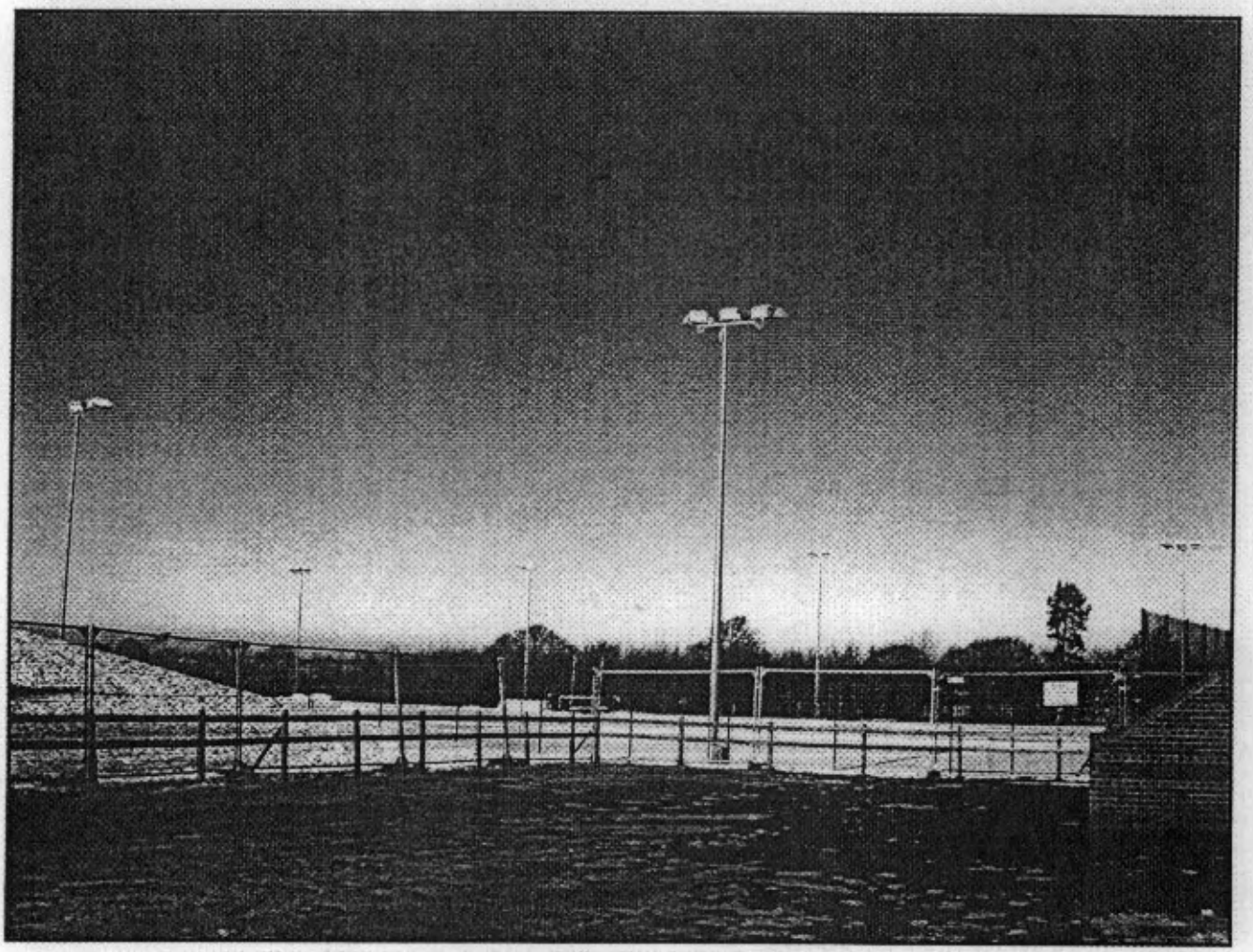
Alan Armstrong
Principal Architectural Technician

cc file
Paul Diggle, William Howard School

William Howard School Brampton 1 05.02.03.JPG

William Howard School Brampton 4 05.02.03.JPG

William Howard School Brampton 3 05.02.03.JPG



SCHEDULE A: Applications with Recommendation

02/1347

Item No: 35 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1347	Classic World of Fitness	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
02/01/2003		Castle
Location:		**Grid Reference:**
Classic World of Fitness, Chapel Street, Carlisle, CA1 1JA		340296 556078

Proposal: Variation of condition 5 attached to Approval 96/0901 to allow trading to commence from 07.00 hours

Amendment:

CSH

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

Summary of Consultation Responses:

Environmental Services: No objection in principle, but there have been complaints regarding noise from amplified music, and it would be advisable to restrict this.

Cumbria County Council - (Highway Authority): No objection

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 2 Chapel Street	06/01/03				INIT
Mr J M Sanderson, 3 Chapel Street	06/01/03			Objectio	RESP
The Occupier, 4 Chapel Street	06/01/03				INIT
The Occupier, 5 Chapel Street	06/01/03				INIT
The Occupier, 6 Chapel	06/01/03				INIT

Street		
The Occupier, 7 Chapel Street	06/01/03	INIT
The Occupier, 8 Chapel Street	06/01/03	INIT
The Occupier, 9 Chapel Street	06/01/03	INIT
Mr M J Smith, Bodytek Fitness	06/01/03	INIT
The Church of Scotland, Chapel Street	06/01/03	INIT
The Church of Scotland, Chapel Street	13/01/03	INIT

This application has been advertised by means of a site notice and neighbour notification. One letter of objection has been received, which raises the issue of the additional noise and disturbance to nearby residents likely to result from the extended opening hours.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the leisure club use under reference 96/0901 on 19th December 1996.

Details of Proposal:

This application seeks a variation to the condition which specifies the opening hours of the Classic World of Fitness leisure club in Chapel Street, Carlisle. It will be noted that permission for the leisure club was given in December 1996, so that it has now been operating for some five years. Among the conditions is one which specifies the opening hours as 9am - 9pm Monday to Friday, 9am - 6pm on Saturday and 10am - 4pm on Sunday. The current application seeks to amend these hours, so that the facility could open at 7am. Although not specified on the application form, a covering letter makes it clear that this would apply Monday - Friday only, with opening hours at weekends remaining unchanged.

The issue here is whether the extension of opening hours would result in unreasonable noise and disturbance to nearby residents. The club is located on the north side of Chapel Street in a building which was originally a church. It then became a cinema, before being converted into a carpet retail warehouse. Prior to becoming a leisure club, there had been a Conservation Area consent application to demolish the building which was refused. On the opposite side of Chapel Street are terraced properties, some of which are in commercial use, but a number are still residences.

The current facility operates satisfactorily, and makes good use of a significant building in the Conservation Area. There have been some complaints regarding noise from amplified music however. There is a noise condition on the existing permission, but it will be apparent that if the opening hours are amended to 7am, the potential for disturbance from this source could increase. The applicants have however agreed that no amplified music would be played outside the current permitted hours. In this city centre location, with other commercial premises nearby,

the proposal is considered to be reasonable and acceptable, subject to the restrictions outlined above, and the application is recommended for approval on this basis.

Human Rights Act 1998

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

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

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

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

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

This application may have implications under Article 8 of the Human Rights Act, and members should consider this in reaching a decision.

Recommendation: 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 development shall be carried out in accordance with the approved documents, hereinafter referred to as the approved scheme or any such variation to the approved scheme as may subsequently be approved in writing by the local planning authority prior to the work being carried out.

   Reason: To ensure that the development accords with the scheme approved by the local planning authority.

3. The premises shall be used for a health and fitness club and for no other including any other purpose in Class D2 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.

4. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement to be displayed on the building without prior consent in writing of the local planning authority.

   Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

5. The premises hereby permitted shall not be open for trading except between 0700 and 2100 hours Monday-Friday, 0900 and 1800 hours on Saturday and 1000 and 1600 hours on Sunday.

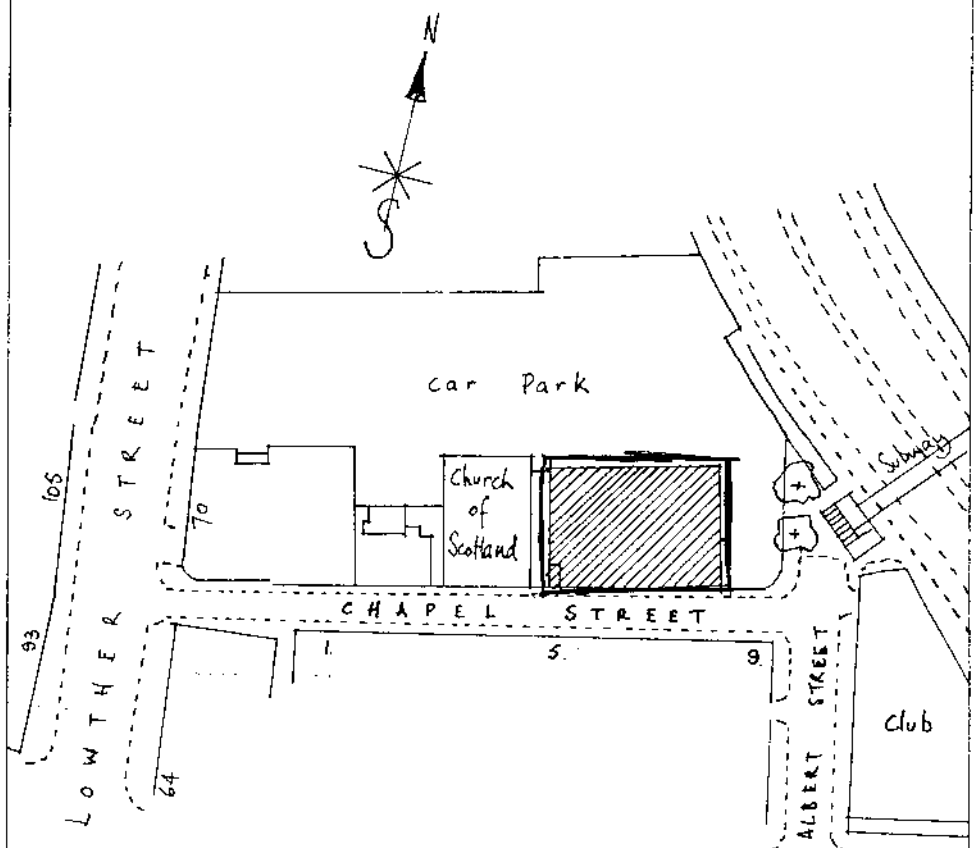
   Reason: To prevent disturbance: nearby occupants.

6. The noise levels from the operation of the development shall not exceed the following levels, when measured at the nearest noise sensitive dwelling:-
   1 hour L A eq 64dB(A) between 0900 and 1800 hours
   1 hour L A eq 55 dB(A) between 1800 and 2100 hours.

   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.

7. No amplified music shall be played before 0900 hours.

   Reason: To prevent disturbance: nearby occupants.



BLOCK PLAN 1/1250 Hr.

RECEIVED
20 DEC 2002
2002/1342

Classic World of Fitness
Chapel Street
Carlisle
CA1 1JA

Tel: 01228 599229

17 December 2002

Ref: 96/901

Variation of Condition 5

Please find enclosed completed form for the above, we list below a number of reasons to support our application.

* Initially majority of adjoining houses were residential, now mostly commercial, only 3 are residential of which 1 is near to the club.

* Originally all vehicles coming to the club car park had to drive full length of Chapel Street giving a risk of disturbance to residents. Revised traffic flows now limit arrivals to the short length of Albert Street which has no residential properties.

* Application is to extend opening hours from 9am to 7am to meet increasing demand from our customers and to compete with the other clubs who offer early opening. We do not wish to extend our current closing time of 9pm and we would limit earlier opening to Monday-Friday to avoid any weekend disturbance.

* In order to minimise the risk of disturbance further we would ensure that no music was played before our current opening hours of 9am.

RECEIVED
20 DEC 2002
2002/1134

Item No: 36 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1359	Story Homes	Hayton
Date of Receipt:	**Agent:**	**Ward:**
06/01/2003	Architects Plus (UK) Ltd	Hayton

Location: L/Adj, Stonehouse Farm, Hayton, Carlisle

Grid Reference: 351300 557800

Proposal: Erection of 5no. 2 storey dwellings

Amendment:

1. Revised floor and elevational plans for the house types showing, in particular, the proposed house on plot 5 reduced to a two storey building.

AEW

Report

Planning Policies:

Tree Preservation Order

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

Airport Safeguarding Area

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 3

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

Cumbria & Lake District Joint Structure Plan

Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and 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.

Cumbria & Lake District Joint Structure Plan
Policy 26

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

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.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Carlisle District Plan
Environment - Policy E15

Throughout the Plan area the City Council will support practical work to improve the management of woodlands, trees and hedgerow. Where appropriate, landowners will be encouraged to extend woodland cover, especially broadleaved woodlands. Any proposals for the afforestation of areas of open moorland and fellside will only be supported if they are sympathetic to and develop the landscape and environmental values of the area.

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 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 E31

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

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 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, Gilsland, 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, Lyneholmeford, 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
Environment - Policy E30

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The road serving this development would be classed as a shared surface road as specified in Volume 1 of the Cumbria Design Guide and should be constructed to full adoption standards as specified in planning approval dated 2nd November 2001 under reference number 01/0573.

The proposed development should incorporate a 2m. grassed service strip on the development side with a 0.5m wide hard surfaced strip on the opposite side. Traffic calming measures should also be included along the estate road.

Hayton Parish Council: The Parish Council appreciates that outline planning permission has already been granted to this application. However, the detailed and individual plans were received with some considerable dismay and some disbelief. The Council wish to draw your attention in particular to the house design for Plot 5, which appears to have a tower like structure to one side. The Council considers this to be totally inappropriate and that it is stretching poetic license somewhat to

consider this a "two-storey" dwelling. Concern was also expressed about the inappropriateness of this design in particular and that it may well be visible from the road with the addition of this third floor.

Also of concern was that the greater part of the building works is to take place in red brick with some minor cosmetic sandstone facing work whilst the Council was under the impression that some effort was to be made to have the development reflect the character of and at least be in keeping with, the original Stonehouse Farm buildings. When the original plans were submitted the Council were assured that the development would be in sympathy with the environs and should not be visible from the road.

Part of the safeguarding the site will be the retention of the mature trees and the Council would like to see that adequate provision is made to ensure that there is no damage to or removal of trees - by intention or by accident - and that someone is responsible for ensuring that the tree removal scheme is rigorously adhered to, and that someone should be held accountable should trees be removed or damaged.

Finally, there is a concern that unless efforts are made to build the development with some regard to the greater location, there is a danger that it will be rather like some foreign enclave, fenced behind its stone wall and not part of the wider community and this is a real possibility if it is built with scant regard in design terms, for the location in which it is situated.

North West Water Auth (see United Utilities): No objection to the proposal, however, recommend attachment to any decision notice of several advisory notes.

Design Services - Drainage Engineer: The applicant has indicated that foul water will be disposed of via the Public Sewer and they should determine the levels of the nearby Public Sewer before any design or construction work is undertaken.

The sewer record plans indicate that the nearest public sewer to the site is in the road. If it is the intention of the developer to make a new connection to the public sewer to serve the site, he must ensure that he has full permission of owners to cross any private land.

If the developer wishes to construct a new connection to the Public Sewer, please request that they contact the Drainage Section for further advice.

The application indicates that surface water will be disposed via an adopted sewer. The sewer records do not show the existence of a dedicated surface water sewer, and as such I assume the developer intended to connect the surface water to the foul sewer. This can not be allowed to happen, and the developer must reduce the surface water run off by using SUDS or using soakaways.

Leisure & Comm Dev - Landscape Services: The main concern is the detrimental affect that the development may have on the mature trees in the woodland which are the subject of a tree preservation order.

When looking on site, it appears that the location of the 5 houses would not affect

the trees, and this appears to be the case, looking at the submitted plan number 02043-17A.

The main threat to the trees is from the provision of the access road and service trenches. As discussed on site, the existing track should be used as a base for the new access road, with no excavation below existing levels. The trenches for services such as drainage should be located within the roadway/access drive to properties, and any roots encountered over 25mm in diameter are to be retained. All excavation work carried out within the area covered by the spread of a tree is to be undertaken by hand.

Carlisle Housing Assoc: Comments awaited.

Council for Protection of Rural England (FLD): We wish to make the following points.

- It is noted that outline planning permission has been granted for the development of 5 no. detached dwellings on this site on the 7th August 2002. The current proposal comprises a full application, rather than one involving a reserved matters application. In our judgement, the *principle* of this application can therefore be assessed afresh, with the outline permission setting an historical context only as a backstop position.

- The proposal indicates five, very substantial, detached dwellings, all with five bedrooms each, together with significant ground floor living areas and gardens.

- Hayton village lies in a rural location within the designated County Landscape, and the site involves a greenfield. The village is linear in character. Development at the eastern end of the village tends to be more dispersed/sporadic. The remainder of the village is compact, with a dense traditional form. The application site lies at the eastern *outer edge* of the settlement.

- The Council has recently adopted an Interim Housing Policy Statement, and PPG3 (March 2000) takes precedent over existing adopted Local Plan housing policies. As a consequence this application must be properly tested against all the requirements of that more recent guidance.

- PPG3 (March 2000) advises LPAs to review unimplemented planning permissions in accordance with PPG3 (March 2000) [see *paragraphs 8 and 40* in PPG3 (March 2000)].

- Through the Interim Housing Policy Statement (November 2002) the Council's has explicitly declared its aim of providing its focus for new housing provision in the main urban areas of the District. This having taken account of the over-supply of new housing in the rural part of the District, as set out in *paragraphs 9-11, 12-13* in PPG3 (March 2000). In the light of the Statement, there does not appear to be any justification to release this site in the short-term.

- In view of the *over-supply* in the rural area, the LPA should require this site to be *phased* or even *carried forward* into the next plan period [see *paragraphs 32-34*

of PPG3 (March 2000)]. This strategy would be in accordance with the *Plan, Monitor and Manage* approach, but only if a housing need could be properly *demonstrated* for this village at that stage, as set out in *paragraphs 69-71* in PPG3 (March 2000).

- The current application must also be considered against the *sequential approach*, taking account of the Council's up-to-date *Urban Housing Capacity Study*. [see also *paragraphs 28-31* in PPG3 (March 2000)]. This more up-to-date planned approach must be reflected in the decision taken for this current application [see *paragraphs 37-39* in PPG3 (March 2000)].

- Account must be taken of *paragraphs 35-36* in PPG3 (March 2000), which deals with *windfalls*.

- PPG3 (March 2000) requires LPAs to assess the composition of current and future households in their area, and of the existing housing stock [see paragraphs 9-11 in PPG3 (March 2000)]. Accordingly, the LPA must make an accurate *assessment* of the *full range of housing needs* for *different types and sizes of housing* across *all tenures* in Hayton village [see *paragraphs 9-11, 12-13, and 69-71* in PPG3 (March 2000)]. LPAs are therefore required to secure an *appropriate mix of dwelling size, type and affordability* in *new developments* to meet the changing composition of households in the area. Furthermore the needs of specific groups is emphasised in PPG3 (March 2000).

- Hayton has a small population and therefore its existing housing stock is correspondingly small. The provision of five, large, executive style, exclusive, detached dwellings in this rural location would not seem to offer a sufficient *range of choice* of housing and lifestyles as set out in PPG3 (March 2000) [see *paragraph 3-7 and 9-11*]. There has been *no justification* put forward in the application submission to demonstrate that this exclusive proposal would create, or assist in creating, or contribute towards, a balanced, inclusive, mixed community in Hayton to satisfy the terms of *paragraphs 3-7, and 9-11* in PPG3 (March 2000). It is likely that the lack of any range and mix of dwelling types in this application would not reflect, or satisfy the *mix and range* of *needs* of those in the village or of the local rural area. The development may therefore lead towards an *imbalance* in the mix of new housing in this small village.

- PPG3 (March 2000) advises against developments that create large areas of housing of similar characteristics.

- The Government's aim of trying to ensure that there are *balanced, mixed inclusive communities* that reflect wider society would not be satisfied by this application [see paragraphs 9-11 in PPG3 (March 2000).

- There is also no provision for *affordable housing* in the scheme, and so the development would not satisfy any *specific* local *affordable* needs. (see *Annex B* in PPG3 (March 2000).

- The *density* of the development would also fail the requirements in PPG3 (March 2000), which aims to *minimise the loss of greenfield sites*, and ensure the more

efficient and sustainable use of land, as set out in *paragraphs 57-58*. This advises that development should be in the range of *30-50 dwellings per hectare*, and LPA's should *avoid* lower density developments.

In summary, whilst FLD recognises that outline planning permission has been granted for this site, the current proposal fails to satisfy the *aims and objectives* of the Government's planning guidance and the recently approved Interim Housing Policy Statement of the LPA. Hence FLD considers there are sufficient planning reasons to *refuse* this unsustainable, unjustified, and inefficient scheme.

Civil Aviation Authority: The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, the CAA has not safeguarding objection to this proposal.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): Following a checking of the County Sites and Monuments Record it appears that this site lies within an area of archaeological interest (refs 5638 & 10672). It is situated closed to a medieval fortified house, probably within the precinct of that house and is also part of the nineteenth century landscaped grounds of Hayton House.

Consequently, in accordance with PPG16 and local plan policy (E30), I recommend that further information on the extent of the archaeological site be required before any planning decision is taken. As outlined by PPG16 section 20-22 this information should be obtained by means of an archaeological evaluation. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the development site.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 1 Stonehouse Cottages	09/01/03				AMND
The Occupier, 2 Stonehouse Cottages	09/01/03				AMND
Mr & Mrs J D Maddison, 4 Stonehouse Cottages	09/01/03			Objectio	AMND
The Occupier, Stonehouse	09/01/03				AMND
Major P Mitchell MBE QGM, Hayton Gardens	09/01/03				AMND
Mr K Anderson, Bothy Cottage	09/01/03			Objectio	RESP
The Occupier, Greenriggs	09/01/03				AMND
Mr & Mrs Scott, High House	09/01/03			Objectio	RESP
The Occupier, White House	09/01/03				AMND

Mr Smith, South View Cottage	09/01/03				AMND
Mrs Taylor, Townhead Farmhouse	09/01/03				AMND
C F Herzberg, Cobblers Cottage	09/01/03				AMND
Mr Gibson, The Paddock	09/01/03				AMND
Mr Holmes, The Old Vicarage	09/01/03				AMND
M Gilligan, Garth House	09/01/03				AMND
The Occupier, Town Foot House	09/01/03				AMND
R Tinnion, Hayton Garage	09/01/03				AMND
The Occupiers, Hayton Store	09/01/03				AMND
C F Herzberg M.A.(Cantab), 2 Beck Cottages	09/01/03				AMND
Mr D Taylor, Townhead Farmhouse	09/01/03				AMND
Mr Beattie, Four Winds	09/01/03	27/01/03		Comme Only	AMND
Mr Tranter, Stone Inn	09/01/03				AMND
Mrs J Moscrop, The Nurses Cottage			Objection		RESP
Mr E Cartwright, Stonechats			Objection		AMND
Ms J Partington, Sandcroft			Objection		RESP

This application was originally in the form of a site notice and the direct notification of the occupiers of 25 neighbouring properties. The neighbours were re-notified following receipt of revised plans. In response to the original and revised plans eight letters of objection and one of comment have been received. The basic issues raised being:

- Developer needs to protect existing trees.

- The original design of the house on plot 5 was three storeys and exceeds size indicated in the outline permission.

- The house on plot 5 extends beyond the originally approved boundary and thus is not screened from the road and is visually intrusive.

- Generally the size of each of the five houses is large which alters significantly the visual impact to the detriment of the woodland area and Hayton.

- Where will all the rainwater run to. The top of the lane near the proposed access/exit is already a very wet area. Hayton already has sufficient problems with rainwater in wet times at the opposite end of the village. Query whether developer has right to connect to existing culvert and stream.

- The felling of any trees will result in a loss of habitat to a resident red squirrel population as well as many other bird species.

- There appears to be little conformity of shape or style of any of the proposed houses which would suggest that they will not be in keeping with those buildings already in existence.

- What will happen to the Section 106 Agreement which appears to have been ignored. Is this the prelude to continual development through to Townhead.

- Does the new Council policy of building in village areas not include Hayton.

- Access to these five houses and eventually considerably more from the Stonehouse Farm barn conversions for which permission has already been granted, enters the main road at a blind point.

- Exploratory work has been undertaken which has left the verges in a deplorable state on an unmade road.

- Very hard to believe that the proposed exit is a safer road option than the present exit from Stonehouse Farm.

- The proposed exit is in the immediate vicinity of Hayton Reading Room which is also the location of Hayton Pre-School Group.

- As a high proportion of children receiving their education at Hayton School actually travel in it is suggested that any housing being built should be for first time buyers or for modestly income young families. This would bring children actually living in the village to the school. It is probable that any children living in the proposed "mansions" would be transported to private schools in Carlisle

- The owners of such properties are more than likely to have several cars. This would cause problems of increased traffic on the country lanes that are not built to sustain them and also bring about increased safety risks.

- All five dwellings are on a higher elevation than the outline planning permission and all five are placed further back and consequently makes them much more visible by surrounding properties.

- The proposal is contrary to the Council's Interim Housing Policy Statement which has been agreed since the previous outline approval was granted.

- Understand that the Council is bound by the previous approval but believe it should resist further intrusion into open space and refuse development beyond the line established by the 106 Agreement.

- Properties of this scale must consume more resources in their construction and in their subsequent operation than do houses of generous but less extravagant proportions.

- The woodland site has been left to be a natural habitat for generations of wildlife from squirrels, foxes, birds including an owl. If these houses are built what consideration will be taken to protect the wildlife.

- The road is adopted but in a very bad state of repair. When and if the developer starts work this road is going to have to tolerate a great deal of heavy machinery. Will the developer reinstate the road to perfect condition?

- There are now going to be 2 exit/entrances onto the lane which will create danger to the existing traffic along that road.

- Exiting the lane onto the village road with the increase in traffic will create an immense danger at one of the narrowest points of the village.

Details of Proposal/Officer Appraisal:

Planning History:

In 1974, and 1975 under application reference numbers 74/0012 and 74/01286, outline planning permission was refused for the erection of six and four dwelling respectively on the open field lying to the immediate east of the current proposal.

In 1981, under application number 81/0367, outline permission was refused for the erection of four dwellings one of which was located within the site of the current proposal. In 1991, application reference number 90/1246, permission was given for the conversion of a range of outbuildings into thirteen residential units. A variation of condition number 04 was upheld at appeal allowing access to the development from the western end of the site. This permission has subsequently been renewed in 1996 under application reference number 96/0031.

In November 2000 an application (number B/00/0805) was submitted to satisfy the Building Regulations to convert the shooter's lodge to a dwelling given planning permission under application numbers 90/1246 and 96/0031.

In August 2002, under application 00/0846, outline planning permission was given for the erection of five dwellings. This permission was subject to a Section 106 Agreement which has duly been completed.

Members have given authority to issue an outline approval, application number 01/0573, for residential development on land adjoining Hayton Gardens subject to a Section 106 Agreement. The aforementioned Agreement has yet to be completed.

Details of Proposal:

The application sites lies to the south-west of the farm steading at Stone House Farm. The steading was originally built as the "Home Farm" to the Hayton House Estate. Hayton House was demolished in the early 1950's leaving the farmhouse, farmstead, shooters lodge, stables and carriage houses serving the former parkland. The complex is mid to late nineteenth century and is predominantly built of red sandstone with slate roofs comprising a T-shaped range and an L-shaped range with a yard. The T-shaped range consists of stables, tack rooms, carriage houses with a dovecote tower. The late nineteenth century farmhouse has been altered and extended.

To the immediate east of Stone House farmhouse there are a pair of semi-detached houses (1 and 2 Stone House Cottages) and countryside consisting of open fields or woods which provide the approach to the settlement of Townhead.

To the west of the T-shaped range of outbuildings there is the former walled garden of Hayton House, which was previously used as a plant nursery although this purpose no longer takes place. Two properties formerly associated with the nursery in the form of Bothy Cottage and Hayton Gardens, which have subsequently been altered and enlarged, are also evident.

To the north and west of the application site there is a lane which not only leads to Bothy Cottage and Hayton Gardens but also seven other dwellings of which the White House immediately abuts part of the northern boundary. An undeveloped copse lies to the south-west of the White House.

The application site is a wooded area through which there is the remnants of the driveway which used to serve Hayton House. The site is a natural hollow dropping away from the Hayton/Townhead road then rising and levelling out by the boundary with the walled garden. A total of 38 trees are protected by a Tree Preservation Order. The site is enclosed by a stone wall along its western and southern boundaries, the brick wall of the walled garden, and, a gated post and wire fence on the eastern boundary.

The submitted plans show the erection of five detached houses utilising the existing topography of the site and the retention of the healthy trees subject to the Tree Preservation Order. Access to the proposed dwellings on plots 2-5 is via the former Hayton House gated driveway the use of which was upheld at appeal to serve the development approved under application numbers 90/01246 and 96/0031. The intention is for the aforementioned access and drive to also serve the development subject to application number 01/0573. The proposed dwelling on plot 1 is shown to have its own independent entrance to the east of the driveway.

The submitted plans show the erection of five bed, two storey houses constructed externally in either a combination of brick and stone walling with a slate roof and artstone detailing, or, brick walling with slate roofing and artstone detailing.

The application is accompanied by:

a) a letter from a wildlife consultant;

b) copies of engineering drawings and correspondence between the applicants, the Environment Agency and the City Council's Drainage Engineer;

c) a method statement for protecting the existing trees, a tree survey, and, landscaping scheme prepared on behalf of the applicants by Prospect Design Partnership; and,

d) a letter from the applicants.

The letter from the wildlife consultant advises that a Tawny Owl is present on the site and thus recommends that two nest boxes are on suitable trees within the site. There was no evidence of any Red Squirrels although, as a suggestion, three feeding hoppers could be erected at various points around the site to provide an extra food source.

The letter from the applicants confirms that:

- In order to minimise impact upon the existing protected trees: a shared surface road will be constructed along the line of the existing access; introduce narrowings in the carriageway to coincide with areas around trees which will also act as traffic calming features; place stormwater retention pipework under the carriageway where construction has less affect on the trees; place services within a service strip which "narrows" in the same manner as the carriageway; construct the road surface above the level of the track in vulnerable areas; and, place sewers/drains at minimum depth and in the centre of the existing access track.

- Use a similar type of surface finish to that used at the applicants Rickerby development which comprises a 3 metre wide tarmac surfaced section and 0.9 metre wide paved margins giving an overall road width of 4.8 metres. All of which has been confirmed by the Highways Authority.

- Surface water drainage for properties at Hayton is to be via soakaways constructed within the curtilage of each individual dwelling.

- The Highways Authority require the highway to be adequately drained. Drainage for the highway is to be directed through an underground attenuation structure into the existing culverted watercourse under the existing adopted highway. In storm periods water is held on the application site in large diameter pipes with a limited discharge to the watercourse as approved by the Environment Agency.

- Permission to connect into the culvert is required from the Highways Authority and forms part of the Section 38 road adoption procedure. Consent is also required from the Environment Agency. Approval in principle has been established and formal consents are being sought.

- Because of the above there is no reasons to suppose introducing the

proposed drainage measures will have a significant impact upon the downstream surface water system.

- Discussions have been held with the City Council's Drainage Engineer to establish foul drainage principles. It is proposed to connect the dwellings directly to the existing foul sewer network. Agreement has been reached in principle on this issue.

- A brief is currently awaited from the County Archaeologist.

- A Method Statement has been prepared to minimise impact upon the protected tress from construction activities.

- The proposed landscaping scheme is to address concerns of visual impact of the scheme adjacent to Plot 5.

- It is proposed to incorporate a stone "front elevation" to Plot 4 in lieu of the brickwork currently shown.

In considering this application it is felt that the following points need to be kept in mind:

a) Ministerial advice

Paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

Ministerial advice contained in PPG7 "The Countryside - Environmental

Quality and Economic and Social Development" emphasises in paragraph 1.3 that ***"new development should respect, and where possible enhance, the environment in its location, scale and design"***. PPG7 goes on to say that ***"new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources".*** (paragraph 2.3).

In addition, paragraph 3.20 of PPG7 highlights that development should be well-related in scale and location to existing development.

PPG9 "Nature Conservation" states that one of the essential tasks for local authorities is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features".**

b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	**6858**	**4801**	**2057**
Completions 1991-2002	**4286**	**2652**	**1634**
Residual requirement 2002-6	**2572**	**2149**	**423**

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of

development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	*4286*	*2652*	*1634*
Projected total for plan period (estimate up to 2006)	**5751**	**3560**	**2191**
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused, with Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals. Proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the "what constitutes large and small-scale will vary considerably from settlement to settlement". The Housing Policy Statement explains that significant additional housing referred to in PPG3 will be considered in this context.

c) Supplementary Planning Guidance

The relevant Supplementary Planning Guidance is contained in the "Countryside Design Summary for Carlisle District" (CDSCD).

The CDSCD states that **"new development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character** .. (page 6). When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of, amongst other thins, the overall form of the village i.e. is it strongly linear, clustered around a village green, centred on a cross road, or lack cohesiveness.

d) Fall back position

When assessing the current proposal in isolation it is considered that, in the context of Hayton and PPG3, the proposal cannot be considered significant. The proposal

also relates to a village with basic facilities including a school, garage, public house, shop, church, village hall and a limited bus service. This aside, the application site is largely already subject to a recent outline permission for five dwellings which is still current. The applicants therefore have a fall back position of the Committee having already accepted the principle of erecting five dwellings on the land.

e) Foul and service water drainage

Annex A to Circular 3/99 explains that developers need to demonstrate that any new development is effectively served by a sewerage system. Before deciding a planning application, the local planning authority needs to be satisfied that the sewerage arrangements are suitable. In relation to proposed foul and surface water drainage the applicant has already undertaken extensive discussions which appear to have resolved matters although formal confirmation from the relevant parties is awaited.

f) Highway matters

It is understood that full regard needs to be made to the capacity and safety of the existing road infrastructure to carry any additional traffic and whether this would lead to increased hazards in terms of vehicle/vehicle or vehicle/pedestrian. Any assessment would need to look at whether the approaches to the site are adequate to cater for any additional traffic or the type of likely vehicles not only because of its physical capacity but also due to the current level of use i.e. its environmental capacity.

Neighbouring residents have referred to the present condition of the road and the possibility that increased traffic may damage the surface. Members need to be aware that this issue is not usually considered to be a concern of the planning system. This is because if it is established that the highways are adequate to deal with the traffic generated by any proposal, it is usually part of the duty of the Highways Authority to maintain that the number of houses have not increased above that already approved under 00/0846. In terms of the size of the accommodation and the second access to serve plot 1 the Highways Authority have not raised any objections.

g) Design and size of dwellings

It is acknowledged that the proposed houses are relatively large. Members may also remember that the outline permission granted under 00/0846 was subject to a Section 106 Agreement which not only stipulated the extent of land not to be developed in the future but also the implementation of a woodland management plan including the repair and maintenance of the existing stone boundary wall. The design and location of the proposed houses has nevertheless been based on utilising the existing topography of the site and safeguarding the trees subject to the Tree Preservation Order. The houses are also within a woodland/parkland setting which can be distinguished from the linear form of the settlement. In addition, the applicants have sought to mitigate any problems by amending the design of the proposed houses on plots 4 and 5, and, by submitting a landscaping scheme. In the case of the proposed landscaping scheme, the comments of the Council's Parks and

Countryside Officer are awaited.

h) Archaeology

The applicants are willing to undertake an archaeological evaluation as requested by the County Archaeologist although this was not previously raised at the time of processing 00/0846.

In conclusion, and on the basis that no objections are received concerning the awaited and recently submitted details, authority is sought to issue an approval subject to the results of the archaeological evaluation and the completion of a Deed of Variation to the existing Section 106 Agreement relating to the increase in the extent of the land to be developed, implementation of the woodland management plan and the repair/maintenance of the stone boundary wall.

Informative Notes to Committee:

1. **Section 106 Agreement with Authority to Issue**

   In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above but in this instance it is not considered that there is any conflict.

SCHEDULE A: Applications with Recommendation

A to I

02/1359

Recommendation: 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 visibility splays providing clear visibility of 70 metres x 2.4 metres x 70 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the 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.

4. This permission relates to the erection of five dwellings, the construction of which needs to be undertaken in a co-ordinated manner. As such the highway improvement works to the site access (which include the improvement works to the existing adopted highway at the junction of the proposed shared surface road) and foul and surface water drainage shall be carried out according to the following phasing:

   i) the site access and shared surface road shall be made up to base course level and the associated surface water drainage of the road completed prior to the completion of any unit on the site, in accordance with the approved details;

   ii) immediately following completion (by the plastering out) of the final unit, the shared surface road shall be completed to adoptable standards; and,

   iii) no dwelling shall be occupied until its means of foul and surface water drainage have been completed in accordance with details to be submitted to and approved by the local planning authority.

   Reason: To ensure that the access, foul and surface water drainage, and, shared surface road are provided to serve the proposal in a co-ordinated manner.

5. Before each dwelling is occupied space for at least one garage and one parked car shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage and parking shall be used for no other purpose without the prior approval of the local planning authority.

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

6. 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.

7. 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.

   Reason: To ensure that materials to be used are acceptable.

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 harmonise as closely as possible with the existing building.

9. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of 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.

11. 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.

12. Before the completion (by the plastering out) of the final dwelling unit the re-aligned and remaining lengths of the stone boundary wall fronting the Hayton/Townhead road shall be fully erected and/or repaired in accordance with details submitted to and approved in writing beforehand by the local planning authority.

    Reason: In order to safeguard the character and visual amenities of the area.

13. Adequate underground ducts shall be installed by the developers, to the satisfaction of the local planning authority, before any of the building(s) hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and 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.

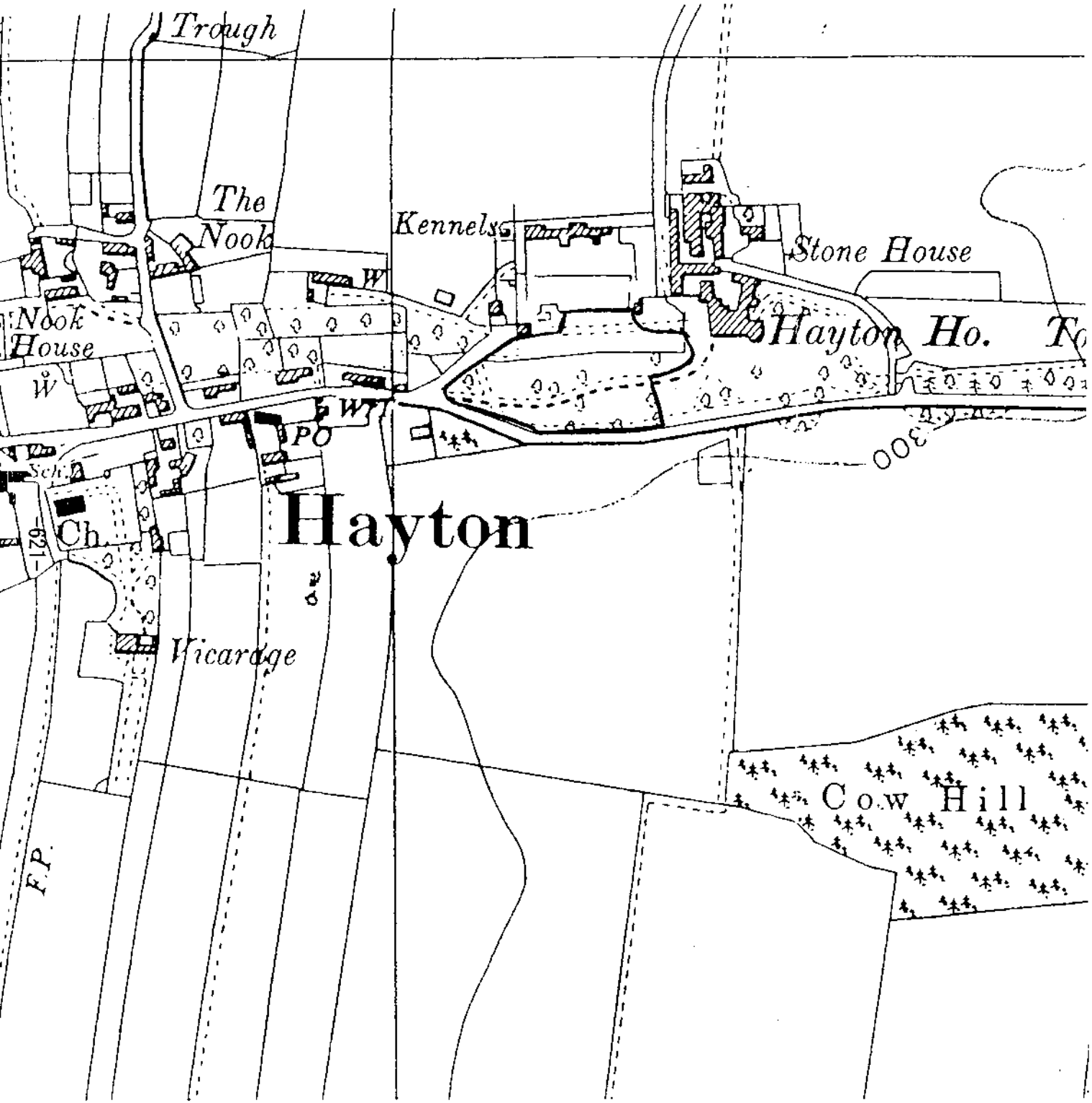
    Reason: To maintain the special visual character of the locality.

14. 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 special visual character of the locality.

15. Before any work commences on the implementation of this approval, details of the provisions made for two owl nest boxes and three feeding hoppers for red squirrels shall be submitted to and approved in writing by the local planning authority.

    Reason: In order not to disturb or deter the nesting/ roosting of owls and red squirrels.



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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
LOCATION PLAN

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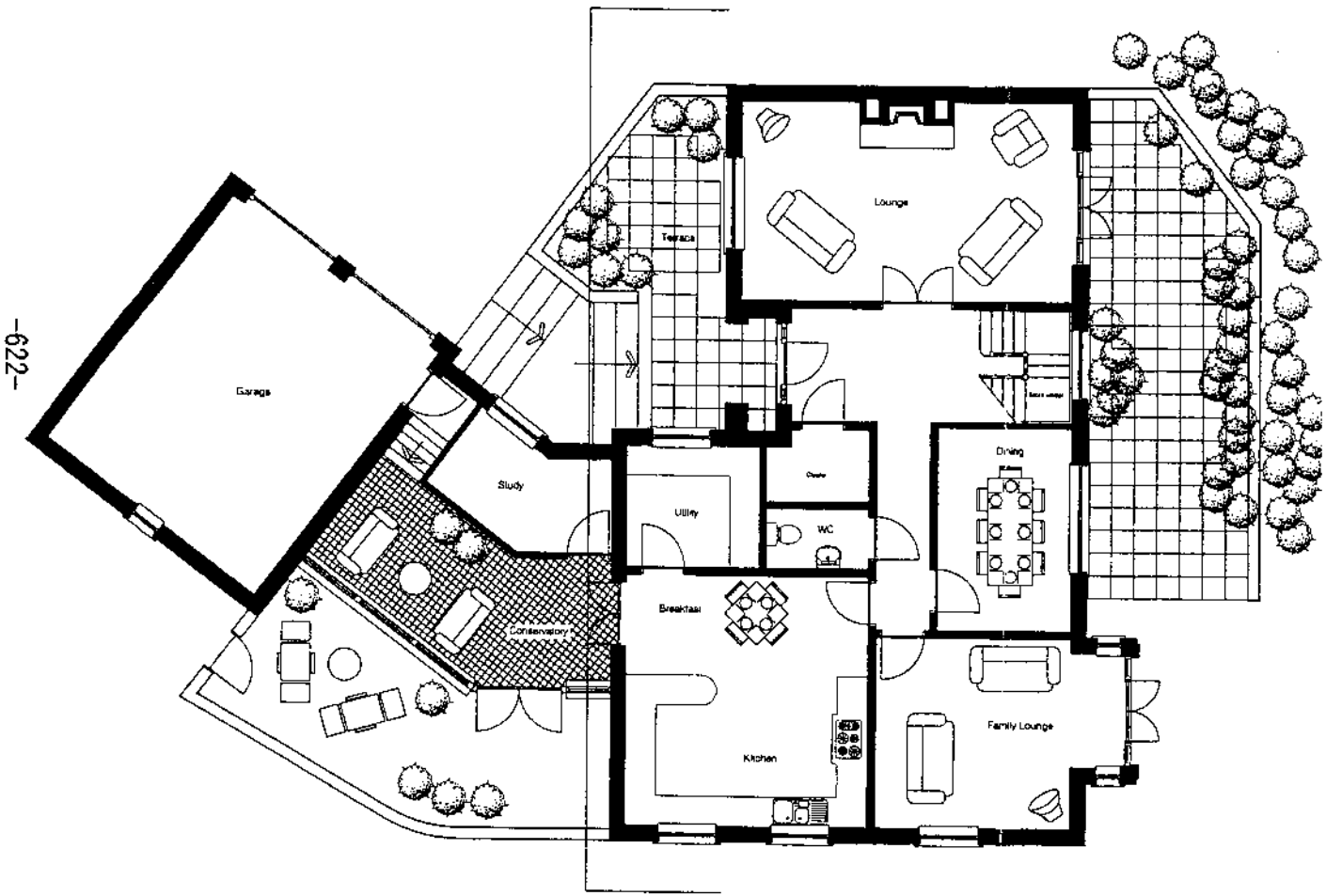
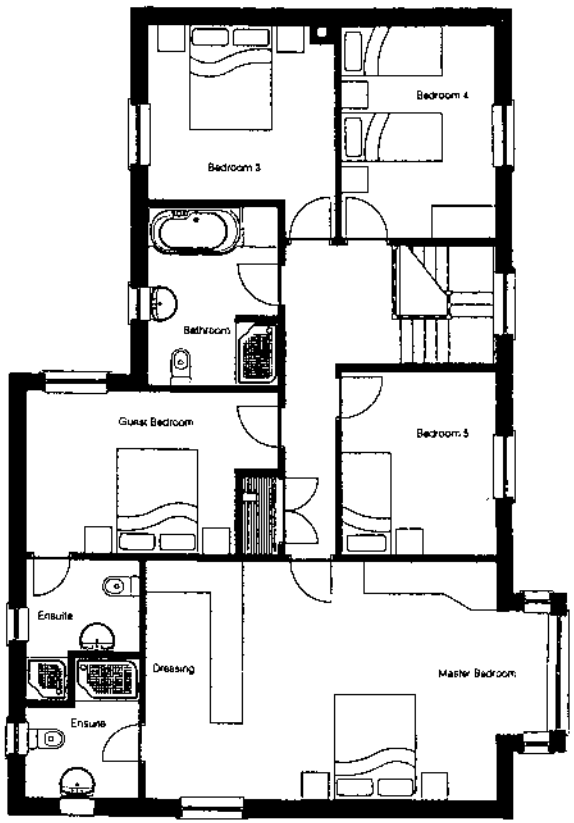


GROUND FLOOR PLAN



FIRST FLOOR PLAN

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 1
PLANS

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NORTH ELEVATION

SOUTH ELEVATION

MATERIALS

ROOF.
NATURAL SLATE. ARTSTONE COPINGS AND KNEELER BLOCKS.
WALLS.
RANDOM SANDSTONE. CLAY FACING BRICKS. ARTSTONE QUOINS.
WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS.
UPVC.

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 1
ELEVATIONS

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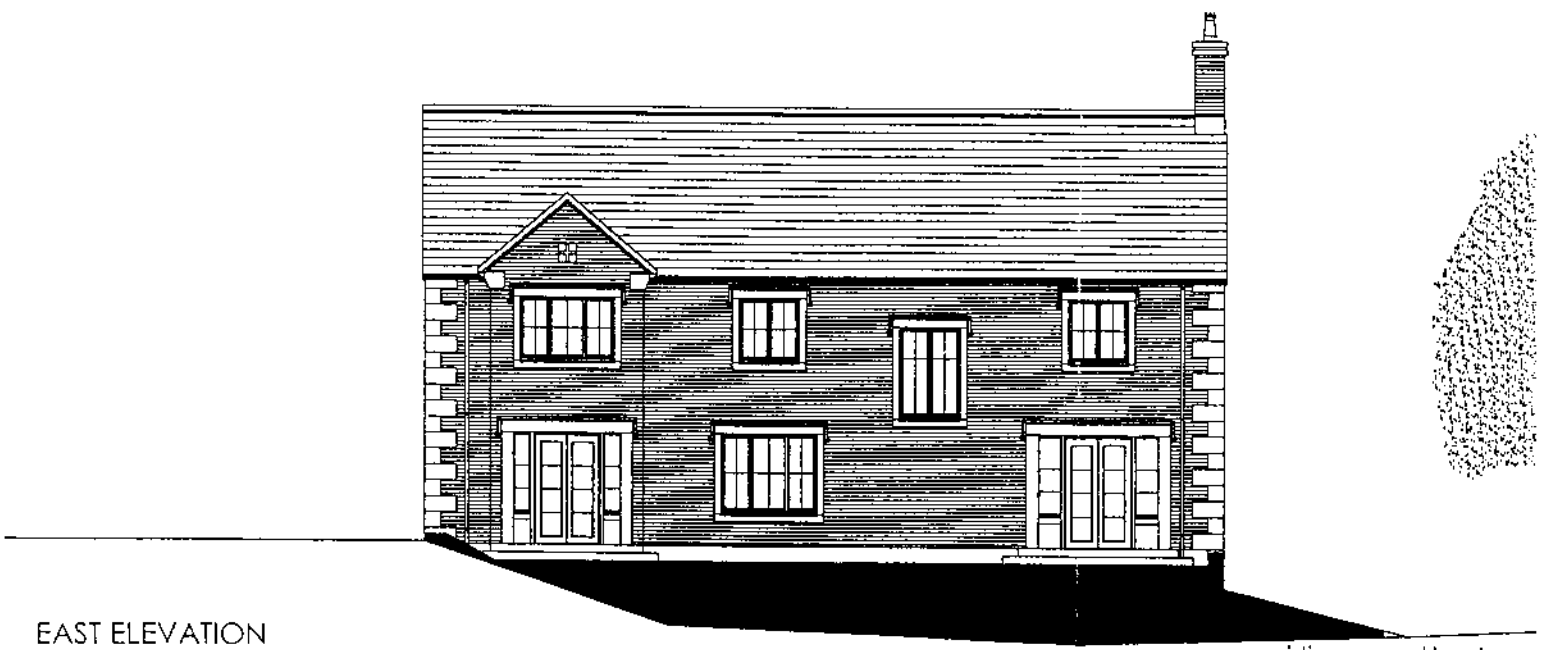
SECTION A-A / WEST ELEVATION



EAST ELEVATION

MATERIALS

ROOF.
NATURAL SLATE. ARTSTONE COPINGS AND KNEELER BLOCKS.
WALLS.
RANDOM SANDSTONE. CLAY FACING BRICKS. ARTSTONE QUOINS.
WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS.
UPVC.

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 1
SECTION/ELEVATIONS

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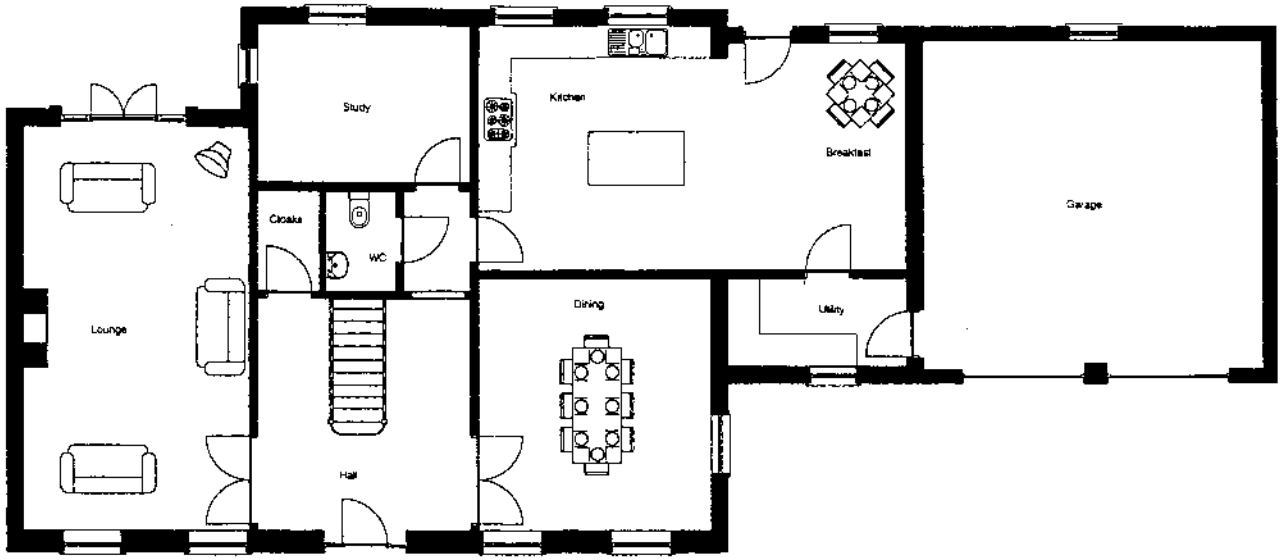
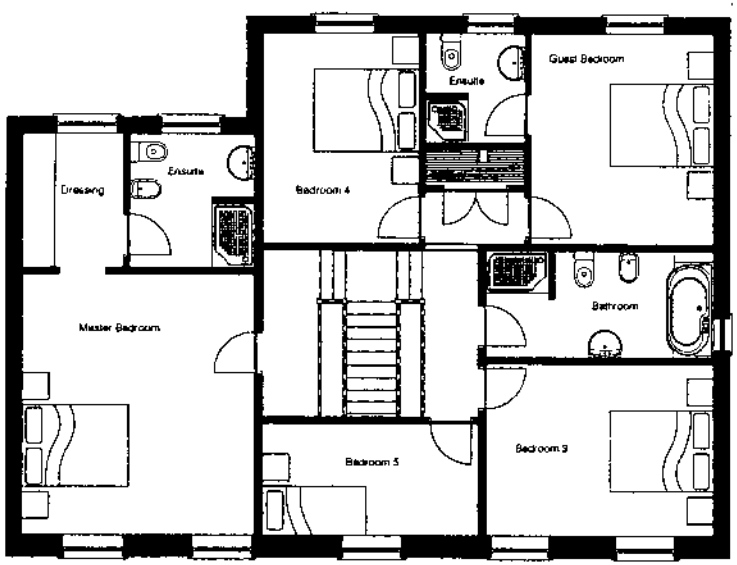


GROUND FLOOR PLAN



FIRST FLOOR PLAN

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 2
PLANS

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NORTH ELEVATION

SOUTH ELEVATION

MATERIALS

ROOF.
NATURAL SLATE. ARTSTONE COPINGS AND KNEELER BLOCKS.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
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RAINWATER GOODS.
UPVC.

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 2
ELEVATIONS

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WEST ELEVATION

EAST ELEVATION

MATERIALS

ROOF.
NATURAL SLATE. ARTSTONE COPINGS AND KNEELER BLOCKS.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
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Project
WOODLAND GARDENS, HAYTON
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Drawing
PLOT 2
SECTION/ELEVATIONS

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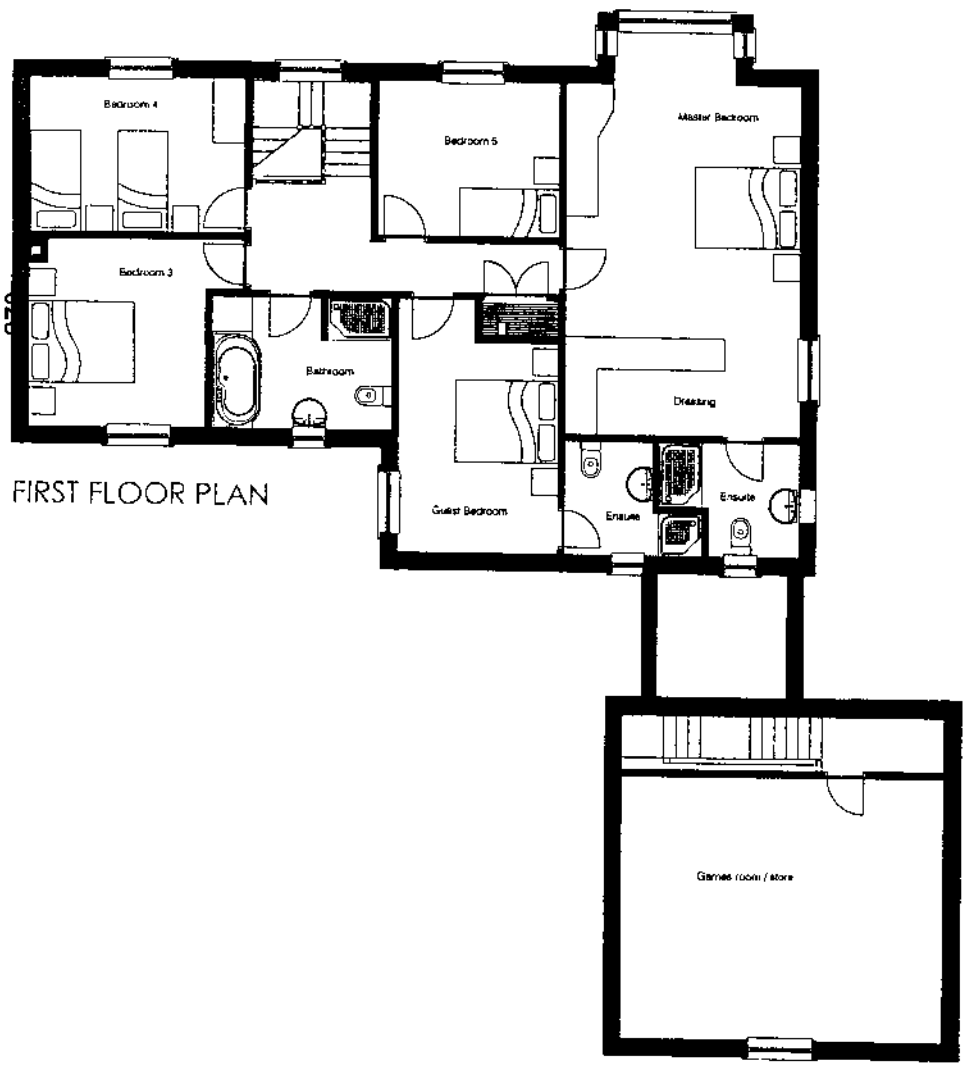

FIRST FLOOR PLAN

GROUND FLOOR PLAN

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Project
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Drawing
PLOT 3
PLANS

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EAST ELEVATION

NORTH ELEVATION

MATERIALS

ROOF.
NATURAL SLATE.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS. WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
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RAINWATER GOODS.
UPVC.

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Project
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Drawing
PLOT 3
ELEVATIONS

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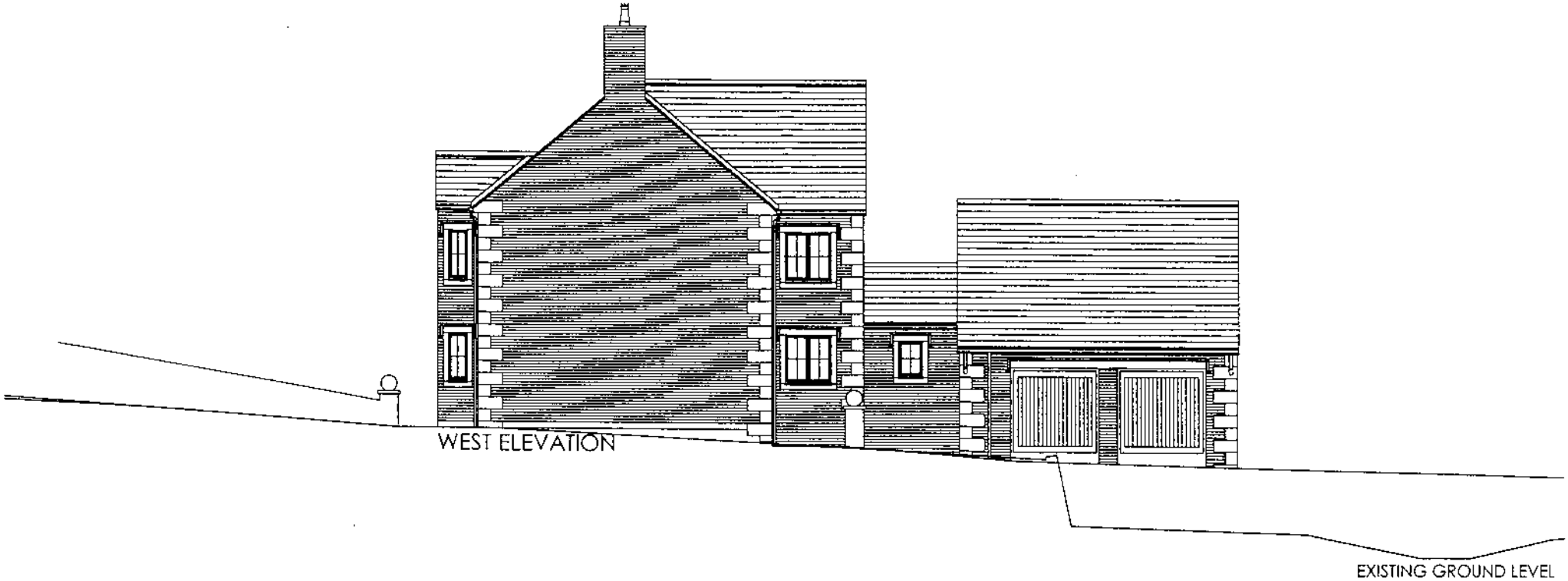

WEST ELEVATION

EXISTING GROUND LEVEL

SOUTH ELEVATION

MATERIALS

ROOF.
NATURAL SLATE.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS.
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Project
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Drawing
PLOT 3
SECTION/ELEVATIONS

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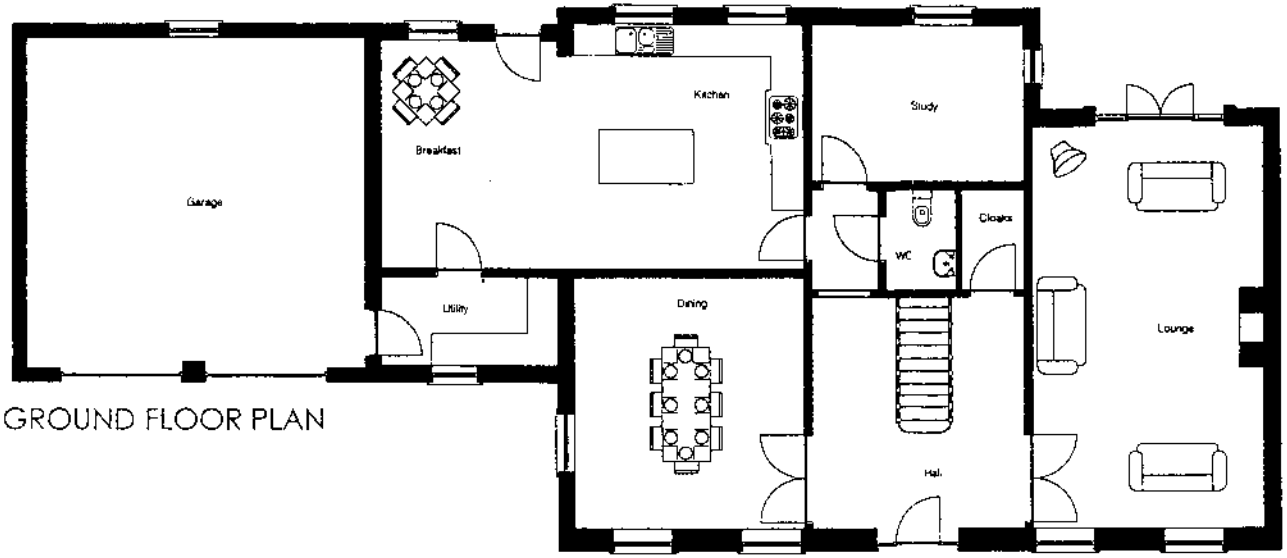

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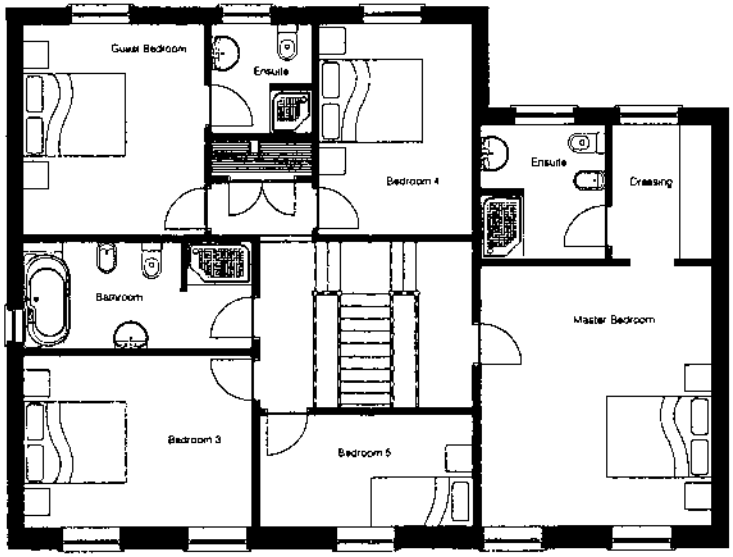

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 4
PLANS

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NORTH ELEVATION

SOUTH ELEVATION

MATERIALS

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WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
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RAINWATER GOODS.
UPVC.

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 4
ELEVATIONS

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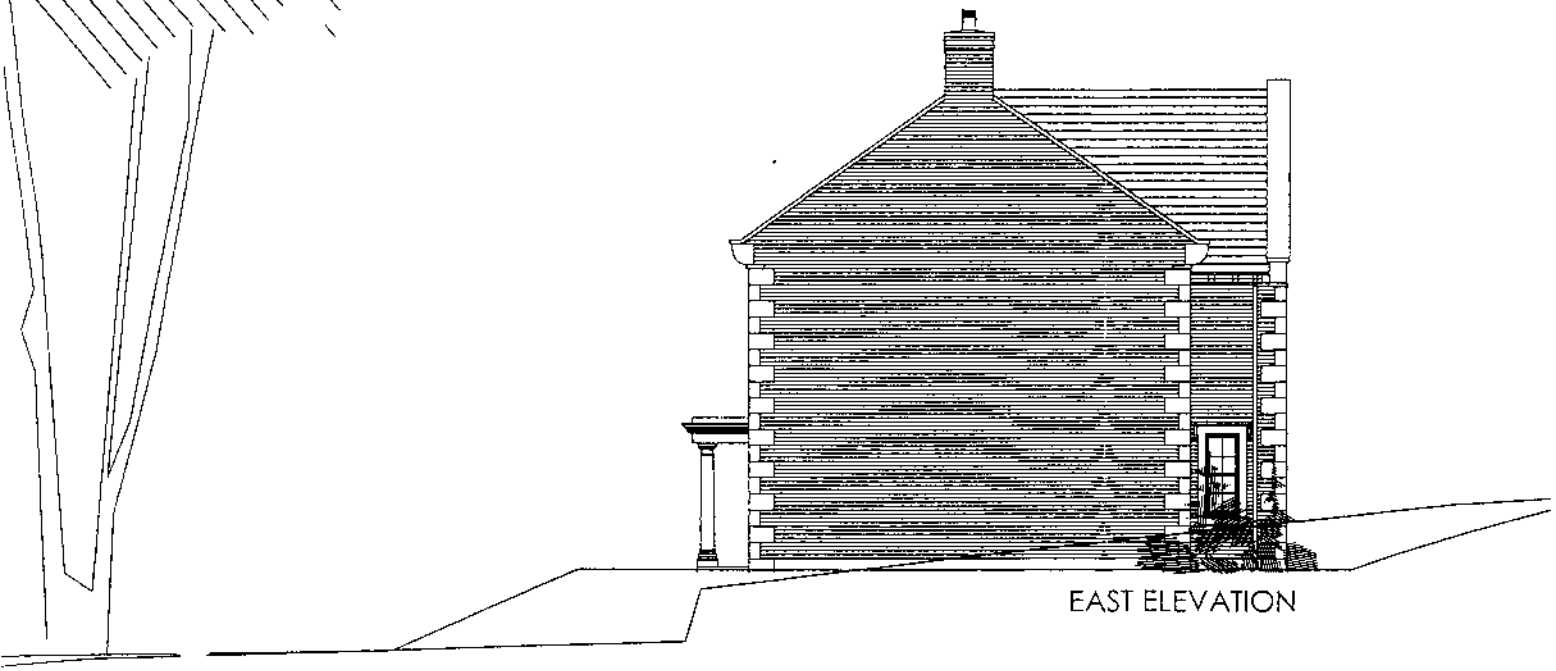
WEST ELEVATION



EAST ELEVATION

633

MATERIALS

ROOF.
NATURAL SLATE, ARTSTONE COPINGS AND KNEELER BLOCKS.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS. WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS
UPVC.

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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 4
SECTION/ELEVATIONS

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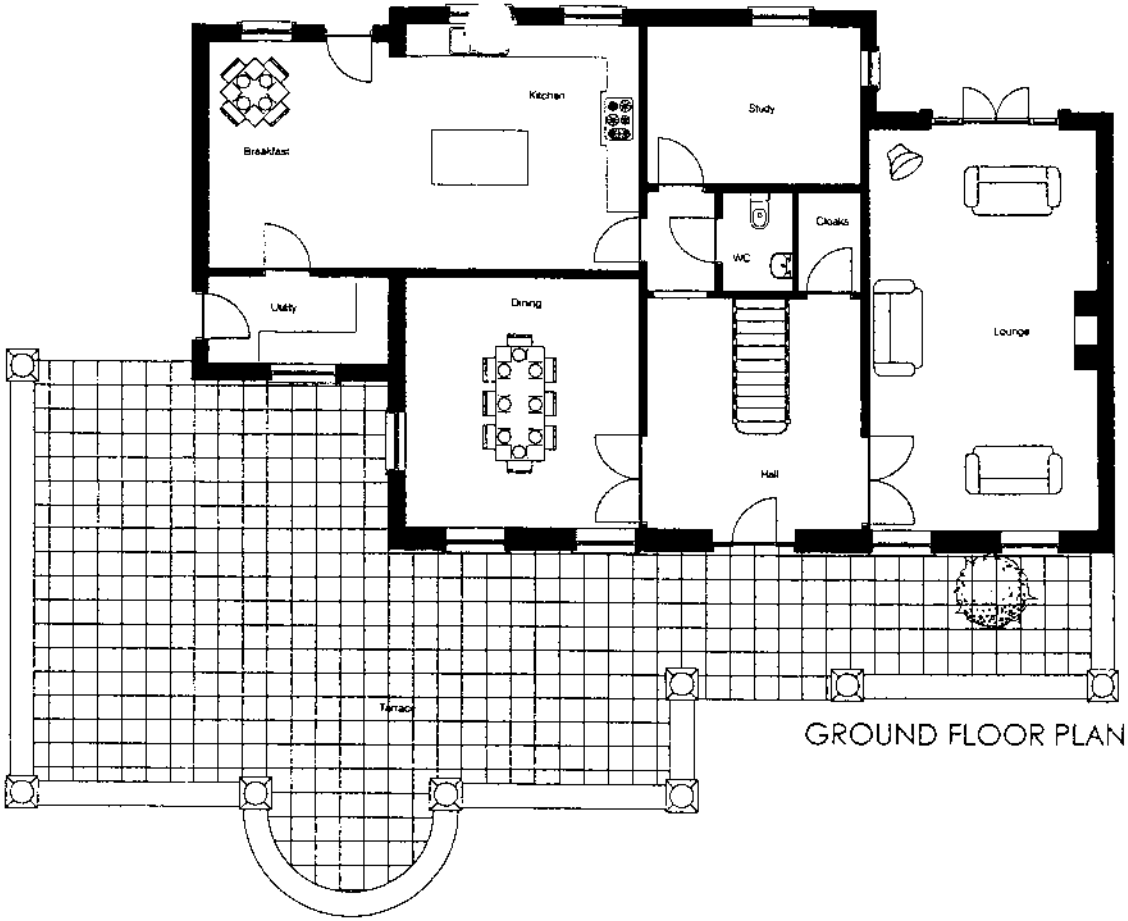
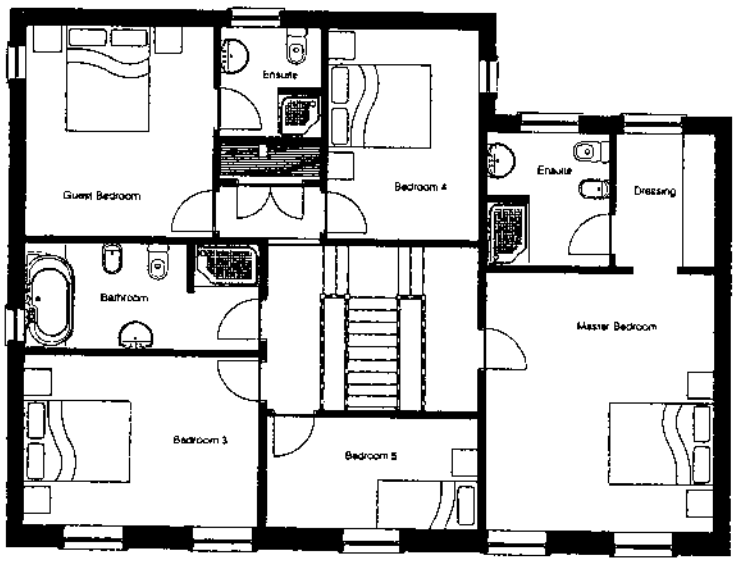


GROUND FLOOR PLAN



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Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 5
PLANS

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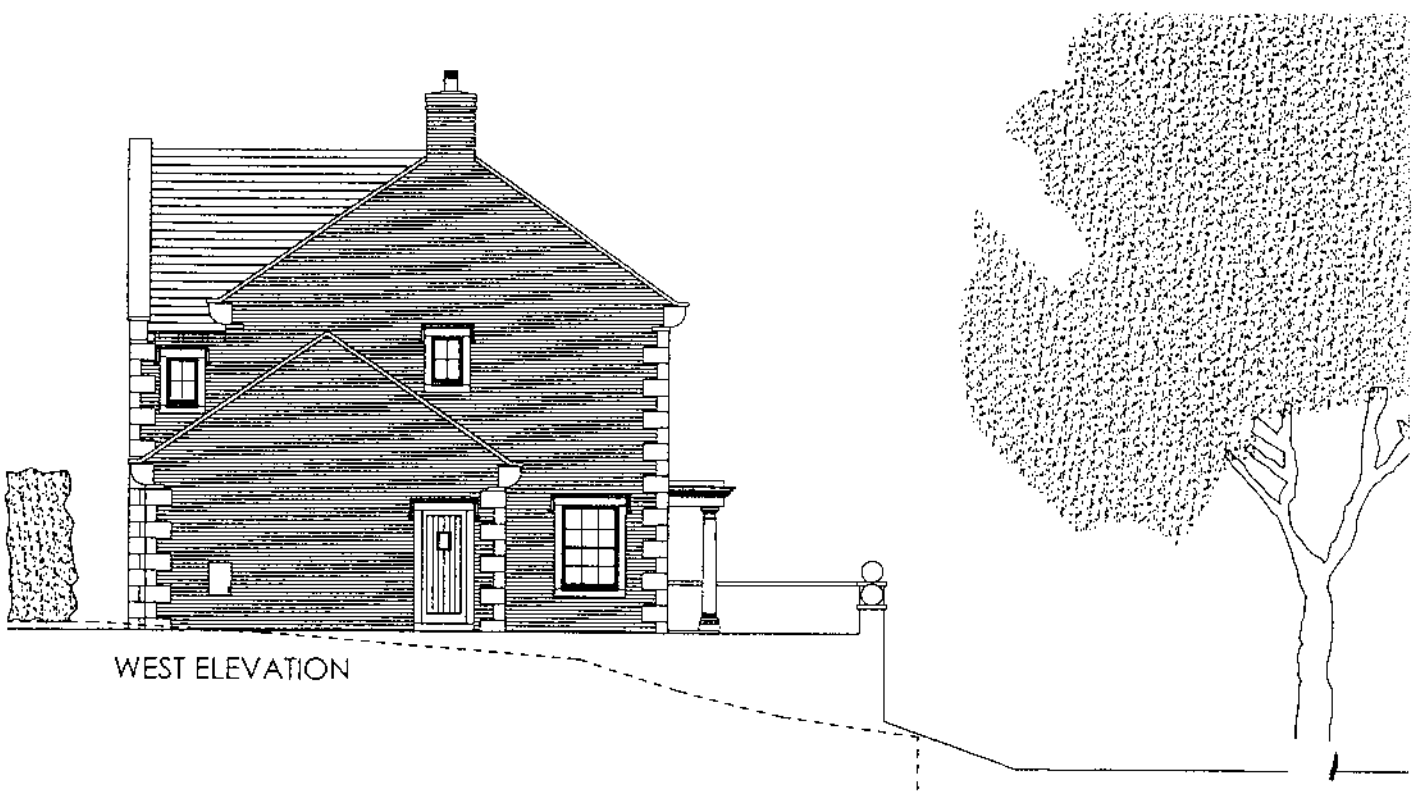
SOUTH ELEVATION



WEST ELEVATION

MATERIALS

ROOF.
NATURAL SLATE.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS. SELF COLOURED SCRAPED FINISH RENDER
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS.
UPVC.

Revision	Date	Description	Revised by	Checked by

ARCHITECTS
P L W S
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515033
e mail: ap@architechplus.co.uk

Project
WOODLAND GARDENS, HAYTON
STORY HOMES

Drawing
PLOT 5
ELEVATIONS

Scale	Date	Drawn	Comp.No.	Checked	Number
1:100	12-02	rj			02043-15C

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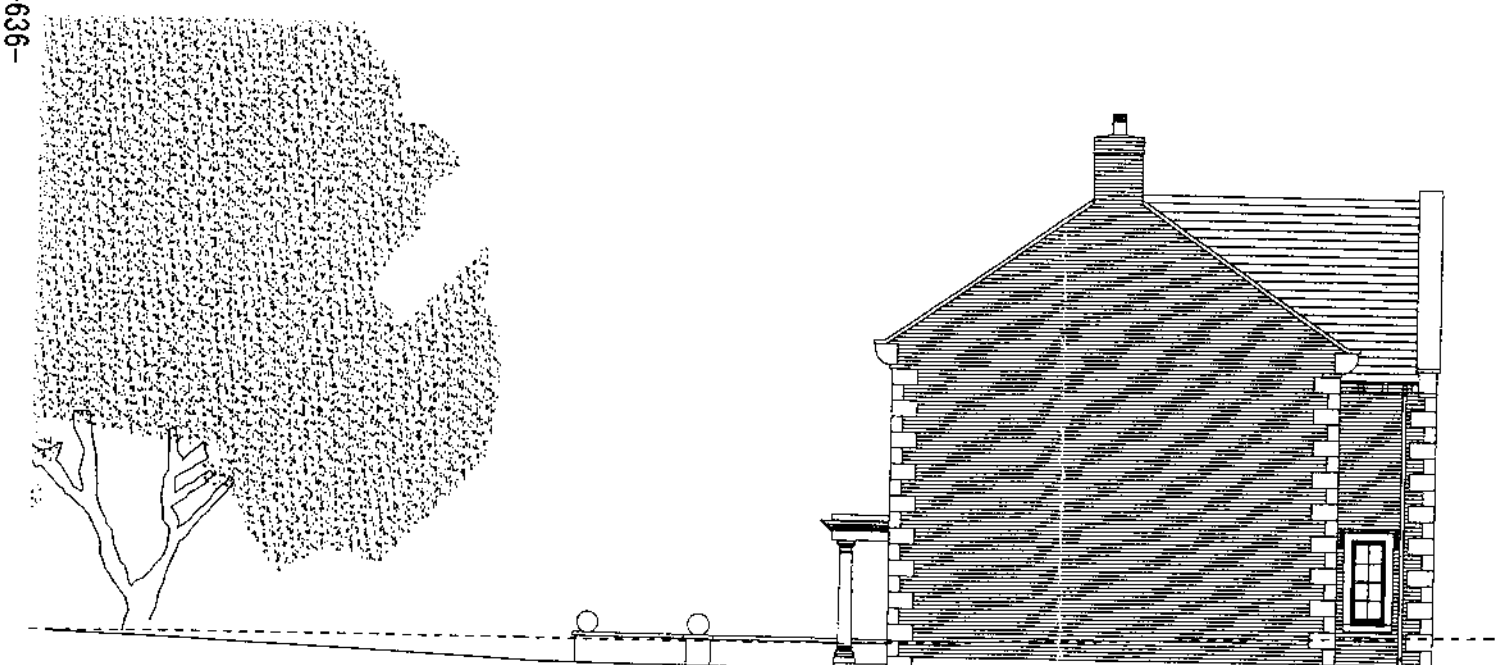
NORTH ELEVATION



EAST ELEVATION

MATERIALS

ROOF.
NATURAL SLATE.
WALLS.
CLAY FACING BRICKS. ARTSTONE QUOINS, WINDOW SURROUNDS AND DETAILS.
WINDOWS AND DOORS.
UPVC DOUBLE GLAZED.
RAINWATER GOODS.
UPVC.

Revision Date Description Revised by Checked by

ARCHITECTS
P L U S
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN
Carlisle 01228 515144 Annan 01461 205463 Fax Number 01228 515038
e mail ap@architectsplus.co.uk

Project
WOODLAND GARDENS, HAYTON
STORY HOMES

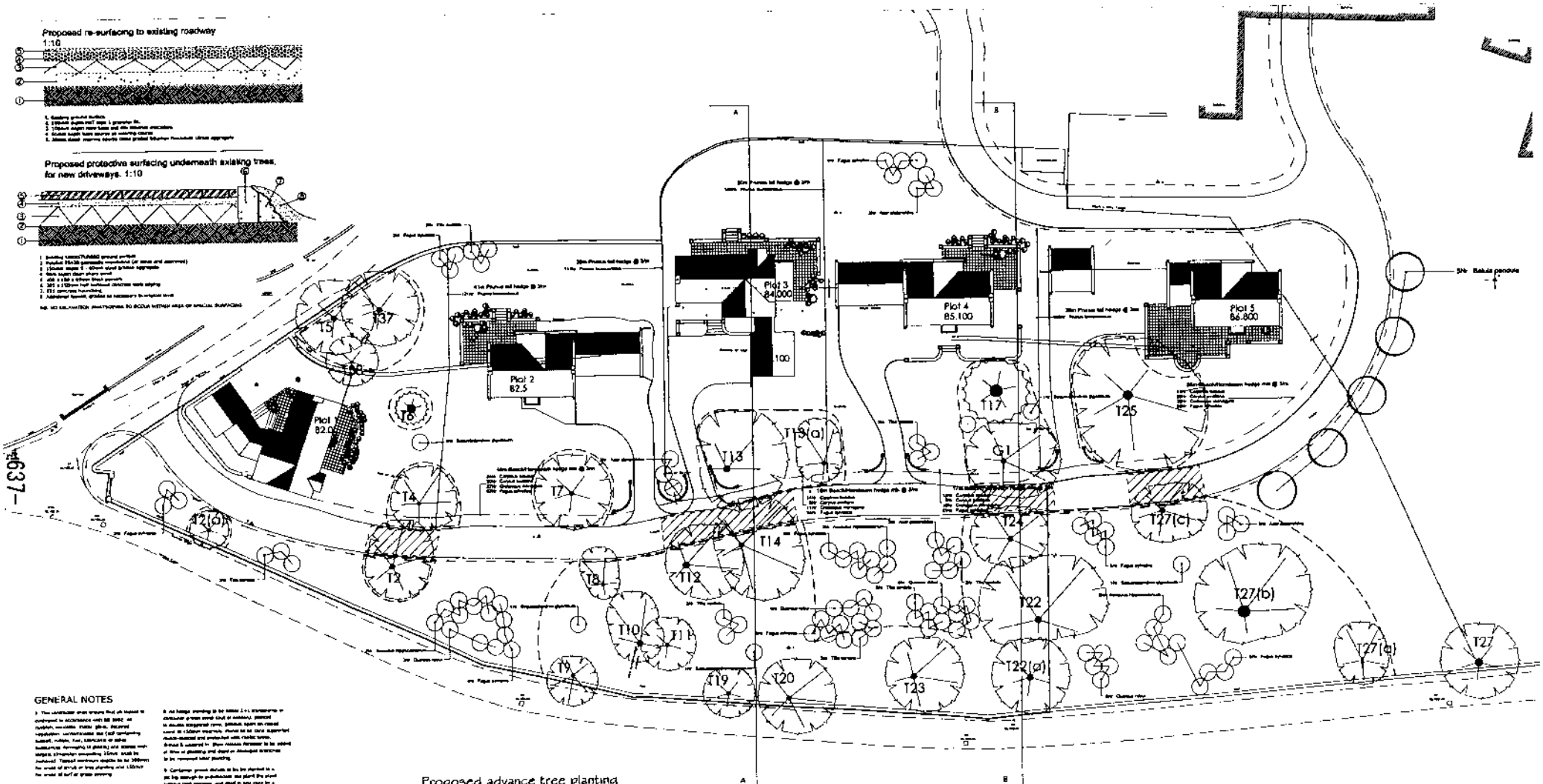
Drawing
PLOT 5
ELEVATIONS/SECTIONS

Scale 1:100 Date 12-02 Drawn rj Comp No. Checked Number 02043-16C

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions & particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Proposed re-surfacing to existing roadway
1:10

Proposed protective surfacing underneath existing trees, for new driveways. 1:10



GENERAL NOTES

Proposed advance tree planting

Nr	Plant Name	Form	Ht/Sprd/Gr	Girth	Container	Root	Density
12	Acer platanoides	Feathered	175-200			B	
15	Aesculus hippocastanum	Feathered	175-200			B	
5	Betula pendula	Feathered	300-350	10-12		B	
34	Fagus sylvatica	Feathered	175-200			B	
17	Quercus robur	Feathered	175-200			B	
6	Sequoiadendron giganteum		40-60		5L		
23	Tilia cordata	Feathered	175-200			B	

112

Proposed hedge planting

Nr	Plant Name	Ht/Sprd/Gr	Girth	Container	Root	Density
101	Carpinus betulus	80			B	
60	Corylus avellana	80			B	
81	Crataegus monogyna	60-80			B	

Key

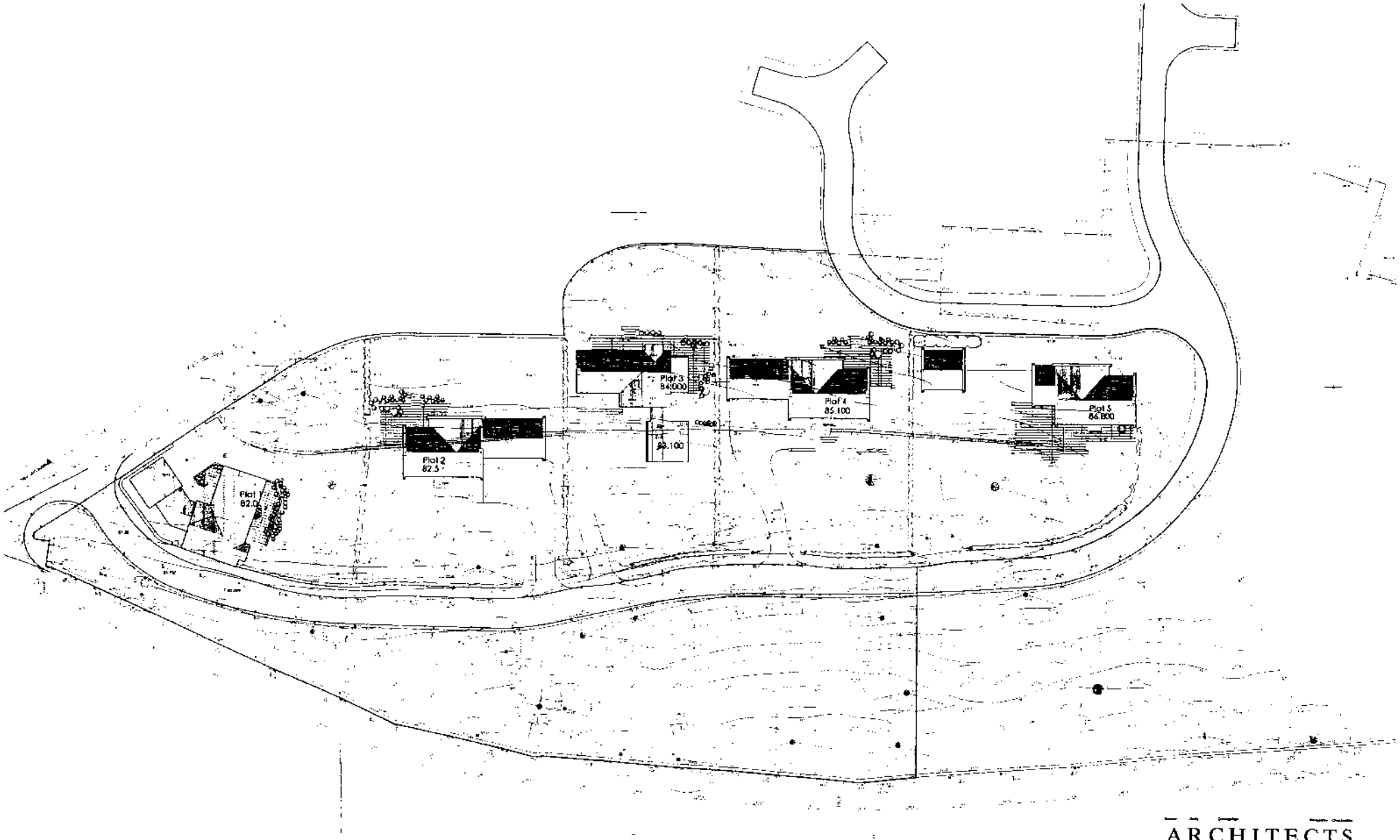
Client
Storey Homes Ltd

Project
Stonehouse Farm, Hayton, Carlisle

Drawing title
Survey of existing trees & proposed advanced scree

Scale Drawn by Date

t design partnership



ARCHITECTS

Land at Stonehouse Farm, Hayton.

Story Construction

Site Plan

07043 17C

TYPE A PIPE BEDDING

TYPE A PIPE BEDDING

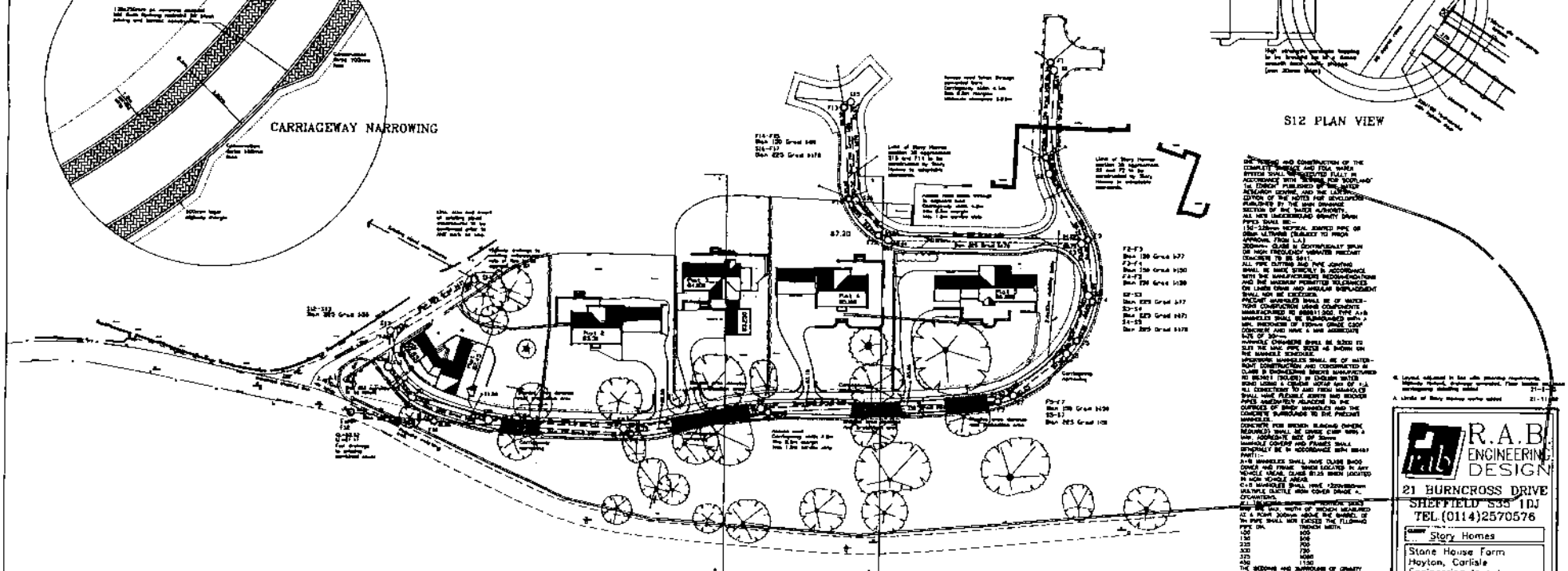
TYPE S PIPE BEDDING

FLOW CONTROL ELEVATION

S12 SECTION

S12 PLAN VIEW

CARRIAGEWAY NARROWING



R.A.B ENGINEERING DESIGN
21 BURNCROSS DRIVE
SHEFFIELD S35 1DJ
TEL.(0114)2570576

Story Homes

Stone House Farm
Hayton, Carlisle
Engineering layout

PRELIMINARY ISSUE ONLY

Item No: 37 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0010	Mountskip Ltd	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
08/01/2003	Hargreaves Mawson	Wetheral

Location:
Scotby House, Park Road, Scotby, Carlisle, Cumbria

Grid Reference:
343728 555634

Proposal: Conversion of main house into 6 flats; refurbishment & conversion of adjoining barn and caretaker's house, involving raising of roof to create additional storey to create 2no dwellings together with renovation of existing cottage (phase 1)

Amendment:

AMT

Report

Planning Policies:

Tree Preservation Order

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

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 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.

Cumbria & Lake District Joint Structure Plan
Policy 36

Development will not normally be permitted where there is insufficient capacity in the service or transport infrastructure. Permission may be granted where satisfactory improvements can be made at the developer's expense.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

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, Gilsland, 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, Lyneholmeford, 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
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 E50

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): the intention to utilise the existing entry/exit arrangements are noted but a visibility splay of 2.4m by 90m in both directions is required at the exit. This will entail the acquisition of adjacent land outside the applicant's control;

Wetheral Parish Council: the proposals appear to comply with the wishes of the village residents and the PC welcome the proposal. The Parish Council wishes to be involved in the naming of the development at an early stage as we do not wish the problems encountered in the past with a "working" name and an approved name;

Cumbria County Council (Strategic Planning Authority): the application does not raise issues of material importance to the Structure Plan;

United Utilities (former Norweb & NWW): awaited;

Environmental Services: no observations on this proposal;

Carlisle & District Civic Trust: no comments received;

Planning Services - Local Plans: no comments on this application;

Design Services - Drainage Engineer: advise that the nearest public foul sewer is in Park Road but there is no dedicated surface water sewer and no surface water can be accepted into the foul system. the applicant should investigate the use of soakaways or employ a SUDS scheme for surface water run-off;

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

English Nature: seek advisory note on the possible presence of bats to be appended to any planning approval.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 1 Near Park Road	10/01/03				INIT
The Occupier, 2 Near Park Road	10/01/03				INIT
Mrs Fisher, 3 Near Park Road	10/01/03				INIT
Mrs Ingledow, 4a Near Park Road	10/01/03				INIT
The Occupier, Dunvegan	10/01/03				INIT
Mrs W Caunce, Greystones	10/01/03				INIT
Ms D M Strathern, Cathay	10/01/03				INIT
The Occupier, Ruthwaite	10/01/03				INIT
The Occupier, Holmecroft	10/01/03				INIT
The Occupier, Aylesford	10/01/03				INIT
J R Potter, The Croft	10/01/03				INIT
John & Jean Inglais, Cranham	10/01/03				INIT
The Occupier, Edenglass	10/01/03				INIT
The Occupier, Old Station House	10/01/03				INIT
Mr & Mrs McNay, Arundel	10/01/03				INIT
The Occupier, Patch Cottage	10/01/03				INIT
The Occupier, Greystones	10/01/03				INIT
Mr & Mrs Fleming, Ardvreck	10/01/03				INIT
The Occupier, Allingate	10/01/03				INIT

Dr W I Keyes, Honister	10/01/03	INIT
The Occupier, Northway	10/01/03	INIT
Mr Ward, Broomacre	10/01/03	INIT
The Occupier, 10 Park Close	10/01/03	INIT
Mrs More, 2 Park Close	10/01/03	INIT
The Occupier, 3 Park Close	10/01/03	INIT
Ian & Laura Duthie, 5 Park Close	10/01/03	INIT
J C Duncan, 1 Nightingale Court	10/01/03	INIT
The Occupier, 13 Park Road	10/01/03	INIT
The Occupier, Scotby House	10/01/03	INIT
The Occupier, 81 Scotby Road	10/01/03	INIT
The Occupier, Aden Bahr	10/01/03	INIT
The Occupier, 7 Holme Close	10/01/03	INIT
The Occupier, 5 Holme Close	10/01/03	INIT
The Occupier, 2 Holme Close	10/01/03	INIT
The Occupier, 1 Holme Close	10/01/03	INIT
The Occupier, 12 Holme Close	10/01/03	INIT
E M Jackson, 14 Ghyll Road	10/01/03	INIT
The Occupier, 15 Ghyll Road	10/01/03	INIT
The Occupier, 6 Near Park	10/01/03	INIT
Mrs C M Samuel, 8 Near Park	10/01/03	INIT
The Occupier, Ireby Gate	10/01/03	INIT
C Davies, 3 Wellgate	10/01/03	INIT
Mr & Mrs Walker, 18 Holmefauld	10/01/03	INIT
Mr Lightfoot, 12 Scotby Green Steading	10/01/03	INIT
Mr & Mrs W J Robinson, 66 Scotby Road	10/01/03	INIT
Mr J B Robinson, 64 Scotby Road	10/01/03	INIT
Scotby School, Mary Johnson	10/01/03	INIT
Mr W J Robinson, 66 Scotby Road	10/01/03	INIT
Mrs M Ingledow, Sunningdale	10/01/03	INIT
C Davies, 3 Wellgate	10/01/03	INIT
Mrs W Fisher, 3 Near Park	10/01/03	INIT

Site and Press Notices have been posted and written notification of the application has been sent to the occupiers of 52 properties. There have been no representations.

Details of Proposal/Officer Appraisal:

Planning History:

Planning consent was granted by Cumbria County Council in April 1985 for the change of use of Scotby House to the Northern Divisional HQ for Cumbria Constabulary. That use operated within the building until approximately 2000 although some limited storage took place within the building for a period after that.

In December 2000 outline planning consent was refused for the demolition of the house and its associated caretaker's cottage and outbuildings, and re-development of the whole site for housing purposes.

An Appeal against that refusal was considered at a Public Inquiry on 16th October 2001 and the Inspector's Report, concluded with the dismissal of the Appeal, which was in respect of a development of 30 dwellings occupying both the open areas of the site and the footprint of the existing buildings. The Inspector concurred with the Council's view that the site was a significant open amenity space within the village, that the proposals would be outside the village's built -up confines, would appear as a self-contained enclave on the edge of and un-related to the rest of the village and would imbalance rather than consolidate the form of the village. She thus rejected the Appeal on the grounds that the development would have a materially harmful effect on the character and appearance of Scotby.

That decision nonetheless pointed towards a potential development based upon the existing building group and its immediate area and the applicants submitted a subsequent application that secured approval, in June of last year, for Outline Consent for Residential Development on that "building zone". Members will recall that in dealing with that submission the Committee gave a strong indication that its preference was for the retention and conversion of Scotby House coupled with some additional new build units in the less sensitive rearmost parts of the site, thus retaining the formal lawned area with its associated mature trees as an amenity space.

Details of Proposal:

Following the grant of Outline Consent the site was marketed and a considerable amount of interest was attracted. The current applicants were the successful purchasers and the preliminary discussions that they held with planning staff prior to their offer being accepted have been followed up to ensure that the most appropriate development proposals emerged.

Their proposals have been submitted as two separate, albeit linked, planning applications:

1. the current application relates to the retained buildings comprising Scotby House,

the attached Caretaker's Cottage and a brick/slate barn to the rear, all of which it is proposed to convert with alterations to residential use; and

2. a related application for Full Planning Permission seeks approval for the construction of 10 new build dwellings on the land to the rear and eastern side of the house. That application (reference 03/0091) follows in the Schedule).

The submissions are supported by a Design Statement prepared by the scheme architect and it is copied after this Report.

The current application seeks approval for the conversion of Scotby House itself to create 6 flats, two on the ground floor, 3 on the first floor and a large "penthouse" flat within the upper floor/roofspace area. Additionally, it is proposed to convert the attached Caretaker's Cottage, including the formation of an additional storey to it, to provide 2 no. 4 bed cottages; while the further conversion/refurbishment of the former stables cottage/barn to the rear will provide a further dwelling.

The proposed scheme respects the primary features and strengths of the building group. Within Scotby House, only 2 new windows are needed at ground floor, both to the rear where an existing door and window would be blocked up while a further two new rear windows are needed at first floor. The eastern roof slope requires greatest alteration as 3 gabled dormer windows are needed to admit light to sections of the penthouse flat. The existing porch addition at the main entrance will also be removed and a new ramped entrance will be formed into the building. At the rear one section of the roof line will be extended to provide a lift housing for new lift that is being installed within the building.

The Caretaker's Cottage requires the greatest modification, notably an increase in height to provide a 3rd storey although the ridge to that area would be at a lower ridge height than the main house and the side wing to the house (see elevation). The proposed storey is achieved by continuing the brickwork up a further 2 metres and re-forming a new slate covered roof. On the main facade, 3 substantial brick faced dormers will be formed, modelled on the existing dormers on the House, with additional lighting to the roofspace accommodation being through 3 rooflights on the front slope and 6 rooflights on the rear roof slope. The Cottage is also proposed to be further modified by the addition of a new brick/slate porch entrance to the right hand dwelling coupled with a two storey brick and slate chamfered bay window at the left and side of the priomary facade. Those changes are considerd an improvement over the existing bland and featureless elevation of the Cottage.

Parking to the units is provided partly within an internal courtyard behind the Caretaker's Cottage and on the existing parking areas in front

From a planning policy point of view the retention/adaptation of the building to provide residential dwelling units is supported. Indeed, the approach employed in assessing the building group, respecting the character and features of the site and delivering a high standard of accommodation is to be commended. Additionally, the proposals have remained faithful to the approach which the City Council has advocated for this site which has been to re-cycle the building for its own sake, to permit a limited but complimentary element of new build where the landscape setting

would permit but otherwise to generally respect and maintain the importance of the site for its wider amenity value within the village.

The application is thus recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposals have been considered in relation to the provisions of the Act but it is not considered that that they give rise to any conflict.

Recommendation: 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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

   Reason: To ensure that materials to be used are acceptable.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

4. 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.

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

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling units to be formed at Units 11, 12 and 13 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.

DESIGN STATEMENT
DEVELOPMENT AT SCOTBY HOUSE, SCOTBY, CARLISLE

Outline Planning Approval 01/0596 dated 14.06.02 has been granted for residential development of the buildings and area defined as "Building Zone" for not more than 19 dwellings.

A meeting prior to site purchase was held on 04.09.02 Carlisle C.C. with Mr Alan Taylor to discuss the site, history of applications and to formulate a basic development brief. At this meeting drawing 4781 – 01 was presented.

The proposals outlined on drawing 4781 – 01 indicated 10 new build houses on the "Building Zone" area, 6no. detached two storey dwellings and 4no. three storey terraced dwellings. Scotby House main building to be converted into flats and further dwellings formed from the outbuildings. Entrance and exit from the site to be in accordance with the approved outline scheme.

A full measured and conditional survey of the buildings, a topographical survey of the development area of the site and also a survey and report of all trees by our appointed Arbocultural Consultant Bruce Hatton & Associates, Coat Flatt Mill, Orton, Cumbria, has now been undertaken.

In order to ensure that a planning consent can be obtained at an early date the development of the site has been divided into two phases. Phase One being the conversion / adaptation of the existing buildings and Phase Two the new build section.

The remaining portion of the site i.e. the front lawned area, car park etc. to the south will remain as a maintained open area with some low key recreational development; tennis courts, putting greens etc. These to be detailed in Phase Two planning application.

Phase One:

The main three-storey element of Scotby House is split into six self contained flats all accessed off a central hall and staircase with lift.

Generally the important internal spaces / rooms have been retained to reflect the "grand" proportions and spaces.

External alterations have been kept to a minimum with no changes to the main front elevation and only minor alterations to the other façades to incorporate additional or amended window / door openings, 2 new dormer windows and alteration to rear north west corner roof to incorporate a lift.

The existing two storey section attached to Scotby House on the west (currently a cottage and barn / stables) has been increased in height to reflect the proportions of the main building and divided to form two three storey houses.

Brickwork for the external face is proposed to be formed from salvaged demolished bricks (see later).

Examination of the remaining outbuildings indicates that only the existing cottage is available for refurbishment as a single dwelling, the remaining single storey buildings will be demolished. However, the enclosing brick wall to the rear courtyard together with the arched gateways will remain to enclose this space.

Demolished materials, slate, brick, stone lintels, cills etc. will be retained for re-use on the proposed extensions.

Total dwelling units for Phase One development amounts to nine, six flats and three houses.

External works to phase one; increased lay-by to front road to allow for extra casual parking (3no. cars). New access road to north west with access to rear courtyard and eventual access to part of phase two development. The existing low wall and iron railings retained to the cottage (unit 9). Existing arched gateway and brick enclosure retained. New beech hedge planted to south east and north east boundaries.

Phase Two:

Subject to separate detailed planning application to comprise a maximum total of ten dwelling units, generally in line with the sketch layout plan 4781 – 01.

Also to include the retention of the northern brick boundary wall, planting scheme and maintenance of the front open space, low key recreational facilities etc.

This statement has been produced to assist the Planning Application 'Phase One' and should be read in conjunction with drawings 4781 – 02 to 06 inclusive.

F. Robinson

F ROBINSON RIBA **6 January 2003**

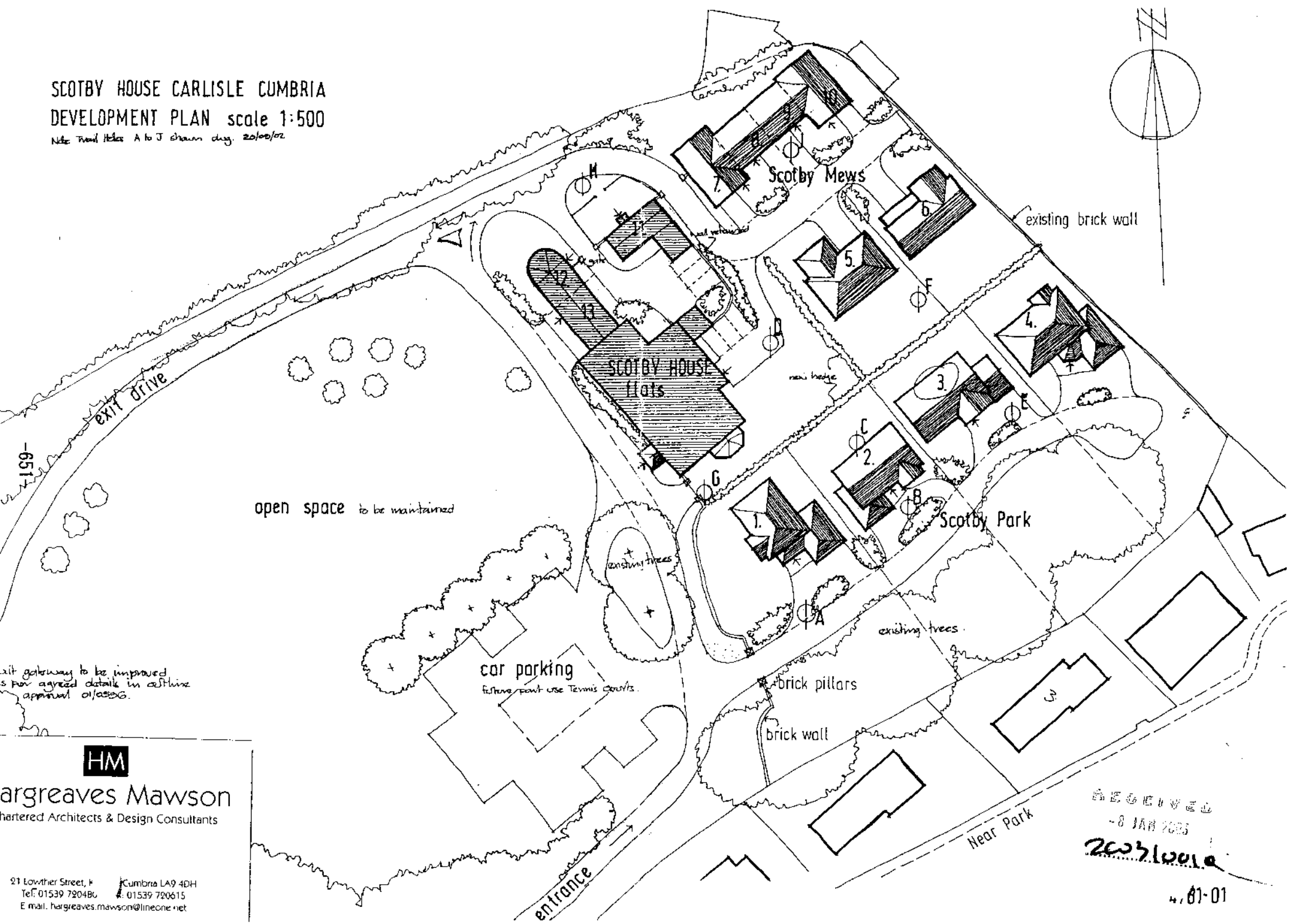
For and on behalf of

Hargreaves Mawson
Aynam Cote
2 Bridge Street
Kendal
Cumbria
LA9 7DD

SCOTBY HOUSE CARLISLE CUMBRIA

DEVELOPMENT PLAN scale 1:500

Note Trees Hedges A to J shown dwg. 20/00/02



exit gateway to be improved as per agreed details in estimate approval 01/0856.

HM

Hargreaves Mawson

Chartered Architects & Design Consultants

21 Lowther Street, P Cumbria LA9 4DH

Tel: 01539 720480 F: 01539 720615

E mail. hargreaves.mawson@lineone.net

RECEIVED

- 8 JAN 2003

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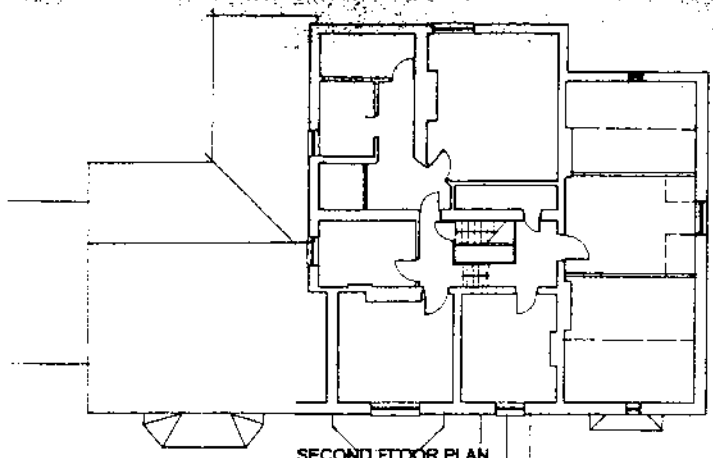
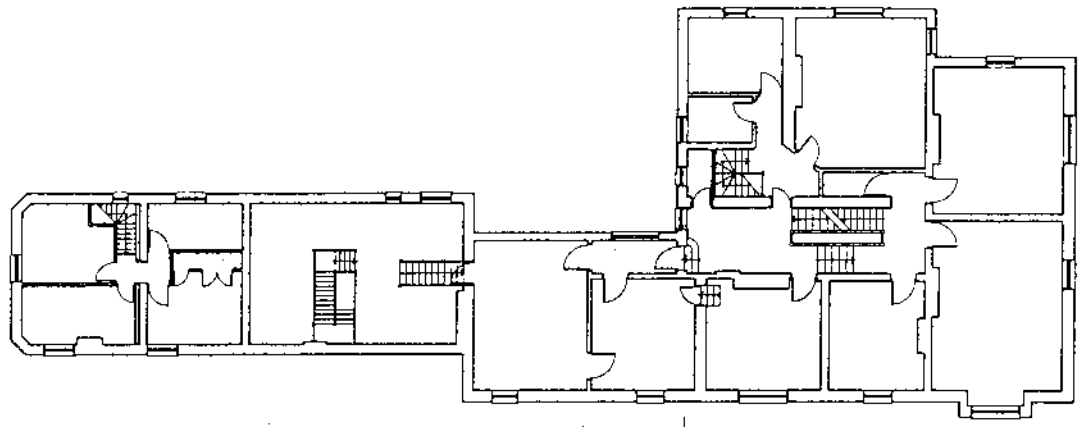
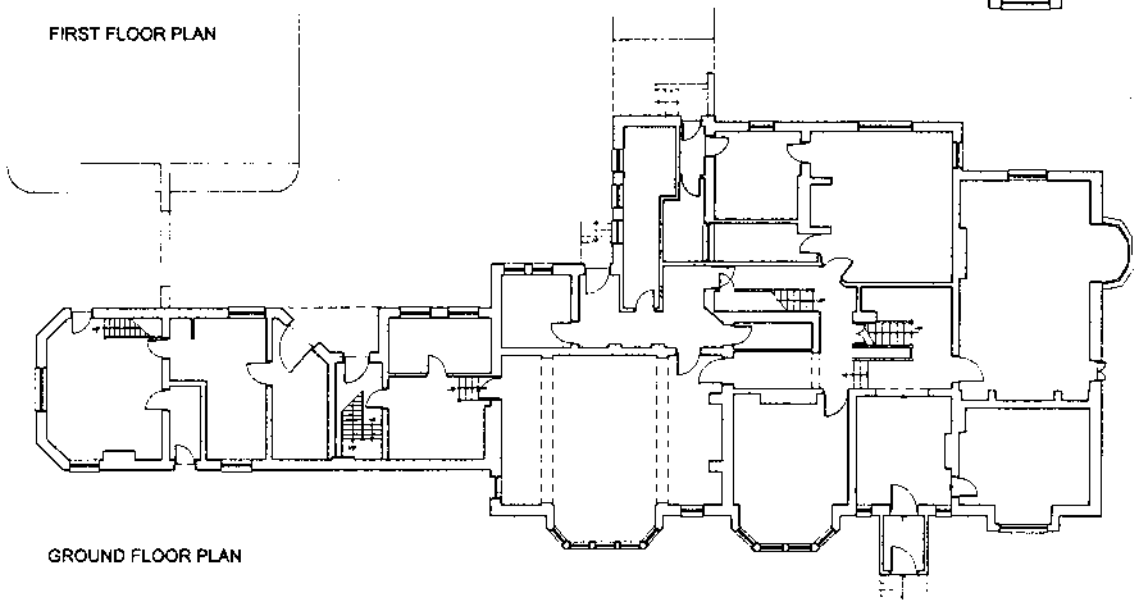
4/01-01



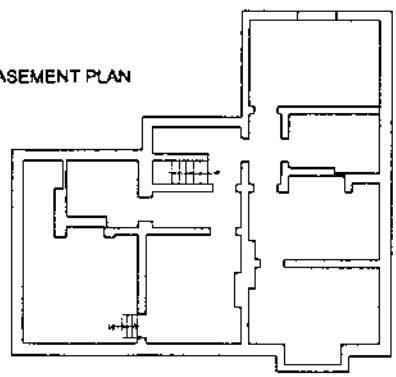
SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



BASEMENT PLAN

Hargreaves Mawson

Chartered Architects & Design Consultants

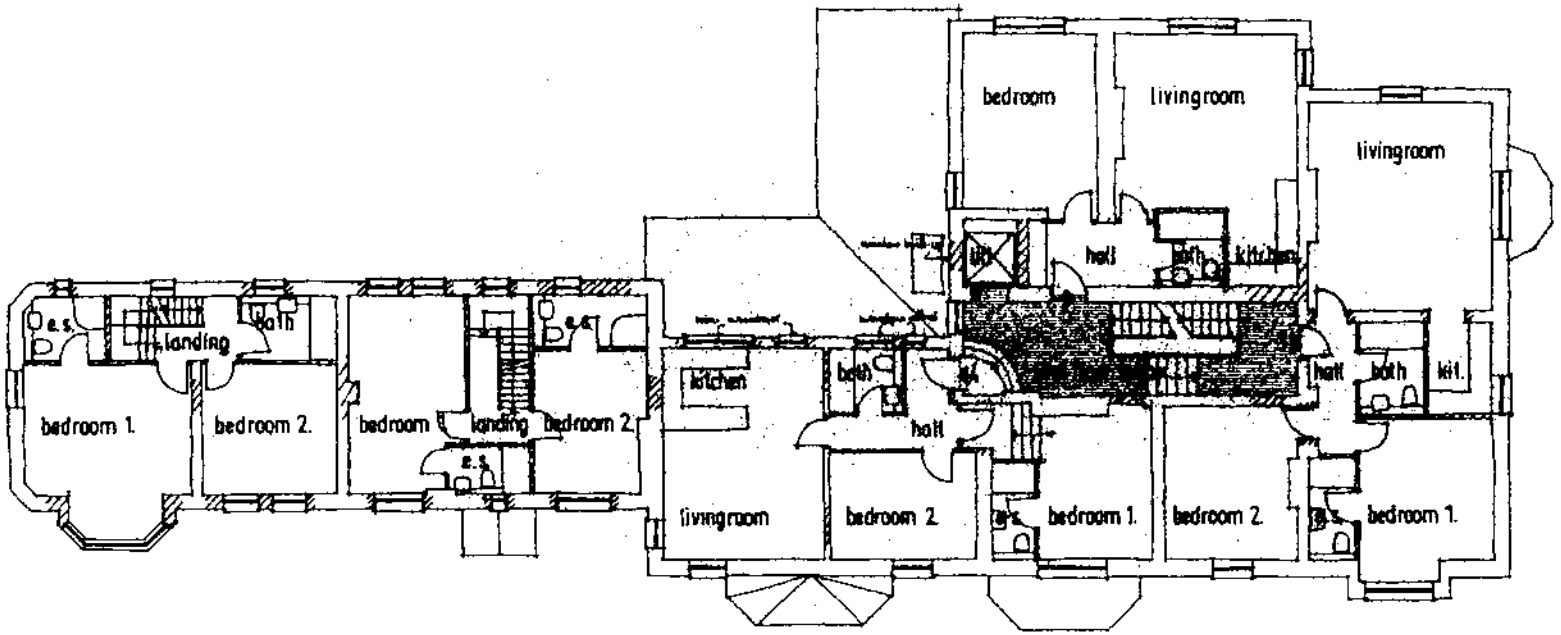
Mountskip Ltd.

Housing Development – Scalby, Carlisle

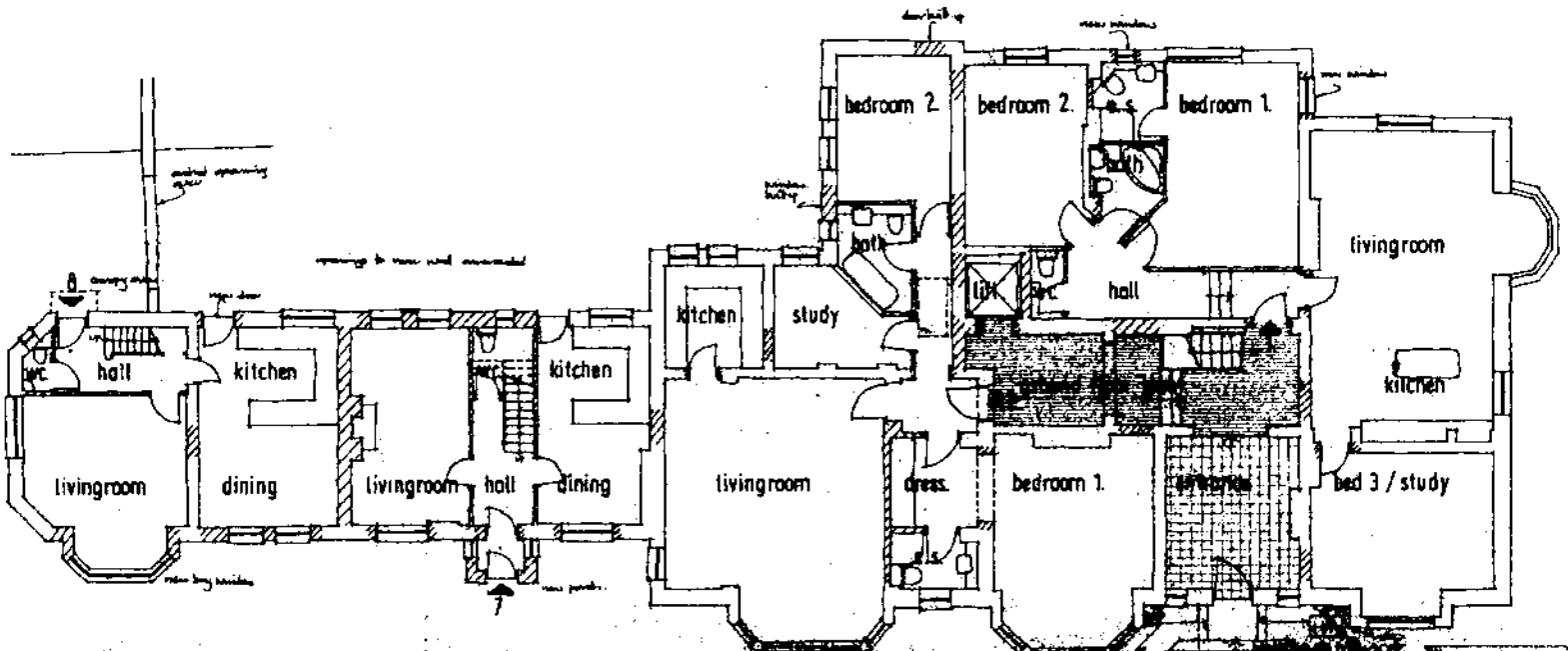
4781-02

Existing Plans

without the written permission of the Contract Administrator



FIRST FLOOR



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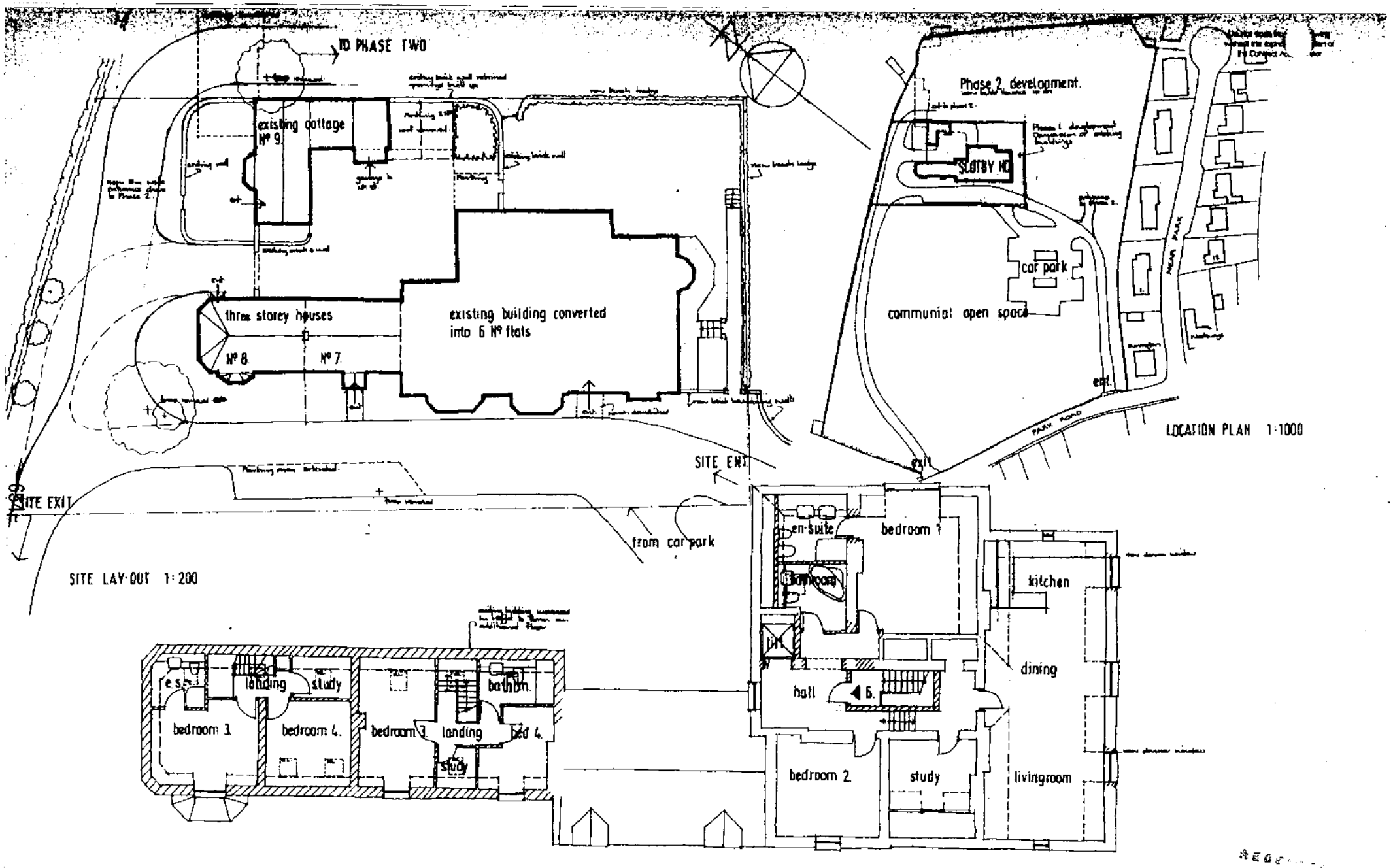
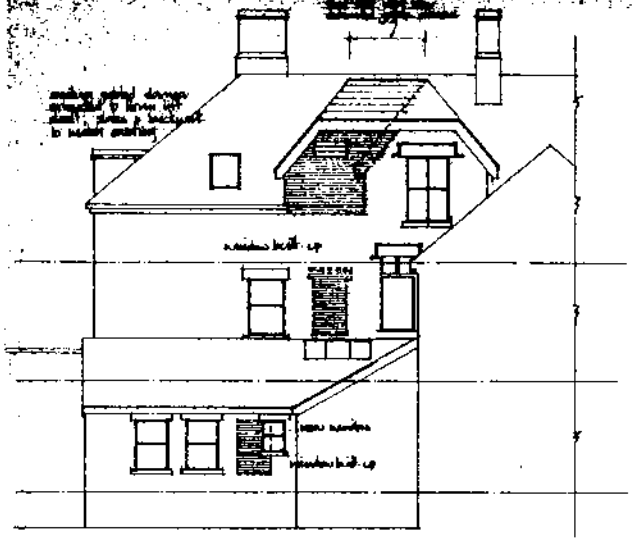
2nd FLOOR

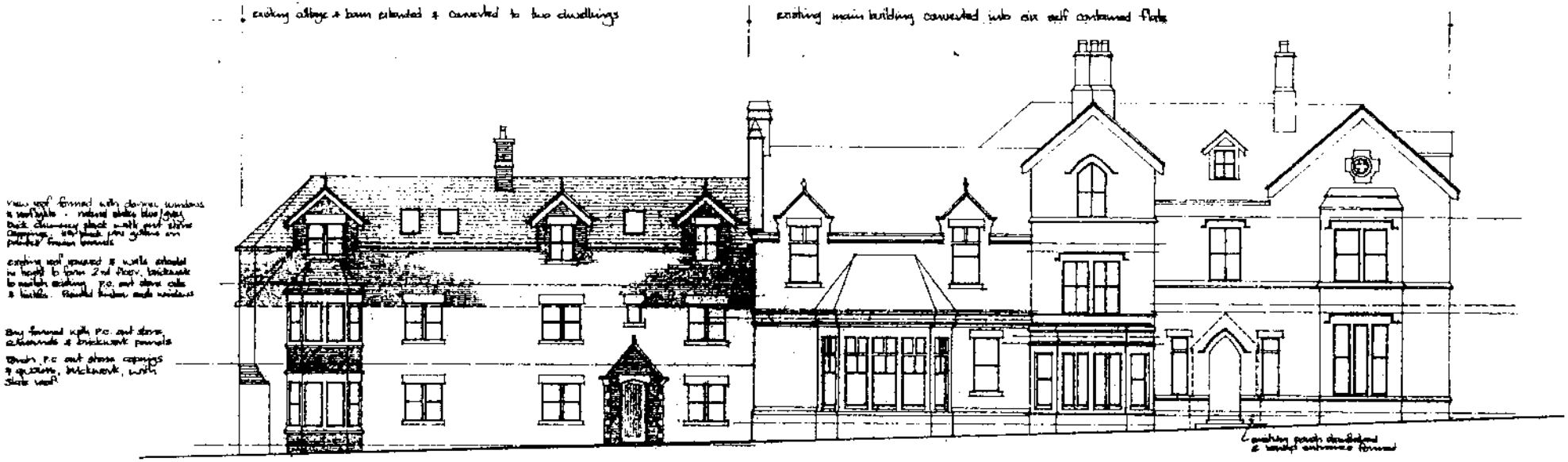
-653-


TO PHASE TWO
existing cottage
Nº 9
three storey houses
Nº 8
Nº 7
existing building converted
into 6 Nº flats
SITE EXIT
SITE ENT
from car park
SITE LAY-OUT 1:200
Phase 2 development
SCARBY HO
car park
communial open space
PARK ROAD
exit
LOCATION PLAN 1:1000
en-suite
bedroom 1
bathroom
kitchen
dining
hall
6.
livingroom
bedroom 2
study
e.s.
landing
study
bathrm.
bedroom 3
bedroom 4.
bedroom 3
landing
bed 4.
study
SECOND FLOOR
Hemingway Mewson
MOUNTSKIP LTD
Housing Development at Scarby House, Carlisle
4781 - 04
Proposed Second Floor & Site Plan



N/W elevation to new courtyard

north west elevation



south west elevation

-655-

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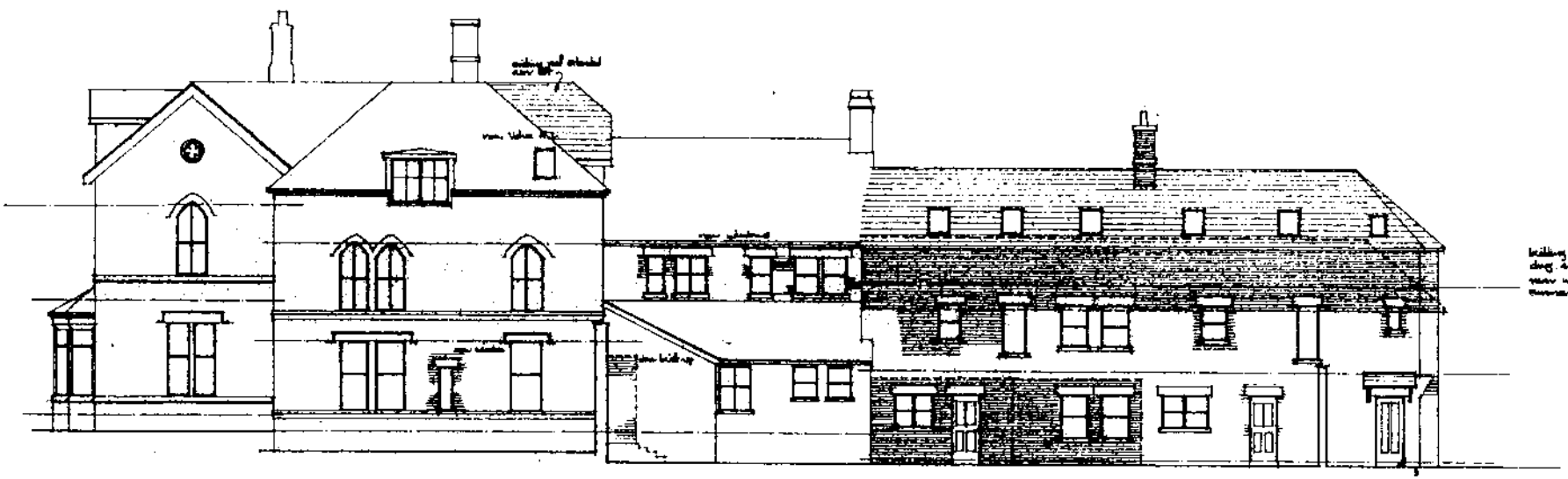
Housing Development at Scotby House, Carlisle

4781 - 05

Proposed Elevations Sheet 1 of 2

south east elevation



north east elevation

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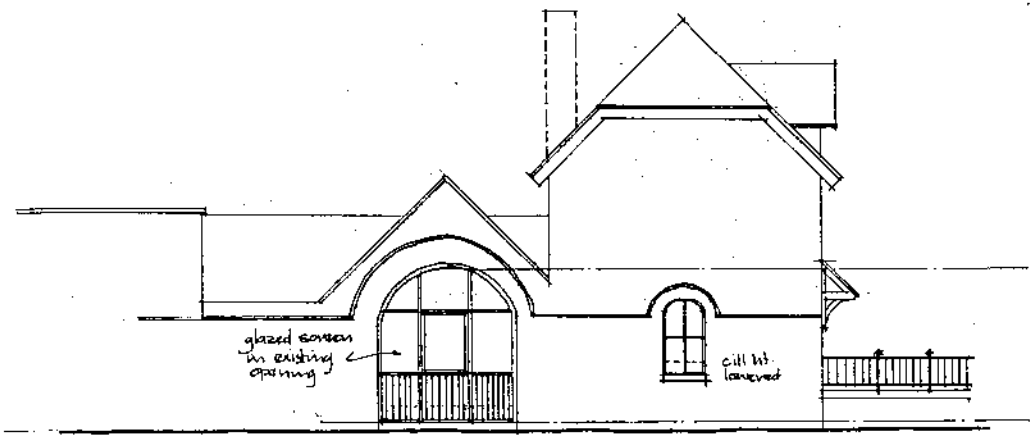
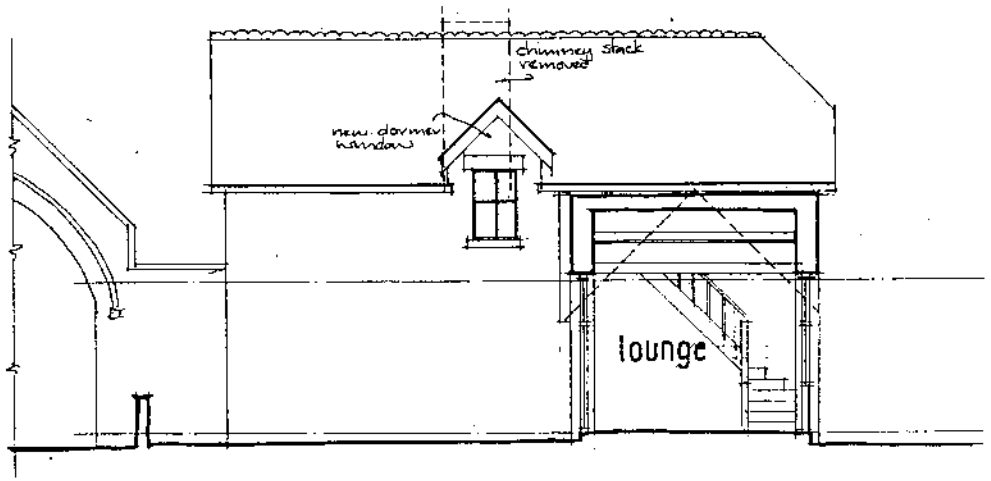
Housing Development at Scotby House Carlisle

4781 - 06

Proposed Elevations Sheet 2 of 2



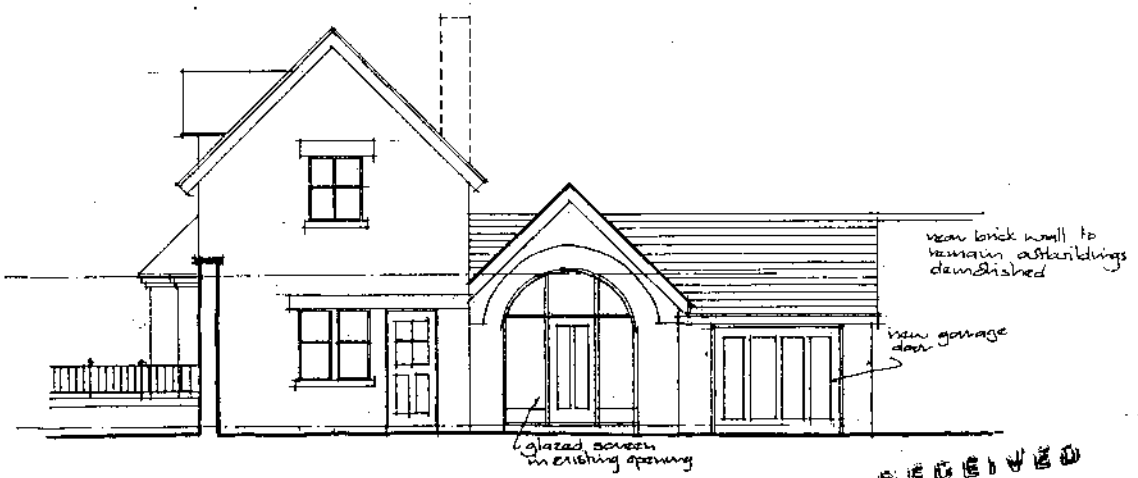
north east elevation



south east elevation

-657-

north west elevation



south west elevation

SCOTBY EXISTING COTTAGE Nº 9.

1:100

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2 FEB 2003

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Chartered Architects & Design Consultants

4781-14

Item No: 38 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0091	Mountskip Ltd	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
30/01/2003	Hargreaves Mawson	Wetheral

Location: Scotby House, Park Road, Scotby, Carlisle, Cumbria

Grid Reference: 343728 555634

Proposal: Erection of 5no. 5 bed detached dwellings, 1no. 4 bed detached dwelling, 2no. 3 bed mews and 2no. 4 bed mews (Phase 2)

Amendment:

AMT

Report

Planning Policies:

Tree Preservation Order

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

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 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.

Cumbria & Lake District Joint Structure Plan
Policy 36

Development will not normally be permitted where there is insufficient capacity in the service or transport infrastructure. Permission may be granted where satisfactory improvements can be made at the developer's expense.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

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, Gilsland, 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, Lyneholmeford, 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
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 E50

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): the intention to utilise the existing entry/exit arrangements are noted but a visibility splay of 2.4m by 90m in both directions is required at the exit. This will entail the acquisition of adjacent land outside the applicant's control;

Wetheral Parish Council: The Parish Council considers that the proposed 3 storeyed mews sections would look better being reduced to 2 storeys as they appear to dominate the the 2 storey properties surrounding them. If the developer wishes to retain the 3 storey elements it should be incorporated into the roofspace. The Committee wish to reiterate that the proposals take into account the wishes of the residents raised at the public meetings and that the designs are of a high standard;

Cumbria County Council (Strategic Planning Authority): the application does not raise issues of material importance to the Structure Plan;

Environmental Protection Services: no observations on this application;

Carlisle & District Civic Trust: no comments received;

Planning Services - Local Plans: comment upon the layout and the relationship to the woodland within the site;

Drainage Engineer - Commercial & Technical Services: refer to the availability of a public foul sewer in Park Road but absence of a surface water sewer. The applicant is advised to consider the use of soakaways or a SUDS scheme;

United Utilities (former Norweb & NWW): awaited;

Environment Agency (N Area (+ Waste Disp)): no objections but one condition is recommended;

Cumbria County Council - (Archaeological Services): there are no archaeological issues that require investigation.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 1 Near Park Road	10/01/03				INIT
The Occupier, 2 Near Park Road	10/01/03				INIT
Mrs Fisher, 3 Near Park Road	10/01/03				INIT
Mrs Ingledow, 4a Near Park Road	10/01/03				INIT
The Occupier, Dunvegan	10/01/03				INIT
Mrs W Caunce, Greystones	10/01/03				INIT
Ms D M Strathern, Cathay	10/01/03				INIT
The Occupier, Ruthwaite	10/01/03				INIT
The Occupier, Holmecroft	10/01/03				INIT
The Occupier, Aylesford	10/01/03				INIT
J R Potter, The Croft	10/01/03				INIT
John & Jean Inglais, Cranham	10/01/03				INIT
The Occupier, Edenglass	10/01/03				INIT
The Occupier, Old Station House	10/01/03				INIT
Mr & Mrs McNay, Arundel	10/01/03				INIT
The Occupier, Patch Cottage	10/01/03				INIT
The Occupier, Greystones	10/01/03				INIT
Mr & Mrs Fleming,	10/01/03				INIT

Ardvreck		
The Occupier, Allingate	10/01/03	INIT
Dr W I Keyes, Honister	10/01/03	INIT
The Occupier, Northway	10/01/03	INIT
Mr Ward, Broomacre	10/01/03	INIT
The Occupier, 10 Park Close	10/01/03	INIT
Mrs More, 2 Park Close	10/01/03	INIT
The Occupier, 3 Park Close	10/01/03	INIT
Ian & Laura Duthie, 5 Park Close	10/01/03	INIT
J C Duncan, 1 Nightingale Court	10/01/03	INIT
The Occupier, 13 Park Road	10/01/03	INIT
The Occupier, Scotby House	10/01/03	INIT
The Occupier, 81 Scotby Road	10/01/03	INIT
The Occupier, Aden Bahr	10/01/03	INIT
The Occupier, 7 Holme Close	10/01/03	INIT
The Occupier, 5 Holme Close	10/01/03	INIT
The Occupier, 2 Holme Close	10/01/03	INIT
The Occupier, 1 Holme Close	10/01/03	INIT
The Occupier, 12 Holme Close	10/01/03	INIT
E M Jackson, 14 Ghyll Road	10/01/03	INIT
The Occupier, 15 Ghyll Road	10/01/03	INIT
The Occupier, 6 Near Park	10/01/03	INIT
Mrs C M Samuel, 8 Near Park	10/01/03	INIT
The Occupier, Ireby Gate	10/01/03	INIT
C Davies, 3 Wellgate	10/01/03	INIT
Mr & Mrs Walker, 18 Holmefauld	10/01/03	INIT
Mr Lightfoot, 12 Scotby Green Steading	10/01/03	INIT
Mr & Mrs W J Robinson, 66 Scotby Road	10/01/03	INIT
Mr J B Robinson, 64 Scotby Road	10/01/03	INIT
Scotby School, Mary Johnson	10/01/03	INIT
Mr W J Robinson, 66 Scotby Road	10/01/03	INIT
Mrs M Ingledow, Sunningdale	10/01/03	INIT
C Davies, 3 Wellgate	10/01/03	INIT
Mrs W Fisher, 3 Near	10/01/03	INIT

Park

The proposals have been publicised using Site and Press Notices and written notification to the occupiers of 52 properties. There have been no representations from adjacent residents as a result of those actions but a letter has been received from the Chairman of the Governors of Scotby School. It refers to the need for footway works on Park Road and asks that permission be granted on the basis that these works are carried out beforehand. However, as Members will recall, this application follows the "outline" consent granted last Summer for exactly the same scale of development as is now proposed and no such obligation was placed on that approval. It is, consequently, not appropriate for the current application to be conditioned as requested.

Details of Proposal/Officer Appraisal:

Planning History:

Planning consent was granted by Cumbria County Council in April 1985 for the change of use of Scotby House to the Northern Divisional HQ for Cumbria Constabulary. That use operated within the building until approximately 2000 although some limited storage took place within the building for a period after that.

In December 2000 outline planning consent was refused for the demolition of the house and its associated caretaker's cottage and outbuildings, and re-development of the whole site for housing purposes.

An Appeal against that refusal was considered at a Public Inquiry on 16th October 2001 and the Inspector's Report, concluded with the dismissal of the Appeal, which was in respect of a development of 30 dwellings occupying both the open areas of the site and the footprint of the existing buildings. The Inspector concurred with the Council's view that the site was a significant open amenity space within the village, that the proposals would be outside the village's built -up confines, would appear as a self-contained enclave on the edge of and un-related to the rest of the village and would imbalance rather than consolidate the form of the village. She thus rejected the Appeal on the grounds that the development would have a materially harmful effect on the character and appearance of Scotby.

That decision nonetheless pointed towards a potential development based upon the existing building group and its immediate area and the applicants submitted a subsequent application that secured approval, in June of last year, for Outline Consent for Residential Development on that "building zone". Members will recall that in dealing with that submission the Committee gave a strong indication that its preference was for the retention and conversion of Scotby House coupled with some additional new build units in the less sensitive rearmost parts of the site, thus retaining the formal lawned area with its associated mature trees as an amenity space.

Details of Proposal:

This is the second of the two applications submitted in respect of Scotby House and its grounds, the other application (reference 03/0010) being subject of a separate Report elsewhere in this Schedule.

Like that other application, the current proposal seeks Full Planning Permission although in this case the consent sought is in repect of a development of 10 new build dwellings that are proposed to be constructed on the areas to the rear and side (east) of the Victorian house and its related outbuildings.

The proposed dwellings comprise a mixture of 3, 4 and 5 bed units with half of those being the larger units, all detached dwellings. The remaining units are predominantly linked mews houses although one 4 bed detached unit is proposed.

The proposed layout utilises the existing access/exit loop road through the site but further short spur roads are proposed from it, one threaded through the canopy of the tree belt along the south-eastern boundary with the other running adjacent to the north-western boundary. Like the existing road through the site in general, these roads would be unadopted: the first of would serve 4 detached 5 bed houses that occupy what is presently partly a lawned area and partly occupied by dense predominantly self-seeded coniferous trees of no great worth. The second section of spur road partly replicates the line of the unmade trqck that leads to the stables cottage/barn but is continued as a 4.1 metres wide road, reducing to 3 metres within a new courtyard onto which the mews houses and two detached houses would face. The brick boundary wall along the eastern boundary remains in place to contain the development with localised repairs being undertaken to make good any defective sections.

The proposed detached houses are all two-storeyed and are predominantly brick faced with related brick detailing e.g. string courses and in some cases eaves coursing. All employ artstone cills to the white upvc window forms with blue/grey interlocking tiles to the roofs, the larger units further incorporating red hip and ridge tiles. All of those dwellings include integral double garaging.

The proposed 4 no mews houses are sizeable 3 storeyed properties, two being 4 bedroomed and two being 3 bedroomed. These 4 linked units are 3 storeys in height, the garaging being integral within the structures. The finishes to the mews units are similar to the other dwellings with brick facings and detailing, white upvc windows with artstone cills and tiled roofs. Their design also incorporates oriel windows at first and second floor levels to reflect a similar detailing within Scotby House.

Members will note that Wetheral Parish Council has commented upon the fact that the mews units are 3 storeys in height and expressed a view, but not it seems an objection as such, that they would be better as 2 storey units. However, it should be noted that the relationship between those units and the 2 storey dwellings is such that there is no overlooking of habitable rooms while the disaggregation of the garaging from the mews units to reduce them by a storey height would result in an otherwise very cramped layout as a whole. It should also be noted that the height of the mews units (10.6 metres to ridge) is lower than the height of Scotby House. On balance it is, therefore, felt that the proposals to include those 3 storey elements are

acceptable.

Finally, Members will recall that when dealing with the Outline Application the matter of the protection of the open amenity area and its future use was raised. In that regard, Members will wish to note that the applicants intend to establish a management company to provide for the future maintenance of the areas of lawns and trees between Scotby House and Park Road and in repect of the trees along the fringes of the site in general. It is proposed that the purchasers of the properties subject of the two planning submissions would pay an annual sum of money to the management company to look after those areas that are common to the development as a whole and contribute to its overall amenity and attractiveness.

Human Rights Act 1998

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

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

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

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

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

The proposals do not appear to give rise to any potential conflict with the relevant provisions of the Act.

Recommendation: 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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

   Reason: To ensure that materials to be used are acceptable.

4. 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.

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

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

6. Trees or hedges chosen for retention in the landscaping scheme 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.

   Reason: To protect trees and hedges during development works.

7. 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.

8. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

   Reason: To protect trees and hedges during development works.

9. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken withour prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy areas of the major trees identified to be retained on drawing number 4781-09 and referred to in the accompanying Report from Bruce Hatton & Associates dated 29th January 2003, and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

   Reason: To protect trees and hedges during development works.

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 trees. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

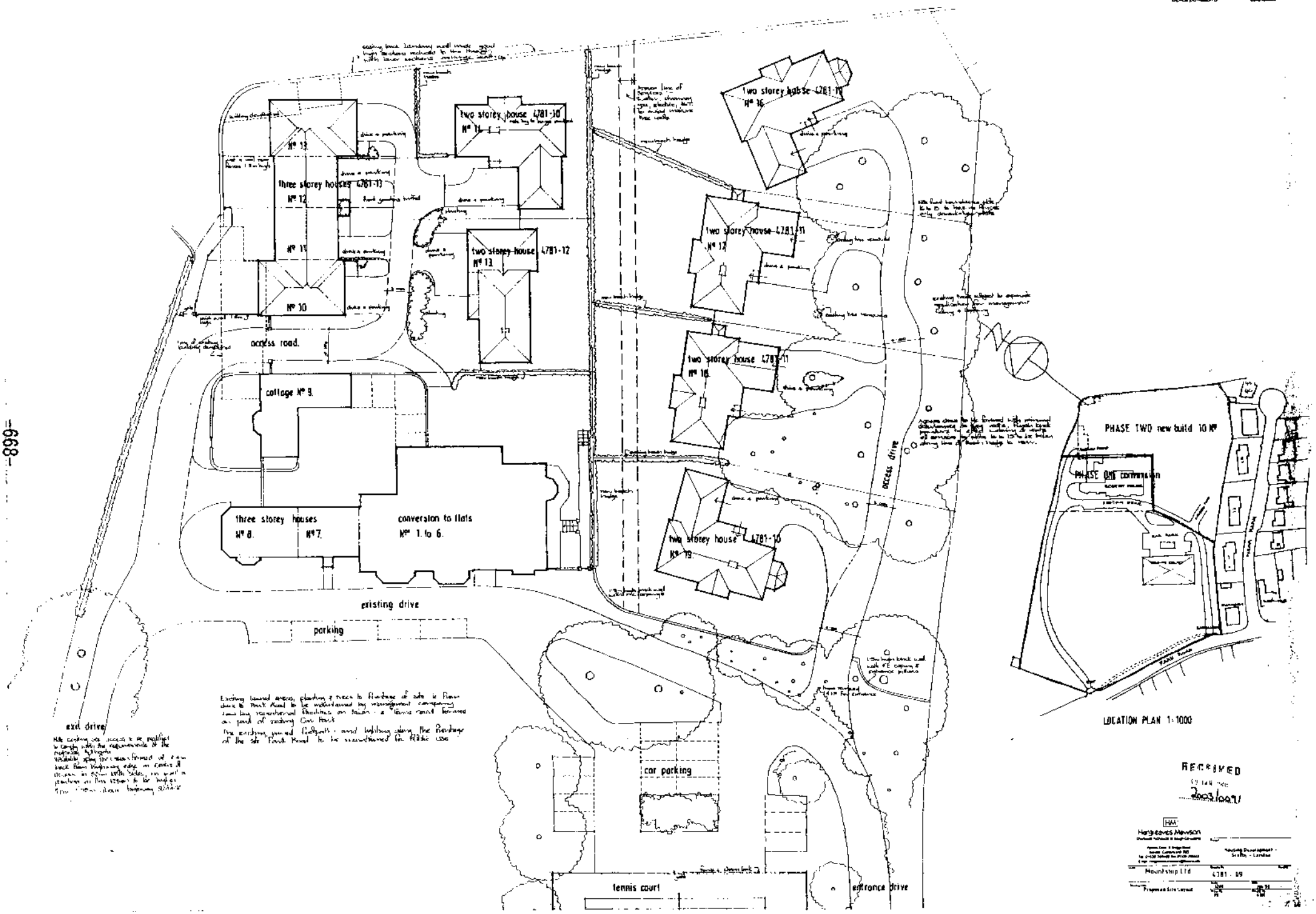
    Reason: To protect trees and hedges during development works.

11. Details of the construction, design, detailing and finishes of the proposed new sections of brick walling shall be submitted to and approved in writing by the Local Planning Authority prior to their construction.

    Reason: in the interests of visual amenity.

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

    Reason: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.


two storey house 4781-10
Nº 14
Nº 12
three storey houses 4781-13
Nº 12
Nº 11
Nº 10
two storey house 4781-12
Nº 13
two storey house 4781-10
Nº 16
two storey house 4781-11
Nº 17
two storey house 4781-11
Nº 18
two storey house 4781-10
Nº 19
access road.
cottage Nº 9.
three storey houses
Nº 8.
Nº 7.
conversion to flats
Nº 1. to 6.
existing drive
parking
exit drive
access drive
PHASE TWO new build 10 Nº
PHASE ONE conversion
car parking
tennis court
entrance drive
LOCATION PLAN 1:1000
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Hountship Ltd
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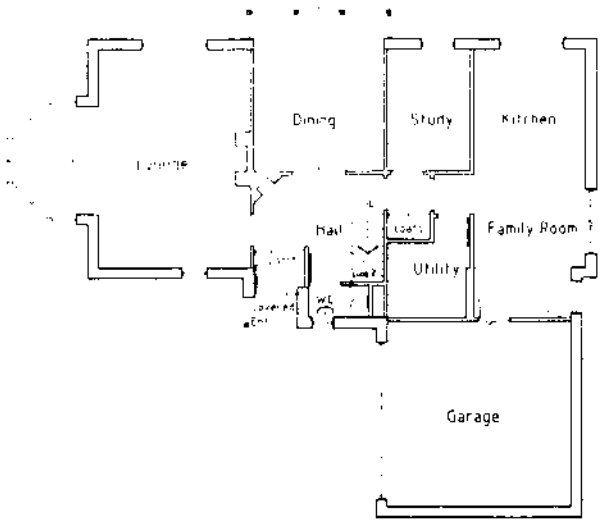
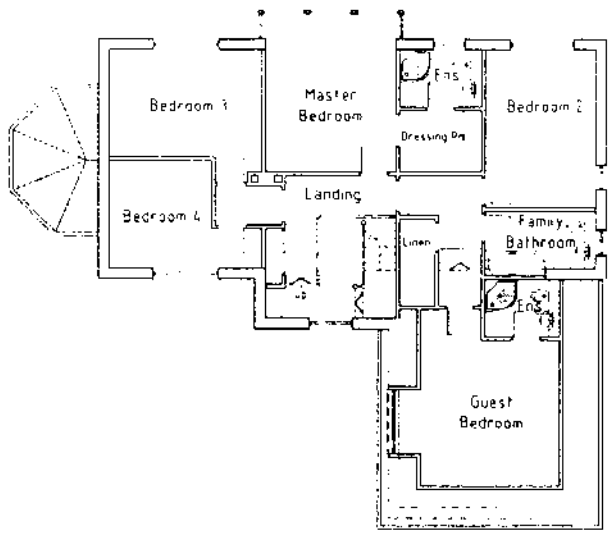
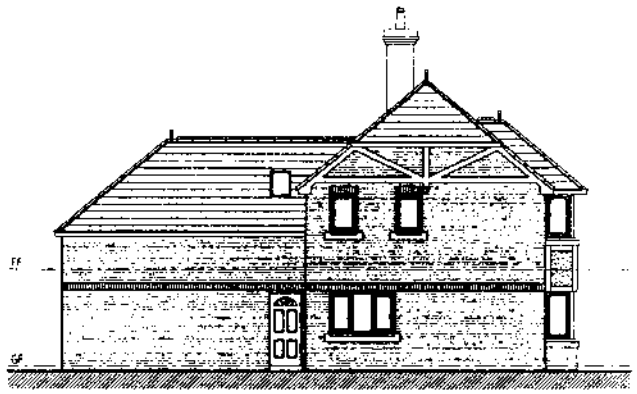


Ground Floor Plan



First Floor Plan

Front Elevation



Side Elevation

Rear Elevation

Side Elevation

PLANNING NOTES

Walls: Facing brickwork to Approved Sample contrasting cills, lintels and cornice. Coloured roughcast render details and stained timber panelling

Roof: Blue/ Grey Thin Leading Edge Concrete Interlocking tiles to Approved Sample with red hip & ridge tiles

Rainwater Goods & Facia: Black PVC-U Half Round Gutters and Downpipes with White UPVC Fascia and Soffit

Windows & Doors: White UPVC Frames

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30 JAN 2003
2003/0091

Hargreaves Mawson
Chartered Architects & Design Consultants
Acorn Cote, 5 Bridge Street, Keswick, Cumbria CA12 5DD
Tel: 01539 730440 Fax: 01539 730615
E-mail: hargreaves.mawson@virgin.net

Client: Mountsaup Ltd

Project: Housing Development - Scotby, Carlisle — 4781 - 10

Drawing Title: House Type S1 - Plans and Elevations

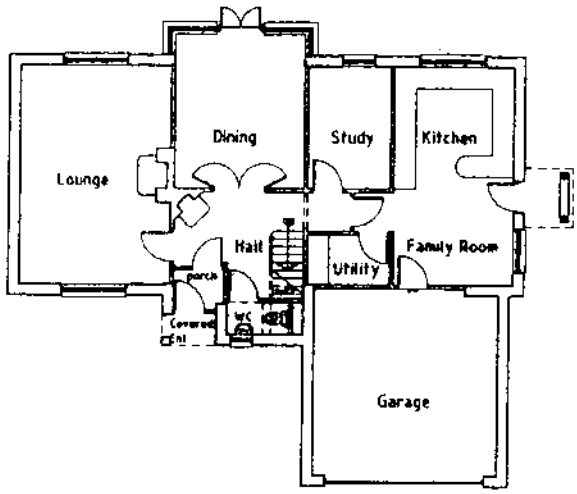
Scale: 1:100 @ A1

Date: Jan 03

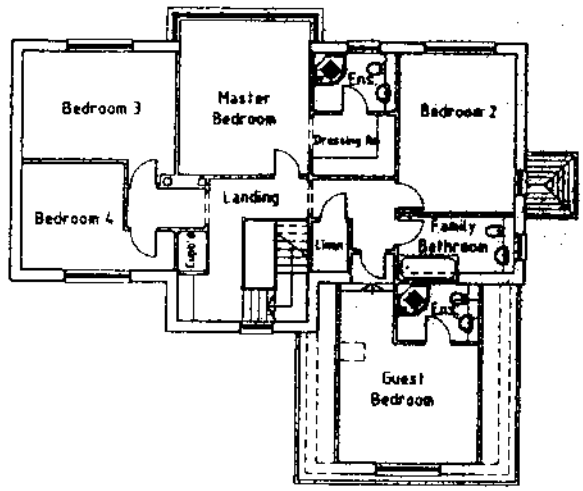
Drawn By: MPD

Project No: 4781

Do Not Scale From This Drawing
without the express permission of
the Contract Administrator

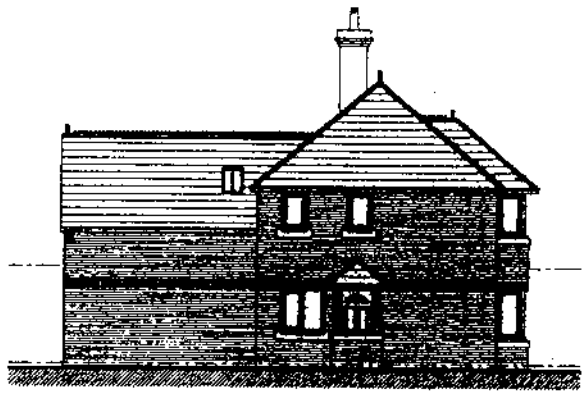


Ground Floor Plan

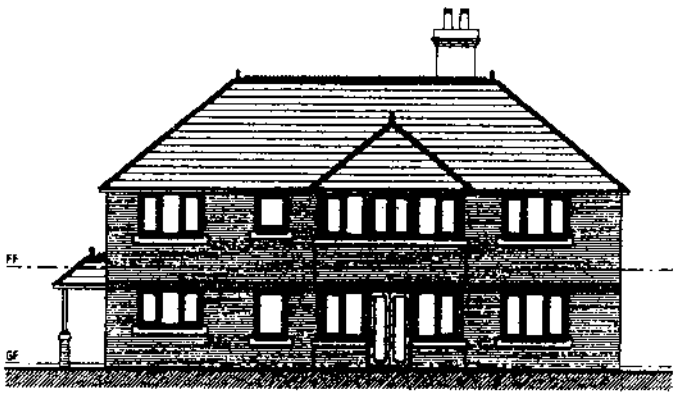


First Floor Plan

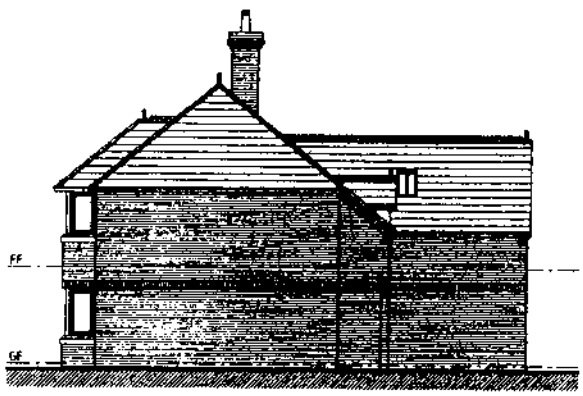
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING NOTES

Walls: Facing brickwork to Approved Sample contrasting cills lintels and cornice

Roof: Blue/ Grey Thin Leading Edge Concrete interlocking tiles to Approved Sample with red hip & ridge tiles

Rainwater Goods & Fascia: Black PVC-U Half Round Gutters and shoppes with White UPVC Fascia and Soffit

Windows & Doors: White UPVC Frames

RECEIVED
10 AUG 2007
Planning

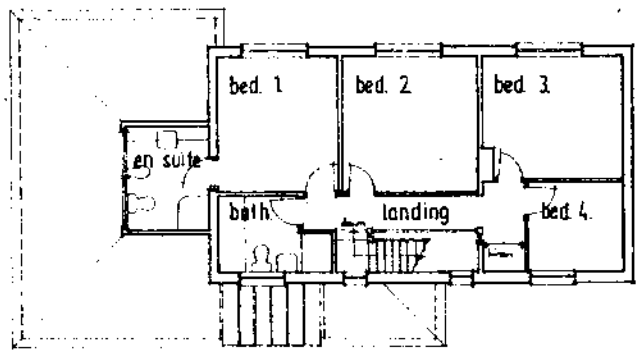
HM
Hargreaves Mawson
Chartered Architects & Design Consultants
Alpraha Court, 6 Bridge Street,
Lancaster, Cumbria LA1 1QD
Tel: 01539 780480 Fax: 01539 780615
E-mail: hargreaves.mawson@btconnect.com

Mountship Ltd

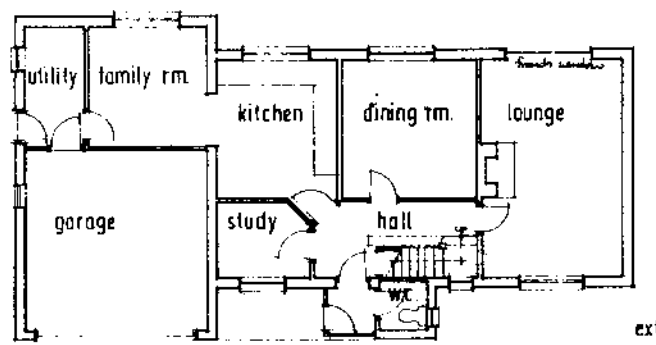
Housing Development - Scotby, Carlisle

4781 - 11

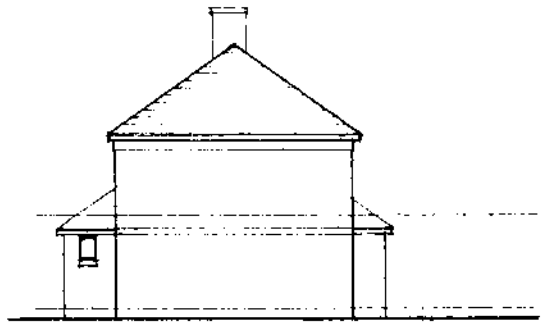
House Type S2 - Plans and Elevations



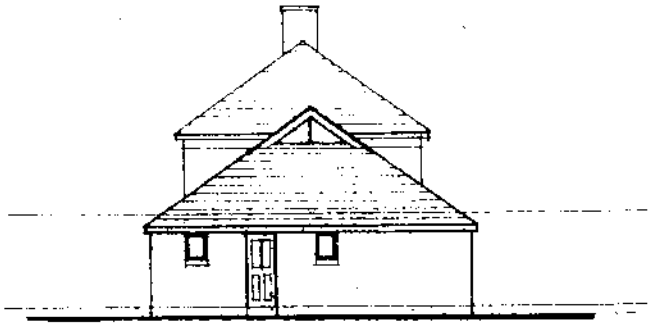
FIRST FLOOR PLAN



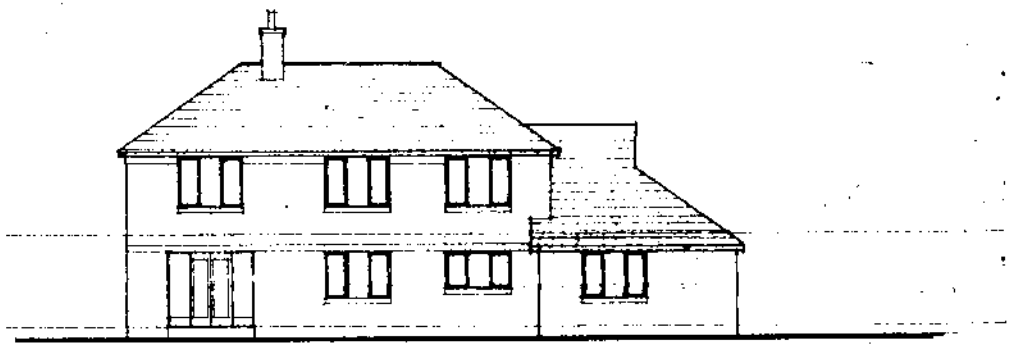
GROUND FLOOR PLAN



SOUTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION

NORTH WEST ELEVATION

external finishes :

Roof : blue/grey 'Redland Stonewold' concrete interlocking slate or similar thin leading edge tile with red ridges & hip tiles.
White upvc fascias & soffits, black hr. upvc gutters & downpipes.

Walls : appeared smooth finish bricks, with contrasting string, cills & corbel brickwork.

Windows, doors : white upvc frames
Fenland glazed roof to entrance.

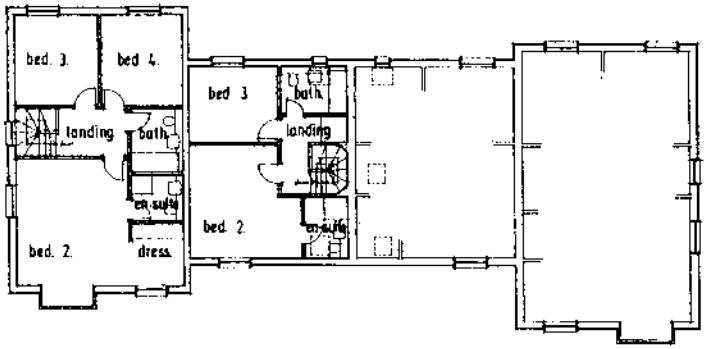
Hargreaves Mawson
Chartered Architects & Design Consultants

Mountship Ltd

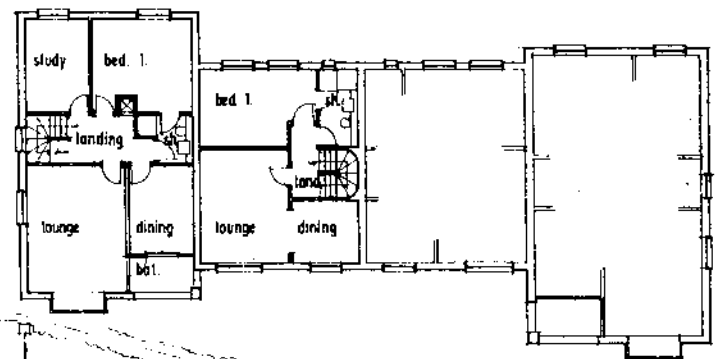
Housing Development - Scotby, Carlisle

4781 - 12

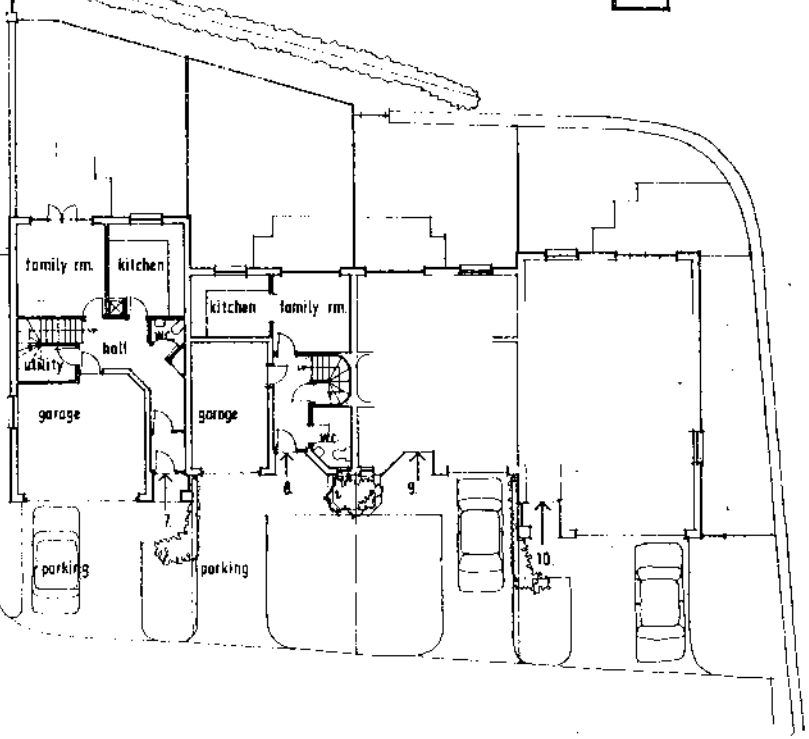
House Type 53 - Plans & Elevations



SECOND FLOOR

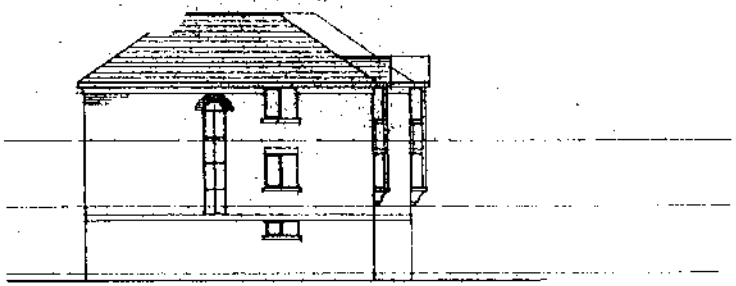


FIRST FLOOR



cottage

GROUND FLOOR



SOUTH WEST ELEVATION with north east frontage

NORTH WEST ELEVATION

SOUTH EAST ELEVATION

PROPOSED

Hargreaves Mawson
Chartered Architects & Design Consultants

Mountship Ltd

Housing Development - Scaby, Carlisle

Mews House Types - Plans & Elevations

4781 - 13

SCHEDULE A: Applications with Recommendation

03/0012

Item No: 39 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0012	Persimmon Homes (Lancashire) Limited	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
09/01/2003		Stanwix Rural
Location:		**Grid Reference:**
L/A Plots 100-105, 124-125 and 127-129 Windsor Park, Windsor Way, Carlisle		340000 558300

Proposal: Substitution of housetypes resulting in the omission of 4no. plots

Amendment:

CTH

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Summary of Representations:

Neighbour Notification

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, 30 Turnberry Way	13/01/03				INIT
The Occupier, 34 Turnberry Way	13/01/03				INIT
The Occupier, 40 Turnberry Way	13/01/03				INIT
The Occupier, 42 Turnberry Way	13/01/03				INIT
The Occupier, 48 Turnberry Way	13/01/03				INIT

The Occupier, 50 Turnberry Way	13/01/03		INIT
Mr & Mrs H Longford, 5 Newfield Park		Objection	RESP
Miss C S Longford, 10 Eden Street		Objection	RESP

This application has been advertised by means of a site notice and neighbour notification. One objection has been received, from a Miss C Longford, with a further letter, raising the same issues from her parents.

The grounds of objection are that the objector had reserved a plot within the originally approved layout, and had sold her own house as a consequence. Apart from losing her own home and forced to move in with her parents, it is argued that the proposal reduces choice and deprives lower income families of the opportunity to buy their own house.

Details of Proposal/Officer Appraisal:

Planning History:

The Windsor Way site was an allocation in the Carlisle District Local Plan from 1997. Planning permission was granted in January 1999 for a development comprising 153 units. Subsequently two applications for substitution of house types have been approved, in March 2000 (00/0033) and December 2001 (01/0975). The current number of plots on the site is ~~164~~ 156.

Details of Proposal:

Permission is sought for revised house types on part of the Windsor Park estate, Kingstown. The application relates to plots 100-108, 124/125 and 127-129, a total of 15 plots. These are located in the southern part of the estate, which is the last part of the site to be developed. The approved house types for these 15 plots are semi-detached and terraced units, and the current application proposes to change this layout to 11no. detached houses, with house types as used elsewhere on the estate, thereby resulting in a reduction in the overall number of 4 units on the estate.

Members will be aware that as the construction of a housing estate progresses, developers commonly submit applications to change the mix of house types in response to perceived market demand. Normally such proposals are not controversial and are approved under delegated powers. In this case, however, an objection has been received following the advertisement of the application. The grounds of objection are that in proposing to erect larger detached houses in place of smaller (and cheaper) semi-detached and terraced units, the developers are reducing choice and denying an opportunity to those who would only be able to purchase a smaller and cheaper unit. This complaint is linked to a dispute between the objector and the developer, whereby she sold her own house, in the belief that one of the plots in the approved layout in this part of the estate had been reserved for her.

On receipt of this objection, this matter was brought to the attention of the developers, and their response is printed in the schedule. The issue of whether a plot was or was not reserved is a matter between the parties and is not an issue in relation to the planning application. There is a land use issue involved here however inasmuch as planning authorities have an obligation to ensure that overall housing demand is met by the provision of new housing. Planning Policy Guidance Note 3 advocates higher densities with smaller units, and it could therefore be argued that the current application conflicts with this approach.

In considering these issues, members need to be aware that whilst the above considerations are relevant, they are best applied at a larger scale, of a whole estate or larger, rather than a small part, as in this case. The issue of market demand is also relevant; in their response, the developers maintain that the change to fewer larger units is in response to market demand, in that it is these larger units that potential buyers want. There is no evidence to challenge this assertion.

In these circumstances, officers have concluded that the proposal, which in other respects is acceptable, should be approved.

Human Rights Act 1998

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

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

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

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

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

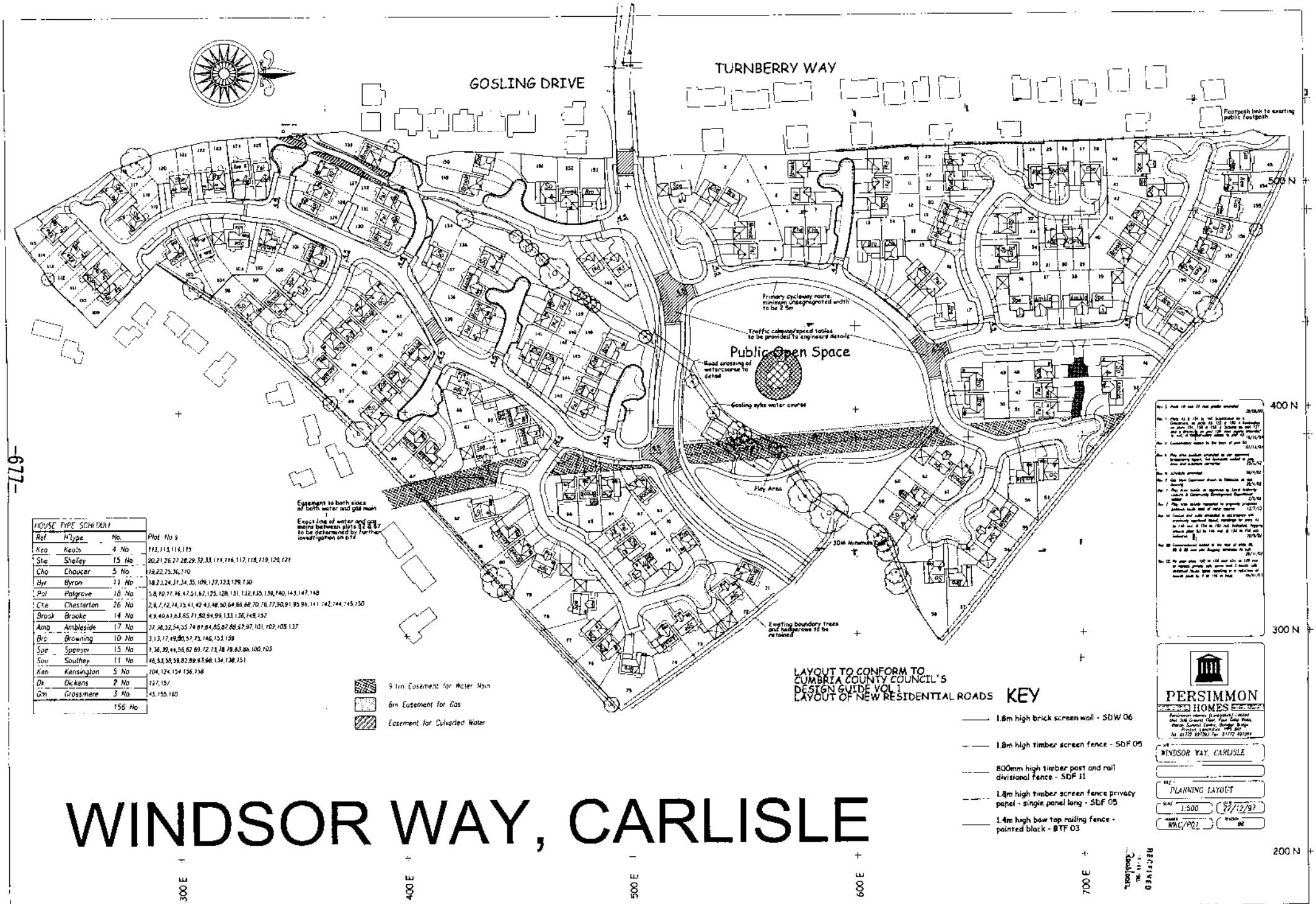
The rights of the objector are respected, but it is not considered that this application conflicts with the Human Rights Act.

Recommendation: 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.



HOUSE TYPE SCHEDULE			
Ref	H'type	No.	Plot No's
Kea	Keats	4 No	112,113,114,115
She	Shelley	15 No	20,21,26,27,28,29,32,33,111,116,117,118,119,120,121
Cho	Chaucer	5 No	19,22,25,36,110
Byr	Byron	11 No	38,23,24,31,34,35,109,127,123,129,130
Pal	Palgrave	18 No	5,8,10,11,16,47,51,62,125,128,131,132,135,139,140,143,147,148
Che	Chesterton	26 No	2,6,7,12,14,15,41,42,43,48,50,64,66,68,70,76,77,90,91,95,96,141,142,144,145,150
Brook	Brooke	14 No	4,9,40,63,65,71,80,94,99,133,136,149,152
Amb	Ambleside	17 No	37,38,52,54,55,74,81,84,85,87,88,92,97,101,102,105,137
Bro	Browning	10 No	3,13,17,49,56,57,73,146,153,159
Spe	Spenser	15 No	1,36,39,44,58,62,69,72,75,78,79,83,86,100,103
Sou	Southey	11 No	46,53,59,82,89,93,98,134,138,151
Ken	Kensington	5 No	104,124,154,156,158
Dk	Dickens	2 No	127,157
Gm	Grassmere	3 No	45,155,160
		156 No	

9.1m Easement for Water Main

6m Easement for Gas

Easement for Culverted Water

LAYOUT TO CONFORM TO CUMBRIA COUNTY COUNCIL'S DESIGN GUIDE VOL 1 LAYOUT OF NEW RESIDENTIAL ROADS

KEY

- 1.8m high brick screen wall - SDW 06
- 1.8m high timber screen fence - SDF 05
- 800mm high timber post and rail divisional fence - SDF 11
- 1.8m high timber screen fence privacy panel - single panel long - SDF 05
- 1.4m high bow top railing fence - painted black - BTF 03

PERSIMMON HOMES

WINDSOR WAY, CARLISLE

PLANNING LAYOUT

scale 1:500 date 22/12/97

WAC/P02 revision

WINDSOR WAY, CARLISLE

-677-

PERSIMMON

PERSIMMON HOMES (LANCASHIRE) LTD
Unit 506 Ground Floor
Four Oaks Road
Walton Summit Centre
Bamber Bridge
Preston
Lancashire
PR5 8AY
Tel: 01772 697393
Fax: 01772 697394
Sales/Legal Fax: 01772 336273
DX 13991BAMBER BRIDGE
www.persimmonhomes.com

4th February 2003

Carlisle City Council
Department of Environment & Development
Head of Planning Services
The Civic Centre
Carlisle
CA3 8QG

For the attention of Mr. J. Hamer

Dear Sirs, **BY FAX & BY POST**

RE : WINDSOR PARK, WINDSOR WAY, KINGSTOWN, CARLISLE
PLANNING APPLICATION REFERENCE 03/0012

In reply to your letter of 28th January 2003, to which was attached a copy of the letter received by the Council from Mr. & Mrs H. Longford.

Our planning application to substitute larger house types on plots 100 to 108 and 124 to 129 in place of the smaller ones previously approved was led by market forces. Our experience on the site is that there is currently a greater demand for the larger house types rather than the approved smaller terraced and semi-detached properties.

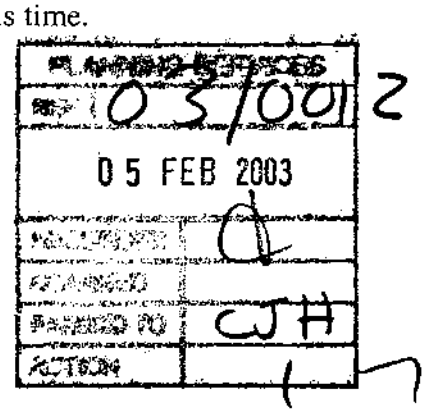
Whilst we sympathise with Mr. & Mrs Longford's daughter's situation, none of these plots have ever been released for sale, therefore she could not reserve the property, to proceed and sell her house was not on the basis of any offer received by us for plot 127.

Our site staff are not party to every option considered at our office, however, as none of these plots have ever been released for sale, interest in them should not have been courted. The decision to substitute the larger house types was only made this year, the planning application was submitted and our site staff were subsequently informed of the application by memo. Interest in one semi-detached property is, as stated earlier, contrary to our general experience on the site.

We trust that this information is of some use to you at this time.

Yours faithfully,

Jon Gould
Senior Architectural Technician
for Persimmon Homes (Lancashire) Limited
a subsidiary Company of Persimmon Plc



Item No: 40 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0019	Mr & Mrs Macauley	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
10/01/2003	Jock Gordon	Stanwix Rural

Location:
1 The Green, Houghton, Carlisle, CA3 0LN

Grid Reference:
340865 559150

Proposal: Single storey extension to side and rear elevation to provide kitchen/utility room, WC and extended living room

Amendment:

KB

Report

Planning 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no reply received as at 27/2/2003.

Stanwix Rural Parish Council: ".... has no objections to this application but

wishes to see the new extension built in the same materials as/blend with the existing dwelling so as not to be obtrusive."

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr G Ferguson, 2 The Green	13/01/03			Comme Only	RESP
The Owner/Occupier, 167 Houghton Road	23/01/03				INIT
The Owner/Occupier, 169 Houghton Road	23/01/03				INIT
The Owner/Occupier, 171 Houghton Road	23/01/03				INIT
The Owner/Occupier, 173 Houghton Road	23/01/03				INIT

The application has been publicised by five neighbour letters, latest expiry date 13 February 2003. One letter of representation has been received expressing concerns that the scale of the development will:-

1. have a disproportionate impact on the character of neighbouring premises;
2. impede light to a main living area and the view from it;
3. devalue property; and
4. make it very difficult if not impossible to extend the adjoining premises.

Details of Proposal/Officer Appraisal:

Planning History:

None.

Details of Proposal:

The application seeks full planning permission for a single storey 'wrap around' extension to both the side and rear elevations. This will provide a kitchen, utility and wc to the side and a lounge to the rear. The extension will project 2.95 metres at the side and 4.05 metres at the rear, with a lean-to roof over, cut out to avoid obstructing the first floor windows.

The site comprises a semi detached two storey dwelling situated at the eastern end of The Green at Houghton. It is bounded to the north by the green itself, to the east by an access track to 4 no. single storey terraced bungalows fronting Houghton Road, to the south by a field and to the west by its adjoining neighbour at 2 The Green.

The application is reported to committee because of the representations received

from the neighbour. The parish council has no objections but wishes to see the extension built in the same materials as blend with the existing dwelling which they will.

I do not consider the extension disproportionate. It is undoubtedly large but the principal public view is from the green from which aspect it will read well with the existing house. The roof cut outs are fussy but result from the width of the extension and its roof pitch. I have asked the agent whether either could be reduced but the angle is already at the minimum for slates. The applicant wishes the matter determined as submitted.

The extension will project 4.05 along the common boundary to the rear of the property which will have an enclosing effect on the neighbouring house which has a single storey extension on the opposite flank. The orientation here is due south. There will be some loss of light but I do not consider the application to be refusable on this ground alone, particularly when the comparison is made with what could usually be constructed in this location under "permitted development". The neighbour is considering his own rear extension but how the two will relate is a matter for the parties to resolve between themselves. The Party Wall Act will apply but this is a civil matter. Loss of view as such and devaluation of property are not material planning considerations.

I recommend that planning permission be granted.

Human Rights Act 1998

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

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

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

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

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

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and the rights of individuals under this legislation will not be prejudiced.

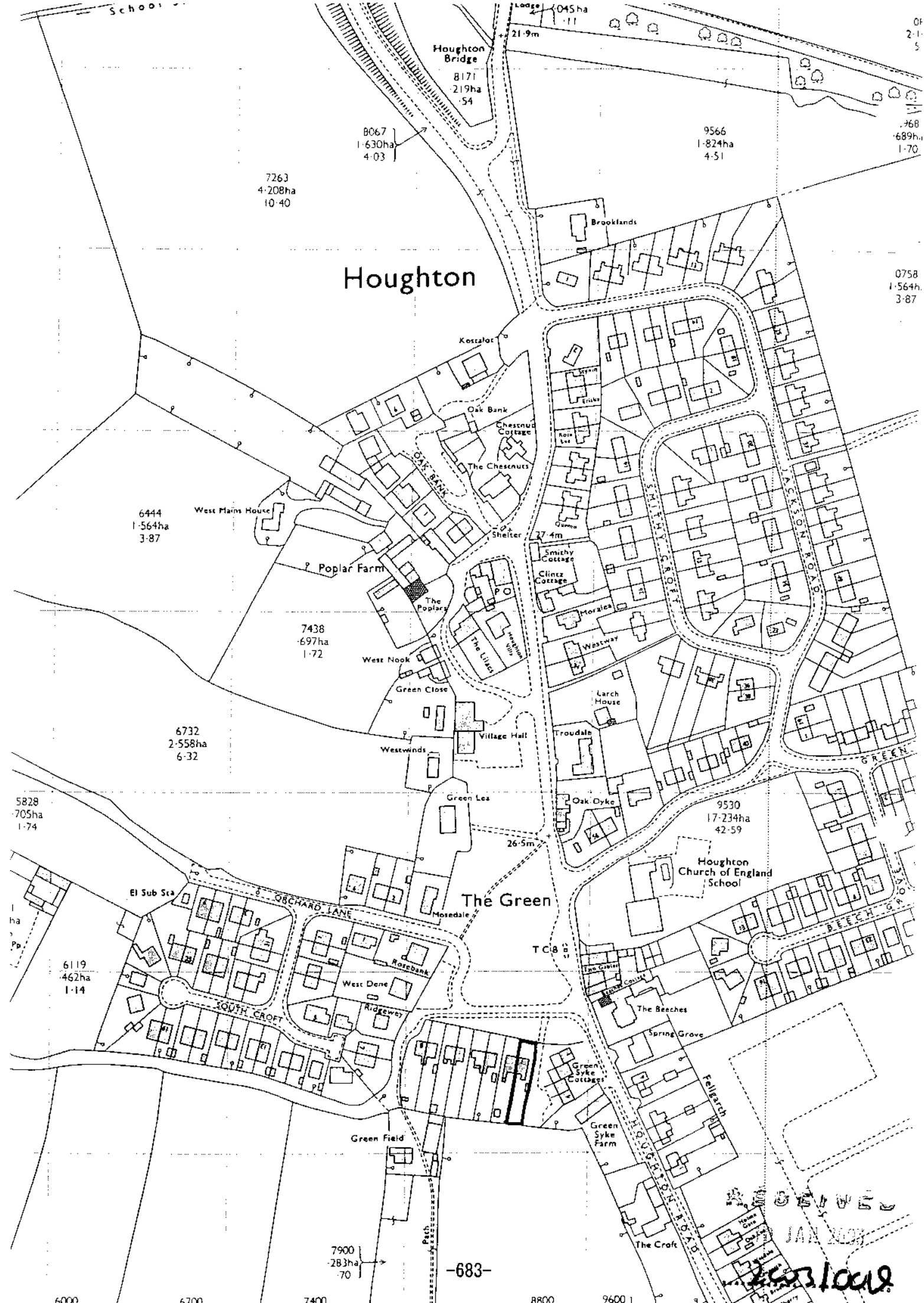
Recommendation: Grant Permission ✓

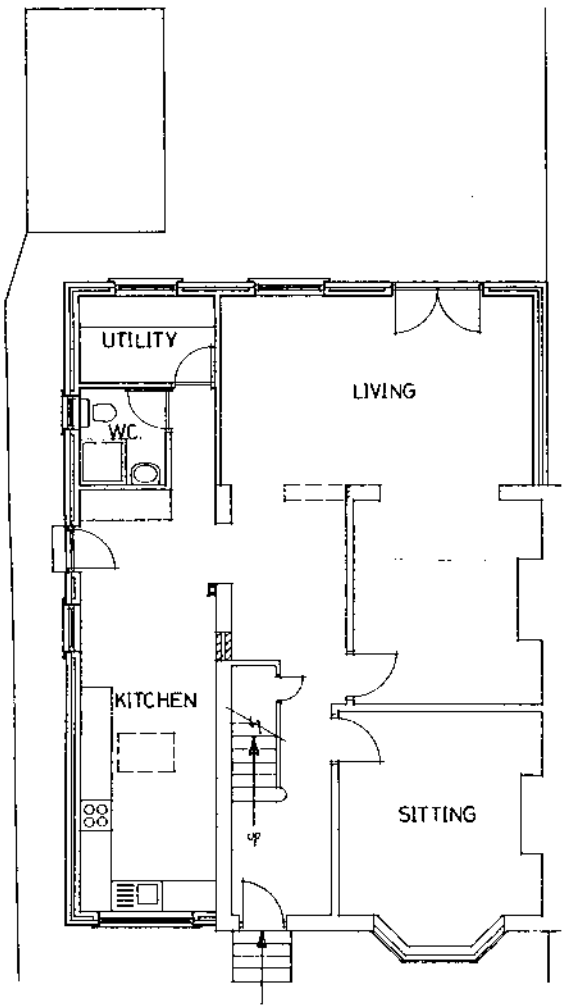
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

   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.

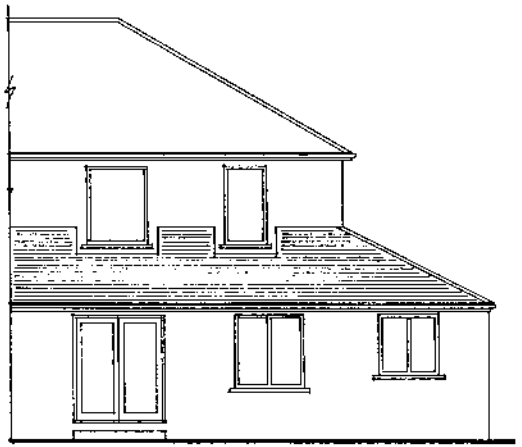

Houghton
Houghton Bridge
Brooklands
Kossalot
Oak Bank
Chestnut Cottage
The Chestnuts
OAK BANK
West Mains House
Shelter
27·4m
Poplar Farm
The Poplars
Smithy Cottage
Clintz Cottage
Morales
Westway
SMITHY CROFT
JACKSON ROAD
West Nook
The Lilacs
Green Close
Village Hall
Westwinds
Larch House
Troudale
Oak Dyke
Green Lea
26·5m
The Green
Houghton Church of England School
BEECH GROVE
GREEN ROAD
El Sub Sta
ORCHARD LANE
Mosedale
Rosebank
West Dene
Ridgeway
SOUTH CROFT
TCB
The Beeches
Spring Grove
Green Syke Cottages
Green Syke Farm
Fellgarth
HOUGHTON ROAD
The Croft
Green Field
Path
7263
4·208ha
10·40
8067
1·630ha
4·03
9566
1·824ha
4·51
6444
1·564ha
3·87
7438
·697ha
1·72
6732
2·558ha
6·32
5828
·705ha
1·74
6119
·462ha
1·14
9530
17·234ha
42·59
7900
·283ha
·70
-683-



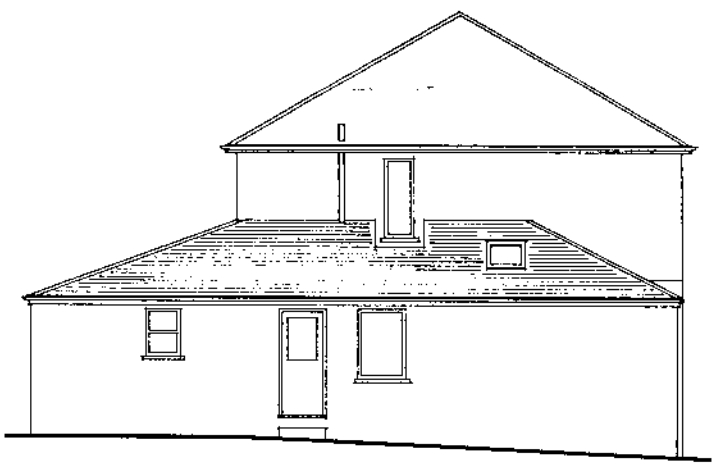
GROUND FLOOR PLAN

FRONT ELEVATION

ALL NEW MATERIALS TO MATCH EXISTING



REAR ELEVATION



SIDE ELEVATION

PROPOSED EXTENSION
1 THE GREEN – HOUGHTON

RECEIVED
18 JAN 2003
26/1/03

DRG. No. 1094
SCALE: 1-50
DATE: JAN 2003

JOHN GORDON ARCHITECTURAL
47 SCOTLAND ROAD
CARLISLE CA3 9HS
Tel 01228 [illegible]

Item No: 41 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0027	Lloyd Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
14/01/2003	Unwin Jones Partnership	Belah

Location:
Lloyd Lawn & Leisure, Grearshill Road, Kingstown Industrial Estate, Carlisle, CA3 0ET

Grid Reference:
339452 559181

Proposal: Change of use of part of first floor of lawn/leisure equipment retail unit into cafe

Amendment:

Report

Planning Policies:

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

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 that 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.

Summary of Consultation Responses:

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

Environmental Services: no objections;

Design Services - Property Services: no comments received;

Planning Services - Access Officer: no comments received.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier, County Motors	16/01/03				INIT
The Occupier, Partco	16/01/03				INIT
The Occupier, Adult Training Centre	16/01/03				INIT

Neighbouring occupiers have been consulted by letter but no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The site subject of this application was, unitl its demolition last year, occupied by the largest surviving building of the various sheds originally erected at RAF Kingstown by the Air Ministry. Following closure of the base and the acquisition by the then Council, Kingstown was developed as an Industrial Estate and the building was used for a variety of purposes over the years. The most recent occupiers were Gates Tyres but various occupiers, generally related to the motor trade, including

commercial vehicle sale and repair, though also including warehousing, have used the premises.

In March of last year planning permission was granted for the demolition of the building and the redevelopment of the site to provide a new BMW showroom and dealership and a new Lloyd's Lawn and Leisure showroom.

Details of Proposal:

Members will, perhaps, have noted that construction is well advanced on the development of the motor dealership and showroom and the associated lawn and leisure building at the above site.

The current application relates to a section of the gallery floor level of the latter of the above buildings and seeks approval for the operation of a small cafe selling hot drinks, sandwiches, cakes, etc. Although clearly within, and very much part of that building, the proposed use would operate as a separate franchise and as such would be open not just to visitors/customers of the lawn and leisure centre or the adjacent motor car showroom, but to the public at large. The area concerned is approximately 36 sq. metres in area and would contain tables seating 20 persons together with the servery area.Two tables will also be provided at ground floor level to cater for disabled persons and they will have waitress service.

The level of use is, clearly, minimal and the impact of a small facility of this type is likely to be negligible. It is therefore recommended that approval be given.

Human Rights Act 1998

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

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

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

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

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

There are no issues raised by the proposals which offend against the relevant provisions of the Act.

SCHEDULE A: Applications with Recommendation

03/0027

Recommendation: 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.

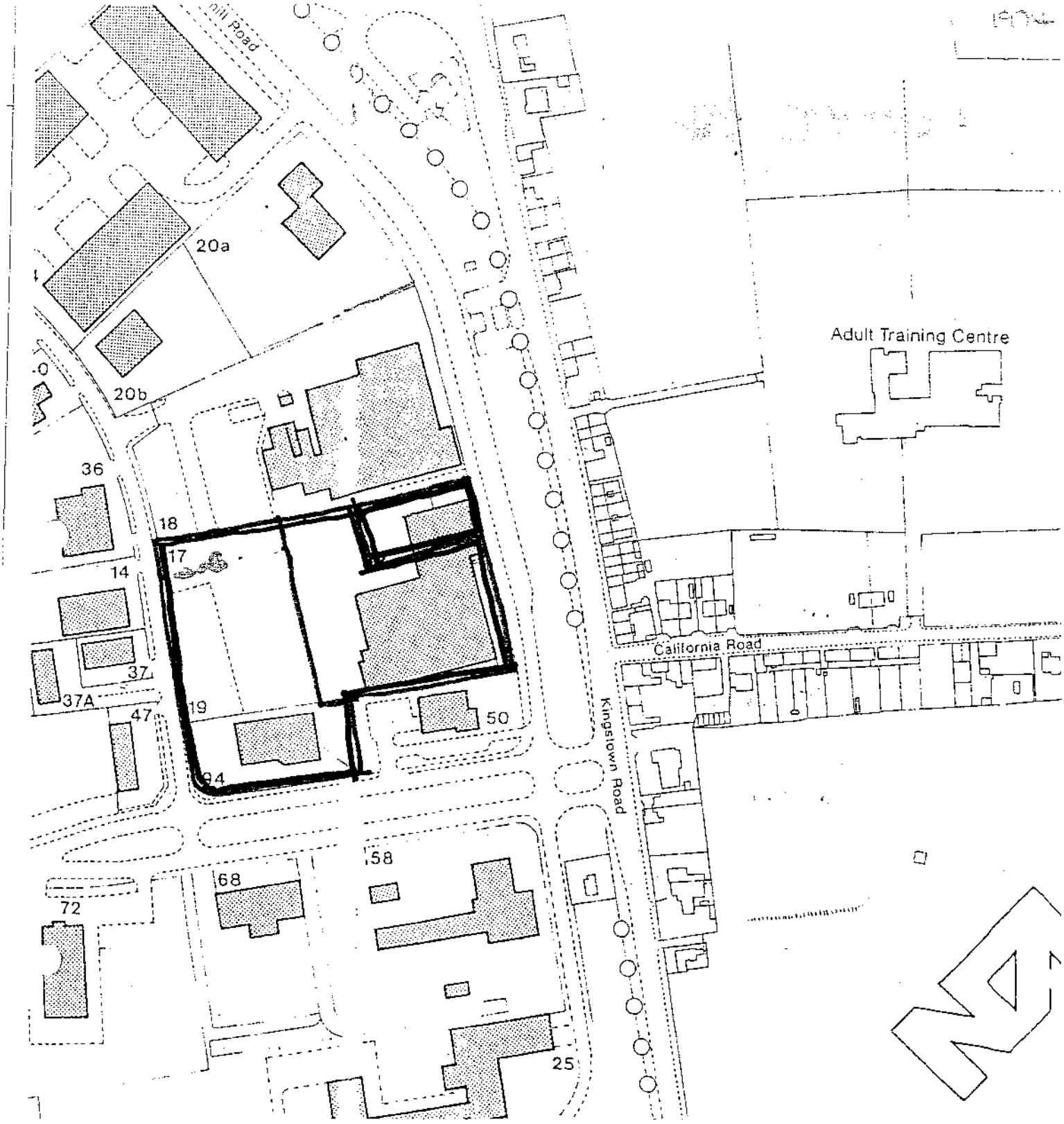
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The section of the building to which this application relates shall be used solely as a coffee/tea shop and for no other purpose including any other purpose in Class A3 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, or in the event that that use ceases to operate otherwise as part of the overall Lawn and Leisure Centre.

   Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

3. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the building or external area of the premises without prior consent in writing of the local planning authority.

   Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.



LLOYD BMW-MINI
CARLISLE

LOCATION PLAN

RECEIVED
14 JAN 2003

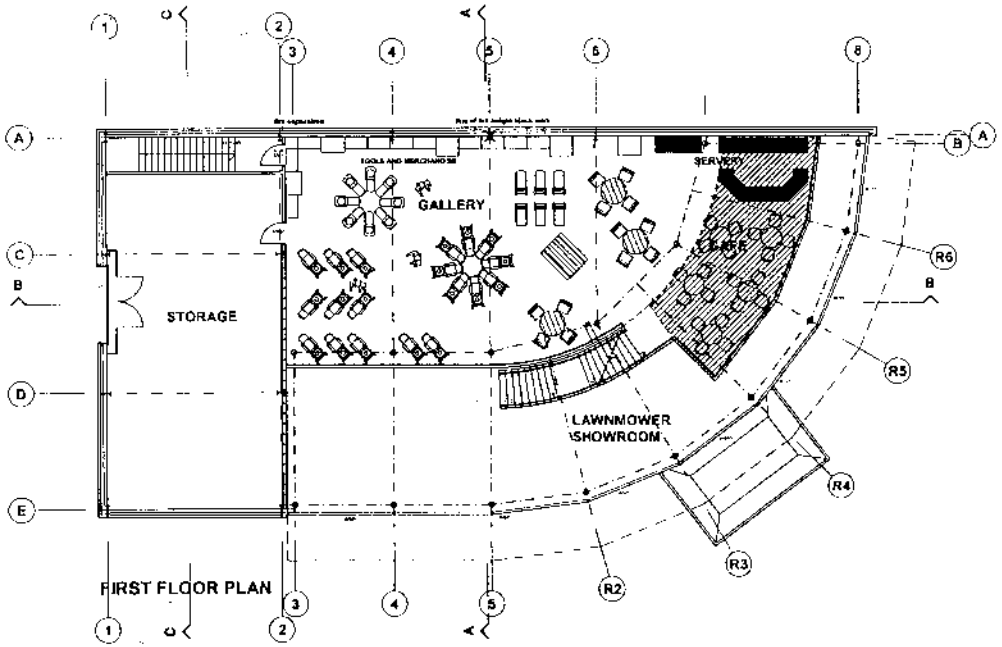
2003/0027

UNWIN · JONES · PARTNERSHIP
UJP
CHARTERED
ARCHITECTS

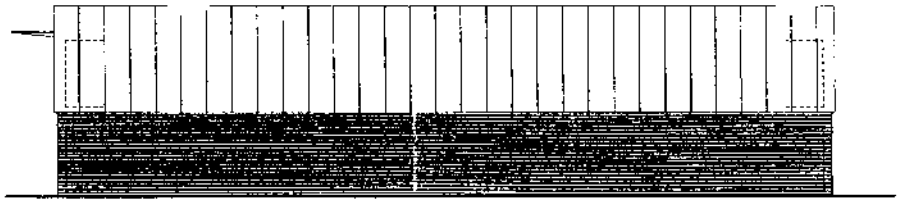
drawn : JPE scale : 1:100

date : JAN02 drawing no : 1974/01

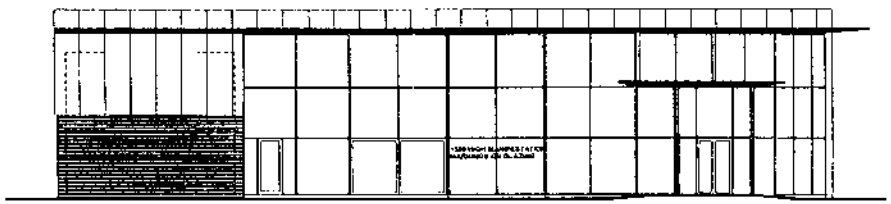
· BRIDGE LANE STUDIO · CALDEWGATE · CARLISLE · CUMBRIA · CA2 5SS · TEL 01228 528266 · FAX 01228 524409 ·



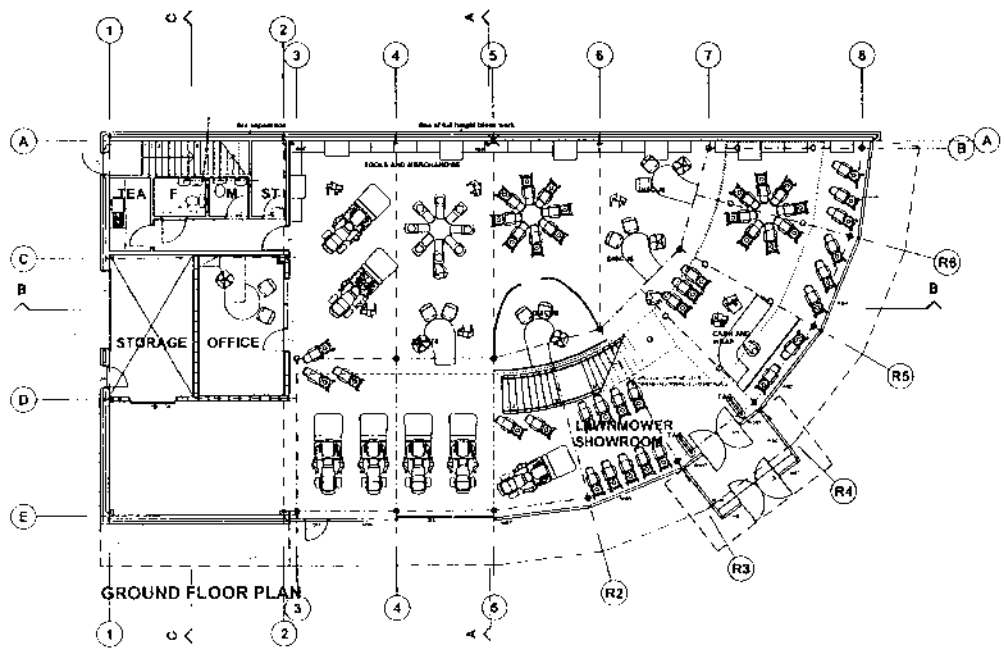
FIRST FLOOR PLAN



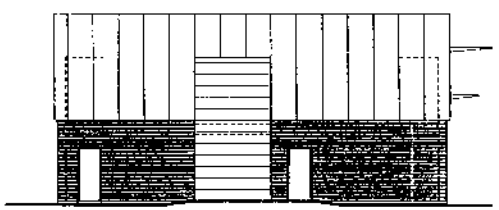
NORTH ELEVATION



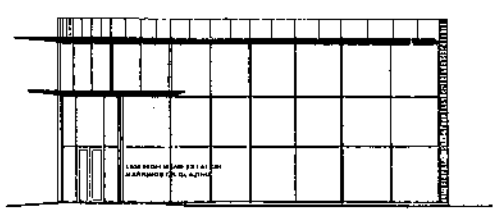
SOUTH ELEVATION



GROUND FLOOR PLAN



WEST ELEVATION



SOUTH ELEVATION

-690-

20-31-0027

LLOYD BMW - MINI
CARLISLE

LAWNMOWER BUILDING
PLANS AND ELEVATIONS
SHOWING CAFE

UJP ARCHITECTS

drawn : scale : 1:100

date : Jan 2003 drawing no : 8974 / 120

SCHEDULE A: Applications with Recommendation

03/0028

Item No: 42 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0028	Mr N P Lamb	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
14/01/2003		Harraby
Location:		**Grid Reference:**
64 Mallyclose Drive, Carlisle, CA1 3HT		342580 553300

Proposal: Single storey extension to side and rear elevations to provide garage, w.c., study, dining room and kitchen extension.

Amendment:

1. The two storey element of the proposal has been reduced to single storey and the rear extension has been increased in width from 6.65 metres to 9.6 metres.

SG

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Further comments receiceved on 18th February read "no objections";

English Nature: no objection, subject to the attachment of one supplementary informative to any notice of consent.

Summary of Representations:

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs D Bell, 62	20/01/03			Objectio	RESP

Mallyclose Drive		
The Occupier / Owner, 66 Mallyclose Drive	20/01/03	AMND
The Owner/Occupier, 473 London Road	24/01/03	AMND
The Owner/Occupier, 475 London Road	24/01/03	AMND

This application has been advertised by means of notification letters sent to four neighbouring properties. Two letter of objection have been received for the same resident in response to the original and amended plans submitted. In response to the amended plans submitted the grounds for objection are;

1. the single storey extension would result in a loss of light to the kitchen of No.62 Mallyclose Drive;
2. the extension will be overbearing and would be detrimental to the enjoyment of the property;
3. the front and rear gardens would be thrown into greater shade;
4. there will be no external means of escape from the rear of No.64;and
5. there are concerns regarding the demolition of the existing garage, which is believed to have an asbestos roof.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history relating to this site.

Details of Proposal:

This application seeks full planning permission for the erection of a ground floor extension to the side and rear elevation of 64 Mallyclose Drive, Harraby, Carlisle. The property is a two storey semi-detached property, finished in a combination of white painted render and facing brick. There are residential properties situated to either side and the rear of the property. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report

The proposal, as originally submitted, would provide a garage, kitchen extension and dining room on the ground floor. An en-suite bedroom would be provided on the first floor. Officers expressed concern that the two storey extension would be overbearing and would result in a loss of light to the kitchen of No.62 Mallyclose Drive. The sole window serving the kitchen of No.62 is positioned in the side elevation of the property. Following negotiation with the applicant amended plans have been submitted omitting the two storey element of the proposal.

The amended application would provide a garage, W.C., study, kitchen extension and dining room on the ground floor. The proposed extension, which wraps around the side and rear of the property, would project outwards by 3 metres from the side elevation and would extend 2.85 metres beyond the rear of the property. The

extension would reach 2.6 metres at the eaves and have an overall height of 4.1 metres. The extension shall be constructed from facing brick, with a concrete tile roof, to match that of the existing property. The existing garage, which is situated to the rear of the property, is to be demolished. A plan illustrating the proposed extension is reproduced following this report.

With regards to this application it is felt that the main issue to consider is the potential impact of the proposed extension upon the amenities of neighbouring properties, particularly No.62 Mallyclose Drive. A photograph illustrating the relationship between the application site and No.62 Mallyclose Drive is reproduced in the Schedule.

In consideration of this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received to the amended plans submitted. The objector has raised concerns that the single storey extension would result in a loss of light to their kitchen. The sole window serving No.62 Mallyclose Drive is positioned in the side elevation of the property. The objector has also stated that the proposal would be overbearing and throw their garden area into shade. Members will note that the other concerns raised by the objectors are not material planning considerations. The objectors concerns are addressed in the paragraphs below.

Members will note that the extension to the property is of single storey construction only. The proposed extension, which reaches 2.6 metres at the eaves with an overall height of 4.1 metres at its highest point, is positioned 3.4 metres from the kitchen window serving No.62 Mallyclose Drive. Members will note the proposed extension incorporates a hipped roof to the rear in order to minimise any potential loss of light to No.62 Mallyclose Drive. Taking into consideration the above points it is the Officers view that the proposal would not result in an unreasonable loss of light to the kitchen of No.62, nor is the proposal considered to be overbearing to the occupants of that property.

It is acknowledged that the extension, to a certain extent, would cast a shadow over part own the land within the boundary of No.62 curtilage. However the only land to be affected is the driveway positioned at the side of the property, and not the front or rear gardens. It is not considered that the proposal would adversely affect the amenity of No.62 Mallyclose Drive.

Members should also be aware that No.66 Mallyclose Drive has a conservatory to the rear of the property. The side elevation of the conservatory, which is positioned along the boundary between No.66 and No.64 Mallyclose Drive, is constructed from facing brick. On that basis the proposed rear extension would not be overbearing or adversely affect the amenities of No.66 Mallyclose Drive.

In conclusion, it is not considered that this development will adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is considered to be appropriate to the dwelling, its design and its setting. It is not considered to be of an

unacceptable scale or visually intrusive. Officers are satisfied that there will not be an unreasonable loss of light to the kitchen at No.62 Mallyclose Drive. The proposal is in accordance with Policy H14 and is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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.

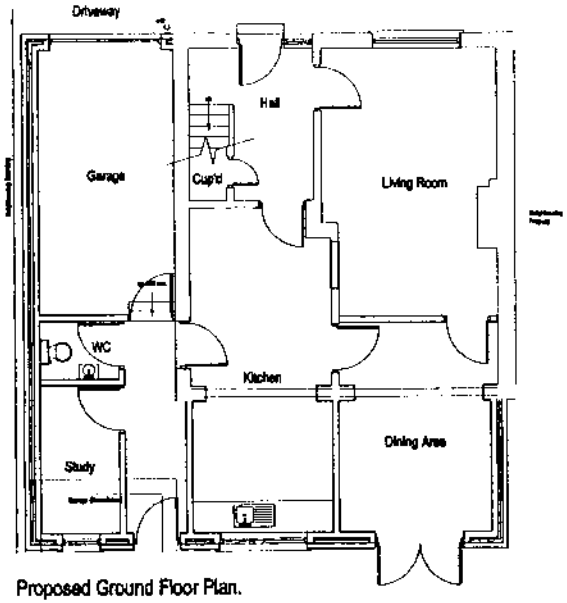
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the north west facing

elevation without the prior consent of the local planning authority.

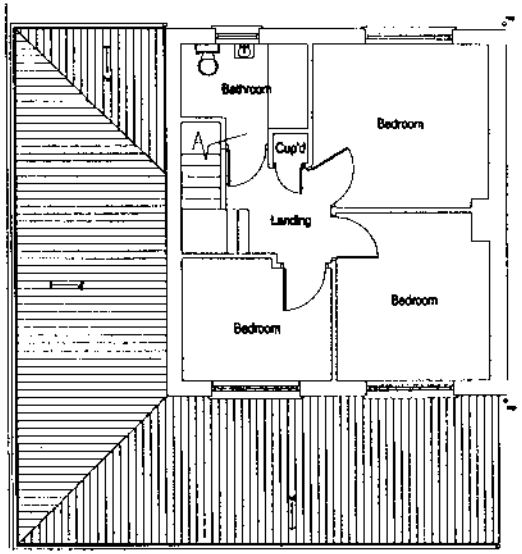
Reason: In order to protect the privacy and amenities of residents in close proximity to the site.

RECEIVED
14 JAN 2015
2015/0024

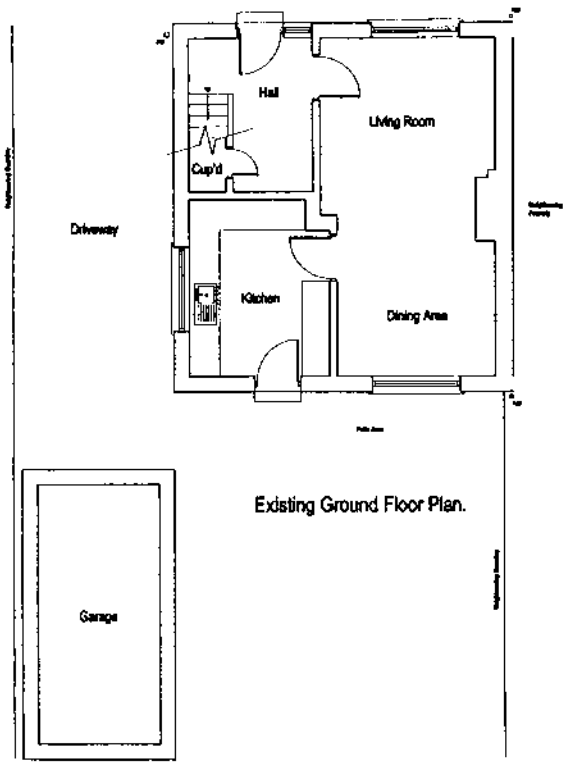
PROPOSED EXTENSIONS TO 64 MALLYCLOSE DRIVE, CARLISLE. SCALE 1:1250



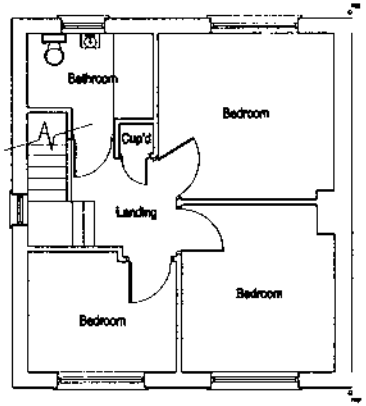
Proposed Ground Floor Plan.



Proposed First Floor Plan.

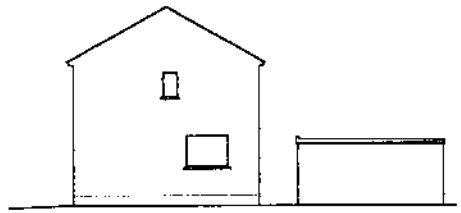


Existing Ground Floor Plan.



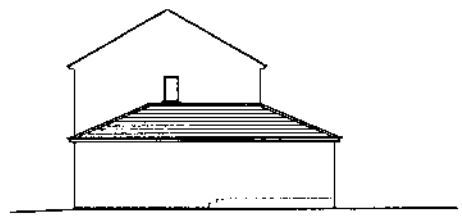
Existing First Floor Plan.

Existing Front Elevation.

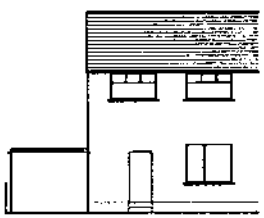


Existing Side Elevation.

Proposed Front Elevation.



Proposed Side Elevation.



Existing Rear Elevation.

Proposed Rear Elevation.

Existing:

Walls: Dark brown facing brickwork.
Roof: Concrete tiles.
Windows & doors: Upvc double glazed units finished white.
Rainwater goods: Cast iron finished black.

Proposed:

Walls: Dark brown facing brickwork to match existing house.
Roof: Concrete tiles to match existing house.
Windows & doors: Upvc double glazed units finished white.
Rainwater goods: Upvc finished black.

RECEIVED
27 FEB 2003
03/0028

DO NOT SCALE DRAWING - All dimensions to be checked on site by Contractor before work commences.

Proposed Extensions To 84 Mallyclose Drive, Carlisle.

As Existing & Proposed Plans & Elevations.

Date	Scale	Rev
Jan 03	1:50 / 1:100	0

Photograph 1: The photograph illustrates the relationship between No. 64 Mallyclose Drive and No. 62 Mallyclose Drive, which is situated on the right of the photograph. The position of the window serving the Kitchen of No.62 can been seen in the gable wall.

Item No: 43 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0032	Mr & Mrs Wannop	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
15/01/2003	Green Design Group	Stanwix Rural
Location:		**Grid Reference:**
Linstock Castle, Linstock, Carlisle, CA6 4PZ		343000 558485

Proposal: Erection of conservatory to rear of farmhouse (LBC)

Amendment:

Report

Planning Policies:

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Ancient Monument

Carlisle District Plan
Environment - Policy E34

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections

English Heritage - (Hist Bldg & Monuments): no objections subject to conditions relating to windows, doors and underground archaeology.

Cumbria County Council - (Archaeological Services): considers the proposal to be an unsuitable and insensitive alteration.

Stanwix Rural Parish Council: no objections

Summary of Representations:

Publicity has been given to this application by means of press and site notices. There has been no response.

Details of Proposal/Officer Appraisal:

Planning History:

This property has a long and complex planning history dating back to 1950 mostly associated with farming practice. In 2002 planning and listed building consent applications to erect a conservatory were withdrawn on the advice of the City Council and English Heritage.

Details of Proposal:

Listed building consent is sought for the erection of a conservatory to the rear of Linstock Castle Farmhouse. The castle is a peel tower dating from the 13th century and is grade II* listed. It is also entered on the County's Sites and Monuments Register but is not scheduled. The farmhouse, which is later in date, is attached to the castle and is covered by the listing. The proposed conservatory will be erected to the rear of the farmhouse. It is proposed to build the conservatory from oak, using traditional carpentry methods. The walls will be of plate glass and the roof built from natural slate, incorporating 2 no. rooflights. Also proposed is the replacement of upvc windows with timber sliding sash in the peel tower.

This application has been submitted following several discussions with the Assistant Conservation Officer and English Heritage. An earlier application was withdrawn by the applicants in order to completely revise the proposal in line with the advice they were being given. English Heritage, in their consultation response, have not raised any objections but have asked the Council to give particular attention to certain design details, before determining the application. All of these details may be resolved by conditions.

The County Archaeologist in his response has raised similar issues and has objected to the proposal on the grounds that it is an unsuitable and insensitive alteration. However, he goes on to state that the advice of City's Conservation Officer and English Heritage should be sought with regard to the impact of the proposals. This is the correct procedure as the building is not scheduled but is listed. The advice of English Heritage and the Assistant Conservation Officer as stated above, is that the resubmitted scheme is a vast improvement on the original and the lightweight, transparent nature of its construction will not adversely affect the setting or architectural interest of the listed building. The application is therefore recommended for approval.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission

1. The works shall be begun not later than the expiration of 5 years beginning with the date of the grant of this consent.

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

2. Details of the proposed timetable for the implementation of the approved scheme together with the details of the foundations to be used shall be submitted to and approved by the Council's Principal Archaeologist prior to the commencement of any work associated with the development hereby granted planning permission.

   Reason: So that records may be made before the archaeologist remains/architectural features are affected by the development.

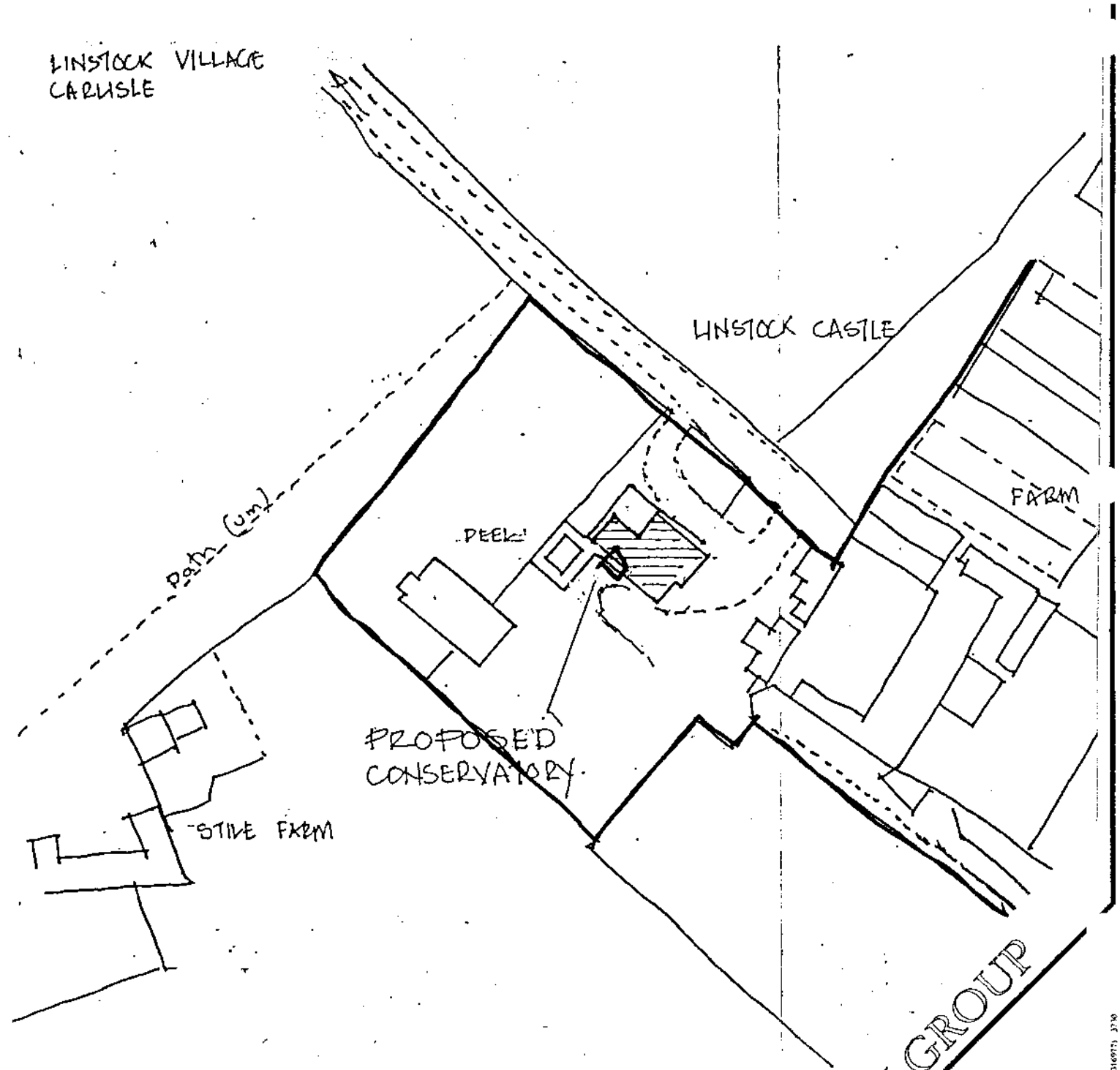
3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

   Reason: To ensure that materials to be used are acceptable.

4. Details of all new windows and doors, in the form, of quarter or full-size

drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

Reason: To ensure the works harmonise as closely as possible with the existing building.

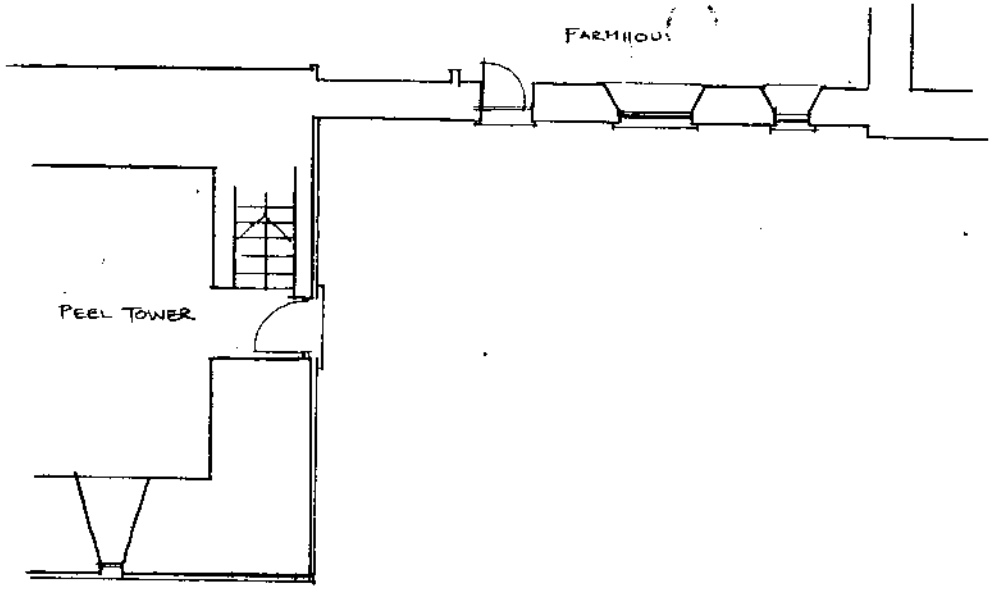


GREEN DESIGN GROUP
CHARTERED ARCHITECTS & DESIGNERS

Location Plan
Proposed Extension
Linstock Castle for
Mr & Mrs Wannop
1:1000
Dec '02
02/1294/00

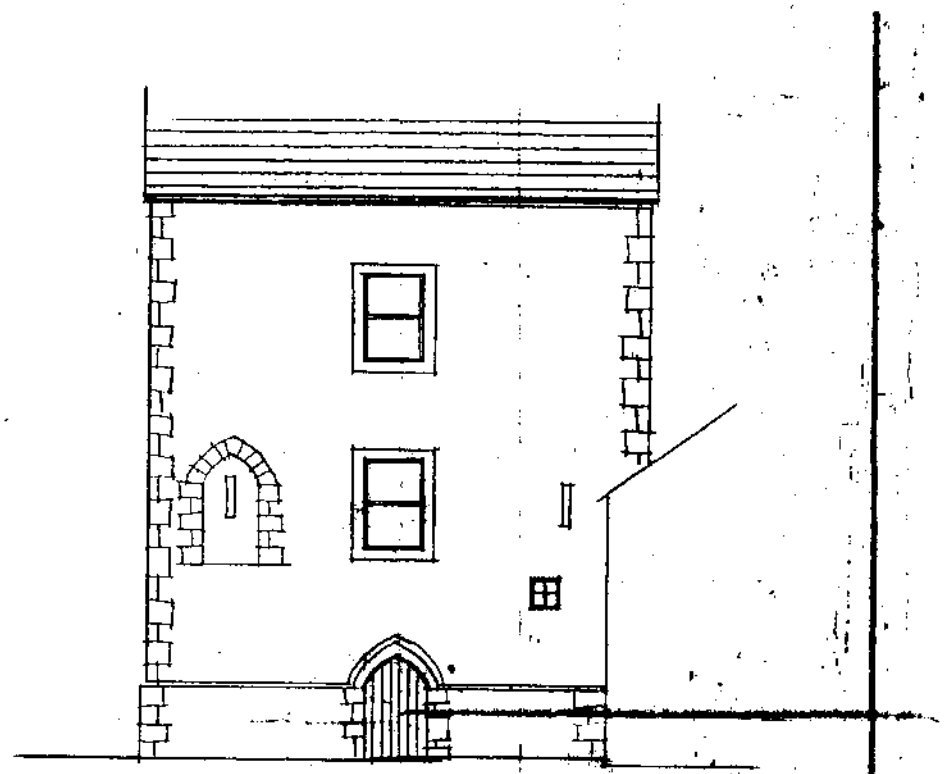
64 MAIN ST. COCKERMOUTH CUMBRIA CA13 9LU TELEPHONE (01900) 822945

2003/0032



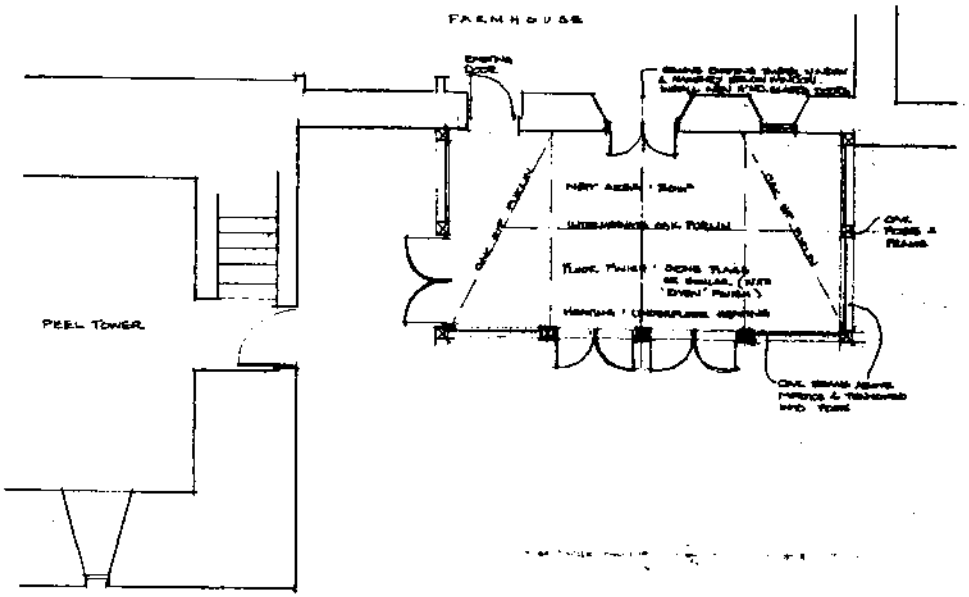
GROUND FLOOR PLAN 1:50

SIDE ELEVATION 1:50

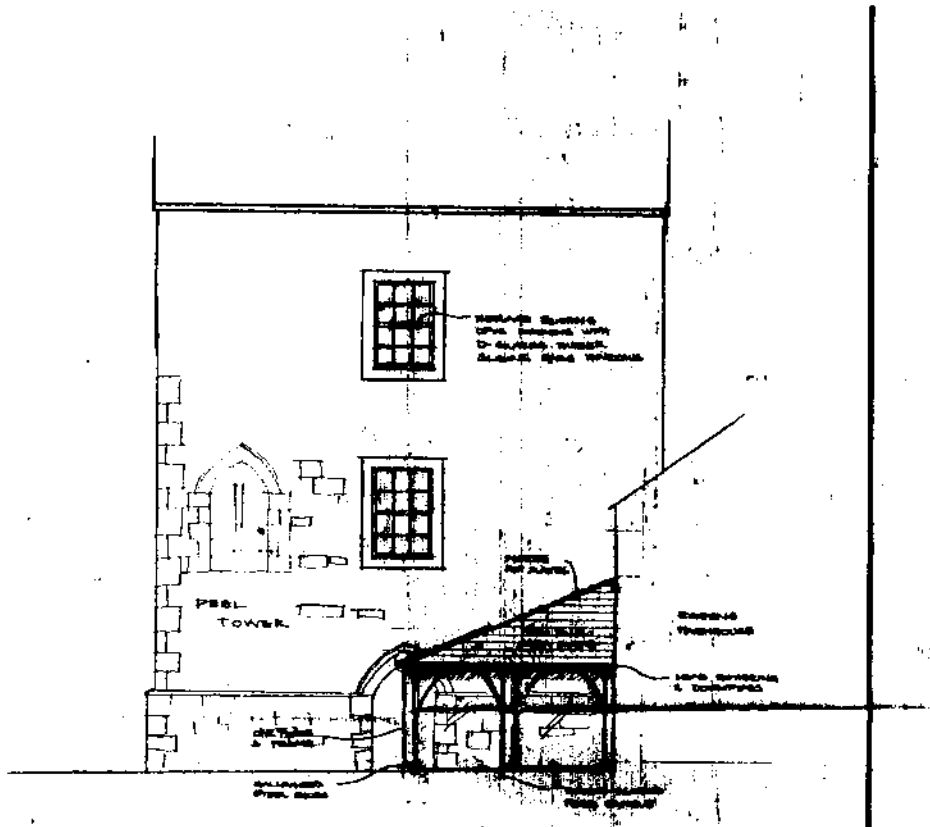


EXISTING FRONT ELEVATION 1:50

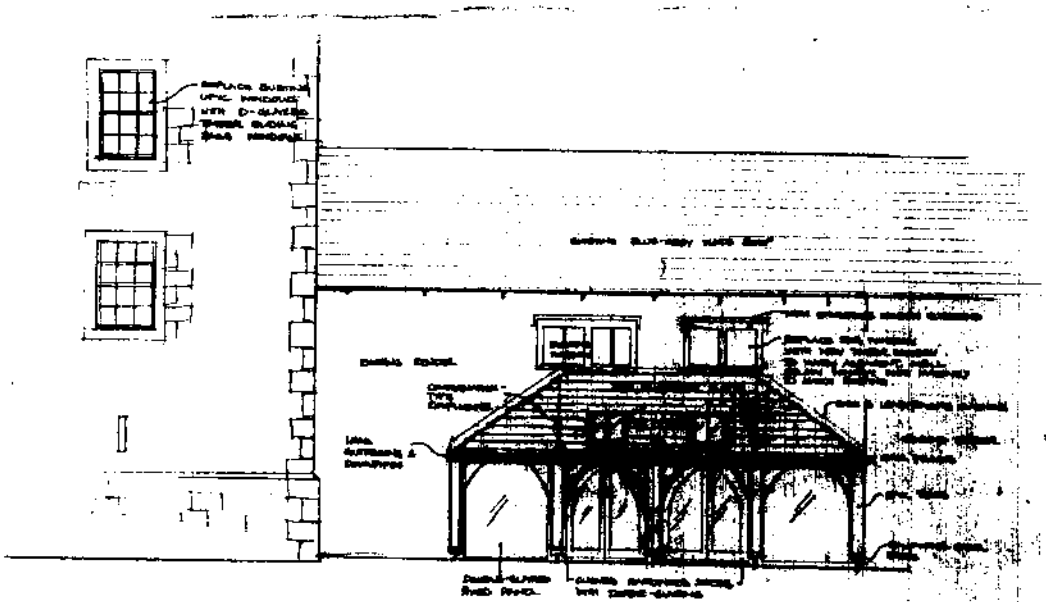
GREEN DESIGN GROUP



PROPOSED PLAN 1:50



FRONT ELEVATION 1:50



SIDE ELEVATION 1:50

GREEN DESIGN GROUP

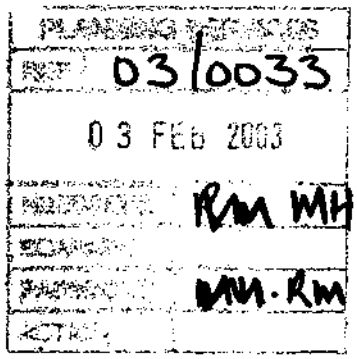
Accepted
15 JAN 2013
2012/0832

Proposed Plan & Elevations
Proposed Extension for Lunecliff Castle
Mr & Mrs Wilkinson
Dec 2012
1:50 & 1:100

COUNTY COUNCIL

Community Economy and Environment
County Offices, Kendal
Cumbria LA9 4RQ
Fax: (01539) 773439
Telephone: (01539) 773431

Your ref: ARH/DC/03/0033
Our ref: RN/1030033



30th January 2003

Mr A M Taylor
Chief Development Control Officer
Carlisle City Council
The Civic Centre
Carlisle
CA3 8QG

FAO Richard McCoy

Dear Mr Taylor

ERECTION OF CONSERVATORY TO REAR OF DWELLING ATTACHING HOUSE TO PEEL TOWER LINSTOCK CASTLE FARM, LINSTOCK

Thank you for providing details of the above application.

I have checked with the County Sites and Monuments Record and this application affects a site of archaeological interest, reference 3809. Linstock Castle is believed to date from the 12th or early 13th century and was built as a palace for the Bishops of Carlisle. The site was used as a defensive Tower House from the 14th century and has some 17th century alterations. The structure is a grade II* listed building. Both the upstanding structure, and any associated buried deposits, are of considerable archaeological significance.

A previous application for this proposal (02/0626) was commented upon by Helena Smith, the former assistant archaeologist, who advised that further information was required from the applicant with regard to assessing the likely impact of their proposals on the site. She further requested that this include consideration of how the physical impact of the conservatory will be mitigated (both in terms of impact on the structure and on any below ground deposits). The present application still lacks detail concerning the impact of the structure on below ground deposits as there is no detail concerning depth or size of foundations, or of the impact of the proposed underfloor heating. The visual impact of the conservatory has been made clearer and I object to the way it will obscure views of the medieval doorway into the tower house. I am also concerned with the replacement of the existing timber window with a pastiche mullioned window. The existing window is a later insertion but it does form part of the historic fabric and character of the building. The replacement of the upvc windows in the tower with wooden sash windows will be a benefit to the building's character but overall I consider that in accordance with PPG 15 para 3.3, the conservatory is an 'unsuitable and insensitive alteration'. Moreover, I do not consider that the proposals have been sufficiently justified or that all necessary information has been provided to enable an assessment of likely impact, as required under para 3.4 of PPG 15.

I trust that you will seek the advice of your Conservation Officer and English Heritage's Inspector of Historic Buildings with regard to the impact the proposals may have on the setting and architectural interest of the building.

I trust the above recommendation is acceptable. If you have any queries, please do not hesitate to contact me.

Yours sincerely

Richard Newman
County Archaeologist

Email: richard.newman@cumbriacc.gov.uk

Printed on recycled paper

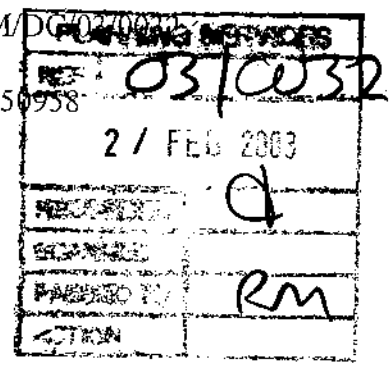
ENGLISH HERITAGE

Richard McCoy
Planning Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

NORTH WEST REGION Direct dial: 0161 242 1434

Your ref: RM/DC/03/0032

Our ref: CU/50958



Dear Mr McCoy

NOTIFICATION UNDER CIRCULAR 01/2001
APPLICATION FOR LISTED BUILDING CONSENT
LINSTOCK CASTLE, LINSTOCK, CARLISLE, CA6 4PZ

Thank you for your letter of 21 January 2003 notifying English Heritage of the application for liste building consent for Linstock Castle.

On the basis of the submitted plans and drawings English Heritage believes that before determining the application you should give particular attention to: -

- Details of new sash windows in the Pele Tower
- Details of new first floor window to farmhouse and glazed double doors to ground floor
- Archaeological implications of digging foundation trenches for conservatory. We recommend advice is sought from the County Archaeologist.

If your authority is minded to grant consent you are reminded that the Directions in Environment Circular 01/2001 require you to notify the First Secretary of State via the Government Office for the North West. In doing so, you will speed up the response if you attach a copy of this letter with your notification accompanied by

1. a confirmation of any amendments subsequent to this letter;
2. an explanation of why you are disposed to grant consent;
3. the extent to which your authority has taken on board any concerns raised by English Heritage and other consultees;
4. a list of the conditions proposed to be attached to the consent.

Yours sincerely

Debra Longley

Debra Longley
Casework Assistant
North West Region

Please note that English Heritage operates an access to information policy. Correspondence or information which you send to us may, therefore, become publicly available.

Item No: 44 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0033	Mr & Mrs Wannop	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
15/01/2003	Green Design Group	Stanwix Rural
Location:		**Grid Reference:**
Linstock Castle, Linstock, Carlisle, CA6 4PZ		343000 558485

Proposal: Single storey conservatory extension to rear of farmhouse

Amendment:

Report

Planning Policies:

Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

Ancient Monument

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objections

English Heritage - (Hist Bldg & Monuments): no objections subject to conditions relating to windows, doors and underground archaeology.

Cumbria County Council - (Archaeological Services): considers the proposal to be an unsuitable and insensitive alteration.

Stanwix Rural Parish Council: no objections

Summary of Representations:

Publicity has been given to this application by means of press and site notices. There has been no response.

Details of Proposal/Officer Appraisal:

Planning History:

This property has a long and complex planning history dating back to 1950 mostly associated with farming practice. In 2002 planning and listed building consent applications to erect a conservatory were withdrawn on the advice of the City Council and English Heritage.

Details of Proposal:

This application for planning permission is related to listed building consent ref. 2003/0032 a report on which appears earlier in the schedule.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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. Details of the proposed timetable for the implementation of the approved scheme together with the details of the foundations to be used shall be submitted to and approved by the Council's Principal Archaeologist prior to the

commencement of any work associated with the development hereby granted planning permission.

Reason: So that records may be made before the archaeologist remains/architectural features are affected by the development.

3. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

   Reason: To ensure that materials to be used are acceptable.

4. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

   Reason: To ensure the works harmonise as closely as possible with the existing building.

Item No: 45 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0035	Barratt Manchester	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
15/01/2003		Dalston
Location:		**Grid Reference:**
L/A Carleton Grange - Plots 270-286 (inc), Garlands Road, Carlisle		342800 554000

Proposal: Substitution of house types plots 270-286 inc. (incorporating low cost housing provision) (17no plots)

Amendment:

AMT

Report

Planning Policies:

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 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.

Cumbria & Lake District Joint Structure Plan
Policy 32

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

Carlisle District Plan
Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between

April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

			Site	Ha.
Dwellings				
i.	Morton Carlisle		41.00	1.025*
ii.	Garlands Carlisle		17.80	445*
iii.	Warwick Road, Carlisle		5.10	128*
iv.	Brisco Road, Carlisle		3.30	83*
v.	RAF 14MU Site No. 4		3.50	90*
vi.	Windsor Way, Carlisle		8.04	200*
vii.	Scotby, Carlisle	2.30	58*	
viii	William Howard Lower School, Brampton		1.00	25*
ix.	Barras Lane, Dalston		2.99	50
x.	Nook Lane, Dalston		1.47	20
xi	Ladyseat, Longtown		0.87	22*
Total		**87.37**	**2,146**	

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Carlisle District Plan
Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

Housing: awaited;

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

St Cuthberts Without Parish Council: a number of comments are made relating to the change of house type and occupants;

Cumbria County Council - (Archaeological Services): awaited.

Summary of Representations:

The proposals have been publicised through the use of Site and Press Notices but no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Outline Consent for the residential development of land to the north of Garlands Hospital was initially secured by the Regional Health Authority in December 1989.

Following disposal of the land, detailed planning permission for the development of that surplus land for housing purposes, comprising 443 dwellings, was approved in October 1997 and the site's development has subsequently been proceeding accordingly

Several variations to the layout and house types have been accepted as amendments in 1998, 1999, and 2000. In March 2001 approval was also given to further substitutions of house types within the development that resulted in the overall "approved" dwelling numbers increasing to 462 units.

In November of last year approval was given to a further substitution of house types at a number of plots, subject to the attainment of a Deed of Variation to the existing S106 Agreement. That was concluded and planning permission was issued in early December 2002.

A further application, to vary the house designs at plots 320-323 and 353a, was considered by the Committee on 31st January and was approved subject to attainment of a Deed of Variation to the S106 Agreement.

Details of Proposal:

Members may recall that within the original planning approval for the development of housing at The Garlands, provision was made through a S106 Agreement for the development to include 40 units as social housing. That was initially intended to entirely comprise rented housing and part of that provision (20 dwellings) has already been met.

However, subsequently Two Castles Housing Association and the Director of Housing identified an alternative need for bungalows and a revised planning application, incorporating 17 bungalows in lieu of 20 houses, was submitted in June 2001.

That revision was acceptable to the Committee and Officers were instructed to secure the necessary Deed of Variation to the S106 Agreement prior to the release of the planning consent. Regretably, due to differences that emerged between Barratt Manchester and Two Castles Housing Association that matter could not be resolved and agreement reached between those parties although most of the bungalows have been built. Members may recall that this matter was referred to within a Report to the Committee in November of last year when the Committee considered a number of changes in house types on plots for "general" sales. The Report identified that the issue of substitutions of those bungalows in lieu of houses was being put to one side in order that the matter could, hopefully, be settled.

Since that time Two Castles have decided to transfer the funding to another site in the Carlisle area and thus no agreement has been secured between them and Barratts in respect of the 17 bungalows. The dwellings nonetheless exist and are being vandalised although, paradoxically, they are also attracting interest from prospective purchasers viewing the estate.

Barratts have held discussions with Officers and have now put forward the current application as a means of resolving the matter. In essence, they are seeking planning consent for the retention of the 17 bungalows which they propose to sell on the open market but on a low-cost, local needs basis using a similar formula to that employed on other sites, notably at Tribune Drive, Houghton. That means that the properties would be sold at a "discounted" rate and would be advertised initially for qualifying persons within the immediate area (Ward and/or Parish); if not fully disposed of within a given period of time the advertisement extends to the neighbouring Wards/Parishes; finally, those that remianed unsold after a further period of time are then available to persons within the District as a whole.

Whereas previous schemes of this nature have involved "discounts" from general open value of 20%, the applicants propose in this instance, and as a reflection of their commitment to the principle of affordable homes at the site, to make these 17 bungalows subject to a 25% discount from the agreed "open" market value.

The siting, design, finishes of those properties are all as previously "approved" when the Committee initially considered the substitution of house types in 2001.

From a planning policy viewpoint, District Plan Policy H8 provides for the inclusion of an element of affordable housing to be included within larger developments. The Garlands site fits clearly within that definition. Moreover, the Policy does not specify either the specific type, size or tenure of those properties and the Reassons/Explanations acknowledges that this objective can be secured through provision of housing for sale that is discounted from the general housing market value. Thus, while provision of social housing through a Housing Association has clearly much merit, the District Plan Policy does not preclude delivery by other

means such as that proposed.

Members will note that there are some adverse comments from St Cuthberts Without Parish Council although it is not entirely clear if they have fully appreciated the nature of the application or the circumstances that have led to its submission. It is certainly not anticipated that the residents of the bungalows will generate additional demand on schools while the proposals effectively reduce the total social housing provision within the site from 40 to 37. Similarly, ity is anticiapated that many if not all purchasers will be retired or immediate pre-retirement age so the expectation of increased traffic from additional "working residents" is perhaps unlikely to materialise.

It is consequently recommended that the substitution of house types is accepted and that Officers are given Authority to Issue planning permission once the appropriate Deed of Variation to the S106 Agreement is attained, that variation to include the specific formula for identifying "qualifying purchasers", the process and time-scales for advertisement of these units, and the arrangements for future management of that stock to ensure that the "discounted" value and local "qualification" also applies to subsequent sales.

Informative Notes to Committee:

1. **Section 106 Agreement with Authority to Issue**

   In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

Human Rights Act 1998

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

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

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

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

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

03/0035

There are no issues raised by these proposals.

Recommendation: 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.

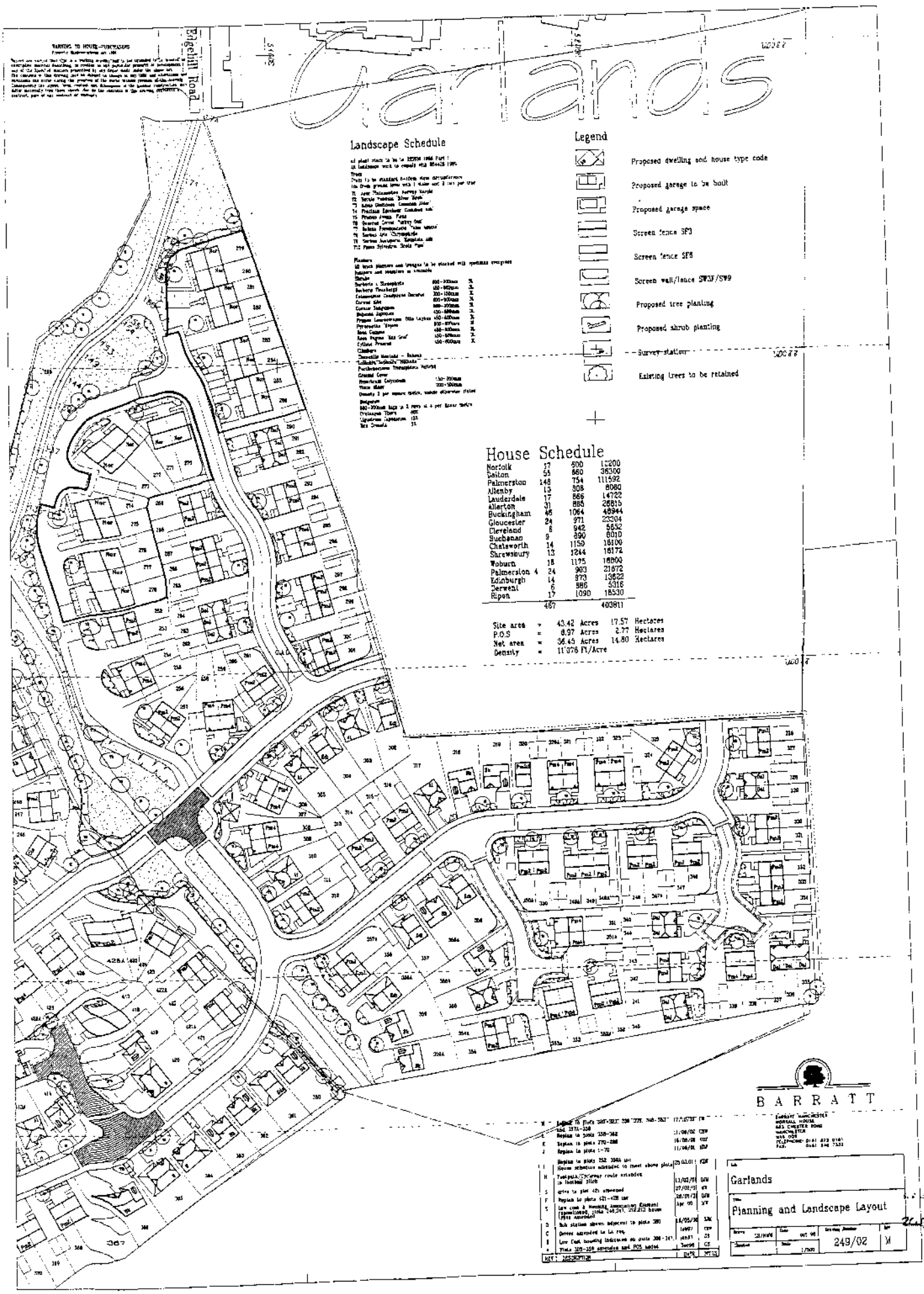
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The 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.

3. 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.

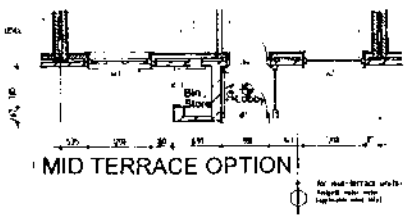
   Reason: To ensure that a satisfactory landscaping scheme is implemented.


Garlands
Landscape Schedule
Legend
Proposed dwelling and house type code
Proposed garage to be built
Proposed garage space
Screen fence SF3
Screen fence SF5
Screen wall/fence SW3F/SW9
Proposed tree planting
Proposed shrub planting
Survey station
Existing trees to be retained
House Schedule
Norfolk 17 600 12200
Deiton 55 660 36300
Palmerston 148 754 111592
Allenby 13 308 4060
Lauderdale 17 866 14722
Allerton 31 885 26835
Buckingham 45 1064 48944
Gloucester 24 971 23304
Cleveland 8 942 5652
Buchanan 9 890 8010
Chatsworth 14 1159 16106
Shrewsbury 13 1244 16172
Woburn 18 1175 16800
Palmerston 4 24 983 21672
Edinburgh 14 973 13622
Derwent 6 986 5316
Ripon 17 1090 18530
487 403811
Site area = 43.42 Acres 17.57 Hectares
P.O.S = 6.97 Acres 2.77 Hectares
Net area = 36.45 Acres 14.80 Hectares
Density = 11.026 Ft/Acre
BARRATT
Garlands
Planning and Landscape Layout
249/02

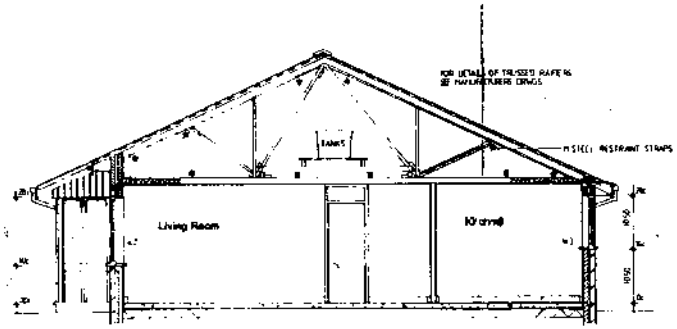
FRONT ELEVATION

REAR ELEVATION

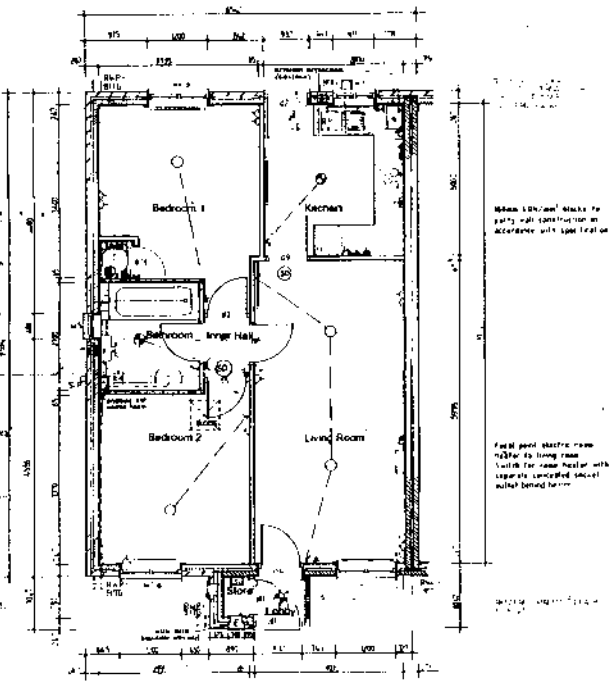
SIDE ELEVATION



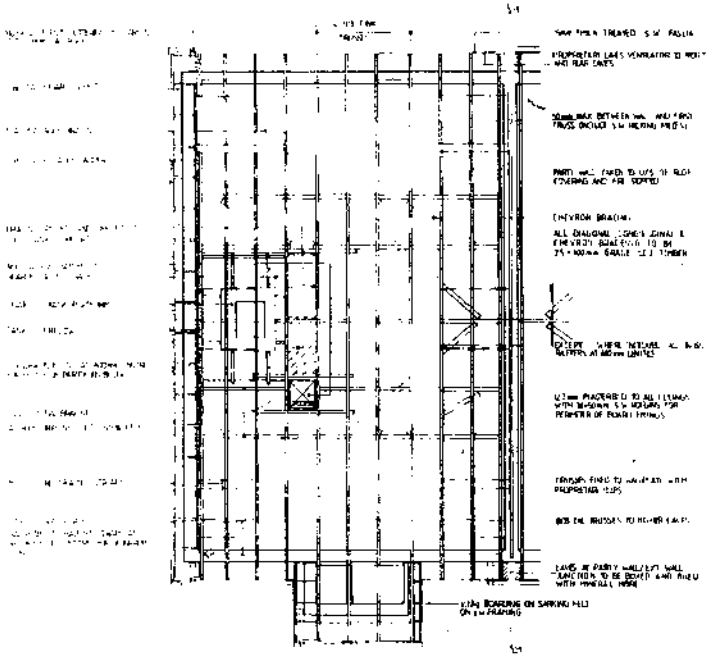
MID TERRACE OPTION



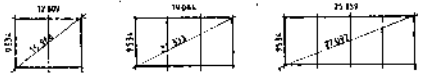
SECTION A - A



GROUND FLOOR PLAN



ROOFPLAN



-718-

No	Location	Size	
W1 ⊗	Bedroom 2	1200 x 1200	Horizontal
W2	Living Room	1200 x 1350	Horizontal
W3	Kitchen	915 x 1050	Horizontal
W4 ⊗	Bedroom 1	1200 x 1200	Horizontal
W6	Porch	915 x 2087	
W5	Bathroom	486 x 1050	Horizontal
		(End Terrace + Semi detached)	

No		Size	
01	Front Entrance	838	
02	Kitchen	838	
03	Store	686	
04	Living Room/Porch	762	
05	Bedroom 2	762	Fanlight over
06	Bathroom	762	
07	Bedroom 1	762	Fanlight over
08	Living Room/Hall	762	Fanlight over
09	Kitchen	762	
010	Linen	686	
03	Bin Store	686	Mid Terrace only

DECIMAL KEY

APPROVAL NUMBERS
NHBC – 1801–194
LANTAC – 008441

NORFOLK
(NEW COTTAGE)
STATESMAN HOUSE

'95

BARRATT

GARLANDS ONLY

DATE	SCALE	Drwg. No.	Rev.
FEB 94	1:50 1:100	1269/NOR/S101	

apply in this area. It therefore relaxes the normal strong resistance to development adjacent to settlements and lists criteria which will be used as a basis for determining applications for residential development in this area.

4.51 The definition of what is large or small scale development will depend upon the settlement concerned. In the larger hamlets in the remote rural area, a scheme for five or six dwellings may be acceptable but in others a single dwelling may be all that is acceptable.

4.52 In extending the Proposal to cover existing farmsteads the Council recognises the special circumstances which apply only in this remote part of the District. It is recognised that for family reasons or for the needs of farm workers, an additional dwelling may be necessary to maintain the farm as a viable component of the rural environment and economy.

4.53 In each case, the setting of a proposed dwelling or dwellings in relation to existing development and the landscape will be crucial factors in determining whether permission is granted. Applications supported by an agricultural or forestry need will be considered under Policy H6.

4.54 It is considered that this Policy will allow sufficient flexibility to enable population levels to be maintained in this remote area, and to allow residential development in support of local services, while at the same time ensuring that development does not occur in a sporadic manner, and that landscape protection policies are not prejudiced.

POLICY H8
Affordable Housing on Large Sites

The City Council will, where appropriate, negotiate with developers for an element of affordable housing to be included in larger housing developments.

Reasons/Explanations

4.55 Circular 13/96 and PPG3 - *Housing*, establish that there is a need to ensure an appropriate mix of different types of houses to meet the needs of different types of households and acknowledge that the community's need for affordable housing is a material planning consideration.

4.56 In order that affordable housing may be provided, Circular 13/96 establishes thresholds for the size of sites where planning authorities are able to negotiate with developers for inclusion of an element of affordable housing on both allocated and windfall sites. There are two thresholds; one applies to settlements with more than 3,000 population and the other to settlements with a population of less than 3,000. In the larger settlements the threshold is set at developments of 40 or more dwellings or residential sites of 1.5 hectares or more. This will apply in Carlisle and Brampton. In settlements of less than 3000 population the threshold is reduced to developments of 25 or more dwellings or residential sites of 1 hectare or more. This therefore applies to the remainder of the District where there are no settlements larger than 3,000 population.

4.57 The terms affordable housing or affordable homes apply to both low cost market and subsidised housing (irrespective of tenure, ownership whether exclusive or shared or financial arrangements) that will be available to people who cannot afford to occupy houses generally available on the open market. In the case of low cost market housing the price of the dwelling is discounted below the market rate for the equivalent house type. In recent agreements with developers the rate of discount has

varied between 10% and 20% depending on the location and market price of housing in that area.

4.58 Occupancy of affordable housing provision will be restricted to the following groups:

a. local residents;

b. people employed locally, including those moving to the area to take up an employment opportunity; or

c. people with local connections.

4.59 Within the urban area of Carlisle, locally is taken to be the ward and in the rural area, the parish in which the site is situated. If housing remains unallocated, the area should be widened to include neighbouring wards and parishes in the urban and rural areas respectively.

4.60 Where such provision is made the City Council will require that it will be enjoyed by successive as well as the initial occupiers. The most common ways of ensuring this future occupancy are through the involvement of a housing association or trust providing housing for rent or shared ownership or through an option agreement with the Cumbria Landbank for Village Homes, and could involve a partnership with a private developer. In addition there may be circumstances where the developer may wish to give a financial or other contribution towards the provision of affordable housing on another site. This will be acceptable provided that the site meets the size threshold and is suitable in other respects for the development. Planning conditions and Section 106 Agreements will be used where they relate to present and future occupancy by eligible people.

4.61 In Carlisle, the need for affordable housing has recently been reappraised and has provided updated information. The urban area of Carlisle has a relatively good supply of improved terraced housing, which provides a reasonable supply of low cost market housing. However, recent surveys including the Office of National Statistics' *New Earnings Survey - April 1996*, have confirmed that Carlisle is a low-income area where average weekly earnings are £50 below the national average and there is therefore still a need for affordable market, shared ownership and rented accommodation. This has been estimated to be in the region of 300 dwellings during the Plan period. Within the allocated sites in Carlisle the number of affordable homes required is:

Site	Number of Units
Morton	90
Garlands	40
Warwick Road	16
Brisco Road	20
Windsor Way	20
Scotby Road	6
Cargo (No 4 Site RAF 14 MU)	9

4.62 Based on Table 3 - Housing Land Availability 1/4/94, Windfall Sites in Carlisle are expected to provide nearly 600 dwellings during the Plan period. It is estimated that 66% of these will be on sites falling within the size threshold and these will be expected to provide 100 affordable homes. Each site therefore will be required to provide affordable housing at a rate of between 10% and 20% of homes on the site, depending upon the location of the site in Carlisle and the demand for affordable homes in that ward.

4.63 Within the rural area need for affordable housing has been established by both detailed Parish Surveys in 18 of the 38 Parishes and the recent reappraisal. These results indicate a need for 100 affordable homes within the rural area. Need varies, however, between different Parishes within the District.

4.64 The need for affordable housing on the allocated rural sites is as follows:

Site	Number of Units
William Howard Lower School, Brampton	0
Barras Lane, Dalston	9
Nook Lane, Dalston	8
Ladyseat, Longtown	6

4.65 Table 3 Housing Land Availability 1/4/94, shows that the majority of housing provision in the rural area will be provided by windfall sites. Nearly all will be below the size threshold and therefore affordable housing is most likely to be provided on Rural Exception Sites and therefore considered under Policy H9. A small number of sites may come forward during the Plan period which are within the size threshold and these will be assessed against the detailed needs assessment for the relevant Parish. This is considered to be consistent with advice in paragraph 8 of Circular 13/96. Past assessments have indicated the level of required provision of affordable housing to between 10% and 20% of homes on the site.

POLICY H9
Rural Exception Sites

Notwithstanding Proposal H1 and Policies H2-H5 and H7, proposals for residential development may be permitted in locations where such development would not usually be permitted, where the following conditions are met:

1. **the proposal is for low-cost housing to meet an identified need; and**
2. **the proposal is supported by a detailed agreement which will satisfy the requirement that once built the residential units are retained for the benefit of successive as well as initial occupiers; and**
3. **the proposal is well related to the settlement where the need has been identified and does not involve a significant impact on the local landscape.**

Reasons/Explanations

4.66 PPG 3 advises that in appropriate cases local planning authorities should consider the release of Rural Exception Sites which would not otherwise be allocated for housing, or be given planning permission.

4.67 Since planning conditions cannot normally be used to impose restrictions on tenure or occupancy, the City Council must be satisfied that adequate arrangements have been made to ensure that houses built on such sites remain available for low-cost housing, and do not find their way onto the open market. Before the City Council is prepared to consider an application under this Policy, specific evidence will have to be provided, in the form of an up-to-date local survey, to demonstrate the particular need for low cost housing in the area. Such surveys can be carried out by Parish Councils, and must indicate the particular sector(s) of the market where need is apparent. Examples of such need are as follows:

a. existing residents needing separate accommodation in the area (e.g. couples living in single person lodgings, people needing to leave tied accommodation, overcrowded households);

b. people whose work provides important services and who need to live closer to the local community;

c. people who are not resident locally but have long-standing links with the local community and wish to return (e.g. elderly persons requiring family support);

d. people with a job offer who cannot take up the offer because of lack of affordable housing.

4.68 In each case, the particular site put forward will be carefully examined. Although proposals of this nature will be viewed more flexibly, and sites considered which would otherwise not receive planning permission, sites must be well related to the existing settlement, and must avoid undue landscape impact, as well as complying with other Policies of the Plan.

Carlisle City Council
Department of Environment and Development
Planning Services - Development Control
6th Floor - Civic Centre
CARLISLE
CA3 8QG

PLANNING SERVICES
REF 03/0035
24 JAN 2003
ACKNOWLEDGED MW.
SCANNED
PASSED TO AMC.
ACTION

PARISH COUNCIL REPLY TO CONSULTATION ON PLANNING APPLICATION

Proposal: **Substitution of house types plots 270-286 inc. (incorporating low cost housing provision) (17no plots)**
Location: **L/A Carleton Grange - Plots 270-286 (inc), Garlands Road, Carlisle**
Appn Ref: **03/0035**

*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 Council

Parish Observations

1. potential change in mix of properties could disadvantage those in larger properties by increase in traffic/children playing/property values
2. potential change mix of people in community
3. potential for extra traffic volumes from additional number of working residents
4. potential additional demand on schools
5. does the proposal exceed the minimum requirement for low cost housing

24/01/03

ConS01/

Item No: 46 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0048	Mr P Cochrane	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
28/01/2003		Castle
Location:		**Grid Reference:**
7 Millrace Road, Willowholme Industrial Estate, Carlisle		339047 556391

Proposal: Change of use of part of existing building to create cafe area including insertion of new windows, door and roller shutters. Internal alterations to form showroom and alterations to existing entrance.

Amendment:

CSH

Report

Planning Policies:

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

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 that 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.

Summary of Consultation Responses:

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

Environmental Protection Services: No objection.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Alicia Welsh, Caldew Fish Bar				Objection	RESP

This application has been advertised by means of a site notice and neighbour notification. One letter of objection has been received. This is from the operator of an existing fast food/cafe in the area and complains about the competition presented by the new business, and the fact that it has already opened.

Details of Proposal/Officer Appraisal:

Planning History:

In 1984, this property was the subject of an approval for a change of use to car/van hire depot.

Details of Proposal:

Permission is sought for the change of use and alterations to No. 7 Millrace Road, Willowholme Industrial Estate. The property which is located towards the northern end of the estate, close to the recycling depot, was formerly used as a depot for a fork lift truck company. There is a forecourt in front of the building.

The proposal is to change the use of one end of the building to form a cafe, and to insert new doors, windows and roller shutters. Apart from the cafe, the rest of the building would be used partly as a non retail showroom and partly by the original occupants. The proposal has been partly implemented, and the cafe has started to operate.

The principal issue raised by the application is whether this is an appropriate location for a cafe. It will be noted that this is the subject of the one objection to the application, but since this is largely about competition with existing establishments, it should be disregarded. The property is within the Primary Employment Area which includes the Willowholme Estate, and there is therefore a conflict with Policy EM2 insofar as the cafe use is concerned.

Members will be aware however that in other industrial estates, e.g. Kingstown and Rosehill, food drink operations have been permitted on the basis that they provide a service for the surrounding employment area. In addition, this is a small scale operation with only 53m2 total floor area, and is therefore felt to be self limiting, and the impact on the estate not significant.

On this basis, the application is felt to be acceptable and is recommended for approval.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act implications.

Recommendation: Grant Permission

1. This permission shall be in respect of the use of the building as a workshop, non-retail showroom and cafe; the area devoted to the cafe shall not exceed the

53 m2 shown on the approved plan.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

2. The premises shall be used for a cafe and for no other purpose including any other purpose in Class A3 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.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

Department of Environment & Development

Planning Services

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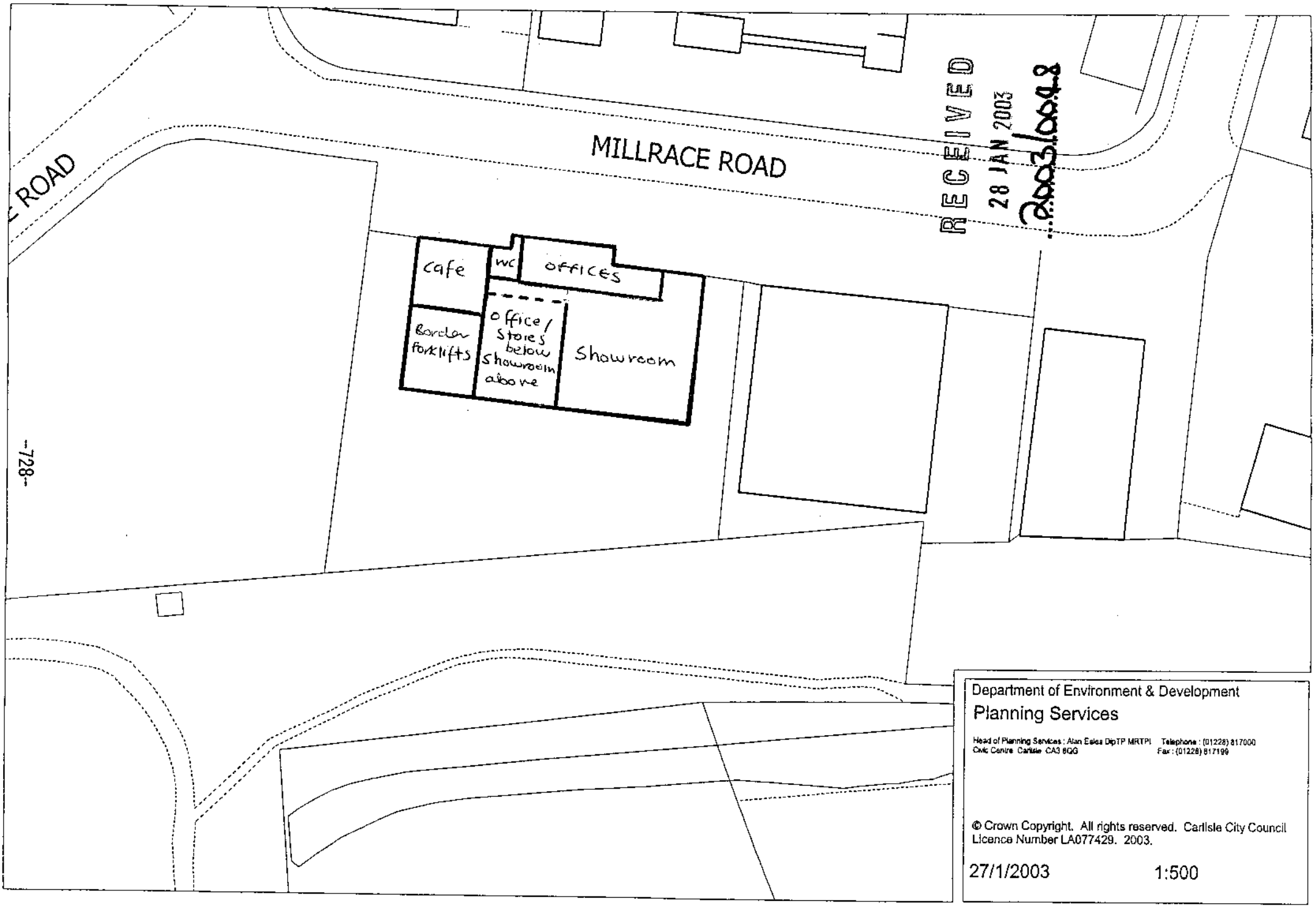
1:1,250 24/1/2003



Department of Environment & Development

Planning Services

Head of Planning Services : Alan Eales DipTP MRTPI Telephone : (01228) 817000
Civic Centre Carlisle CA3 8QG Fax : (01228) 817199

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27/1/2003 1:500

RECEIVED
28 JAN 2003
2003/0048

Item No: 47 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0052	Mr M Miller	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
21/01/2003		Currock
Location:		**Grid Reference:**
Northumberland Motors, Upperby Road, Carlisle		340655 554200

Proposal: Erection of security railings

Amendment:

AB

Report

Planning Policies:

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 developemnt 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.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): recommends refusal on the

grounds that:
- the existing access to Millbank Court is substandard in that it is of insufficient width to allow two vehicles to pass
- however, vehicles currently turning left into Millbank Court from Upperby Road have sufficient visibility to be able to see obstructions or other vehicles before turning
- the 2 metre high railings/gates would impede this available visibility and therefore increase the likelihood of conflicting vehicular movement occurring with vehicles having to reverse onto Upperby Road to the detriment of highway safety
- if approved, the access gates should be recessed a minimum 4.5 metres and the accesses shall incorporate 45 degree splays to either side.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, 89 Boundary Road	23/01/03				INIT
The Occupier / Owner, 108 Boundary Road	23/01/03				INIT
The Occupier / Owner, 110 Boundary Road	23/01/03				INIT
The Occupier / Owner, 112 Boundary Road	23/01/03				INIT
The Occupier / Owner, 114 Boundary Road	23/01/03				INIT
The Occupier / Owner, 116 Boundary Road	23/01/03				INIT
The Occupier / Owner, 2 Upperby Road	23/01/03				INIT
The Occupier / Owner, 4 Upperby Road	23/01/03			Undeliv	NFA
The Occupier / Owner, 6 Upperby Road	23/01/03				INIT
Mr & Mrs G N Thomson, 7 Upperby Road	23/01/03			Objectio	RESP
The Owner / Occupier, 118 Boundary Road	23/01/03				INIT
The Owner/Occupier, 1 Millbank Court	10/02/03				INIT
Ms Anne Jordan, 2 Millbank Court	10/02/03			Objectio	RESP
The Owner/Occupier, 3 Millbank Court	10/02/03				INIT
The Owner/Occupier, 4 Millbank Court	10/02/03				INIT
The Owner/Occupier, 5 Millbank Court	10/02/03				INIT
The Owner/Occupier, 6 Millbank Court	10/02/03				INIT
The Owner/Occupier, 7 Millbank Court	10/02/03				INIT
Mr K Hayton, 8 Millbank				Objectio	RESP

Court				
Mr K Hayton, 8 Millbank Court		10/02/03	Objectio	RESP
Mr A Jordan, 9 Millbank Court	10/02/03		Objectio	RESP
The Owner/Occupier, 10 Millcourt Court	10/02/03			INIT
The Owner/Occupier, 8 Millbank Court		Objection		RESP
Mr A Jordan, 9 Millbank Court		Petition		RESP

The application has been publicised by site notice and 17 neighbour letters, latest expiry date 3 March 2003. To date, four letters of objection have been received along with a petition, objecting to the application on road safety grounds, signed by the residents of all occupied houses in Millbank Court. Any further responses received will be reported at the meeting. The grounds of objection are that:-

- the fencing will severely affect the view of cars leaving Millbank Court causing a danger to pedestrians and cars travelling on Upperby Road
- the access road to the Court is intensively used and Upperby Road is busy, a bus route and has three junior schools along it and existing dangers will be increased
- approval of the application could result in additional accidents through reduction in visibility
- the exit from the Court is already blind and the situation will be worsened
- pedestrians are unaware of turning traffic
- the already limited view of children using Upperby Road would be lost and dangers increased
- property would be devalued

Details of Proposal/Officer Appraisal:

Planning History:

The site has a lengthy history of commercial use as a service station dating back to 1956. Car sales from the site were first approved on 24 April 1981, reference 80/1002.

Details of Proposal:

The application seeks planning permission for the erection of 2 metre high railings and gates to the frontage and south eastern flank of Northunmberland Motors at Upperby Road, Carlisle. Existing railings atop the boundary wall on the north western flank of the premises, also at a total height of 2 metres, are to be retained.

The site comprises a former service station, currently used for the display and sale of motor vehicles, situated on the north eastern frontage of Upperby Road at its junction with Boundary Road and Millholme Avenue. The site is bounded on the remaining three sides by residential development, including the narrow access road to Millbank Court on its south eastern flank. The site frontage is currently denoted by dwarf walls and wide access gates.

The applicant has experienced problems with vandalism to his cars and premises which the erection of security cameras has not resolved. Cars are currently removed overnight to safe storage.

The railings and gates proposed comprise 22 millimetre diameter metal bars at 145 millimetre centres, 2 metres high, with decorative finial tops to the railings. The railings are to be returned along the boundary to the access to Millbank Court.

The determining issues are amenity and highway safety. I have no concern with the proposal on amenity grounds. The railings will be higher than but not dissimilar to those to the frontage of the neighbouring school along boundary road. It may be visually preferable for the site frontage to remain more open, but this has to be balanced with the applicant's understandable desire for site security. No objections have been made on amenity issues.

The residents' concerns regarding highway safety are, in my view, well founded. The area is intensively used by both vehicles and pedestrians and any development which may impair visibility needs to be very carefully considered. However, the egress from Millbank Court adjacent is already blind up to the sandstone pillar on the corner of 7 Upperby Road. This is hard up to the pavement. At the point emerging drivers are able to check this view to the left, a view along Upperby Road to the right is available and will not be impeded by the erection of railings to the site frontage.

Nonetheless, the highway authority has recommended refusal on the grounds that the erection of the railings will impede the forward visibility of drivers turning left into Millbank Court from Upperby Road. I have spoken to the highway engineer who is happy to defend that position at appeal, should the application be refused and one be submitted. He makes the separate point that the access to Millbank Court is substandard.

The concern regarding the current application could, of course, be overcome by the deletion of the proposed railings from the south eastern corner of the site sufficient to retain the existing forward visibility. This factor has been discussed with the applicant, along with the highway's recommendation of refusal, but this did not meet his security requirements.

The application falls to be determined, therefore, as currently submitted, and I recommend that it be refused.

Human Rights Act 1998

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

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

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

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

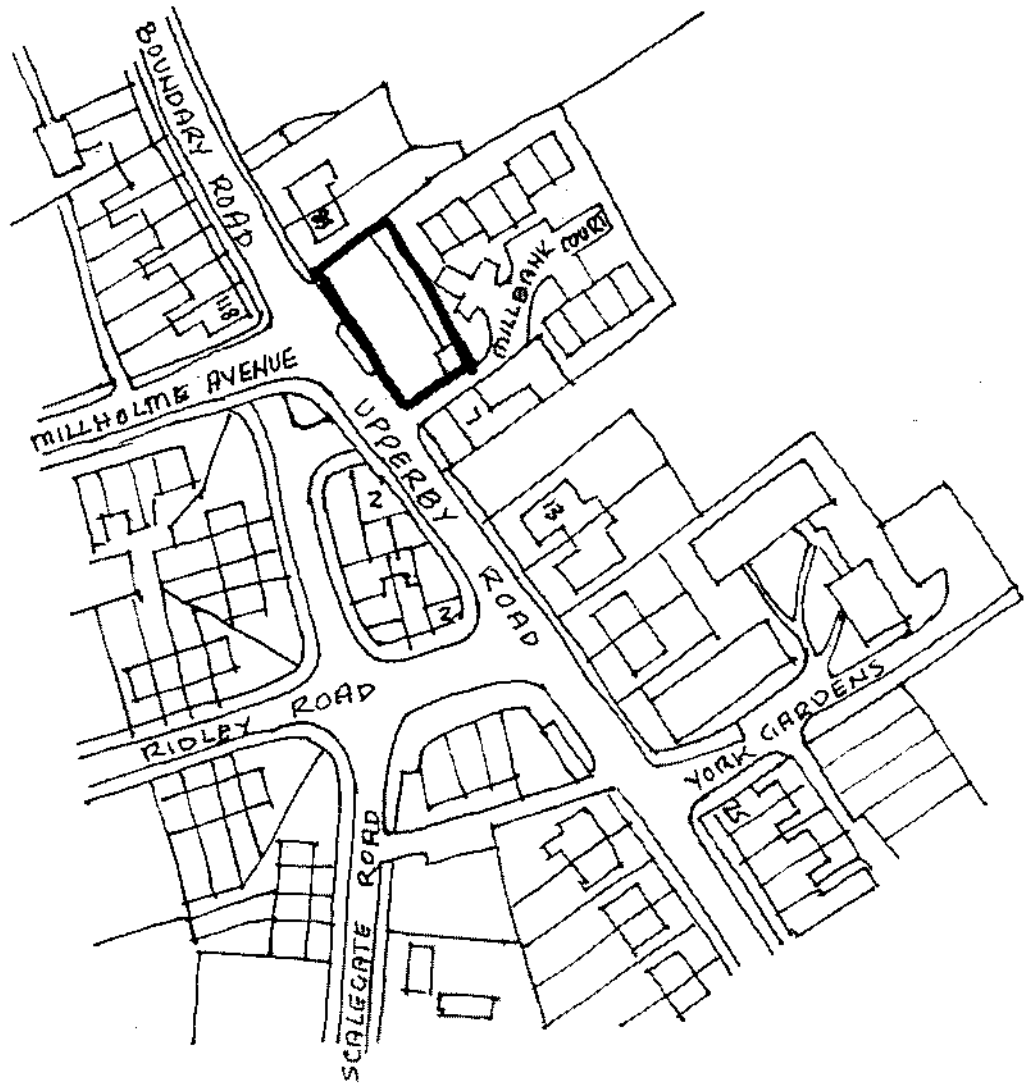
Article 8 recognises the "Right To Respect for Private and Family Life";

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

Article 8 and Article 1 Protocol 1 are relevant. Were permission to be granted, the impact on residents would be minimal. If permission is refused, the applicant's human rights may be affected but this would be proportional. Either way, the separate rights of any individuals under this legislation would not be prejudiced.

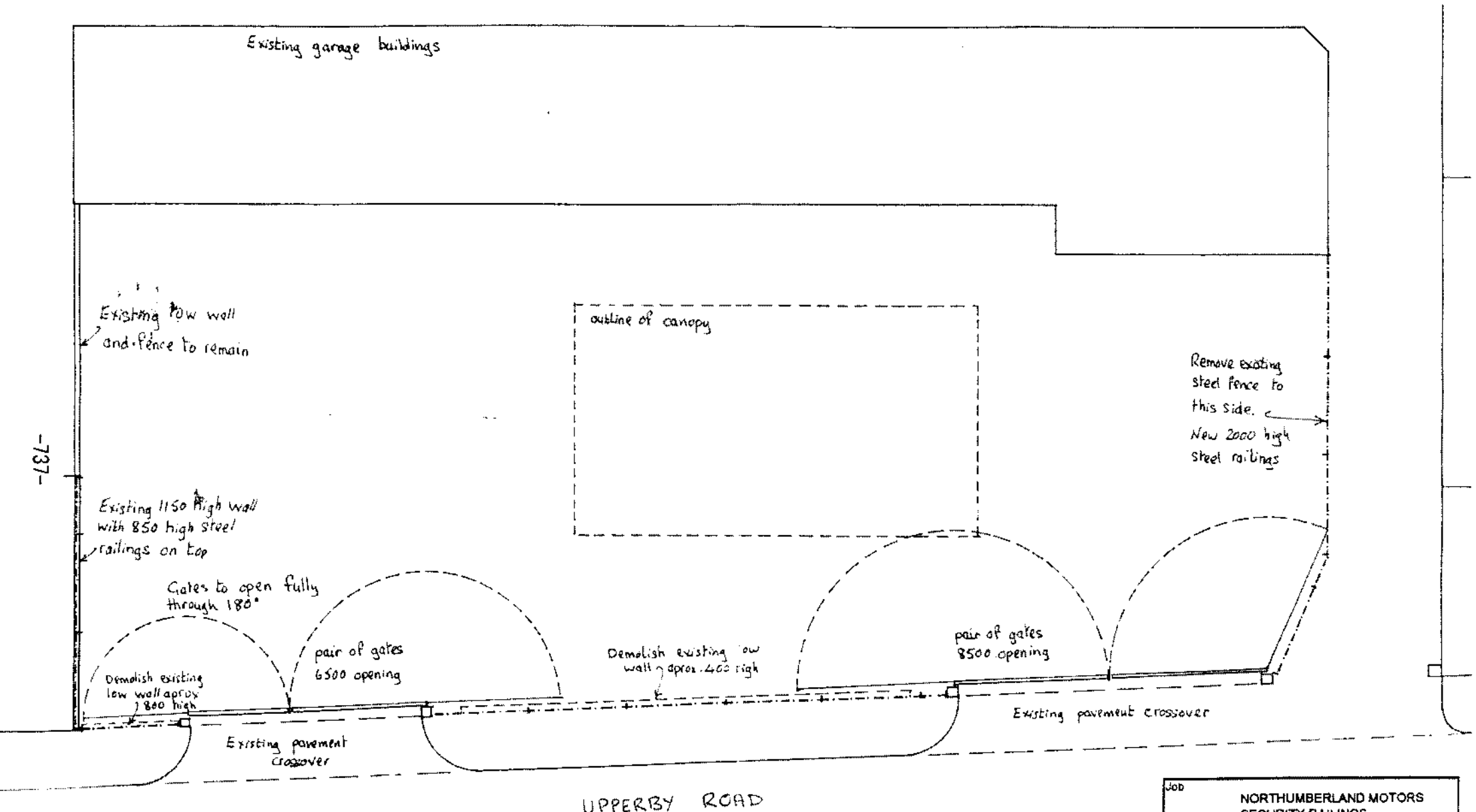
Recommendation: Refuse Permission ✓

1. **Reason:** The proposed development will unacceptably reduce the forward visibilty of drivers turning left into Millbank Court from Upperby Road. This would increase the likelihood of conflicting vehicular movement occurring on this substandard access with the potential for vehicles having to reverse onto Upperby Road, all to the detriment of highway safety.



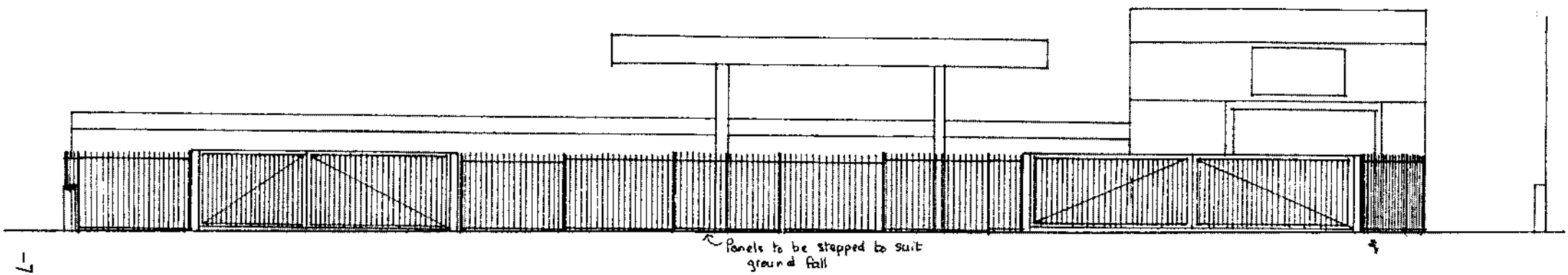
2003/0052

Job	NORTHUMBERLAND MOTORS SECURITY RAILINGS
Title	LOCATION PLAN
Drawing No:	3
Scale	1:1250
Date	Jan-03

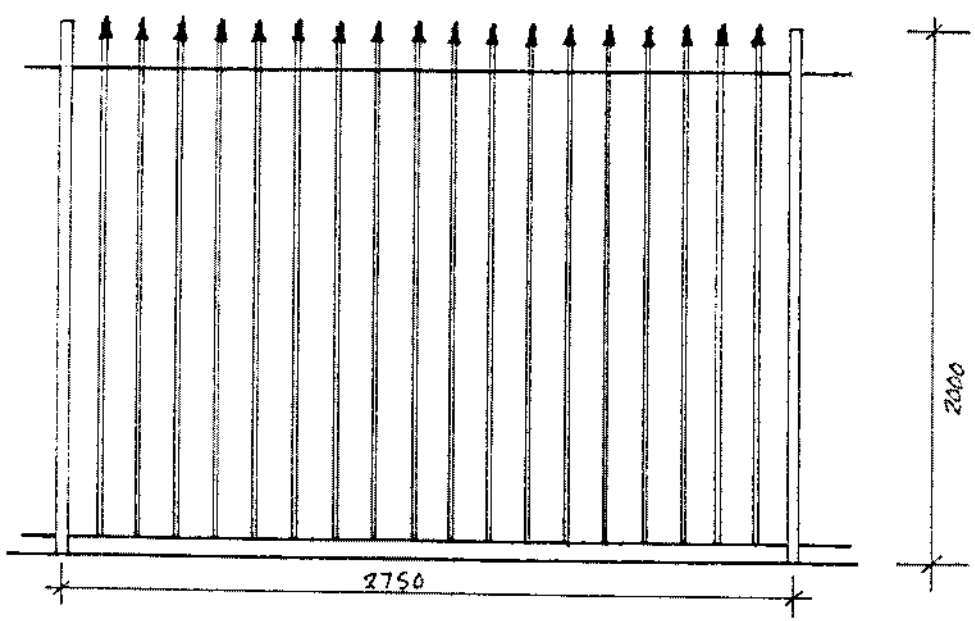


Job	NORTHUMBERLAND MOTORS SECURITY RAILINGS
Title	PLAN
Drawing No:	1 2031005?
Scale	1:100
Date	Jan-03

Job	NORTHUMBE D MOTORS SECURITY RA...GS
Title	ELEVATION & DETAIL
Drawing No:	2
Scale	1:100; 1:20
Date	Jan-03



ELEVATION TO UPPERBY ROAD 1:100



RAILING DETAIL 1:20

Railing specification : 22mm diameter bars at 145 centres, decorative finial tops.
44 x 102 RSJ posts at 2750 max. centres.
Horizontal rails 50 x 10 flat.
All to be polyester powder coated black.

Gate specification : RHS frame, size to suit gate weight.
Infill bars 22mm to match railings.
Gates to be fitted with drop bolts and fittings for padlock.
Gate posts 200 x 200 RHS.
All to be polyester powder coated black

Generally : All to be measured on site prior to manufacture and railings and gates manufactured to suit exact site dimensions

2003/0052

-738-

SCHEDULE A: Applications with Recommendation

03/0068

Item No: 48 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0068	Primelight Advertising Limited	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
24/01/2003		Dalston
Location:		**Grid Reference:**
Golden Fleece Services, Carleton, Carlisle, CA4 0AN		343920 551631

Proposal: Erection of 2no Single Sided Free Standing Advertising Display Units (retrospective)

Amendment:

CJH

Report

Planning Policies:

Carlisle District Plan
Environment - Policy E47

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and

2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and

3. Any relevant road safety issues are taken into consideration; and

4. Within Conservation Areas particular attention must be given to the design, siting and illlumination of the adverisements to ensure the preservation and enhancement of the special character and appearance of the area.

Summary of Consultation Responses:

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

St Cuthberts Without Parish Council: Retrospective applications are always welcome. These signs are seen as unnecessary and visually intrusive in a rural area.

Summary of Representations:

The application has been advertised by means of a site notice. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The present Golden Fleece service station was given permission under reference 96/0523 in November 1996.

It should also be noted that there is a further advertisement consent application for two similar display panels on the A6 frontage of the site, but these are located within the highway.

Details of Proposal:

This application is the second of two advertisement consent applications at the Golden Fleece services. This proposal is for two display units similar to those which the subject of application 03/0075, located either side of the entrance on the A6 frontage. This site is within highway limits.

Similar issues are raised by this application, which is likewise regarded as unacceptable. It is therefore recommended for refusal for the same reason as application 03/0075.

Informative Notes to Committee:

1. **Enforcement Action authorisation**

   Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Town Clerk and Chief Executive in discussion with the Director of Environment and Development.

Human Rights Act 1998

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

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

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

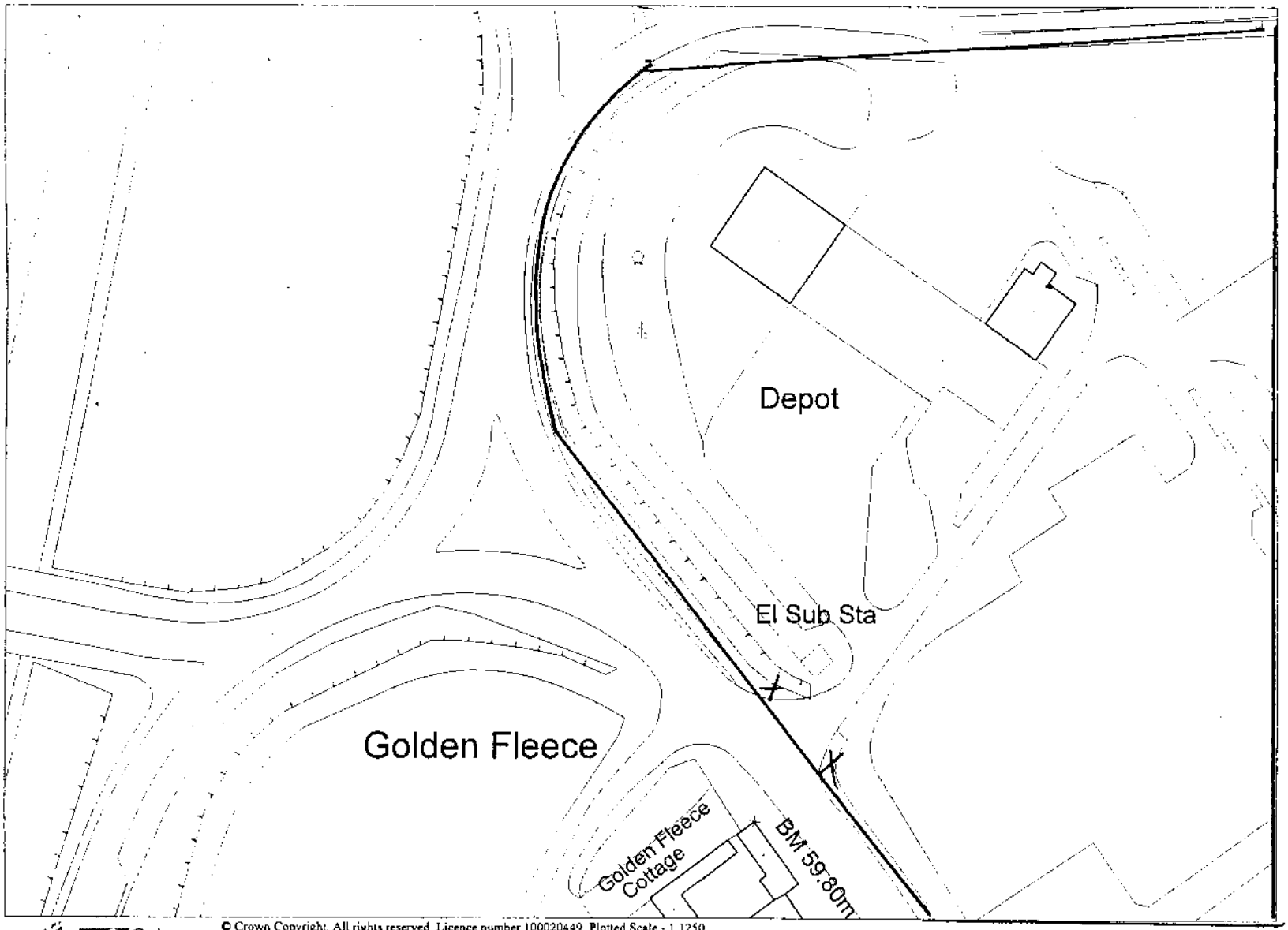
Article 8 recognises the "Right To Respect for Private and Family Life";

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

This application does not raise any Human Rights Act issues.

Recommendation: Refuse Permission

1. **Reason:** The freestanding internally illuminated advertisement display unit is located on the verge close to the entrance to the Golden Fleece Services. In this rural location, the display unit is a highly visible, discordant and visually intrusive feature, by reason of its design, size, materials and illumination. Its dominant and incongruous presence is detrimental to public amenity and is contrary to Policy E47 of the Carlisle District Local Plan.



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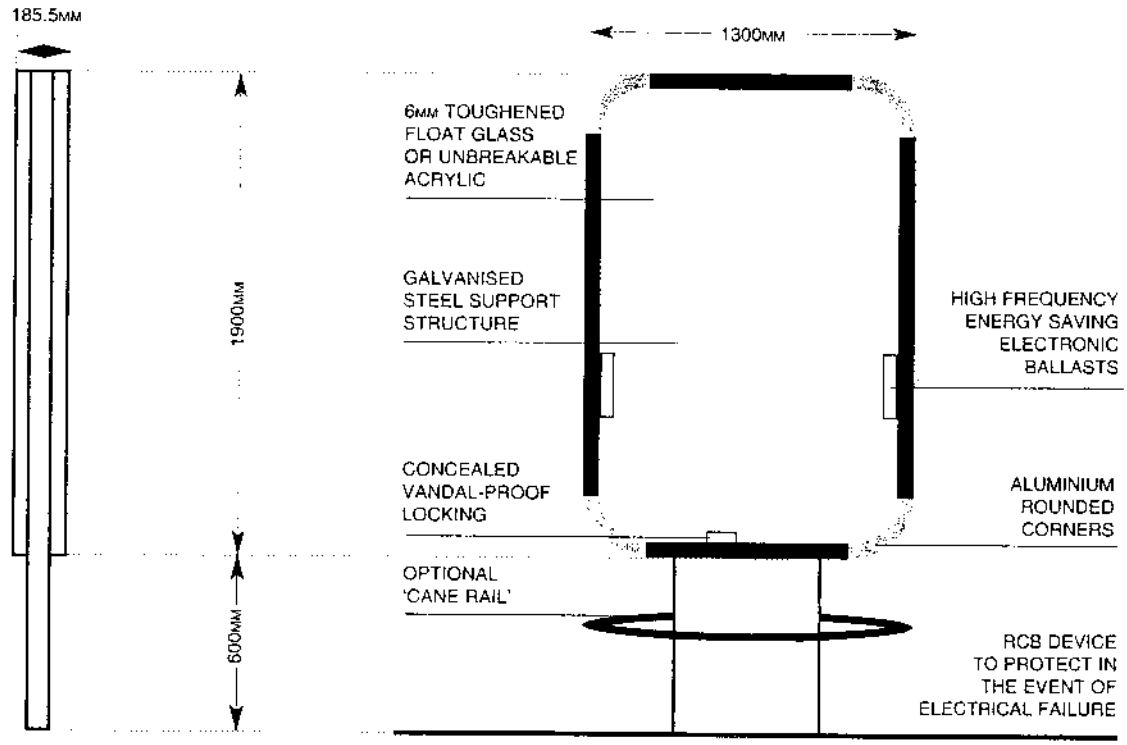
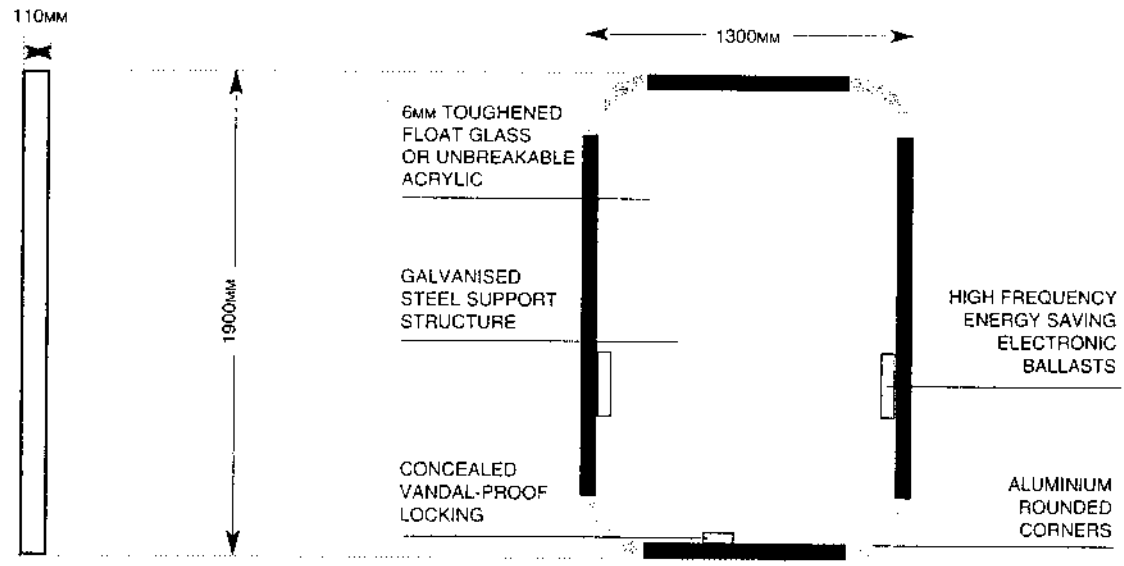
Golden Fleece Services

Unit Specifications

Free-Standing Unit



Wall Mounted Unit



RNIB
challenging blindness
WE ARE PROUD TO BE ASSOCIATED WITH RNIB
REGISTERED CHARITY NO. 226227

POSTER SIZE: 1200MM X 1800MM (6 SHEET)

2083.1.0068

Item No: 49 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0075	Primelight Advertising Ltd	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
28/01/2003		Dalston
Location:		**Grid Reference:**
Golden Fleece Services, Carleton, Carlisle, CA4 0AN		343920 551631

Proposal: Erection of illuminated free standing advertising display unit

Amendment:

Report

Planning Policies:

Carlisle District Plan
Environment - Policy E47

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and

2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and

3. Any relevant road safety issues are taken into consideration; and

4. Within Conservation Areas particular attention must be given to the design, siting and illlumination of the adverisements to ensure the preservation and enhancement of the special character and appearance of the area.

Summary of Consultation Responses:

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

St Cuthberts Without Parish Council: Retrospective applications are always welcome. These signs are seen as unnecessary and visually intrusive in a rural area.

Department of Transport (Highways Agency): Comments awaited.

Summary of Representations:

The application has been advertised by means of a site notice. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The present Golden Fleece service station was given permission under reference 96/0523 in November 1996.

It should also be noted that there is a further advertisement consent application for two similar display panels on the A6 frontage of the site, but these are located within the highway.

Details of Proposal:

This application relates to the erection of a free standing illuminated display unit at the Golden Fleece Service Station immediately to the south of junction 42. The display unit, which is already in place, is located close to the exit from the service station on the B6264 road towards Wetheral. It comprises an internally illuminated two-sided freestanding advertisement panel 1.9m high by 1.3m wide mounted on a 0.6m high plinth, so that the overall height is 2.5m.

In considering this application, members need to take into account the following points:-
1. Members will be aware that applications for advertisement consent have to be assessed on the basis of amenity and public safety. In this instance, the highway authority have no objection to the application. In terms of amenity, it should be noted that an annex to P.P.G. 19 dealing specifically with poster sites, states that "free standing roadside panels should always be in scale with the buildings on either side, and in the surrounding area, in precisely the same way as any other commercial development."

2. Although the site is located at a major commercial facility close to a motorway junction, it is still within the rural area, where there is a strong presumption against the erection of free standing advertisements unrelated to the locations where they are erected. Clearly there is a danger that any signs would become a precedent for other locations.

3. In this instance therefore the display unit erected is considered to be an incongruous and discordant feature and refusal is recommended.

Informative Notes to Committee:

1. **Enforcement Action authorisation**

   Since the development or use to which the above application refers has been

commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Town Clerk and Chief Executive in discussion with the Director of Environment and Development.

Human Rights Act 1998

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

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

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

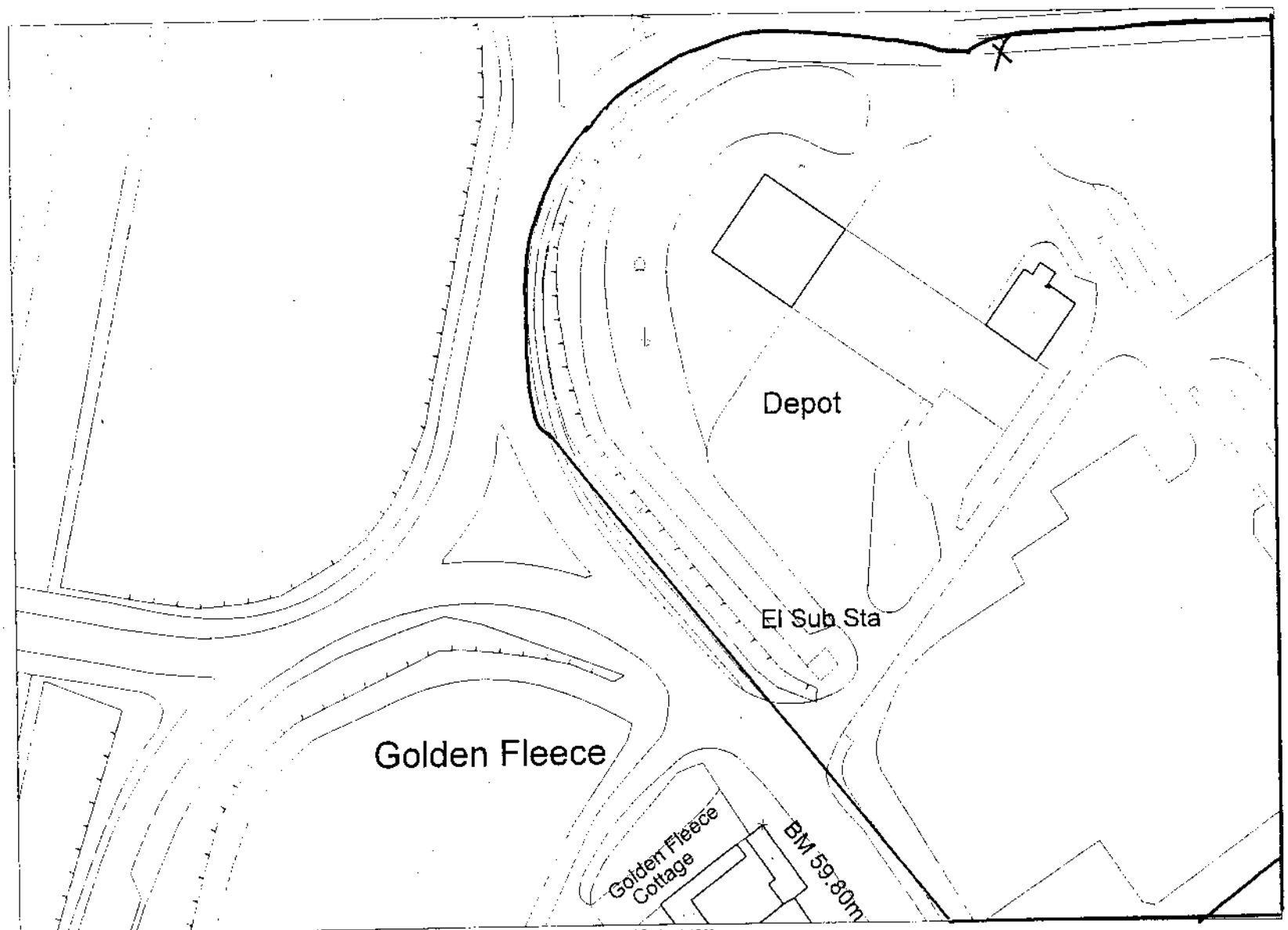
Article 8 recognises the "Right To Respect for Private and Family Life";

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

This application does not raise any Human Rights Act issues.

Recommendation: Refuse Permission

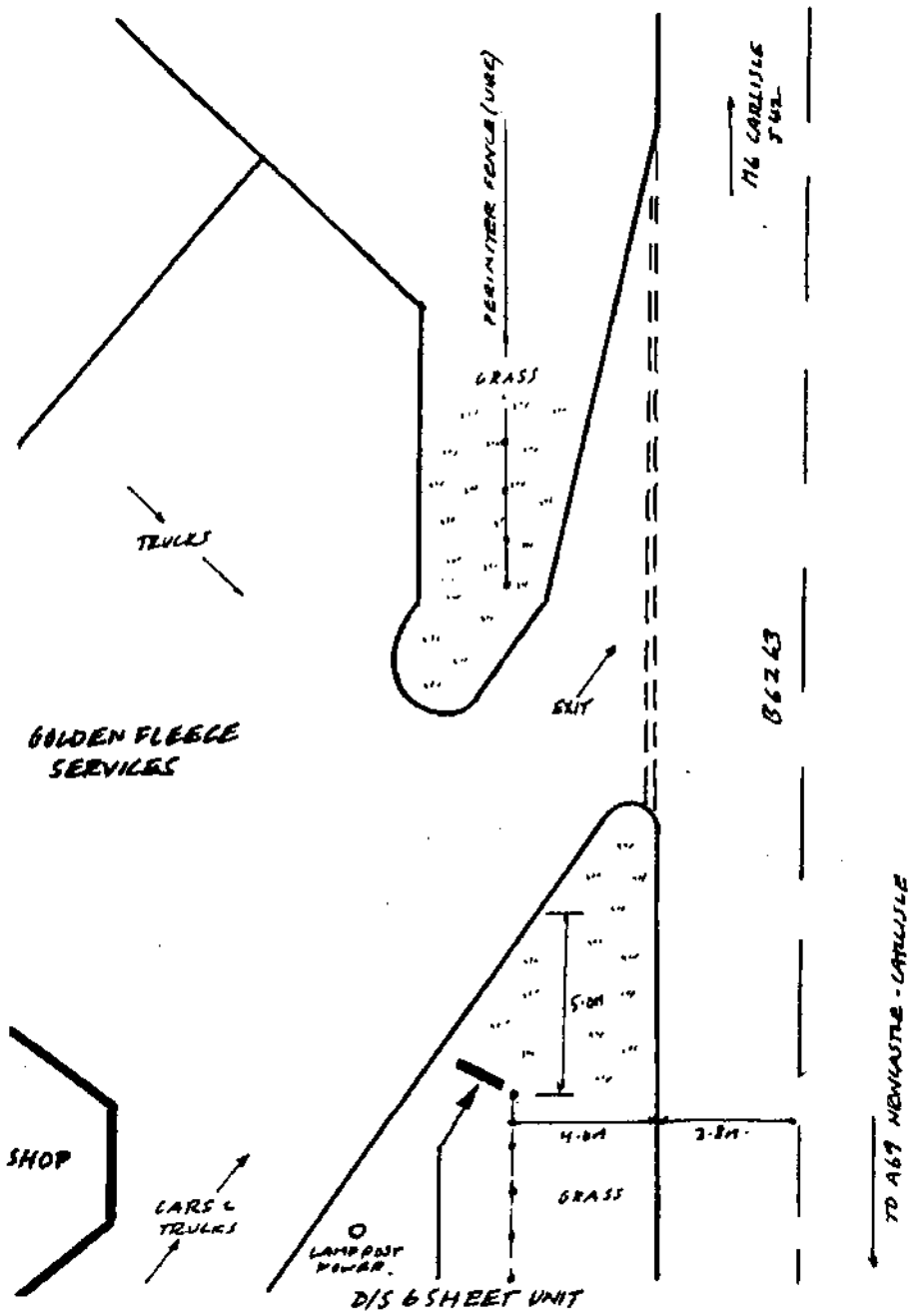
1. **Reason:** The freestanding internally illuminated advertisement display unit is located on the verge close to the entrance to the Golden Fleece Services. In this rural location, the display unit is a highly visible, discordant and visually intrusive feature, by reason of its design, size, materials and illumination. Its dominant and incongruous presence is detrimental to public amenity and is contrary to Policy E47 of the Carlisle District Local Plan.



© Crown Copyright. All rights r ed. Licence number 100020449. Plotted Scale - 1:1250
OS Ordnance Survey

Golden Fleece Services

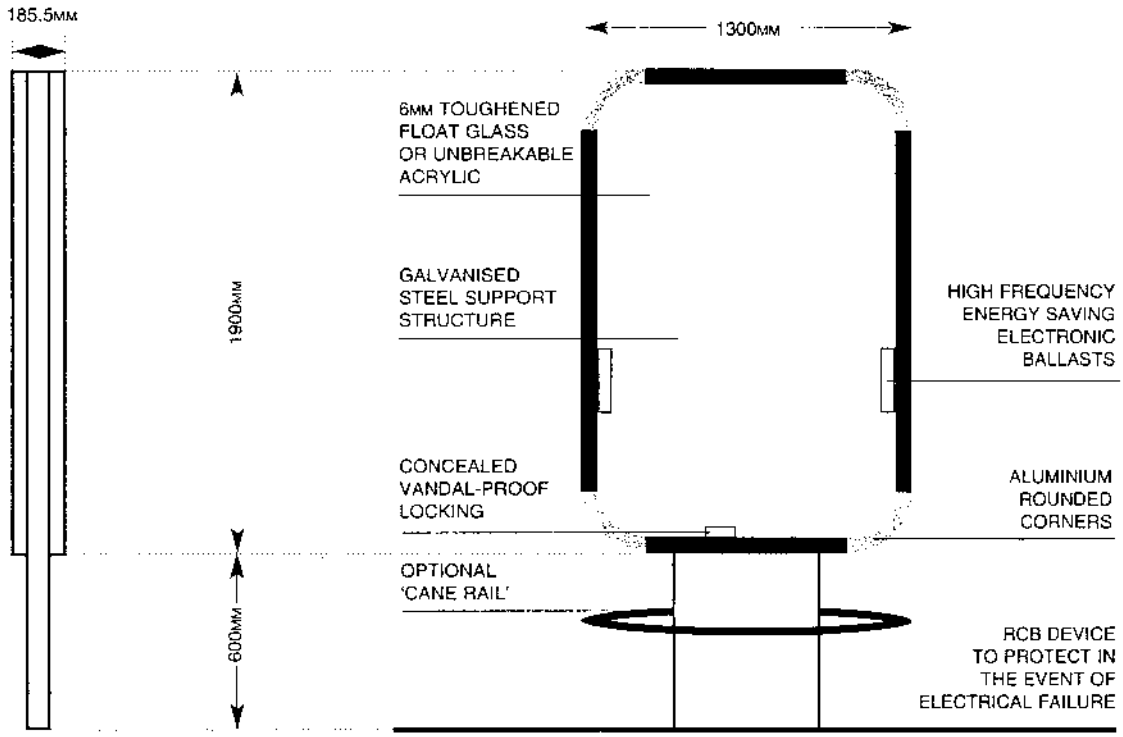
Site Plan



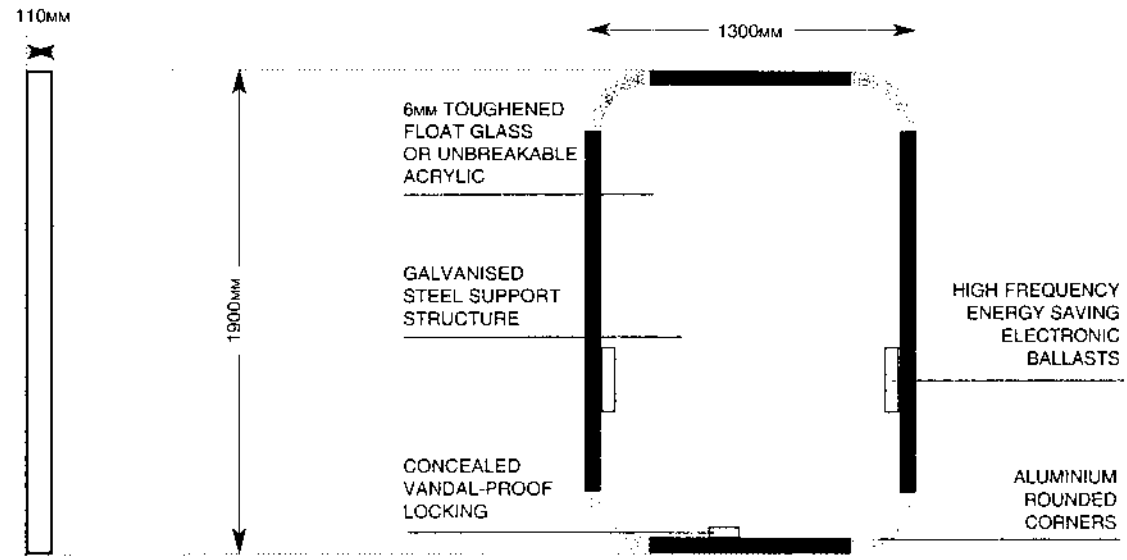
Notes	Address	Scale 1:200
	GOLDEN FLEECE SERVICES, CARLETON, CARLISLE, CA4 0AN.	
	Site No. YK190301000 6	

Unit Specifications

Free-Standing Unit



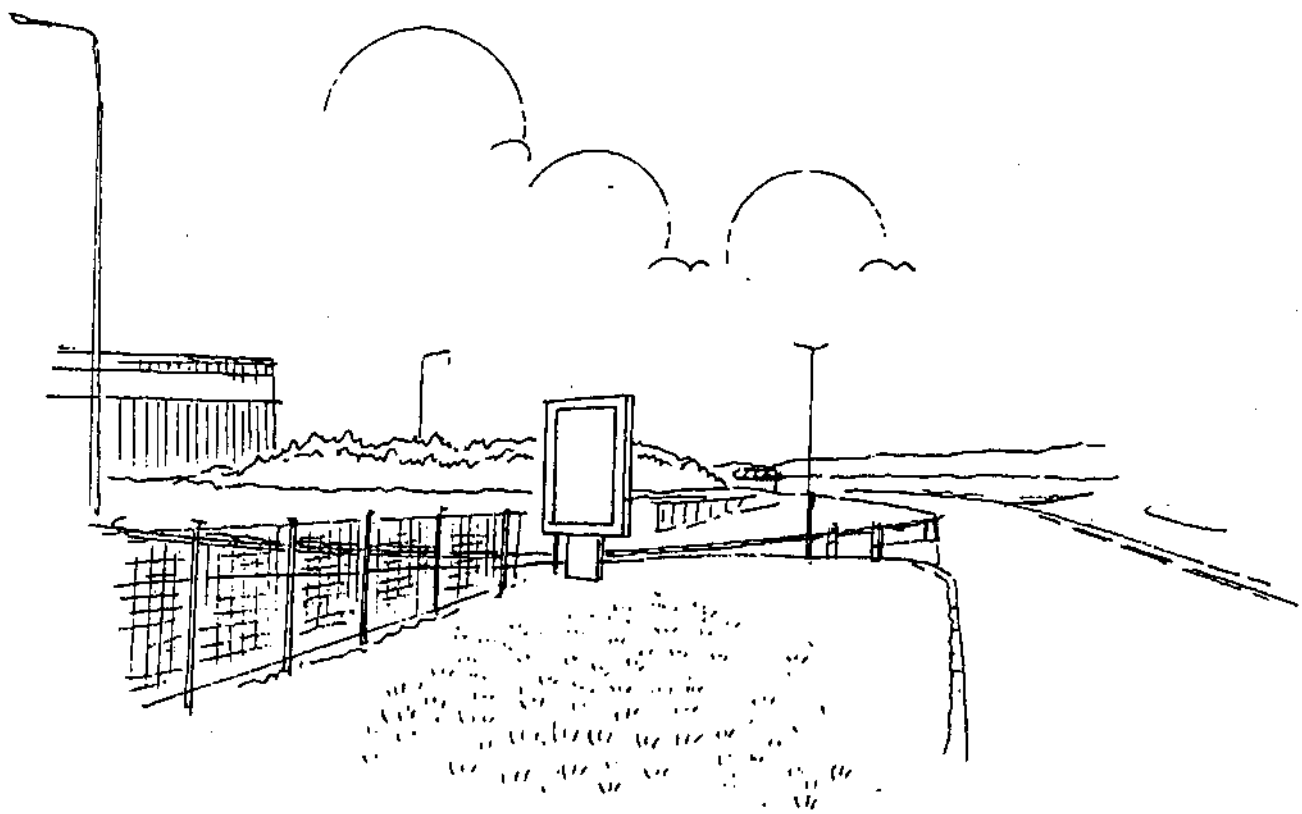
Wall Mounted Unit



RNIB
challenging blindness
WE ARE PROUD TO BE ASSOCIATED WITH RNIB
REGISTERED CHARITY NO. 226227

POSTER SIZE: 1200MM X 1800MM (6 SHEET)

Elevation



	Address	Scale 1:100
	GOLDEN FLEECE SERVICES, CARLETON, CARLISLE CA4 0AN	

Item No: 50 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0118	Pirelli UK Tyres Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
06/02/2003	Pirelli Property Department	Denton Holme

Location:
Pirelli (UK) Tyres Limited, Dalston Road, Carlisle, CA2 6AR

Grid Reference:
338900 553600

Proposal: Single storey 3 bay extension to the tyre production area at the rear of the existing factory

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 35

Expansion of existing industry on to land adjacent to existing industrial premises will normally be permitted subject to appropriate safeguarding of amenity, public safety and the environment.

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Summary of Consultation Responses:

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

Cummersdale Parish Council: no comments received when Report drafted (27th February);

Cumbria County Council - (Archaeological Services): awaited;

Environment Agency (N Area (+ Waste Disp)): awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
Mr & Mrs N Daley, 1 Irving Place	07/02/03				INIT
Mr & Mrs B J Hartley, 2 Irving Place	07/02/03				INIT
Ms E Fay, 3 Irving Place	07/02/03				INIT
Mr & Mrs J Boertien, 4 Irving Place	07/02/03				INIT
Mr C Shepard, 5 Irving Place	07/02/03				INIT
Mr & Mrs T Thorburn, 6 Irving Place	07/02/03				INIT
Mr G Boertien, 7 Irving Place	07/02/03				INIT
Mr D Proud, 8 Irving Place	07/02/03				INIT
Mr S & Mrs G Vials, 45 Cummersdale Road	07/02/03				INIT
The Occupier / Owner, 46 Cummersdale Road	07/02/03				INIT
Ms P Nicholson, 47 Cummersdale Road	07/02/03				INIT
The Occupier / Owner, 48 Cummersdale Road	07/02/03				INIT
Dickinson Dees, St Ann's Wharf	07/02/03				INIT
J A Rutherford, Mandalay	07/02/03				INIT
Mr & Mrs Nixon, Kimberley	07/02/03				INIT
K Nixon, Kimberlay	07/02/03				INIT
Mr M Mellor, Halfway House	07/02/03				INIT
Mr & Mrs Edgar, South View	07/02/03				INIT
Miss T J Carruthers, Larkspur Cottage	07/02/03				INIT
Mr & Mrs A Griffin, Burneside	07/02/03				INIT
Mr Meakins, 114 Winscale Way	07/02/03				INIT

R Taylor, 20 Bannisdale Way	07/02/03	INIT
J Hodgson, 98 Winscale Way	07/02/03	INIT
M Armstrong, 51 Winscale Way	07/02/03	INIT
Mrs E A Clifford, 4 Deepdale Drive	07/02/03	INIT
K Davidson, 15 Deepdale Drive	07/02/03	INIT
E Graham, 25 Deepdale Drive	07/02/03	INIT
H G Rome, 147 Newlaithes Avenue	07/02/03	INIT
Mr & Mrs Adams, 65 Deepdale Drive	07/02/03	INIT
A Sharpe, 44 Deepdale Drive	07/02/03	INIT
Mrs D I McGeorge, 61 Winscale Way	07/02/03	INIT
James Rothery, 49 Winscale Way	07/02/03	INIT
E Ashworth, 43 Winscale Way	07/02/03	INIT
B T Carruthers, 41 Deepdale Drive	07/02/03	INIT
K Strong & K Norman, 1 Millbeck	07/02/03	INIT
E & M Eggleston, 30 Bannisdale Way	07/02/03	INIT
Mr & Mrs Zelgalvis, 112 Levens Drive	07/02/03	INIT
S Hill, 10 Deepdale Drive	07/02/03	INIT
R R Hardy, 4 Chestnut Hill	07/02/03	INIT
C Pearce, 40 Bannisdale Park	07/02/03	INIT
J Reeves, 6 Chestnut Hill	07/02/03	INIT
S Smith, 2 Chestnut Hill	07/02/03	INIT
J Corkindale, 166 Newlaithes Avenue	07/02/03	INIT
G P Elsworth, 153 Newlaithes Avenue	07/02/03	INIT
Ian Walker, 47 Winscale Way	07/02/03	INIT
John Clifford, 57 Deepdale Drive	07/02/03	INIT
M A Van Limbeek, 46 Bannisdale Way	07/02/03	INIT
C B Little, 38 Bannisdale Way	07/02/03	INIT
Sylvia Walker, 9 Chestnut Hill	07/02/03	INIT
Mrs Joan Arpins, 26 Bannisdale Way	07/02/03	INIT
Mr & Mrs F Wakefield, 22 Bannisdale Way	07/02/03	INIT
N Armstrong, 20 Deepdale Drive	07/02/03	INIT

Mr A J Wills, 12 Deepdale Drive	07/02/03	INIT
P Czarnota, 30 Deepdale Drive	07/02/03	INIT
Mr R J Ratsey, 11 Chestnut Hill	07/02/03	INIT
F Mossop, 3 Chestnut Hill	07/02/03	INIT
A Robinson, 24 Bannisdale Way	07/02/03	INIT
Mr & Mrs Hall, 90 Winscale Way	07/02/03	INIT
Mr & Mrs Dudley, 55 Deepdale Drive	07/02/03	INIT
R Miller, 35 Deepdale	07/02/03	INIT
John Bradley, 45 Deepdale Drive	07/02/03	INIT
Mr S Stewart, 47 Deepdale Drive	07/02/03	INIT
Margaret Graham, 18 Deepdale Drive	07/02/03	INIT
Mrs Hodgson, 34 Bannisdale Way	07/02/03	INIT
J Porter, 51 Deepdale Drive	07/02/03	INIT
Mrs D West, 2 Bannisdale Way	07/02/03	INIT
Ms J Burns, 88 Winscale Way	07/02/03	INIT
Mrs G Gilbertson, 86 Winscale Way	07/02/03	INIT
Mr J Higgins, 14 Bannisdale Way	07/02/03	INIT
Mrs G Starkey, 2 Irton Place	07/02/03	INIT
C Ingledow, 10 Irton Place	07/02/03	INIT
Mr & Mrs F P Bannister, 12 Bannisdale Way	07/02/03	INIT
D D & V A Charters, 53 Winscale Way	07/02/03	INIT
Mrs Christie, 8 Irton Place	07/02/03	INIT
E Baker, 10 Chestnut Hill	07/02/03	INIT
E Mason, 57 Bannisdale Way	07/02/03	INIT
Mr & Mrs Maddison, 61 Deepdale Drive	07/02/03	INIT
W Fairhurst, 14 Irton Place	07/02/03	INIT
Mr A Marshall, 27 Deepdale Drive	07/02/03	INIT
Mr William Falder Park, 26 Deepdale Drive	07/02/03	INIT
A K McLeod, 18 Bannisdale Way	07/02/03	INIT
E Mainwaring, 48 Winscale Way	07/02/03	INIT
Mr L W Howe, 58	07/02/03	INIT

Winscale Way		
D Abba, 66 Windscale Way	07/02/03	INIT
R McCulloch, 68 Winscale Way	07/02/03	INIT
L Rae, 92 Winscale Way	07/02/03	INIT
Mr D Kelly, 72 winscale Way	07/02/03	INIT
Mr & Mrs Henderson, Leswain	07/02/03	INIT
Mr John McBride, 19 Deepdale Drive	07/02/03	INIT
J Harrison, 44 Bannisdale Way	07/02/03	INIT
Jean McKinlay, 100 Winscale Way	07/02/03	INIT
Mr & Mrs D Hinde, 110 Winscale Way	07/02/03	INIT
S Kelly & D Syme, 116 Levens Drive	07/02/03	INIT
Mr & Mrs Clapperton, 122 Levens Drive	07/02/03	INIT
G Carruthers, 23 Deepdale Drive	07/02/03	INIT
Mr J Crane, 4 Millbeck	07/02/03	INIT
M Armstrong, 33 Deepdale	07/02/03	INIT
H Sanderson, 8 Millbeck	07/02/03	INIT
E Bulman, 32 Bannisdale Way	07/02/03	INIT
Mr L Dauben, 3 Millbeck	07/02/03	INIT
Mr Walter Ellison, 17 Deepdale Drive	07/02/03	INIT
Julie Bradley, 59 Deepdale Drive	07/02/03	INIT

Site and Press Notices have been displayed and the same residents previously consulted on the new warehouse development have been notified by letter. No responses had been received when this Report was drafted (27th February).

Details of Proposal/Officer Appraisal:

Planning History:

Outline Planning Permission for the construction of a factory for rubber products at Dalston Road was granted in November 1966. A detailed application was approved in May the following year with a further amendment to that approval being approved two months later. Approval for the erection of a building for tyre production was obtained in February 1968 and there have been many further applications for additions in the intervening years. The most recent additions to the tyre productions areas was approved in January 1999 with some amendments to that consent being approved in March 2002.

Members will also recall that planning permission for a new freestanding warehouse

adjacent to the site frontage was approved in June 2002. The construction of that warehouse has recently been commenced.

Details of Proposal:

The above proposals relate to the extension of the existing production facilities at the Pirelli factory and seek approval to add 3 bays (30 metres by 20 metres) onto the southern facade. The proposed area, shown on the plan which follows, extends rearwards from the existing gable end of that part of the manufacturing plant and matches in terms of height and finishes.

The additional production area arises from the Company's successful award of the contract from Porsche for the supply of tyres for the new Porsche Cayenne 4 x 4 model, as set out in the correspondence the applicants have submtted to support their application. Members will note that this corresponds to a volume increase of +60,000 tyres which necessitates the installation of additional presses and the need to extend by August 2003. It will be noted that similar sized sample tyres are currently being supplied to Volkswagen and it is anticipated that this may lead to further increased orders for which the proposed extension is also designed to cater.

Whilst this application could have been decided under the Scheme of Delegation if there are no objections, it is unclear what the views of Cummersdale Parish Council are as no response has, to date, been received. However in view of the absence of the Parish response and recognising that a late objection i.e. after the Committee Report deadline would delay consideration of the proposals until the April meeting of the Committee, the application is being placed before the Committee so that there is minimal delay to the development programme.

Human Rights Act 1998

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

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

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

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

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

There is no conflict with the relevant provisions of the Act.

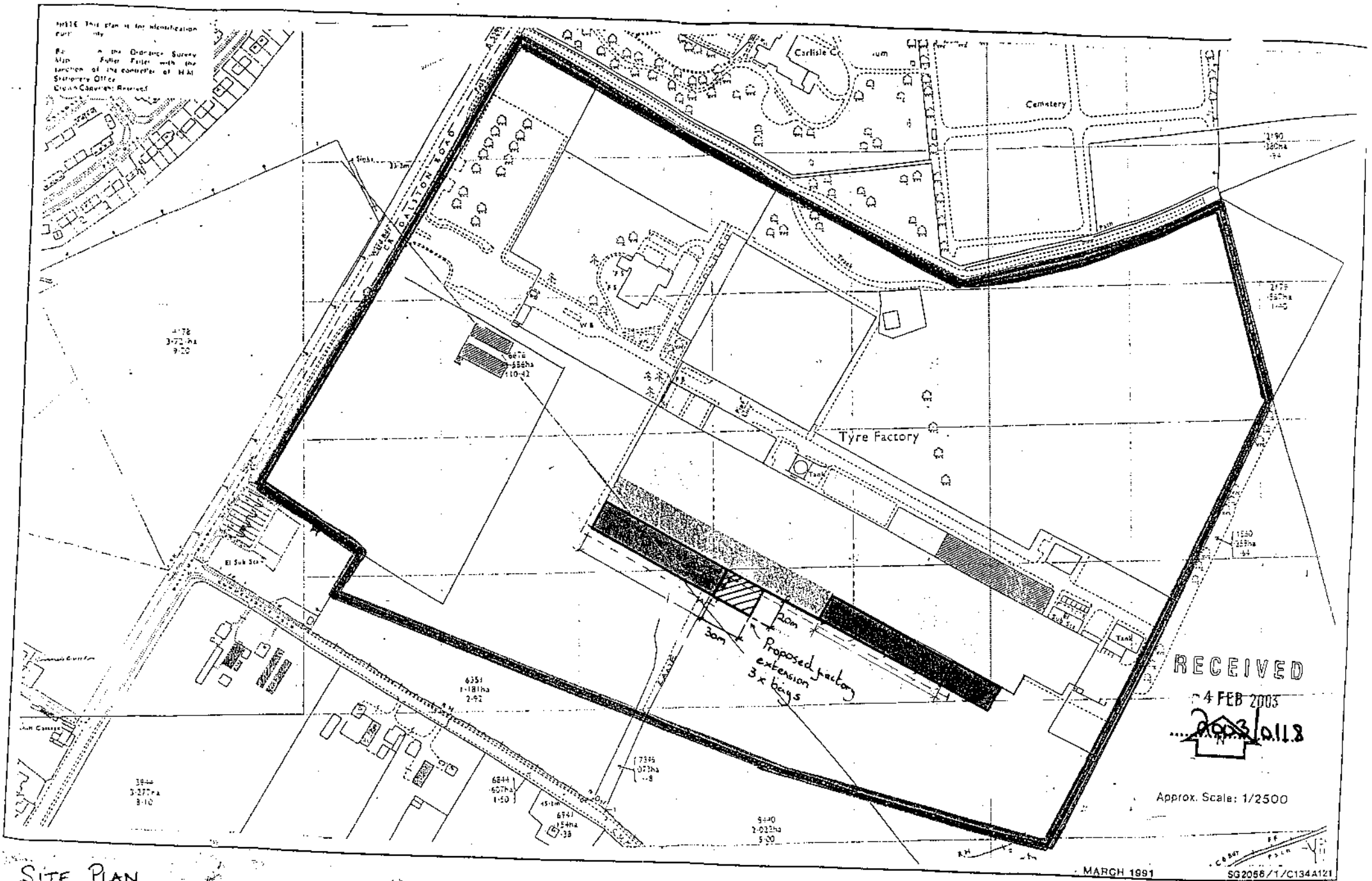
Recommendation: Grant Permission ✓

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. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

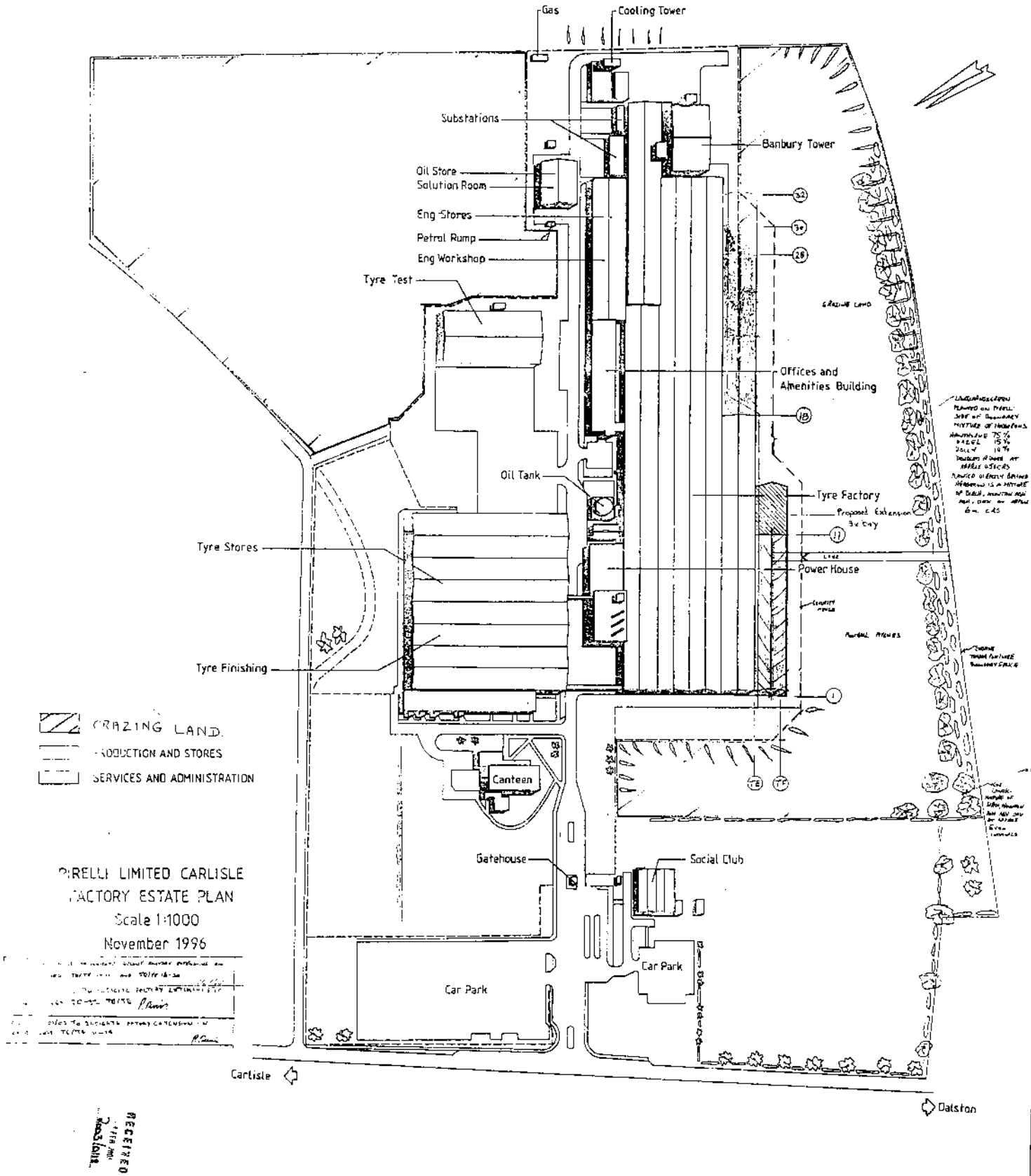
   Reason: To ensure that materials to be used are acceptable.



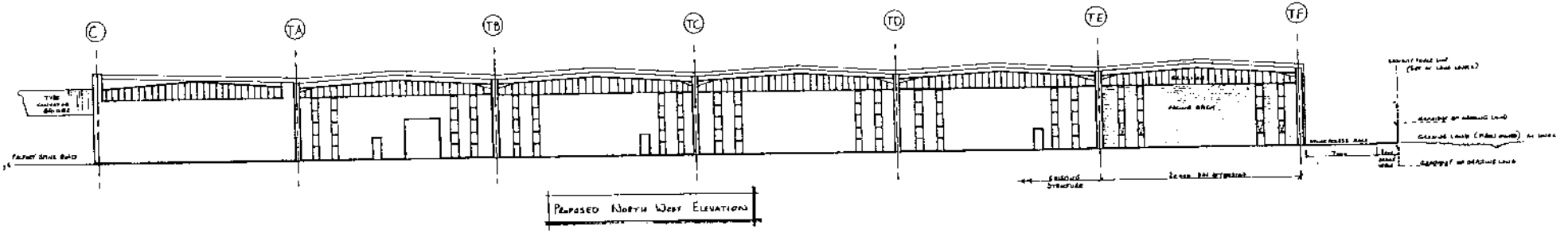
SITE PLAN.

(a) Amended to indicated additional bays on grid lines 9-11 and 26-28 CL. 8/6/01
(b) Amended to indicated additional bays on grid lines 30-32 PD 21/8/02
(c) Amended to indicated additional bays on grid lines 11-14 PD 29/1/03

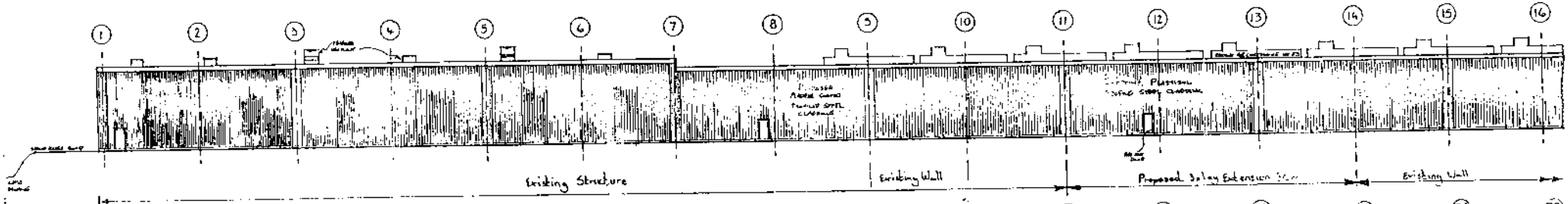
PIRELLI LTD., FACTORY
DALSTON ROAD, CARLISLE

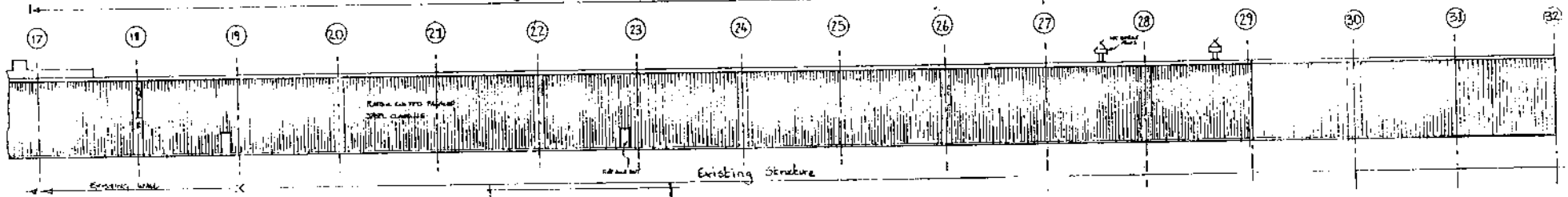

Gas
Cooling Tower
Substations
Banbury Tower
Oil Store
Solution Room
Eng Stores
Petrol Pump
Eng Workshop
Tyre Test
Offices and
Amenities Building
Oil Tank
Tyre Factory
Proposed Extension
3x Day
Tyre Stores
Power House
Tyre Finishing
GRAZING LAND
PRODUCTION AND STORES
SERVICES AND ADMINISTRATION
Canteen
Gatehouse
Social Club
Car Park
Car Park
Carlisle
Dalston
PIRELLI LIMITED CARLISLE
FACTORY ESTATE PLAN
Scale 1:1000
November 1996
RECEIVED

THIS DESIGN IS THE PROPERTY OF PIRELLI LTD AND MUST NOT BE REPRODUCED

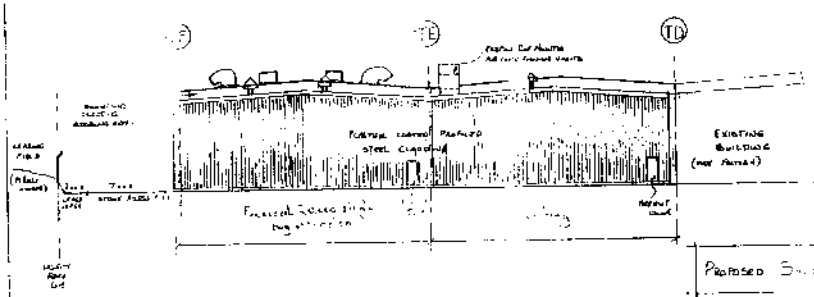


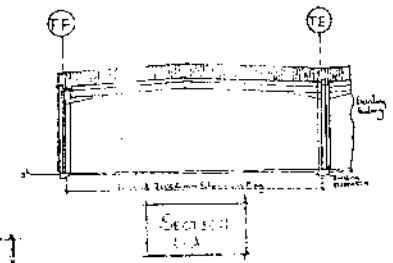
Proposed North West Elevation

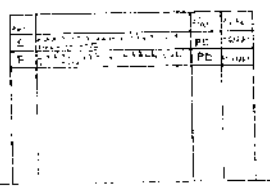




Proposed South West Elevation







RECEIVED
- 4 FEB 2013

PIRELLI
PROPERTY DEPARTMENT
BURTON-ON-TRENT DE13 0DH

PIPELLI CARLISLE
FACTORY

Proposed Factory Extension

Elevations

Scale 1:200	Drawn Jim Lloyd
Date 5/11/12	Approved

P 10021486

PIRELLI

PLANNING SERVICES
REC'D 03/0118
04 FEB 2003
MH
AMT

Our Ref: CL/AMW/Carlisle/0203

3 February, 2003

PROPERTY DEPARTMENT
TEL NO: 01283 525467
FAX NO: 01283 525353

A Taylor Esq
Carlisle City Council
Department of Environment & Development
Planning Services Division
The Civic Centre
Carlisle
CA3 8QG

Dear MrTaylor

RE: PIRELLI FACTORY EXTENSION – Dalston Road, Carlisle
Planning Application

In support of the recently submitted Planning Application dated 31st January 2003, please find the following principle reasons explaining why a three bay factory extension is required to the existing Pirelli factory southern elevation, facing Cummersdale Road.

The need for this extension has arisen due to a new and substantially increased order from Porsche for their new Cayenne 4 x 4 model.

In late November we were visited at Carlisle by Dr Kai Straitor, Strategic Purchasing Manager of Porsche Cayenne, who asked for A volume increase of some 60,0000+ tyres because of the elimination of a competitor for performance reasons.
We moved production immediately to "24 x 7" and prepared to order more moulds and presses which was activated W/c 19th December 2002, following a successful quality audit earlier that month.

This will mean preparing for additional presses (minimum 3) and the need to extend the gallery in August 2003. At that time we will need to relocate the mould and equipment storage to a new zone, which will be within the confines of a further extension.

We are currently supplying sample tyres in the same size to Volkswagen and expect a further increased order in February/March 2003. This extension will cover that eventuality also.

This is a critical business opportunity for Pirelli to maintain their market competitiveness and help safeguard the future of the Carlisle plant.

If you require any further information or clarification please do not hesitate to contact me at your earliest convenience.

Yours sincerely

Colin Lloyd

Colin Lloyd
PROPERTY MANAGER

Pirelli Tyres Limited
Derby Road
Burton-on-Trent DE13 0BH
Telephone +44 (0)1283 525252
Fax +44 (0)1283 525565
www.pirelli.co.uk

Registered in England No 103068
Registered Office:
15 Grosvenor Street
London W1K 4QZ

Item No: 51 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0130	Lloyds Pharmacy Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/02/2003	Sign Specialists Ltd	Castle

Location:
Lloyds Pharmacy, 74-76 Warwick Road, Carlisle, CA1 1ED

Grid Reference:
340514 555800

Proposal: Installation of individual lettering and 1no externally illuminated projecting sign

Amendment:

RJM

Report

Planning Policies:

Conservation Area

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

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
Environment - Policy E47

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and

2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and

3. Any relevant road safety issues are taken into consideration; and

4. Within Conservation Areas particular attention must be given to the design, siting and illlumination of the adverisements to ensure the preservation and enhancement of the special character and appearance of the area.

Carlisle District Plan
Environment - Policy E35

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Summary of Consultation Responses:

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

Planning Services - Conservation: Comments awaited.

North Cumbria Health Authority: Comments awaited.

Conservation Area Advisory Committee: No objection.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 78 Warwick Road	07/02/03				INIT
The Occupier / Owner, 80 Warwick Road	07/02/03				INIT
The Owner / Occupier, 3 Brunswick Street	07/02/03				INIT
The Occupier / Owner, 1 Portland Square	07/02/03				INIT
The Occupier / Owner, 2 Portland Square	07/02/03				INIT
The Occupier / Owner, 3 Portland Square	07/02/03				INIT
The Occupier / Owner, 61 Warwick Road	07/02/03				INIT
The Occupier / Owner, 63 Warwick Road	07/02/03				INIT
The Occupier / Owner, 65 Warwick Road	07/02/03				INIT
The Occupier / Owner,	07/02/03				INIT

67 Warwick Road		
The Occupier / Owner, 69 Warwick Road	07/02/03	INIT
Mrs E G Henshall, 71 Warwick Road	07/02/03	INIT
The Occupier / Owner, 73 Warwick Road	07/02/03	INIT
The Occupier / Owner, 4 Portland Square	07/02/03	INIT
Mr & Mrs P J H Pearson, 82 Warwick Road	07/02/03	INIT

This application has been advertised by means of a site notice, a press notice and individual letters to the occupiers of 15 of the neighbouring properties. At the time of writing this report, no objections have been received.

Details of Proposal/Officer Appraisal:

Planning History:

The planning history relates to 74/ 78 Warwick Road.

Planning permission was granted for the conversion of a house into two flats and a maisonette in 1960. Further in the same year, planning permission was granted for a change of use from a house to an office.

In 1964, planning permission was approved for alterations to existing surgery to form six consulting and examination rooms and two first floor bed sitters.

A change of use from bed sitter to doctors surgery with internal modifications was granted planning permission in 1979.

Planning permission was granted for the change of use of the first and second floors to offices in 1989.

In 2001, the provision of an access ramp and erection of an extension to the rear was granted planning permission, under reference 01/0383.

In 2002, planning permission was granted for the change of use from surgery to pharmacy, under application reference 02/0522. A variation of condition was granted on 15 November 2002 to allow the use of the premises as a retail pharmacy/ dispensary.

Details of Proposal:

This application seeks advertisement consent for the erection of 1no. externally illuminated sign and non-illuminated individual lettering at number 76 Warwick Road, Carlisle. Brunswick House Medical Group operate a surgery from the building situated on the corner of Warwick Road and Brunswick Street. The building which is

the subject of this application is located immediately adjacent to the surgery to the east.

In consideration of this current application, it is important to bear in mind that principle of the use of the building as a pharmacy has already been established through planning permission granted under application reference 02/0522.

The individual lettering in themselves do not require formal consent as they are not illuminated. The projecting sign would measure 600 by 520 mm and would be positioned in such a manner that the bottom edge of the sign would be parallel with the first floor window cill.

Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'. The Highway Authority have no objection to the application. Whilst the signs may attract attention they would probably not be sufficient to cause a distraction and therefore pose a threat to users of the highway.

The merits of the application must therefore be assessed under 'amenity' grounds.

Advertisement proposals should have regard to the environment and the visual amenity of the area, as defined in Planning Policy Guidance Note 19 (Outdoor Advertisement Control).

A material consideration of advertisement application is the affect on the appearance of the building. Whilst the architectural merits of the building appear somewhat dated, paragraph 4 of PPG19 nonetheless states:

"...the appearance of a good building can easily be spoiled by a poorly designed or insensitively placed sign or advertisement, or by choice of advertisement materials, colour, proportion or illumination which is alien to the building's design or fabric. Too often, outdoor advertisements see, to have been added to a building as an afterthought, so that they appear brash, over-dominant or incongruous."

Policy E47 of the Local Plan requires that advertisement proposals in conservation areas, particular attention must be given to the design, siting and illumination of the advertisements. Policy E43 reinforces the need for development proposals to be sympathetic to the setting and physical characteristics of conservation areas. The proposal which is the subject of this application, is acceptable within the character of the area and does not detract from the designated status.

The scheme incorporates trough lighting for the projecting sign which in itself is unobtrusive and modest in scale. Furthermore, the individual lettering is non illuminated. In this respect, it is not considered that the proposal would adversely affect the character or amenity of the building or be over dominant within the streetscene.

It is not considered that the proposal would adversely affect the character or setting of any of the adjacent listed buildings.

In conclusion, the proposed advertisements are modest in scale and would have a

minimal effect on the character of the streetscene and on the conservation area. In this respect, it is not considered that there is a conflict with current planning policies.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: Grant Permission ✓

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

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

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

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

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

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

4. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

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

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

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

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

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

Ordnance Survey®

Superplan®

Planning Extract - 1

Site-centred

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Scale 1: 1250

National Grid sheet reference at centre of this Superplan: NY4055NE

The representation of a road, track or path is no evidence of a right of way

This Superplan product does not contain all recorded map information.

2003/0130

Centre Coordinates. 340509 555792

Supplied by: Birmingham TSO

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Colours on drawings may vary from those stated, please refer to the specifications.

Typefaces used in logo's may be representative only,
please ensure correct artwork is supplied.

Scale 1:20
600mm high
double sided
timber hanging
sign on steel bracket
with pelmet lighting.

Scale 1:20
2 off internal directional signs.
400x400mm folded aluminium panels
finished green with vinyl text
& directional arrow.

Lloydspharmacy

Scale 1:20
1 off set of individual fret cut
acrylic letters (Lloyds green) fixed direct to stone work
on locators, to stand off to clear protrusion.
Overall spread of letters 1830mm.
Cap height 180mm. Spread of Lloyds 780mm.
Spread of pharmacy 1000mm.

2003/0130

Option 1

signspecialists ltd
tel-0 0191 fax-0191 551 6482

Amendment dates	B) 24th January 2003	Client	Lloyds Pharmacy,
	C) -	Address	Carlisle, Scotland.
	D) -	Drawing Title	Proposed Site Sign
	E) -	Drawn/Date	P.R.S. 4th Decemb
	F) -	Drawing Number	I:\cdr\chemist\lloyds 42368/B

Item No: 52 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0149	Pentaken Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/02/2003	Phoenix Architects	St Aidans

Location: L/A 12 - 18 Howe Street, 27-29 Edward Street, Carlisle

Grid Reference: 340838 555388

Proposal: Erection of 1no 3 bed, 8no 2 bed and 1no 1 bed flats

Amendment:

ARH

Report

Planning Policies:

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 developemnt 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.

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
Housing - Proposal H19

Proposals which relate to special or particular housing needs (e.g. the elderly, mentally and physically disabled, the homeless etc) will be acceptable, provided that:

1. They are consistent with other Policies of the Plan; and

2. The City Council being satisfied there is a need which is not being met elsewhere; and

3. The site being appropriate for that need.

Carlisle District Plan
Environment - Policy E55

Proposals for the reclamation of derelict, redundant and vacant land and buildings will be permitted provided that the use is appropriate to the location and the development and landscaping are in keeping with the surroundings.

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.

Summary of Consultation Responses:

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

Drainage Engineer - Commercial & Technical Services: There are Public Foul sewers in the roads near this site and foul drainage from the proposed development would be allowed to connect to them if the levels allow.

Cumbria County Council - (Archaeological Services): Comments awaited.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 23 Edward Street	11/02/03				INIT
The Occupier / Owner, 25 Edward Street	11/02/03				INIT
The Occupier / Owner, 31 Edward Street	11/02/03				INIT

The Occupier / Owner, 33 Edward Street	11/02/03	INIT
The Occupier / Owner, 35 Edward Street	11/02/03	INIT
The Occupier / Owner, 20 Howe Street	11/02/03	INIT
The Occupier / Owner, 22 Howe Street	11/02/03	INIT
The Occupier / Owner, 8 Howe Street	11/02/03	INIT
The Occupier / Owner, 10 Howe Street	11/02/03	INIT
The Occupier / Owner, 7 Howe Street	11/02/03	INIT
The Occupier / Owner, 9 Howe Street	11/02/03	INIT
The Occupier / Owner, 11 Howe Street	11/02/03	INIT
The Occupier / Owner, 13 Howe Street	11/02/03	INIT
The Occupier / Owner, 15 Howe Street	11/02/03	INIT
The Occupier / Owner, 17 Howe Street	11/02/03	INIT
The Occupier / Owner, 16 Edward Street	11/02/03	INIT
The Occupier / Owner, 18 Edward Street	11/02/03	INIT
The Occupier / Owner, 20 Edward Street	11/02/03	INIT
The Occupier / Owner, 22 Edward Street	11/02/03	INIT
The Owner / Occupier, 25a Edward Street	18/02/03	INIT
The Occupier / Owner, 1 Howe Street	21/02/03	INIT
The Occupier / Owner, 3 Howe Street	21/02/03	INIT
The Occupier / Owner, 5 Howe Street	21/02/03	INIT
The Occupier / Owner, 19 Howe Street	21/02/03	INIT
The Occupier / Owner, 21 Howe Street	21/02/03	INIT
The Occupier / Owner, 23 Howe Street	21/02/03	INIT
The Occupier / Owner, 25 Howe Street	21/02/03	INIT
The Occupier / Owner, 27 Howe Street	21/02/03	INIT
The Occupier / Owner, 29 Howe Street	21/02/03	INIT
The Occupier / Owner, 31 Howe Street	21/02/03	INIT
The Occupier / Owner, 33 Howe Street	21/02/03	INIT
The Occupier / Owner, 2 Howe Street	21/02/03	INIT
The Occupier / Owner, 4 Howe Street	21/02/03	INIT
The Occupier / Owner,	21/02/03	INIT

6 Howe Street			
The Occupier / Owner,	21/02/03	Undeliv	NFA
12 Howe Street			
The Occupier / Owner,	21/02/03		INIT
14 Howe Street			
The Occupier / Owner,	21/02/03	Undeliv	NFA
16 Howe Street			
The Occupier / Owner,	21/02/03	Undeliv	NFA
18 Howe Street			
The Occupier / Owner,	21/02/03		INIT
24 Howe Street			
The Occupier / Owner,	21/02/03		INIT
26 Howe Street			
The Occupier / Owner,	21/02/03		INIT
30 Howe Street			
The Occupier / Owner,	21/02/03		INIT
32 Howe Street			
The Occupier / Owner,	21/02/03		INIT
34 Howe Street			
The Occupier / Owner,	21/02/03		INIT
36 Howe Street			
The Occupier / Owner,	21/02/03		INIT
37 Edward Street			
The Occupier / Owner,	21/02/03		INIT
39 Edward Street			
The Occupier / Owner,	21/02/03		INIT
41 Edward Street			
The Occupier / Owner,	21/02/03		INIT
43 Edward Street			
The Occupier / Owner,	21/02/03		INIT
45 Edward Street			
The Occupier / Owner,	21/02/03		INIT
47 Edward Street			
The Occupier / Owner,	21/02/03		INIT
49 Edward Street			
The Occupier / Owner,	21/02/03		INIT
51 Edward Street			
The Occupier / Owner,	21/02/03		INIT
12 Edward Street			
The Occupier / Owner,	21/02/03	Undeliv	NFA
14 Edward Street			
The Occupier / Owner,	21/02/03		INIT
24 Edward Street			
The Occupier / Owner,	21/02/03		INIT
26 Edward Street			
The Occupier / Owner,	21/02/03		INIT
28 Edward Street			
The Owner / Occupier,	21/02/03		INIT
30a Edward Street			
The Owner / Occupier,	21/02/03		INIT
30b Edward Street			
The Owner / Occupier,	21/02/03		INIT
30c Edward Street			
The Owner / Occupier,	21/02/03		INIT
30d Edward Street			
The Owner / Occupier,	21/02/03		INIT
32 Edward Street			
The Occupier / Owner,	21/02/03		INIT
2 Close Street			
The Occupier / Owner,	21/02/03		INIT
4 Close Street			

The Occupier / Owner, 6 Close Street	21/02/03		INIT
The Occupier / Owner, 8 Close Street	21/02/03		INIT
The Occupier / Owner, 10 Close Street	21/02/03		INIT
The Occupier / Owner, 12 Close Street	21/02/03		INIT
The Occupier / Owner, 14 Close Street	21/02/03		INIT
The Owner / Occupier, 30 Edward Street	21/02/03		INIT
Miss C A Wilson, 28 Howe Street		Objection	RESP

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 73 properties. At the time of preparing the report one letter of objection has been received on the basis that the new build will not blend with the existing terraced houses. The Case Officer has also had discussions with two residents during which concerns have also been raised with regard to construction traffic; the scale/density of the development; and, potential problems with noise.

THe author of the above mentioned letter has also contacted her local Councillors and raised concerns because the proposal could exacerbate the existing problems experienced with on-street parking.

Details of Proposal/Officer Appraisal:

Planning History:

In 1966, under application number TP 1607, outline permission was given for 8 garages.

In February 1984, application number 83/0933, permission was given for the erection 10 flats.

In December 1984, application number 84/0893, permission was refused for the erection of three industrial workshop units.

In 1987, application number 87/0456, permission was given for a workshop extension.

In 1991, application number 91/0857, permission was given for the erection of 10 flats.

Details of Proposal:

Human Rights Act 1998

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

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

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

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

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

A + D I

Recommendation: 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.

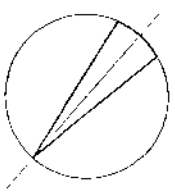
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

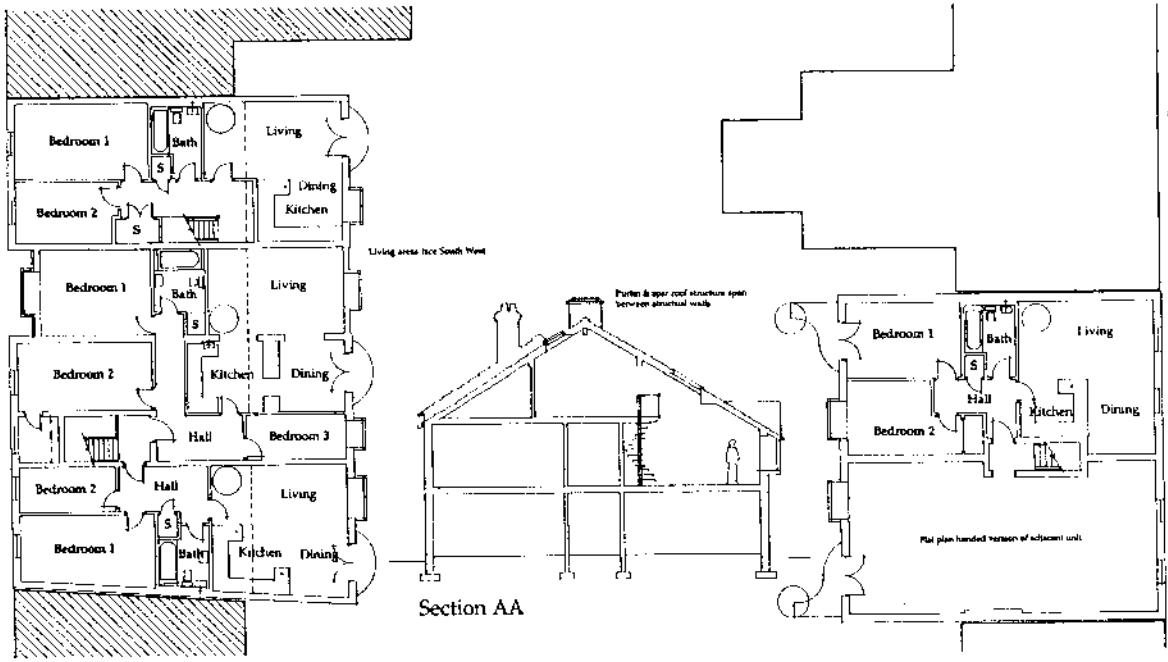
2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

   Reason: To ensure the works harmonise as closely as possible with the existing building.

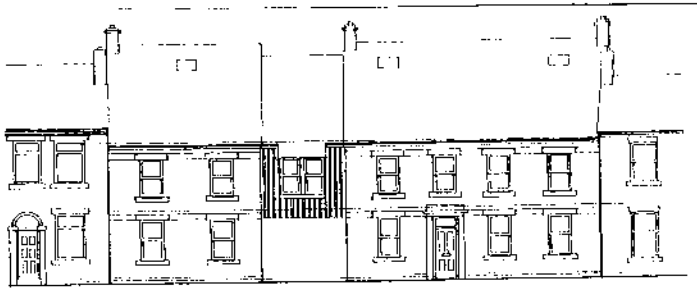
3. The parking areas shall be constructed in accordance with the approved plans before any flat is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

   Reason: To try to ensure that adequate parking is available for each occupier.



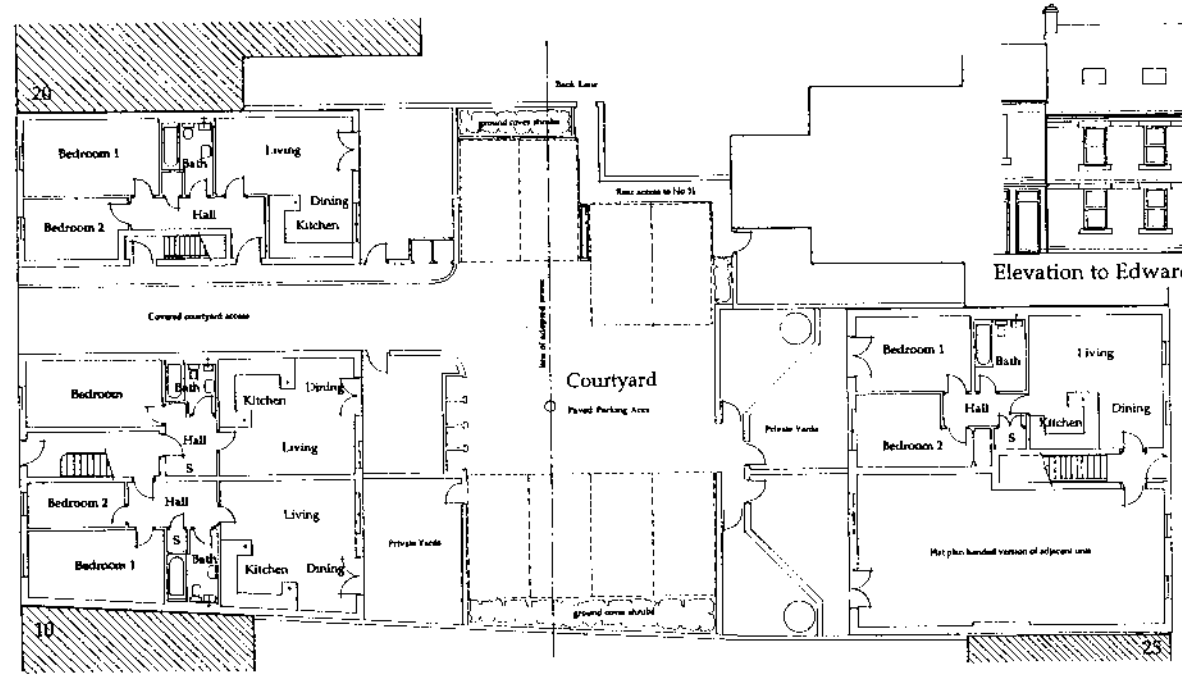


First Floor

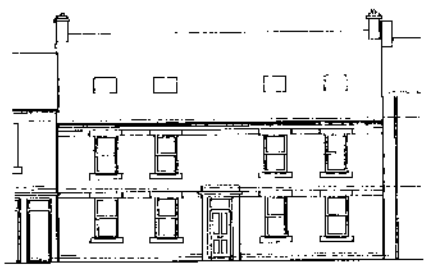


Elevation to Howe St

Elevation to Courtyard

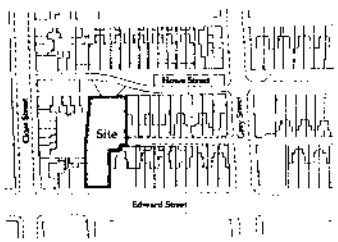


Ground Plan Layout



Elevation to Edward St

Elevation to Courtyard



Location Plan
Scale 1:1250

Phoenix ARCHITECTS & DESIGNERS

38 Abbey Street, Carlisle, Cumbria, CA3 8TX
Tel. 01228 539537 Fax 01228 531343

Project Edward St/Howe St, Carlisle
For Pentakan Ltd
Title Planning Proposal
Scale 1:50, 1:100
Date January 2003
Dwg. No. P/ TA

Edward St/Howe St

Your views are important

...u have any comments regarding this newsletter or other complaints, please let us know by completing and returning this form to Reg Watson.

I would like to go to Neighbourhood Forum meetings but do not see them advertised locally, this leaflet telling me a meeting was on arrived on Thursday 13th Feb so gives me less than a weeks notice.

I see there is an application for planning in this weeks Cumberland News for 10 new flats on my Street, in a space that 1527-29 Edward ST & 12-18 Howe ST Parking is already a big problem in Howe & Edward ST, on my bit of Howe ST there is approx 10 car spaces for 30 odd houses, how can building 10 more flats help this. I have seen no local notification of this planning application on Howe ST & it was only by chance I saw the application in the Cumberland News, Street lighting & noise & disturbance from local children is also a problem here,

Your Name: Cathy Wilson

Tel No: 01228 591648 & 07733268510

Address: 28 Howe ST Carlisle CA1 2HS

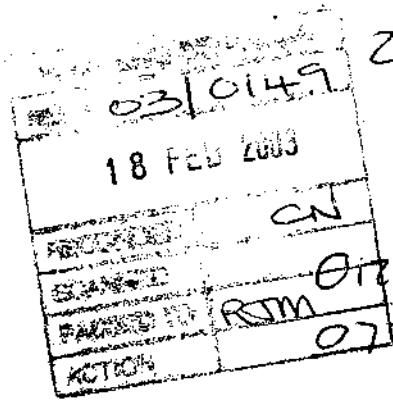
plus mess from Soaty chimneys & factory smells

I will be glad to discuss this planning applicat... info & other matters with you if you wish to.

Planning

24/2/03.

16-2-03 MISS CA WILSON



28 Howe Street
Carlisle
Cumbria CA1 2HS
01228 591648 or
0777 3326851O

RE Planning Application For 10 Flats on land at 12-18 Howe Street.

Dear Sir or madam,

I am writing to object to the above plans due to problems with local parking & the face a new building will not blend in with houses built in 1890s.

I also wish to complain about the lack of Consultation with local people who live near this proposed new build, it was just by Chance I saw the proposed application in the Cumberland news on 14-2-03, there have been no notices put up nearby

[redacted] there is a local neighbourhood meeting being held at Greystone Community Centre on Wed 19th Feb 2003 so I hope it gets discussed there,

Can you give me any further information & help & advice on this application.

Many thanks

Cathy Wilson

Item No: 53 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0150	Mr A Banks	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
07/02/2003	Jock Gordon	Wetheral
Location:		**Grid Reference:**
School House, Wetheral, Carlisle, CA4 8HE		346450 554181

Proposal: Variation of condition No 3 attached to Planning Approval 02/1299 to be allowed to trade between 09.00 to 18.00 weekdays & 09.00 to 14.00 Saturdays

Amendment:

RSM

Report

Planning 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
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
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.

Summary of Consultation Responses:

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

Wetheral Parish Council: Comments awaited.

Summary of Representations:

The Owner/Occupier, Catkins	11/02/03	INIT
The Owner/Occupier, Hillcrest	11/02/03	INIT
N P Brown, Longlands Place	11/02/03	OBJ
The Owner/Occupier, Craiktrees	11/02/03	INIT
The Owner/Occupier, Sgumain	11/02/03	INIT
The Owner/Occupier, Carletta	11/02/03	INIT
The Wheatsheaf Inn, Wetheral	11/02/03	INIT
Wetheral Play School, Wetheral	11/02/03	INIT
Mr & Mrs S Little, The	11/02/03	INIT

Croft

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

1. The lack of on site parking provision will lead to vehicles parking on the public highway;
2. If vehicles also park on the opposite side of the road, in conjunction with vehicles parked outside School House, the road is of insufficient width to allow larger vehicles to pass safely;
3. There is no public footpath at this point, and if vehicles park on the highway, pedestrians have to walk onto the highway to walk around vehicles; and
4. Vehicles exceed the 30 mph speed limit in this part of the village.

Details of Proposal/Officer Appraisal:

Planning History:

Planning consent was granted for the change of use to hairdressing salon on 31 January 2003, under application reference 02/1299.

Details of Proposal:

This application seeks a variation in the opening hours for a hair salon at School House, Wetheral. Members may recall that planning permission was granted for the change of use from a residential dwelling at the January meeting of this Committee. The building is a two storey detached property located on the southern fringe of the village, adjacent to the Wetheral to Cumwhinton Road.

It was originally proposed that the opening hours would be Monday to Friday between 0900 hours and 1700 hours. Since this time, the applicant has sought a variation in these hours to those reproduced in the description of this application, which is essentially an additional hour on weekdays and use of the premises on Saturdays.

The principle of the use has already been established through the earlier planning consent. In respect of the current proposal, Policy H17 of the Local Plan is the most relevant consideration. In essence, the applicant is seeking to open for an additional hour per day and half a day at the weekend. The nature of the use is such that it is not considered that this would be detrimental to the amenity of the occupiers of the neighbouring properties. The use itself would not result in any adverse or obtrusive consequences in terms of noise or outdoor pollution. The proposal is not considered to conflict with the current planning policies of the development plan.

In conclusion, the use of the property which benefits from planning permission is of a type and level that would not be detrimental to the amenity of the occupiers of the

neighbouring properties. The character of the area would not be adversely affected by the proposal.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

Recommendation: 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 premises shall be used for a hairdressing salon with associated storage and for no other purpose including any other purpose in Class A1 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.

   Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

3. The premises hereby permitted shall not commence trading before 0900 hours or remain open for business after 1800 hours on weekdays; or before 0900 hours and remain open for business after 1400 hours on Saturdays and shall

not trade at any time on Sundays or statutory holidays.

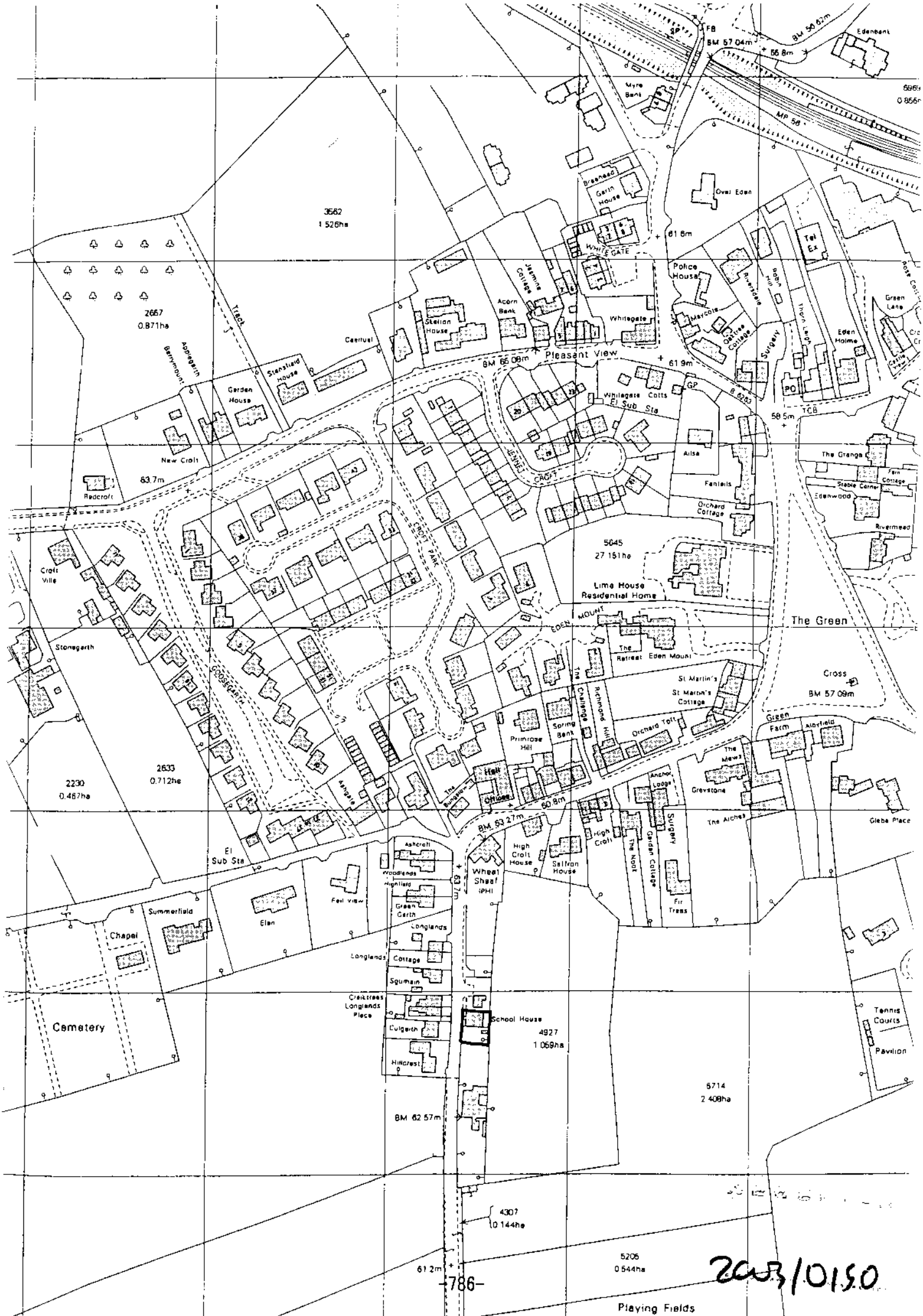
Reason: To prevent disturbance to nearby occupants.

4. Garaging and car parking shall be provided and retained in accordance with a scheme to be submitted to and approved by the local planning authority before the development hereby permitted is occupied, the scheme shall conform to the requirements of the approved "Parking Guidelines in Cumbria".

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

5. The use hereby permitted shall be confined to the rooms specified on the ground floor as specified on drawing number 1088 approved under application reference 02/1299.

   Reason: To prevent disturbance to nearby occupants.


Pleasant View
The Green
Lime House Residential Home
Cemetery
Playing Fields
Wheat Sheaf (PH)
Police House
Eden Holme
Surgery
Post Office
Village Hall
Tennis Courts
Pavilion
Cross
BM 57.09m
BM 63.27m
BM 62.57m
BM 65.09m
BM 57.04m
BM 56.62m
61.6m
61.9m
60.8m
63.7m
63.1m
61.2m
58.5m
3562
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2667
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2633
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2230
0.467ha
5645
27.151ha
4927
1.059ha
5714
2.408ha
4307
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5205
0.544ha
Oval Eden
Myre Bank
Edenbank
Braehead
Garth House
White Gate
Jasmine Cottage
Acorn Bank
Whitegate
Whitegate Cotts
Elsdon House
Stanstead House
Garden House
Redcroft
New Croft
Croft Ville
Stonegarth
Goosegarth
Ashgate
Chapel
Summerfield
Elan
Feel View
Ashcroft
Woodlands
Highfield
Green Garth
Longlands
Longlands Cottage
Sgumain
Crestrees
Longlands Place
Culgarth
Hillcrest
School House
Primrose Hill
Spring Bank
The Challenge
Richmond Hill
Orchard Terrace
St Martin's
St Martin's Cottage
The Retreat
Eden Mount
Orchard Cottage
Fantails
Ailsa
Chesley Croft
Croft Park
The Bungalow
High Croft House
Saffron House
High Croft
The Nook
Garden Cottage
Fir Trees
Anchor Lodge
The Mews
Greystone
The Aitches
Glebe Place
Green Farm
Aberfield
The Granga
Fern Cottage
Stable Corner
Edenwood
Rivermead
Riverdene
Robin Hill
Thorn Leigh
Maycote
Office Cottage
Green Lane
Rose Cottage
Tel Ex
PO
GP
TCB
El Sub Sta
Caerlaverock
Barnymount
Applegarth
Tirael
Eden Mount
2003/0150
-786-

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

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SCHEDULE B

Item No: 54 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1290	Mr K Temple	Dalston
Date of Receipt:	**Agent:**	**Ward:**
05/12/2002		Dalston
Location:		**Grid Reference:**
Birkshill, Raughton Head, Dalston, Carlisle, CA5 7DH		337700 543068

Proposal: Single storey extension to dwelling to create a 1no. bedroomed ancillary residential unit

Amendment:

RJM

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Dalston Parish Council: It was resolved that the plans for application 02/1290 were insufficiently clear to form a proper opinion. There was no information regarding the existing dwelling and the relationship of it to the proposed development. From what was available, it was felt that the proposed building might detract from the existing one. The Council also felt that there was a presumption against a development of this nature in the rural area.

English Nature: No objection subject to the inclusion of a Supplementary Informative regarding bats.

Design Services - Drainage Engineer: No comment.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the inclusion of a condition and Supplementary Informatives.

Summary of Representations:

This application was advertised by means of a site notice and at the time of writing this report no representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

Outline planning permission was granted on 22 April 1980 for the change of use from barn to dwelling. Planning permission was later granted for the renewal of this conversion on 10 May 1985, application reference 85/0199.

Planning permission was granted for the erection of a two storey extension to provide 1no. bedroom and 1no. study at first floor on 23 April 2002, under reference 02/0281.

Details of Proposal:

Full planning permission is sought for the erection of a single storey extension to Birkshill, Raughton Head. The property is a two storey dwelling located in an area of open countryside, approximately 2.5 km (1.5 miles) south of Raughton Head.

The dwelling is located within a substantial and extensive garden area. Adjacent to the main dwelling is a two storey converted outbuilding which is presently occupied by the applicant's son. To the rear are a series of outbuildings. Although not listed, Members will note from the photographs reproduced following this report, that the building is distinctive in terms of its scale, design and stature within the curtilage.

The main property as existing is a significant distance from the adjacent classified Raughton Head to Sour Nook road, being approximately 100 metres.

The proposed extension would be located at the front of the property and would measure 11.8 metres in length by 8.3 metres in width. The roof would be pitched and would measure 4.8 metres to the ridge. Internal alterations would also take place within the existing two storey wing of the property to allow access through to the main house.

In consideration of this application Policy H14 is relevant. This policy of the Local Plan requires that extensions are of good design and are of an acceptable scale. This issue is a subjective matter and one which is finely balanced. Although situated within a large garden area, the scale of the proposed extensions is considered to be substantial, given the circumstances of this application and the proposed use and when taken in context of this large dwelling.

The proposals which are being presented for consideration are significant in scale but when considered against the footprint of the existing building would form an incongruous feature within the curtilage of this distinctive building. The design of the proposal, however, would not be disproportionate or obtrusive.

Concerns have been raised by the Parish Council with regard to the scale of the extension detracting from the character of the existing building; and also with regard to the presumption of planning policies against development of this nature within the rural area.

Additional information has been received from the applicant which is reproduced following this report. Essentially, the applicant requires the additional accommodation so that he and his wife can continue to live at their current location. Their other son would occupy the majority of the site whilst the applicant and his wife would occupy the annex and a portion of the existing house which contains, for example, the kitchen.

Applications for residential annexes have previously been approved by this Council in other locations and in this respect, there is no objection to the principle as this can be adequately controlled by the imposition of a condition.
In conclusion, the principle of an extension on the site for use and ancillary residential annex accommodation is acceptable. The imposition of a condition restricting any sub division would also be appropriate should planning permission be forthcoming. Further information has been requested from the applicant with a possible view of amending the drawings to illustrate an extension with a smaller footprint which would be better proportioned to the existing property.

Human Rights Act 1998

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

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

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

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

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

SCHEDULE B: Reports Requiring Further Information

02/1290

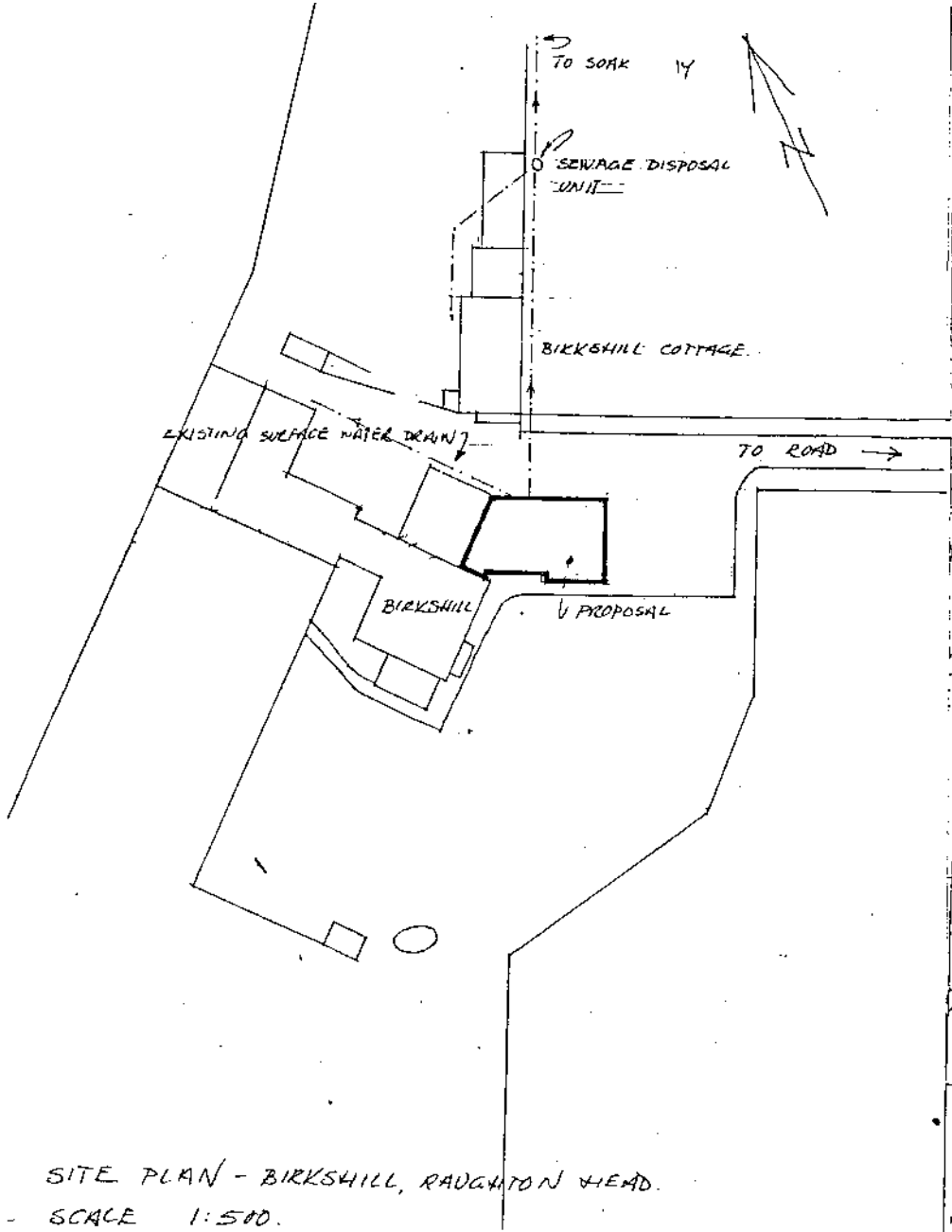
The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

A & I

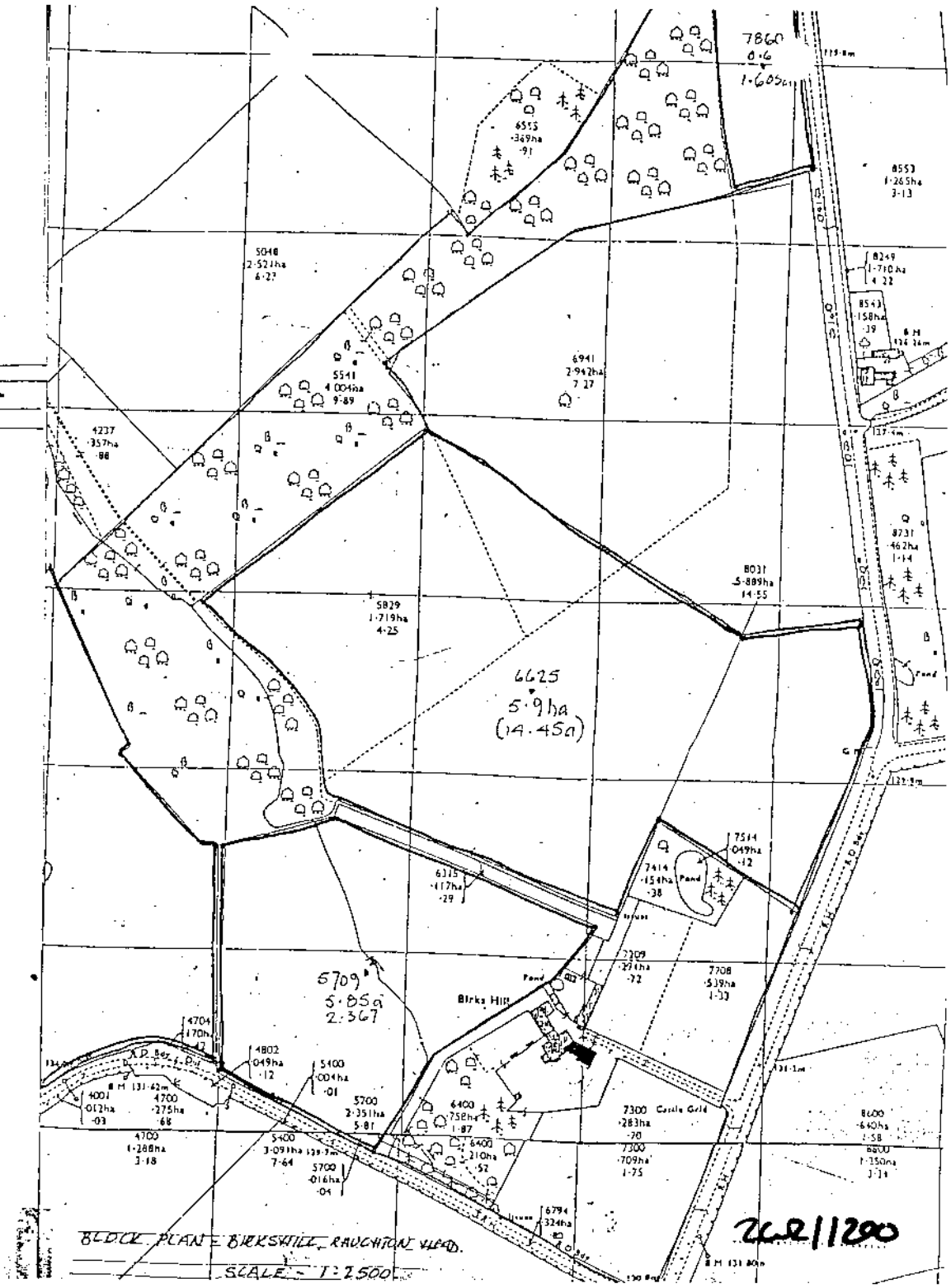
Recommendation:

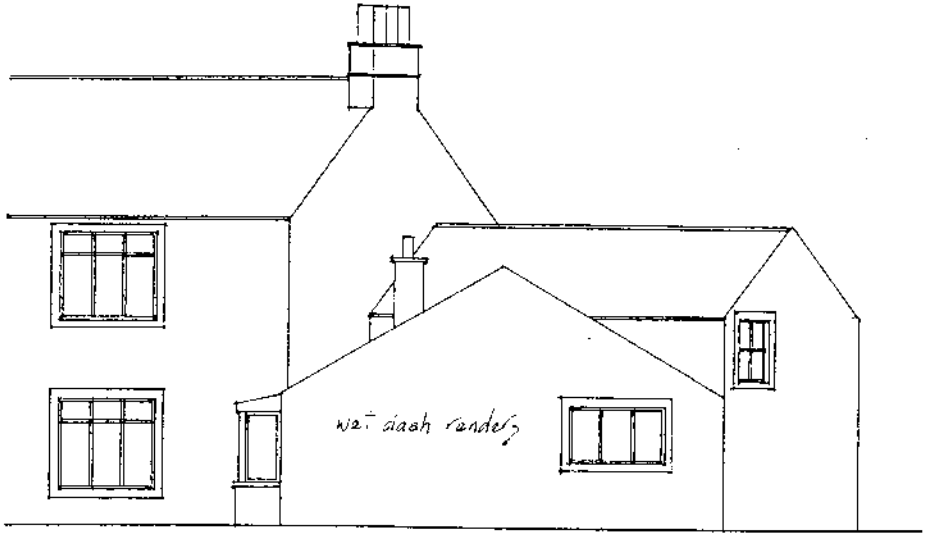
Reason for including report in Schedule B

A recommendation is unable to be made as further negiotations are taking place with the applicant in order that the scheme can be amended.

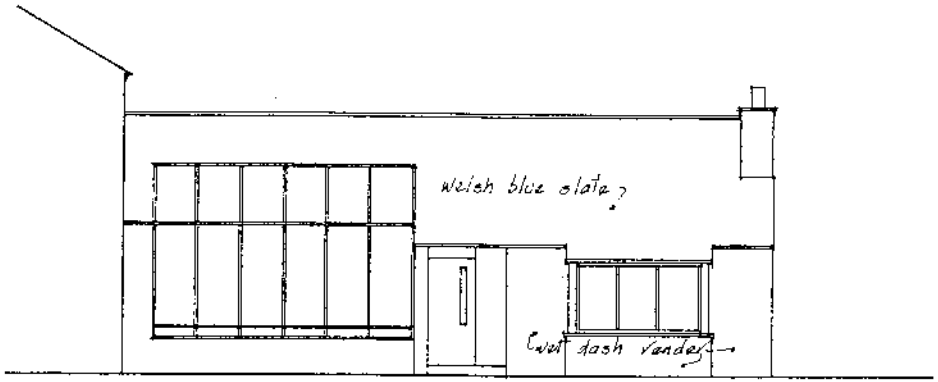


SITE PLAN - BIRKSHILL, RAUGHTON HEAD.
SCALE 1:500.

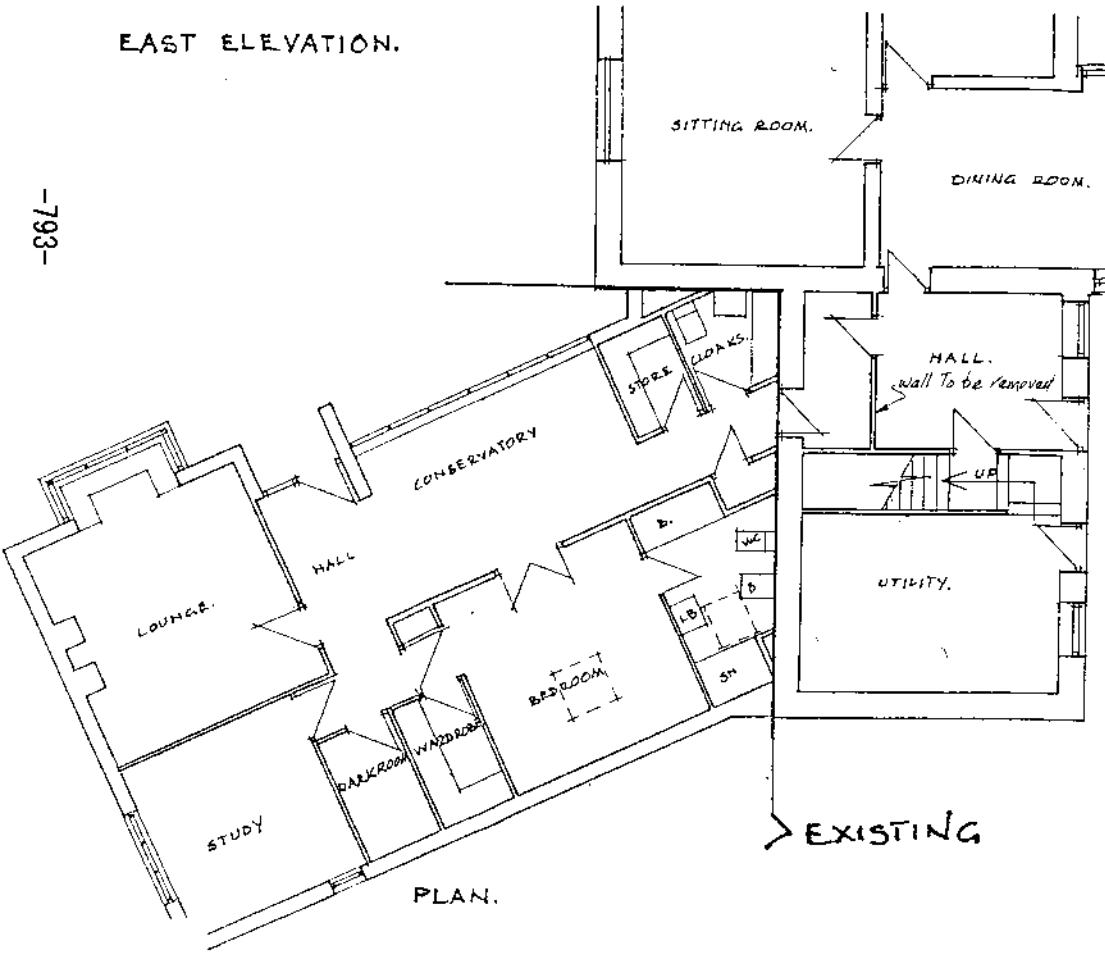




EAST ELEVATION.

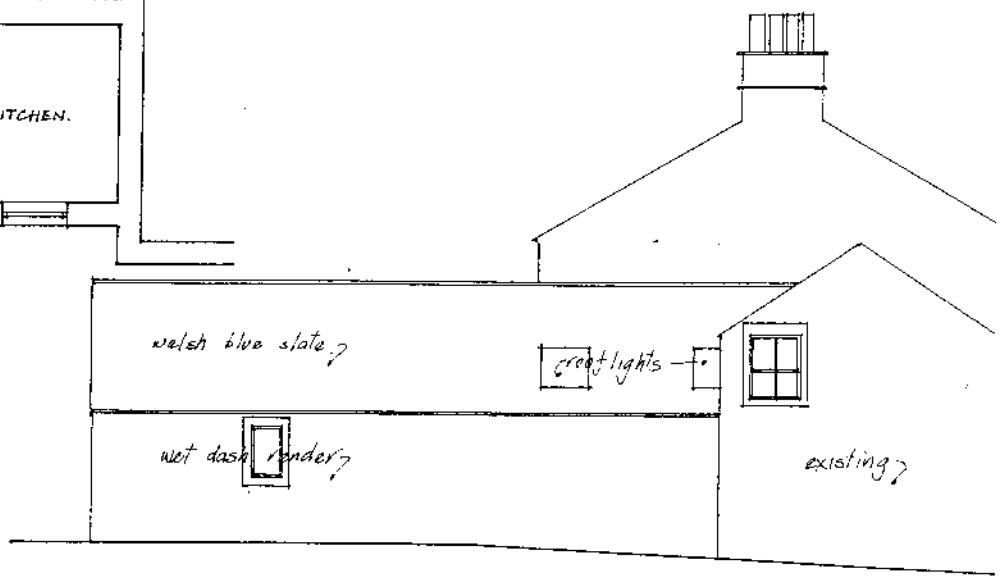


SOUTH ELEVATION.



PLAN.

EXISTING



NORTH ELEVATION.

PROPOSED EXTENSION AT BIRKSHILL
RAUGHTON HEAD, CARLISLE. SCALE 1:100.

-793-

2021/1200

Birkshills Raughtonhead 2 24.01.03.JPG

Birkshills Raughtonhead 3 24.01.03.JPG

K.H.Temple R.I.B.A.
Chartered Architect

Birkshill,
Raughton Head,
Carlisle CA5 7DH.

Tel: Raughton Head (016974) 76420

PLANNING
DEV 02/1290
REC'D RJM
ACTION 4TH FEBRUARY 2003.

HEAD OF PLANNING SERVICES.
CIVIC CENTRE
CARLISLE.

4/REF RJM/DC/02/1290.

Dear Sir

PROPOSED EXTENSION AT BIRKSHILL

I thankyou for your letter of 29th January 2003 and would ask you to consider the enclosed revised drawings in which I have tried to incorporate the points you raise.

The area of the extension has been reduced by 30%. The two storey area will not be involved. We have decided to split the existing house, our son presently living at Southwaite will occupy the major part and we will use the rest in conjunction with the extension.

We have considered other positions for the extension but from the security point of view we feel this is the better position, it overlooks the entrance to both properties, which is important

V.A.T. Reg. No. 257 2862 37

when our son is away.

In support of our application I would add the following. My wife and I are of retirment age we both suffer from arthritis and my wife was left severly weakened by viral pneumonia some years ago. We have enjoyed living at Birkshill for over 22 years but we must face the fact that its 16 rooms are now too big for us, we are unable to clean and maintain it as we would wish. Realistically we need to be in compact single storey accommodation with modern levels of heating and insulation.

We wish to stay at Birkshill where our second son lives adjacent and is available to help us if required. Since we came to Birkshill in 1980 we have acquired some 50 acres of fields and woodland that once belonged to the farm, we have developed this as a nature reserve and it is now part of a Countryside Stewardship Scheme which we would like to see develop in the future.

Yours sincerely

K Campbell

Item No: 55 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1333	David de Fraine	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
18/12/2002		Harraby
Location:		**Grid Reference:**
13 Lingmoor Way, Harraby, Carlisle, CA1 3LW		341875 554130

Proposal: Erection of 2 HF amateur radio antenna's in rear garden(retrospective application)

Amendment:

Refut

Report

Planning Policies:

Carlisle District Plan
Environment - Policy E51

Within the Plan area, to minimise the visual impact on the surrounding area, the Council will seek the most appropriate location of telecommunications apparatus. Conditions may be imposed to require the provision of adequate and suitable screening to alleviate the visual impact of the apparatus.

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.

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.

Summary of Consultation Responses:

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

Environmental Services: No objections to the proposal.

Radiocommunications Agency: Comments awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 6 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 8 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 10 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 12 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 14 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 16 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 18 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 20 Warnell Drive	23/12/02				INIT
The Occupier / Owner, 5 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 7 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 9 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 11 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 15 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 17 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 19 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 21 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 23 Lingmoor Way	23/12/02				INIT
The Occupier / Owner, 18 Lingmoor Way	23/12/02				INIT

The Occupier / Owner, 20 Lingmoor Way	23/12/02	INIT
Radiocommunications Agency, PO Box 2500	26/02/03	INIT

This application has been advertised in the form of a site notice and the direct notification of the occupiers of 19 properties. In response one letter of objection has been received on the basis that:

- The structure is an eye-sore with the aerials seen from all surrounding properties. The aerials are unique structures.

- The aerials can be clearly seen from all windows to the rear of 15 Lingmoor Way with the view from the garden dominated by the structure.

- The aerial does not appear to have been secured to a satisfactory standard. Due to its height, if the aerial was to fall it would cross property boundaries with the distinct possibility of causing damage.

- The aerials have been erected without planning permission and the applicant has not approached his neighbours beforehand.

Details of Proposal/Officer Appraisal:

Planning History:

The premises do not appear to have been subject to an application subsequent to the house's construction.

Details of Proposal:

This retrospective application relates to a semi-detached house located on the eastern side of Lingmoor Way approximately 45 metres to the south of Mayfield Avenue. The property already consists of a television aerial attached to the chimney and two amateur radio aerials attached to the "rear" elevation of the house. The two amateur radio aerials are considered to be permitted development under the provision of Part 1E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

The application involves: a) a horizontal wire antenna (with a "ladder feeder") which runs along the boundary with 15 Lingmoor Way from a 6 metres high scaffolding pole sited in the south-eastern corner of the applicant's garden and the existing television aerial; and, b) a free standing vertical "Hustler" (five band aerial) tube antenna 7.5 metres high centrally located within the garden. Both antennas were installed in February of last year. The applicant, who is disabled, uses the antennas as his principle hobby.

In relation to radio aerials Ministerial advice is contained in PPG8 "Telecommunications". Paragraph 5 of PPG8 explains that the Government's policy

is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health.

Paragraph 56 of PPG8 also recognises that authorities may receive representations about alleged impact of telecommunications development on property values. Reference is made to PPG1 which notes that it is not for the planning system to protect the private interests of one person against the activities of another ... ***"Although in a particular case considerations of public interest may serve to protect private interests, the material question is not whether a particular development would cause financial or other loss to owners and occupiers of the neighbouring property, but whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected".***

When considering visual intrusion paragraph 64 recognises this issue to be an important consideration but highlights that masts and antennas often require a particular operating height, which allows signals to clear urban clutter.

Paragraph 102 explains that significant and irremediable interference with other electrical equipment of any kind can be a material planning consideration. There are essentially two types of interference, namely i) electromagnetic interference; and, ii) physical interference by large structures. In the case of the former, the Radiocommunications Agency (RA) has statutory powers for dealing with this type of interference under the Wireless Telegraphy Act 1949. Only if there is clear evidence that significant electromagnetic interference will arise and that no practicable remedy is available, will there be any justification for taking it into account in determining an application. Paragraph 8 of Annex 2 to PPG8 nevertheless points out that domestic viewers and listeners can also request an interference investigation from the RA.

In considering this application, and based on the comments of interested parties, the two fundamental issues relate to visual amenity and public safety.

a) VISUAL AMENITY

In considering this issue Members are in the position of having to make a subjective judgement as to whether the visual amenity has been harmed. The nature and appearance of the specialised equipment, individually and cumulatively, can change the residential character. When viewing the antennas from the public highway at Lingmoor Way, Mayfield Avenue, Warnell Drive and Dalegarth Avenue the equipment is viewed against the background of the applicant's house and neighbouring properties. It is therefore considered that the effect of the antennas on the street scene is minimal.

The antennas are, however, noticeable when viewed from neighbouring properties. In particular, the view from 15 Lingmoor Way and the way in which the horizontal wire antenna runs along the boundary. The question that, in this instance, needs to be addressed is whether the visual annoyance of the antennas causes demonstrable harm to the living conditions of tjhe neighbours sufficient to warrant a refusal of permission. It is nevertheless recognised that any annoyance could be

reduced if the line of the horizontal wire antenna was positioned away from the boundary. This option is, at the time of preparing the report, being pursued with the applicant.

b) PUBLIC SAFETY

The applicant has verbally indicated that the radio antennas have been installed in accordance with any associated instructions.

A further report will be presented to Members following receipt of any observations from the Radiocommunications Agency and clarification from the applicant on: whether the horizontal wire antenna could be re-aligned; the effect on his hobby of removing the wire antenna; whether any "public service" is provided; and, whether the use of a retractable antenna is a possibility.

Human Rights Act 1998

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

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

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

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

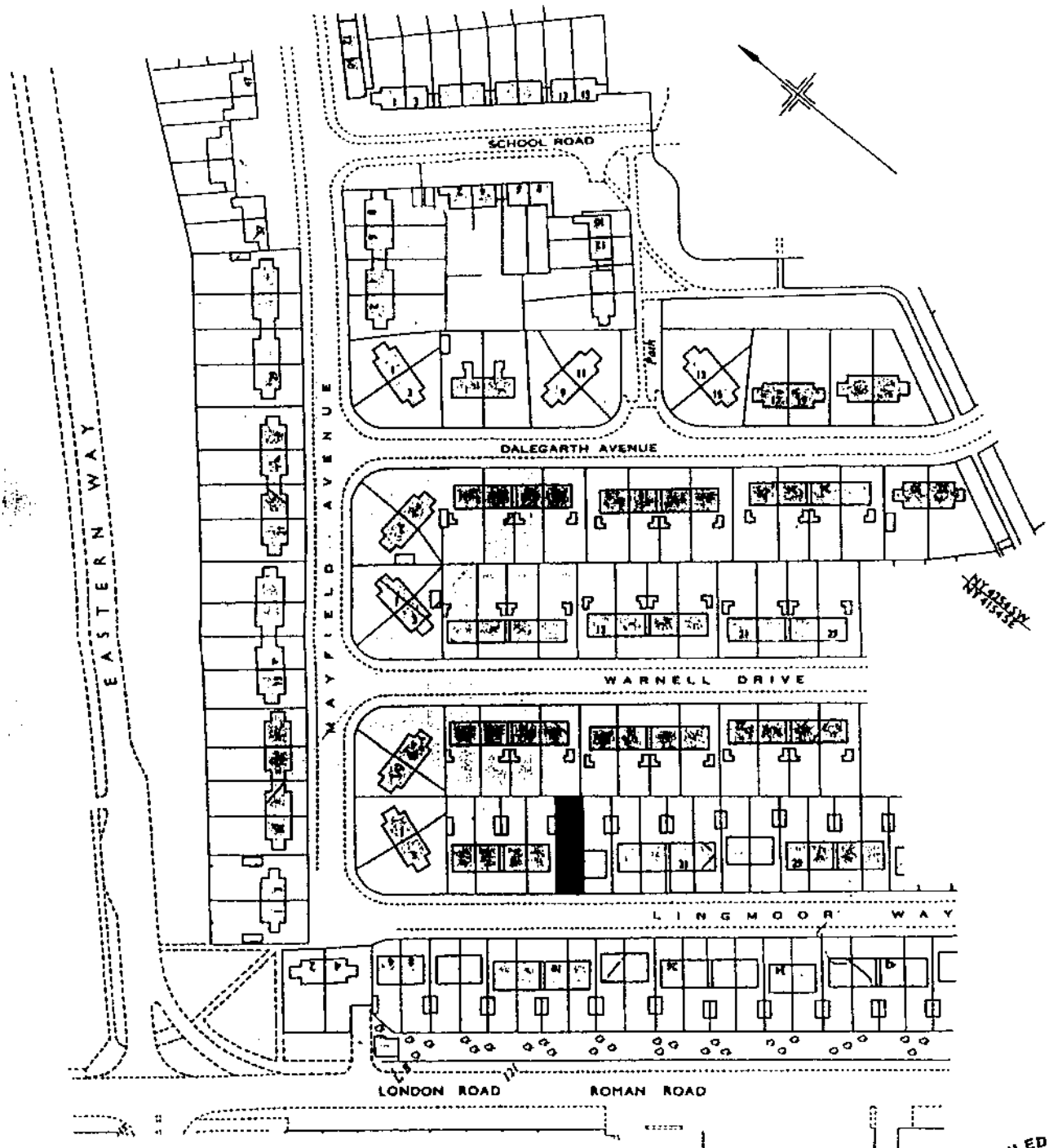
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Recommendation:

Reason for including report in Schedule B

A further report will be presented to Members following receipt of the awaited observations and information from the applicant.

H.M. LAND REGISTRY		TITLE NUMBER	
		CU60748	
ORDNANCE SURVEY PLAN REFERENCE	NY 4154	SECTION H	Scale 1/1250
COUNTY CUMBRIA	DISTRICT CARLISLE		© Crown copyright 1980



X = LOCATION OF ANTENNA'S

RECEIVED
18 DEC 2002

FILED PLAN H.M. LAND REGISTRY

2002/1333

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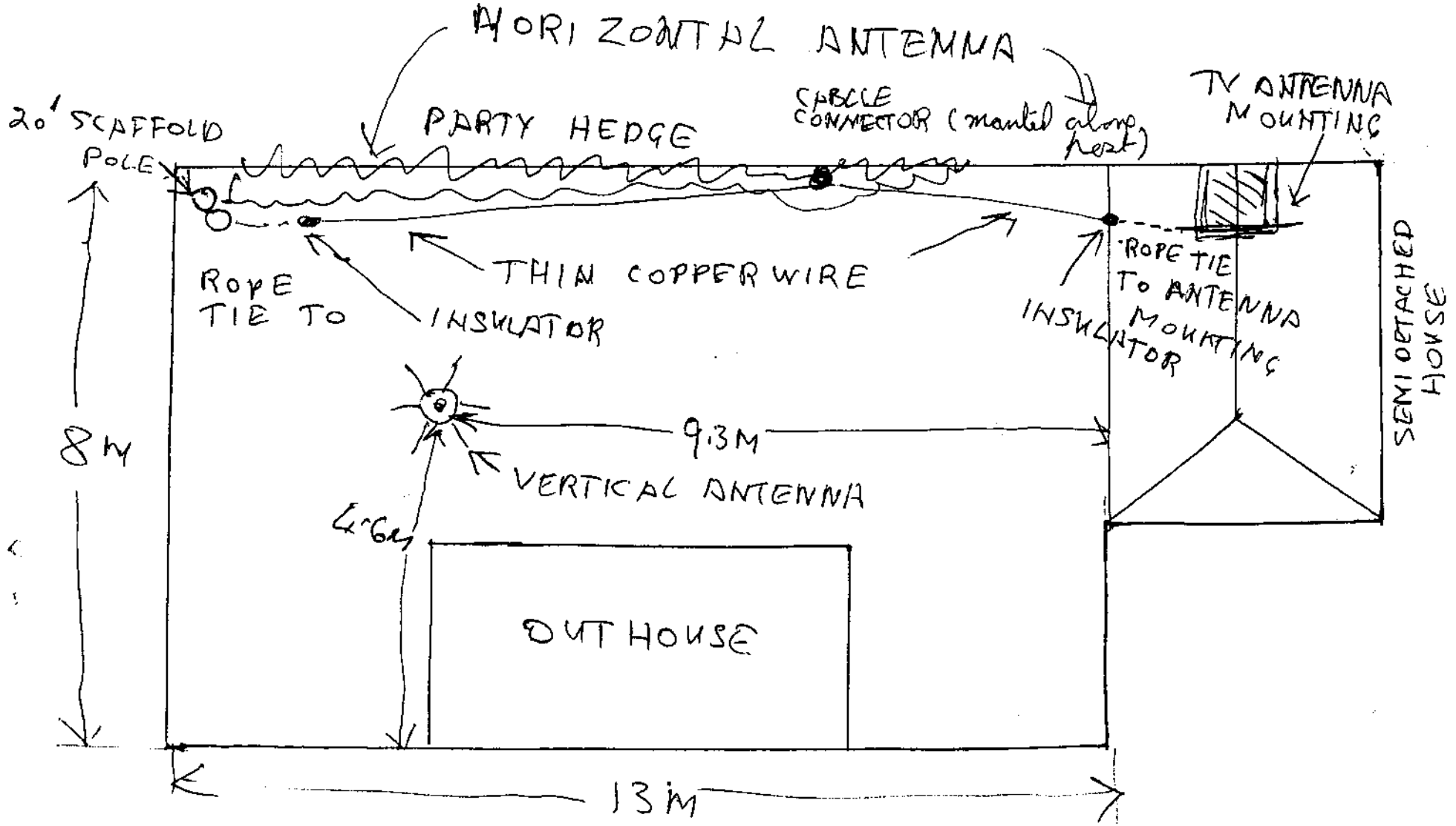

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Figure 1 BIRD'S EYE VIEW

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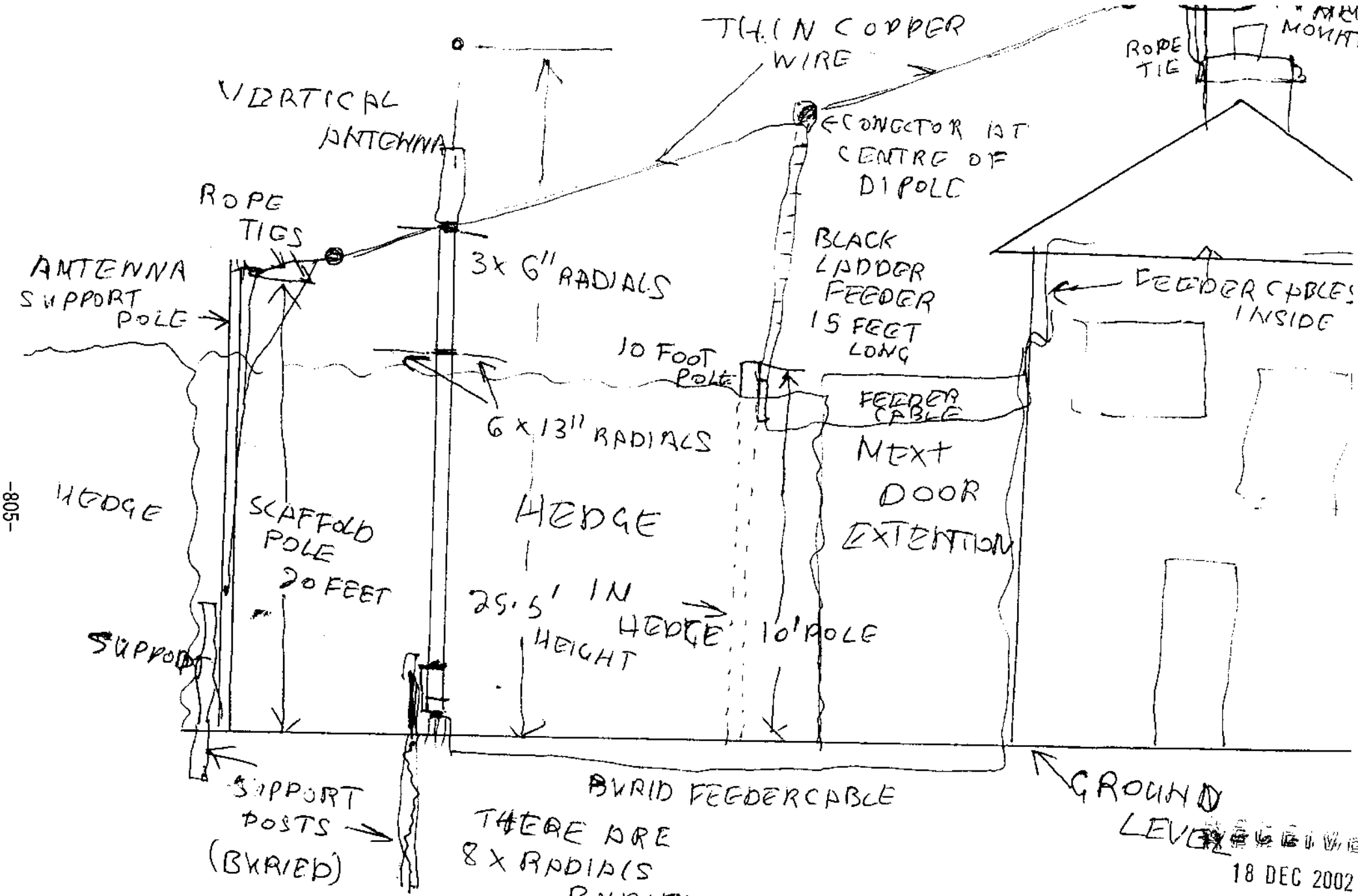

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Figure 2 FACE VIEW (SHOWING GIS JEN

18 DEC 2002

2002/1333.

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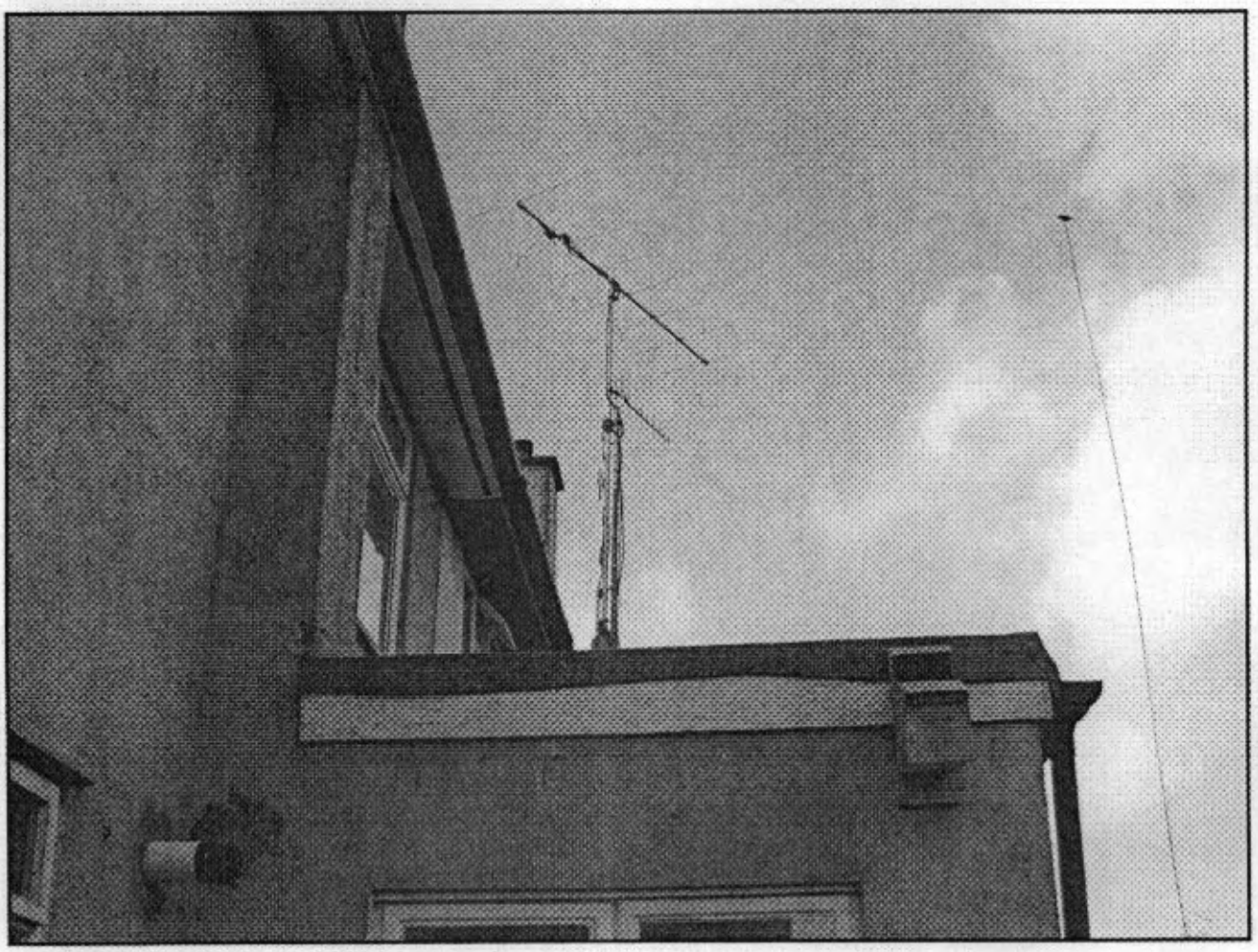

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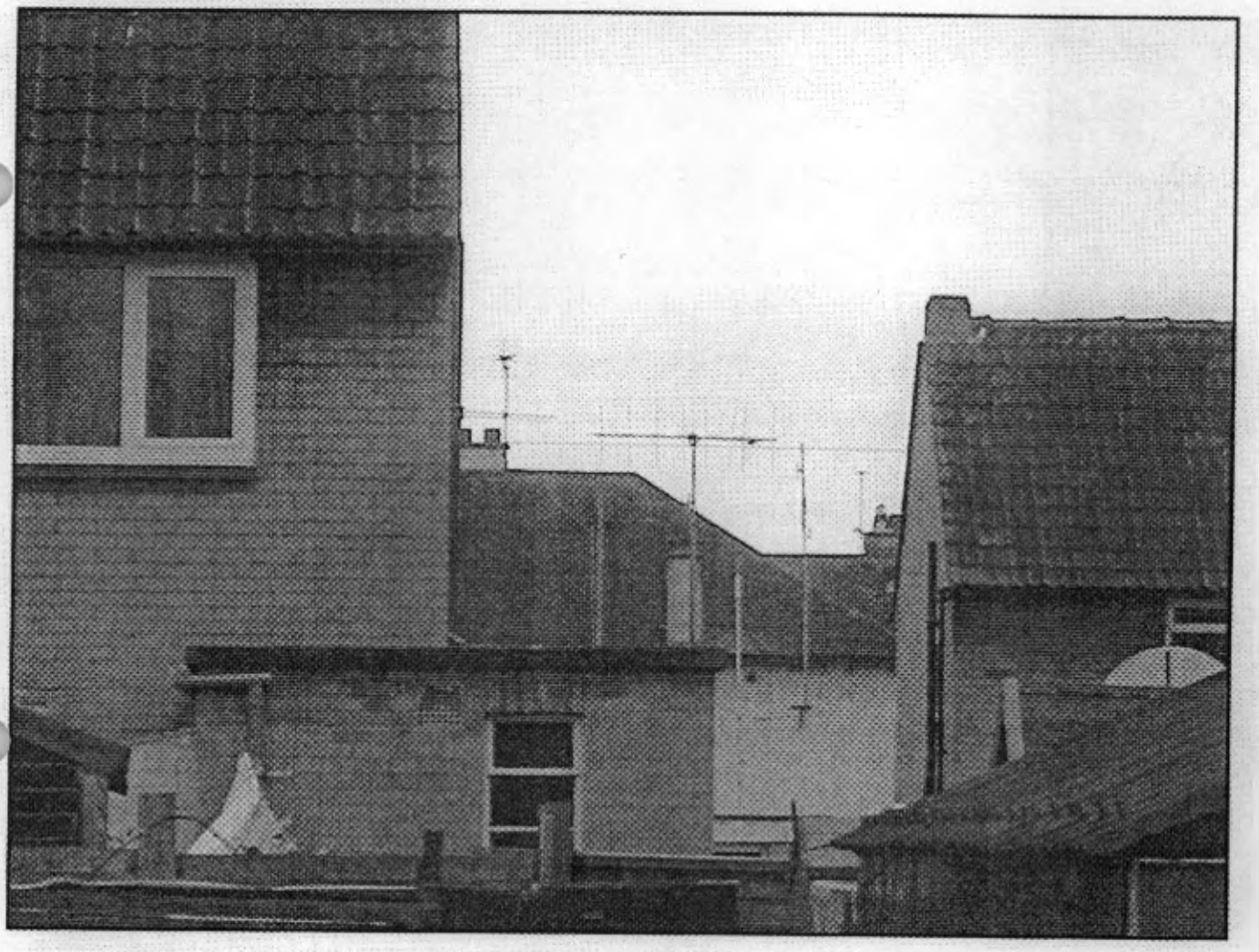
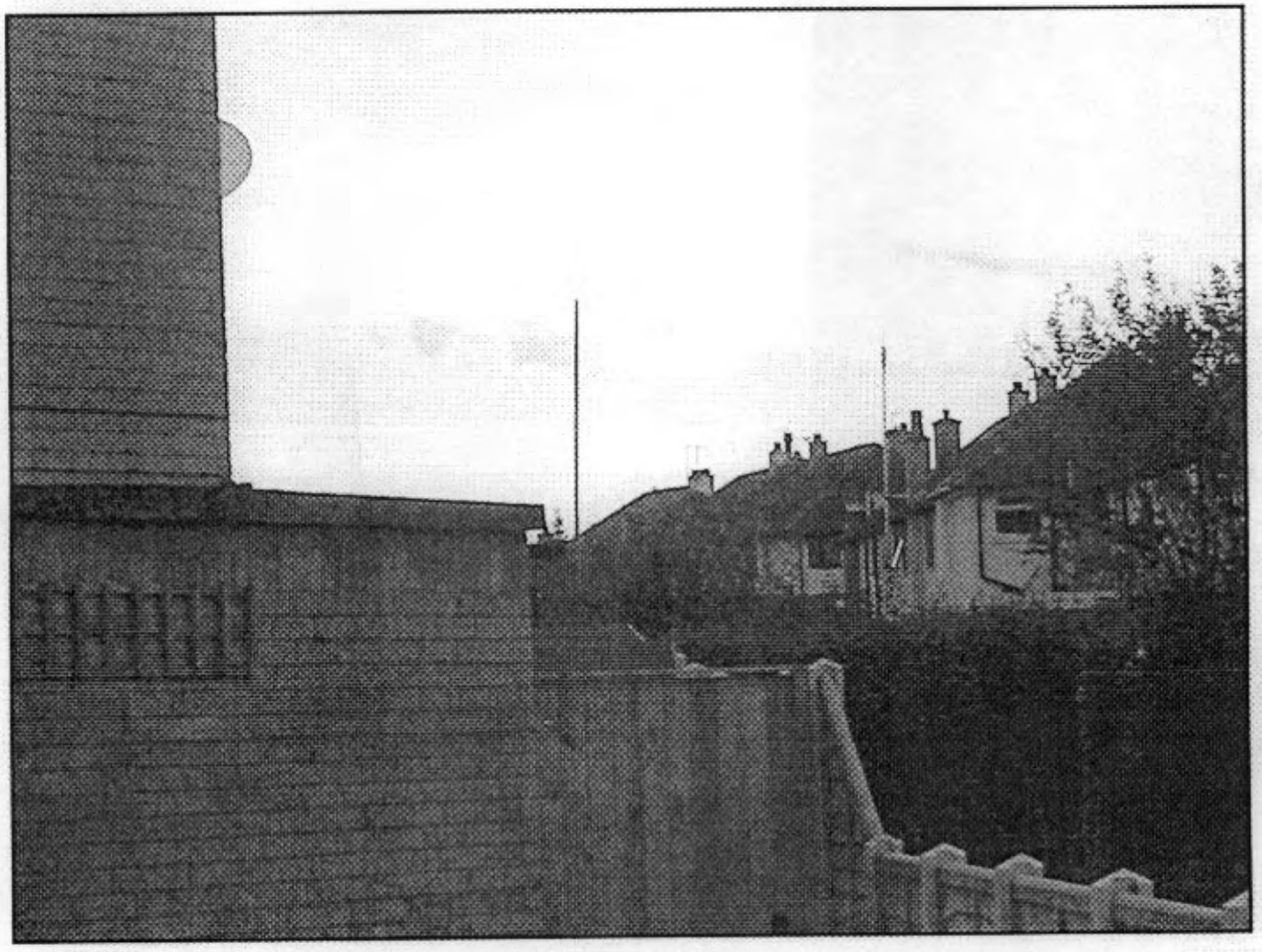
13 Lingmoor Way 4 11.02.03.JPG

B LINCMOOR WAY

~~40 Dalegarth Avenue~~ 5 .JPG



13 Lingmoor Way 6 07.02.03.JPG



13 Lingmoor Way 5 07.02.03.JPG

Item No: 56 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1346	Mr C Haynes	Brampton
Date of Receipt:	**Agent:**	**Ward:**
07/01/2003	Green Design Group	Brampton
Location:		**Grid Reference:**
L/A, Union Lane, Brampton		352980 561290

Proposal: Redevelopment of site to provide ~~9~~ 8 no residential flats in a 3 storey building

Amendment:

John

Report

Planning Policies:

Airport Safeguarding Area

Summary of Consultation Responses:

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

Brampton Parish Council: The Parish Council objects to this application because the proposals are considered to be overdevelopment of the site and the three storey building out of scale with the site and its surroundings. Furthermore a development wiht nine dwellings would exacerbate the traffice congestion in Union Lane.

Civil Aviation Authority: No objection.

Cumbria County Council - (Archaeological Services): A pre-determination evaluation is requested.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Secretary, Brampton Squash Club	09/01/03				AMND
The Manager, Brampton Library	09/01/03				AMND

The Occupier / Owner, 5 Union Lane	09/01/03	AMND
The Occupier / Owner, 6 Union Lane	09/01/03	AMND
The Occupier / Owner, 7 Union Lane	09/01/03	AMND

This application has been advertised by means of a site notice and neighbour notification. No representations have been received.

Details of Proposal/Officer Appraisal:

Planning History:

There is no planning history.

Details of Proposal:

Permission is sought for the erection of a block of flats on a site in Union Lane, Brampton which lies between the car park in front of the Rural Resource Centre, and the Union Lane workshops, which are two storey buildings with slate roof. To the rear is the Squash Club, a rather unsightly two storey building with light coloured brickwork and a flat roof. On the opposite side of Union Lane is an Elderly Persons Residence, a two storey brick building with a tiled roof.

As submitted, the proposal is to erect a three storey block of nine flats, with three flats on each floor, two on the Union Lane frontage, either side of the entrance, and one in a block to the rear. Parking is proposed in a forecourt in front of the building, with one space for each unit.

The application raises the following issues:-

1 **Land Use/Policy**

This site together with the adjacent workshops and the Rural Resource Centre to the rear, is allocated in the Brampton inset of the Carlisle District Plan as a Primary Employment Area. Despite this, the character of the area particularly on the other side of the road is essentially residential. In these circumstances, it is considered that development of this vacant site for residential proposes is acceptable.

2 **Details of the Scheme**

The proposal is for a three storey block of nine flats on a site of 750m2. Although a high density scheme, it may be argued in its favour that this is in line with government guidance as expressed in P.P.G. 3. Discussions with the applicant have therefore concentrated on the scale, bulk and appearance of the building. As submitted the building had a hipped roof. Officers consider this to be unattractive and out of character with the area, and the applicant has

agreed to amend this to be a straight gable. In addition, officers have concerns about the bulk of the three storey building. This would not only be apparent, in the view of the frontage, but also from the sides (particularly the car park) where the rear projection would be clearly visible. It is however the case that both the buildings to the rear and the opposite side of the road are built from a higher level and would not necessarily out of scale with the proposed three storey building. It has therefore been suggested that this could be resolved by reducing the rear projection to two storeys and the number of flats to eight thereby significantly reducing the bulk of the building.

3 **Archaeology**

The County Archaeologist has recommended that an evaluation be carried out before the application is determined. Normally it would be a requirement that the evaluation is carried out before the application is reported to Committee, but in this instance the applicant has asked for the proposals to be considered, so that if the application is considered acceptable, he can proceed with expense of an evaluation in the knowledge that a permission would be subsequently given.

In conclusion, it is expected that a revised proposal will be submitted which addresses the design issues raised. If this is regarded as acceptable, authority to issue an approval would be requested, pending satisfactory completion of an archaeological evaluation.

Human Rights Act 1998

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

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

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

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

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

No Human Rights Act issues are raised by this application.

SCHEDULE B: Reports Requiring Further Information

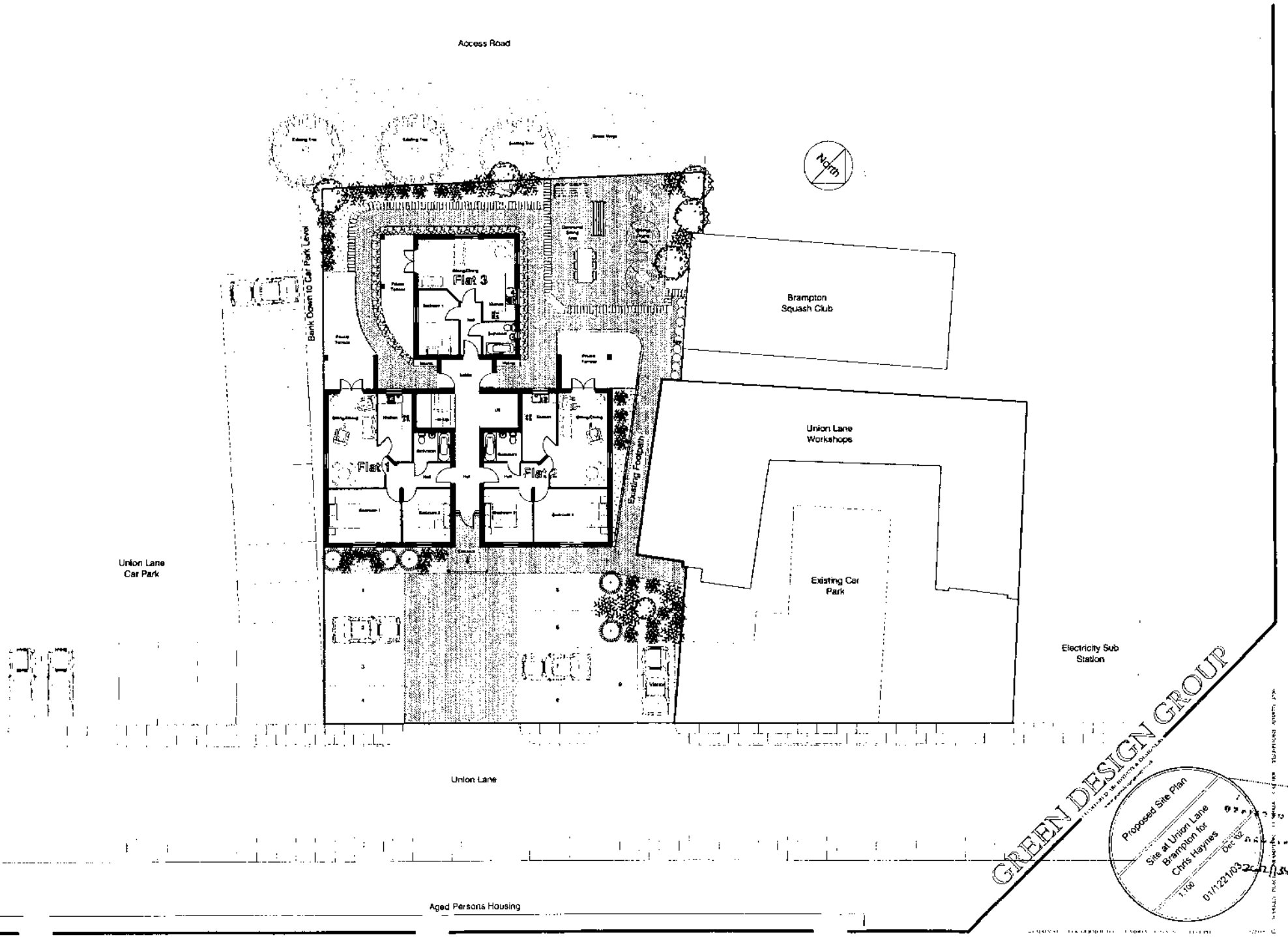
02/1346

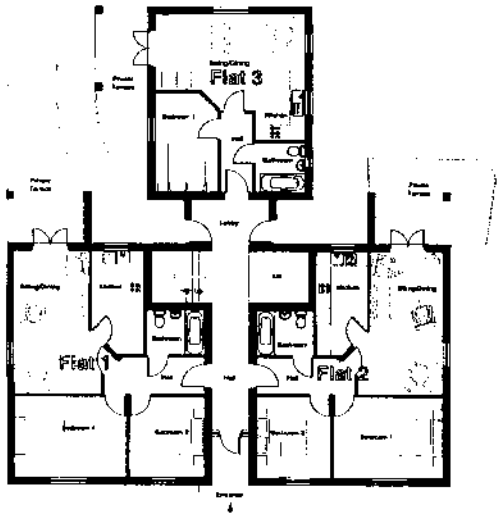
Recommendation:

Reason for including report in Schedule B

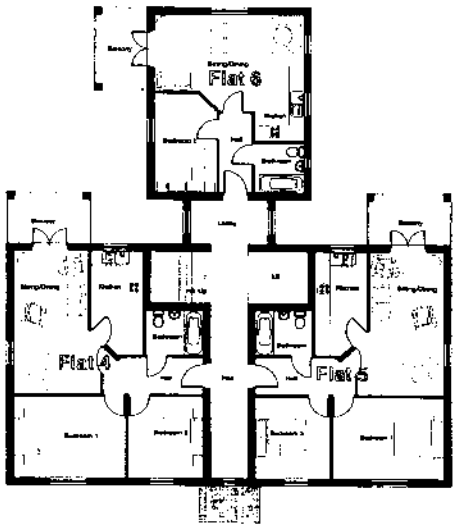
A firm recommendation cannot be made in respect of this application because revised plans addressing the design issues raised have not yet been received.

A to I

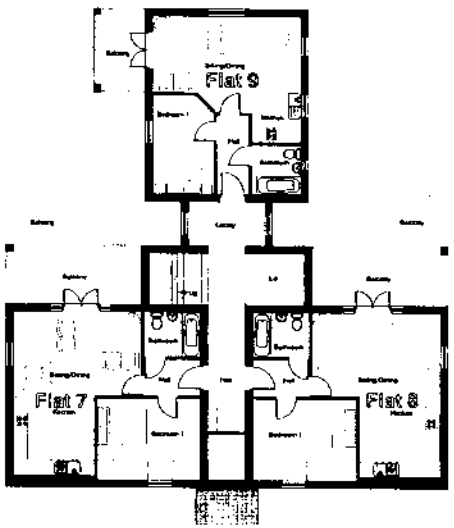

Access Road
North
Bank Down to Car Park Level
Flat 3
Flat 1
Flat 2
Existing Footpath
Brampton Squash Club
Union Lane Workshops
Existing Car Park
Union Lane Car Park
Electricity Sub Station
Union Lane
Aged Persons Housing
GREEN DESIGN GROUP
Proposed Site Plan
Site at Union Lane
Brampton for
Chris Haynes
1:100
Dec '02
01/122/03



Ground Floor Plan

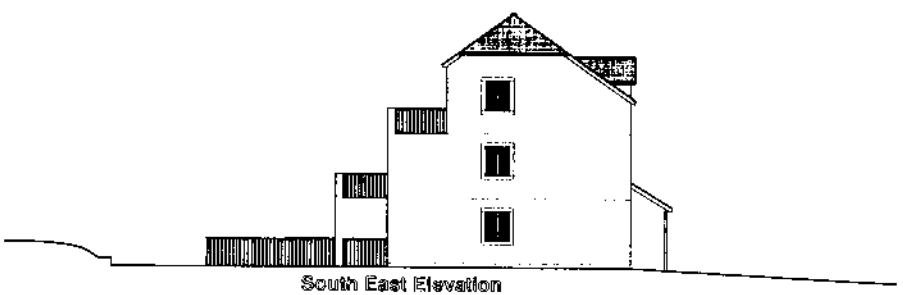


First Floor Plan



Second Floor Plan

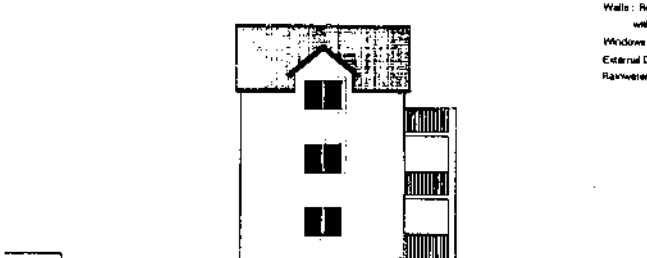
North East Elevation



South East Elevation

Materials

Roof : Recycled Welsh Slates
Walls : Red/Brown Clay Facing Bricks
with "Artstone" Door and Window Surrounds
Windows : Stained Timber
External Doors : Stained Timber
Rainwater Goods : Black uPVC



South West Elevation

North West Elevation

GREEN DESIGN GROUP

Proposed Plans & Elevations
Site at Union Lane Brampton for Chris Haynes
1:100
01/1221/02

Item No: 57 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1362	Harrison Homes (Cumbria) Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002		Harraby
Location:		**Grid Reference:**
Former Highgrove Dairy, Harraby Green, Carlisle		341330 554457

Proposal: Residential development comprising of 2no. 2 bed dwellings, 29no. 3 bed dwellings, 14no. 4 bed dwellings, 44no. 2 bed apartments and 6no. 3 bed penthouses incorporating public open space consisting of kick about area and play equipment together with increasing the width of Harrison Way to 6 metres to allow for two-way movement of traffic and add a 1.8 metre wide pavement

Amendment:

1. Revised plans received showing increase in dwelling numbers, new dwelling types and the provision of a kick-about area and playground in the public open space.

ACH

Report

Planning 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 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.

Cumbria & Lake District Joint Structure Plan
Policy 32

On large housing developments some provision should normally be made through negotiation for affordable housing to meet proven local needs.

Cumbria & Lake District Joint Structure Plan
Policy 53

Recreation land and facilities will normally be:

i provided to an appropriate standard in new residential development and in areas where shortfalls exist;

ii protected from development in areas where a shortfall can be demonstrated

Carlisle District Plan
Housing - Proposal H4

Within Carlisle, Brampton, Longtown and Dalston, outside the Primary Residential Areas and sites allocated under proposal H1, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be permitted provided that:

1. Satisfactory housing conditions can be achieved; and

2. The proposal will complement the existing character of the area; and

3. The proposal will not adversely affect the amentity of the area; and

4. Satisfactory access can be provided; and

5. Appropriate parking arrangements can be made.

Carlisle District Plan
Housing - Proposal H8

The City council will, where appropriate, negotiate with developers for an element of affordable housing to be included in the larger housing developments.

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
Leisure - Proposal L8

The City Council will seek to ensure a suitable area of open space is available for public use, for passive and active recreation within walking distance of every house in Carlisle and the principal settlements and wherever possible with 0.5 km of every home and not separated from it by a busy road. This includes appropriate provision in new developments, which should be dedicated to the Council for maintenance.

Carlisle District Plan
Leisure - Proposal L9

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of playspace provision:

	Per Hectare
Outdoor Playgrounds	150 square metres
Informal Playspace	270 square metres

In addition to the above, within developments of 5 hectares or over, 0.1 ha of sports ground development per hectare will be required.

In most large developments play provision will be able to be provided within the housing site. However, if no suitable location can be provided the requirement may be met by the provision of a new off site facility (if an appropriate site is available) or by the provision of additional play facilities on a nearby existing play area or one which is in the course of being provided, such improved play provision being secured by a legal agreement between the developers and the Council.

Where a housing development is over 40 dwellings but is partially developed by different developers or as separate phases by the same housing developer, provision will be required for each constituent part of the site.

On smaller housing sites the developer will be required to make commuted payments towards the provision of playspace in the locality if there is a deficiency of playspace in the local area judged against National Playing Fields Association standards.

Small areas of playspace provided by the developer which are principally of benefit to the development itself shall be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to ten years maintenance costs will be required.

Carlisle District Plan
Employment - Proposal EM2

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or

2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and

3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

Carlisle District Plan
Transport - Proposal T3

Proposals for development which materially increase the traffic movement on the road network will need to be accompanied by a Traffic Impact Assessment. The City Council will usually require any road improvements or new highways, identified as being necessary by the assessment, to be funded by the developer. Such work should be consistent with the role and function of the highway. In the case of trunk roads all the costs will be borne by the developer and the scheme should be designed to be consistent with the Development of Environment, Transport and Regions' design horizon.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): The submitted Transport

Assessment was considered to be inadequate with regards to public transport, cycling and pedestrians. A revised Transport Assessment should be provided in support of this application. This assessment should be supplied by the applicant for consideration before the application is determined.

Further to the above the Highway Authority suggest the imposition of eight conditions.

The above development will also require a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990.

Observations on the revised Transport Assessment are awaited.

Leisure & Comm Dev - Landscape Services: In relation to the originally submitted plans the following comments were made:

1. The play area, access path and (if required under local plan policies) the kick-about park which were shown on previous applications, have been omitted. They must be shown on plans as they will be required to be provided.

2. Details can be agreed later, but a facility costing in the region of £50,000 will be required, the provision based on the City Council's specification.

3. The open space shown on the plan on the eastern boundary of the site, next to Harrison Way, will not be adopted by the City Council.

4. No amenity areas will be adopted on the new development apart from the large public open space, incorporating the relevant facilities, located between the development and the River Petteril.

Comments on the revised plans are awaited.

United Utilities (former Norweb & NWW): Comments awaited.

Environmental Services: No observations.

Drainage Engineer - Commercial & Technical Services: The comments on drainage issues are as follows:

Foul drainage - There is an existing public sewer, which runs along the eastern boundary of the site. There must be no building within 3 metres of the centreline of this sewer. Any proposals for the diversion of this sewer to facilitate development must first be approved by the Drainage Section. The existing combined sewer is capable of accepting foul drainage from the proposed development.

Surface Water - The free discharge of surface water run-off from the proposed development to the existing combined sewer will not be desirable. Since the site is bounded by the River Petteril, the developer should investigate the possibility of discharging surface water run-off to the river. Any discharge to the watercourse will

require approval and formal consent from the Environment Agency. In order to reduce the impact of surface water run off from the development it is likely that the developer will be required to provide storage within the development to attenuate surface water run off from roofs and paved areas. Calculations supporting this will be required before the development commences.

Furthermore, the developer may wish to investigate the use of sustainable urban drainage techniques in order to reduce the impact of surface water run-off.

If the developer is proposing any of the on site sewers for adoption as public sewers then a submission in accordance with 'Sewers for Adoption', fifth edition, should be made.

Cumbria Constabulary - Crime Prevention: Comments awaited.

Carlisle Housing Association: No wish to make any comments.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Cumbria County Council - (Archaeological Services): On the County Sites and Monuments Record this site lies within an area of archaeological interest (reference 3560 & 10630). The site lies on the periphery of the historic City of Carlisle, the site of Roman and medieval occupation. London Road follows the line of a Roman road into the town and Roman remains have been found as far south as St Nicholas Gate. The site of the former Dairy stands on the course of a mill leat and the first edition ordnance survey for Carlisle shows a complex of buildings including Harraby Mill (corn) on the site. A skinnery is shown a little to the south of the mill, indicating that during the post medieval period (probably due to the presence of a water course) the area was used for industrial purposes. Archaeological evidence could, therefore, survive within the area of the proposed development.

Consequently, in accordance with PPG16 and Carlisle District Local Plan (E30), it is recommended that further information on the archaeological interest of the site is required before a planning decision is taken. As outlined by PPG16 section 20-22 this information should be obtained by means of an archaeological evaluation. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the development site.

I understand that the applicant has already commissioned the necessary scheme of archaeological works and that this scheme is currently being implemented.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 1 Harraby Green Hall	03/01/03				AMND
The Occupier / Owner, 2 Harraby Green Hall	03/01/03				AMND

The Occupier / Owner, 3 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 4 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 5 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 6 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 7 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 8 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 9 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 10 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 11 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 12 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 13 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 14 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 15 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 16 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 17 Harraby Green Hall	03/01/03	AMND
The Occupier / Owner, 1 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 2 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 3 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 4 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 5 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 6 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 7 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 8 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 9 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 10 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 11 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 12 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 13 Harraby Green Road	03/01/03	AMND

14 Harraby Green Road		
The Occupier / Owner, 15 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 17 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 19 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 21 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 23 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 25 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 27 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 29 Harraby Green Road	03/01/03	AMND
The Occupier / Owner, 2 Herbert Street	03/01/03	AMND
The Occupier / Owner, 4 Herbert Street	03/01/03	AMND
The Occupier / Owner, 6 Herbert Street	03/01/03	AMND
The Occupier / Owner, 8 Herbert Street	03/01/03	AMND
The Occupier / Owner, 10 Herbert Street	03/01/03	AMND
The Occupier / Owner, 12 Herbert Street	03/01/03	AMND
The Occupier / Owner, 14 Herbert Street	03/01/03	AMND
The Occupier / Owner, 16 Herbert Street	03/01/03	AMND
The Occupier / Owner, 18 Herbert Street	03/01/03	AMND
The Occupier / Owner, 20 Herbert Street	03/01/03	AMND
The Occupier / Owner, 22 Herbert Street	03/01/03	AMND
The Occupier / Owner, 24 Herbert Street	03/01/03	AMND
The Occupier / Owner, 26 Herbert Street	03/01/03	AMND
The Occupier / Owner, 28 Herbert Street	03/01/03	AMND
The Occupier / Owner, 30 Herbert Street	03/01/03	AMND
The Occupier / Owner, 32 Herbert Street	03/01/03	AMND

This application has been advertised in the form of a press notice, site notice and

the direct notification of the occupiers of 55 neighbouring properties. The neighbouring properties were re-notified following receipt of the revised plans. At the time of preparing the report no formal observations have been received although a neighbouring resident did raise a concern over the increase in traffic when processing the previous application number 02/0803.

Details of Proposal/Officer Appraisal:

Planning History:

In 1950, under application reference number 19754, planning permission was given for the erection of an egg packing station. New buildings, extensions and the formation of a private road were subsequently approved in 1953, 1955, 1957, 1959, 1967, 1968, 1969, 1970, 1972 and 1975.

In 1984, application numbers 84/0015 and 84/0744, permission was given for the installation of ice making plant and a liquid nitrogen storage vessel.

In 1992, application numbers 92/0251 and 92/0826, permission for extensions to provide a packing store and process treatment plant, and, milk storage tanks.

In 1993, application number 93/0092, planning permission was granted to vary a condition attached to decision notice 92/0251 to allow deliveries of milk on Sundays and Public Holidays. The aforementioned permission was subject to the completion of a Section 106 Agreement.

In 1994 (reference number 94/0008) temporary planning consent was granted for the use of existing buildings for the production of dairy based dessert products and storage of materials associated with the process.

In 1997, (reference number 97/0009 and in 2000 (00/0095) permission was renewed for the production of dairy based products.

Last year, under application number 02/0803, planning permission was sought for residential development but the proposal was subsequently withdrawn prior to determination.

Details of Proposal:

This application relates to the former Highgrove Dairy premises located at the southern end of Harraby Green Road and to the immediate north of Harraby Green Business Park. The site is bounded to the east and west by the access and egress roads serving the Business Park. To the west there is also an existing embankment and open field leading to the River Petteril.

The revise plans show the provision of a total of 95 residential units ranging from detached bungalows and two/three storey houses to apartment blocks with 4/5 floors. Externally the buildings would consist of grey concrete tiles on the roof, Artstone detailing with a render and brick finish to the walls.

Vehicular access to serve the proposed bungalows and houses would be at the end of Harraby Green Road. Access to the three apartment blocks would be gained off Harrison Way. Under the current proposal access and egress from Harraby Green Business Park would be via Harrison Way. The intention is for the majority of the existing open field to become public open space with playground facilities and a kick-about area - see attached copies of plans.

The submitted forms and plans are accompanied by a Statement, a Transport Assessment Report, a Revised Transport Assessment, and, a Flood Risk Assessment. The Statement explains, amongst other things, that:

- Between 1987 and 1997 Harraby Green Business Park has been successfully transformed into a well balanced mixture of light industrial, commercial and office units together with residential properties to let.

- The former RAFA Club, on the east side of the access road, has been re-named Harraby Green Hall, developed to form 17 lettable apartments. Planning permission (application reference 02/0479) for extending the Hall with a further 8 apartments has just been granted.

- In the case of Harraby Green Business Park there is an outstanding permission (application reference 97/0978) for a further phase of development which includes 750 square metres office/workshops, a large swimming pool with gymnasium and 16 residential apartments. If permission was granted for the current proposal, the intention would be not to implement the permission granted under 97/0978.

- The Highgrove Dairy site falls within a designated Primary Employment Area. Since the purchase was agreed in May last year the applicants have made determined efforts to attract industrial users to the site. All interested parties have, however, withdrawn because of the relative narrowness of Harraby Green Road, and, the existing operating restrictions on the site concerning traffic, hours of use, and, the extent of the site to be developed. The applicants explored the idea of providing a new access road to the whole of Harraby Green by extending Eastern Way. This, however, proved to be financially untenable.

- The site is thus considered not to be viable for modern industrial/commercial purposes but yet fulfils the criteria as a "Brownfield" site suitable for residential re-development.

- The proposed residential use will retain the tranquility experienced over the past year by the residents of Harraby Green Road due to the cessation of HGV traffic. The disappearance of the unsightly industrial complex will greatly improve the appearance of the area and with the new residential backdrop transform the character of Harraby Green Road.

The original Transport Assessment Report, highlights:

- Harraby Green is well served by public transport on London Road where access to the City Centre is provided by a bus lane and bus priority measures. Travelling north towards the City Centre cyclists share the bus lane and in the reverse direction a segregated shared facility is provided on the footway.

- It is estimated that the total number of vehicle flows associated with the development approved in 1998, under 97/0978 would have been 163 in the morning peak and 136 in the evening peak.

- When comparing the likely traffic generated by the development given permission under 97/0978 and the current proposal (02/0803) it is concluded that application 02/0803 will generate 11 more vehicle movements during the morning peak period and 9 additional vehicle movements in the evening peak period.

- The total inflow volumes at the junction of London Road and Eastern Way were 3718 and 3762 in the morning and evening peak periods in April 2002. The current proposal will add 26 and 24 vehicles in the morning and evening periods. This represents only an additional 0.5% and 0.7% in the morning and evening peak periods.

The Flood Risk Assessment recommends:

- The development scheme should include provisions to increase the Floodplain area where practicable to provide as much storage as possible. Flood alleviation measures, however, will not be necessary as part of the scheme development.

- The applicants should consider whether occasional flooding of the proposed sports field and playground of the development site is acceptable.

- The maintenance regime to remove debris in the river section under the bridge may be necessary to ensure adequate flow capacity.

- Sustainable drainage design principles should be applied with respect to surface water runoff from the site development proposal in order to minimise flows into the River Petteril catchment area.

- Although the vast majority of the site is elevated well above the highest predicted flood level, there is a small area of land to the west of Highgrove Dairy which could easily theoretically be susceptible to localised flooding, even though it is located to the east of the Floodplain. It would be prudent to raise this to a minimum elevation of approximately 21.6 metres AOD and/or to design the site landscaping to exclude the ingress of 1:100 year floodwaters.

In considering this application, with regard to the adopted policies and the comments of interested parties, it is felt that the following issues need to be kept in mind:

a) Designated Primary Employment Area - Under Policy EM2 of the CDLP the site is identified as being within a Primary Employment Area. There is therefore a general presumption against redevelopment for purposes which do not fill within Use Classes B1, B2 and B8. Policy EM2, however, acknowledges that exceptions may be made in certain circumstances. Policy EM2 is also accompanied by a series of explanatory paragraphs one of which, 5.37 states:

"Another exception to this Policy may be development permitted under H4, which makes provision for residential development, including redevelopment and changes of use of vacant and under-used buildings outside Primary Residential Areas, subject to certain criteria. The apparent conflict that may arise between Policy EM2 and H4 will be reconciled by looking at the facts and merits of individual cases, and in particular the material considerations which may lead to a decision other than that led by the Development Plan".

In this instance Members will be aware of the problems previously experienced by the residents of Harraby Green Road. The applicants have also highlighted difficulties they have experienced in seeking to let the property for commercial purposes.

b) Potential conflict of uses with HGBP - The existing commercial units at Harraby Green Business Park (HGBP), which border the current application site, consist of a cold store for Calders (units 16-18 and 20), Workware (unit 21), a marketing company (unit 22), and, Lakesway who specialise in products for disabled people (unit 23). The majority of the proposed units closest to HGBP are the apartments. To minimise any impact on the amenities of the proposed units the applicants intend to provide a combination of planting and a wall along the boundary. The car park to serve the apartments has also been located parallel to the boundary.

c) Traffic - Under application number 97/0978 planning permission was granted for the erection of offices/workshops (Use Class B1), swimming pool and gymnasium (Use Class D2) on the ground floor, and, 16 apartments above at HGBP. The aforementioned permission does not expire until after the 24th April 2003. The applicants, nevertheless, intend to supersede the proposal approved under 97/0978 with a revised scheme which will be submitted to the the Council for consideration later this year.

The applicants, as owners of HGBP, have indicated their willingness to allow the permission granted under 97/0978 to lapse. Instead of merely letting the aforementioned permission to lapse, it may be more prudent to seek a revocation of the approval under 97/0978.

d) Existing Legal Constraints concerning current application site - Members need to be aware that when planning permission was given originally

under 90/0582 to develop Harraby Green Business Park the permission was subject to a Section 106 Agreement under which land was to be retained as a field or open space. The current proposal incorporates some HGBP land subject to the aforementioned constraint.

In addition, the former Highgrove Dairy site was subject to a planning permission granted in 1995, application number 93/0092, which also included a Section 106 Agreement. Under the aforementioned Agreement the then owners agreed to the cessation of the use of the part of the site so that it currently has a nil planning use. The schedule then went on to stipulate that the area involved could thereafter only be use persuant to a subsequent planning permission judged against the criteria set out in Policies EM3, E4, E22, E23, E26, L5 and L6 of the Carlisle Urban Area Local Plan.

It is therefore likely that both Agreements will need to be modified to take account of the current proposal.

e) Design and density of development - PPG3 "Housing" (2000) emphasises in paragraph 1 and 10 that local planning authorities should ensure that new housing development help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics. Paragraph 58 goes on to say that housing development which makes more efficient use of land (i.e. between 30 and 50 dwellings per hectare) should be encouraged.

The current application site involves a total area of 3.5 hectares of which approximately 2.5 hectares relate to the residential development i.e. at a density of 37 dwellings per hectare.

f) Public open space - The submitted layout plan shows the provision, at the applicants, expense of public open space including a kick-about area pitch and playground which would be adopted by the Council. The Flood Risk Assessment highlights that this land could be subject to flooding. The formal observations of the Head of Leisure Services are awaited at the time of preparing the report. This aside, the dedication to and future maintenance of the public open space by the Council would need to be subject to a Section 106 Agreement.

g) Security - The applicants have set out to ensure that the public open space is overlooked and lit with a single pathleading to and from the playground.

h) Social housing - Policy H8 of the Local Plan and Policy 32 of the Structure Plan set out to ensure that on large housing developments some provision is made for affordable housing to meet a proven local need. Carlisle Housing Association have nonetheless verbally indicated that the provision of any social housing in this location is not necessary.

i) Visual impact - The application site is generally at a lower level to the

neighbouring residential properties along Harraby Green Road and Herbert Street. Within the application site the form of the development has been designed so that the buildings would graduate from the bungalows and two storey houses, to the three storey houses and then the apartment blocks. From outside the site the development would be viewed against the backdrop of the existing development at Harraby Green Road/Herbert Street, and, the existing buildings within the Business Park. The existing aspect of the floodplain is retained through its proposed use as public open space.

j) Flood and contamination risk - A copy of the Flood Risk Assessment has been forwarded, along with further information on the previous use of the site, to the Environment Agency. A revised Assessment is also awaited along with the response from the Environment Agency.

k) Archaeology - At the time of preparing the report the results of the evaluation are awaited.

l) Foul and surface water drainage - The applicants intend that only the foul drainage would be connected into the existing foul sewer. The surface water would be discharged to the River Petteril via a suitably designed storage system. The Environment Agency and United Utilities have, however, yet to confirm their agreement to such an arrangement.

In overall terms this application needs to be seen in the context of the Government's objectives of utilising brownfield land and that everyone should have the opportunity of a decent home based on a greater choice of housing which does not reinforce any social distinctions.

At the time of preparing the report additional details from the applicants are anticipated with regard to a revised flood risk assessment; the formal observations of the Highway's Authority, Head of Leisure Services, and, Environment Agency are awaited; and, agreement over issues associated with flood and contamination risks, archaeology and drainage have yet to be reached. On the basis that all the matters are successfully resolved the proposal will be recommended for approval.

Human Rights Act 1998

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

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

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

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

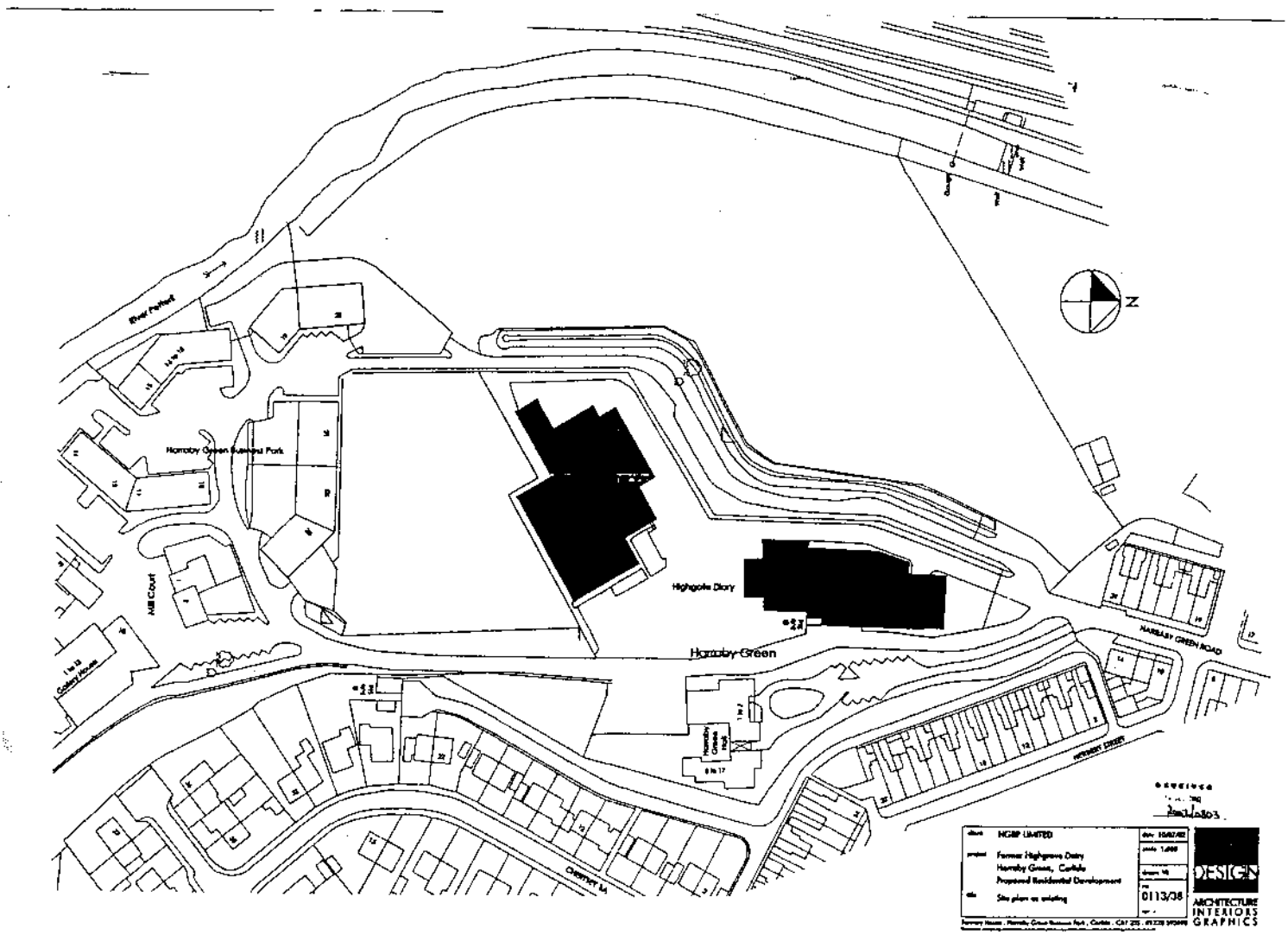
Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

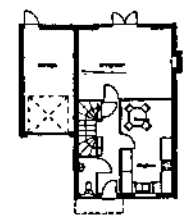
Recommendation:

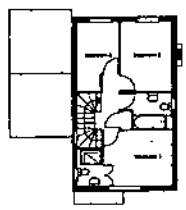
Reason for including report in Schedule B

At the time of preparing the report a revised flood risk assessment is awaited from the applicants; the results of the archaeological evaluation are awaited; and the formal responses from consultees are also awaited.

DEFERRED


N
Hornby Green
Highgate Dairy
Hornby Green Business Park
Mill Court
HARRABY GREEN ROAD
HORNBY DRIVE
Chestnut Av
HGBP LIMITED
Former Highgrove Dairy
Hornby Green, Carlisle
Proposed Residential Development
Site plan as existing
0113/38
DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS





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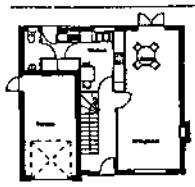

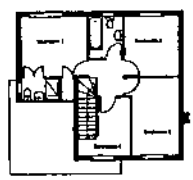

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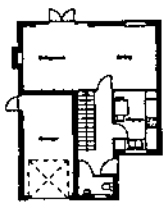

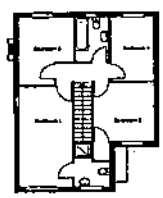

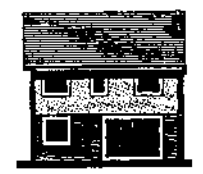

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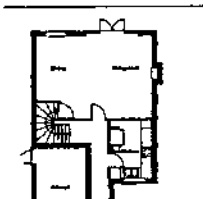

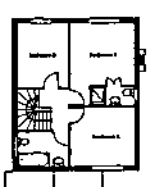

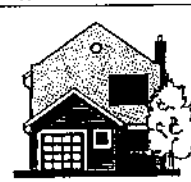

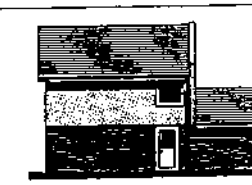

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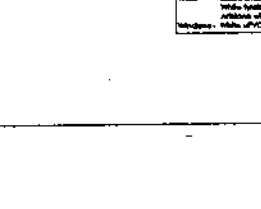
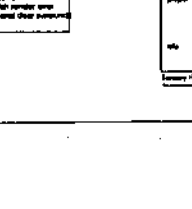
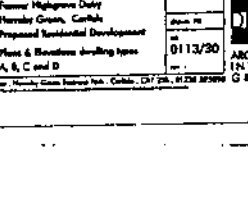
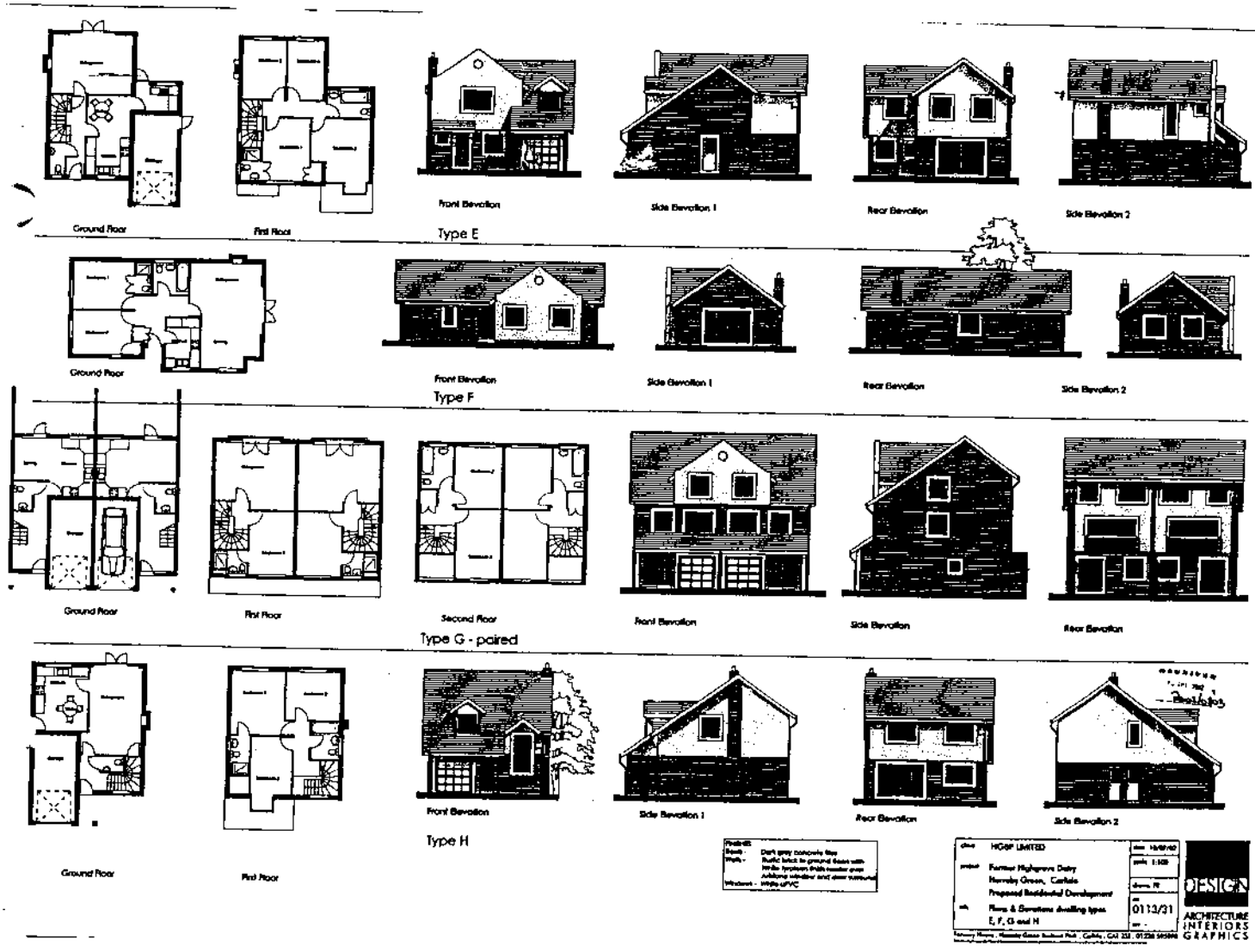
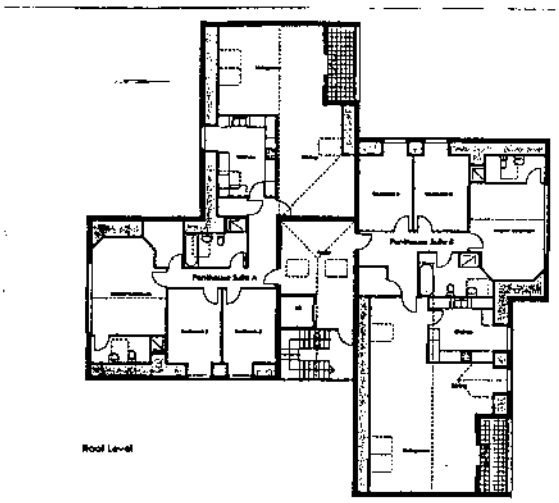




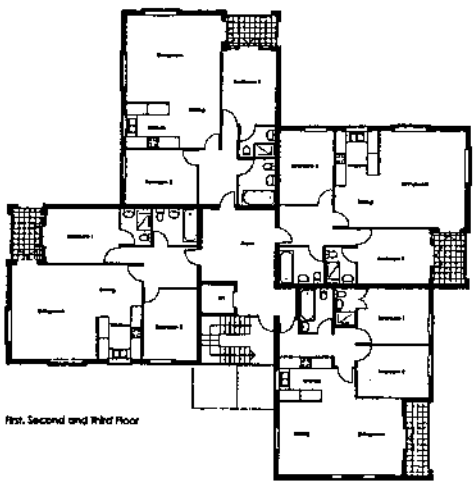


DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS

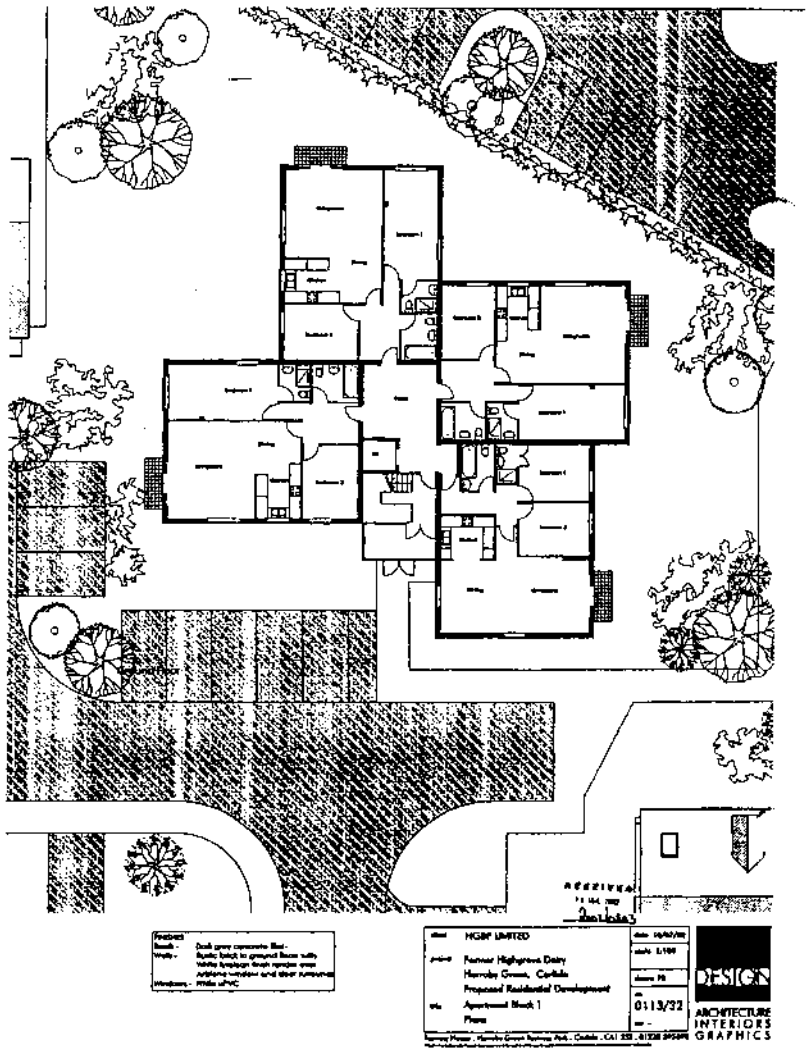

Ground Floor
First Floor
Front Elevation
Side Elevation 1
Rear Elevation
Side Elevation 2
Type E
Ground Floor
Front Elevation
Side Elevation 1
Rear Elevation
Side Elevation 2
Type F
Ground Floor
First Floor
Second Floor
Front Elevation
Side Elevation
Rear Elevation
Type G - paired
Ground Floor
First Floor
Front Elevation
Side Elevation 1
Rear Elevation
Side Elevation 2
Type H
HIGGF LIMITED
Former Highgrave Dairy
Hornsby Green, Carlisle
Proposed Residential Development
Plans & Elevations dwelling types
E, F, G and H
0113/31
DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



Roof Level



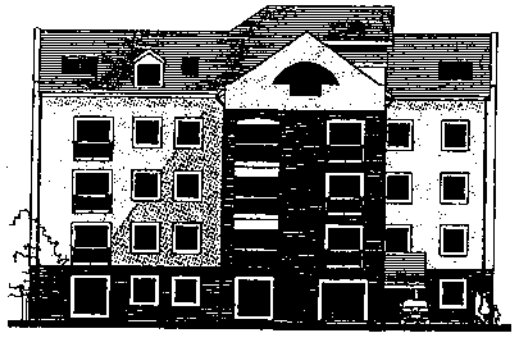
First, Second and Third Floor



North West Elevation

South West Elevation

South East Elevation



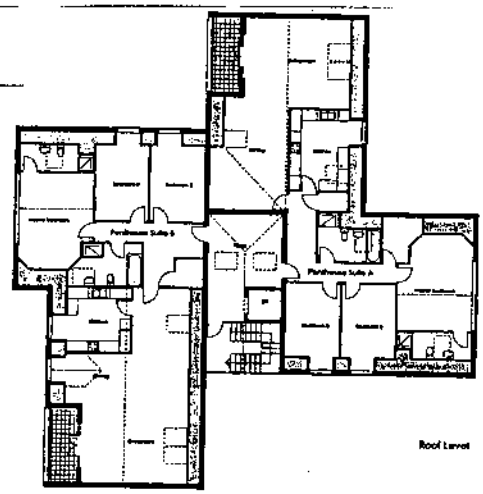
North East Elevation

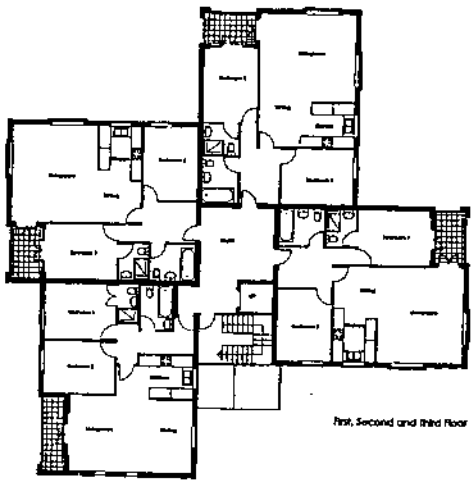
RECEIVED

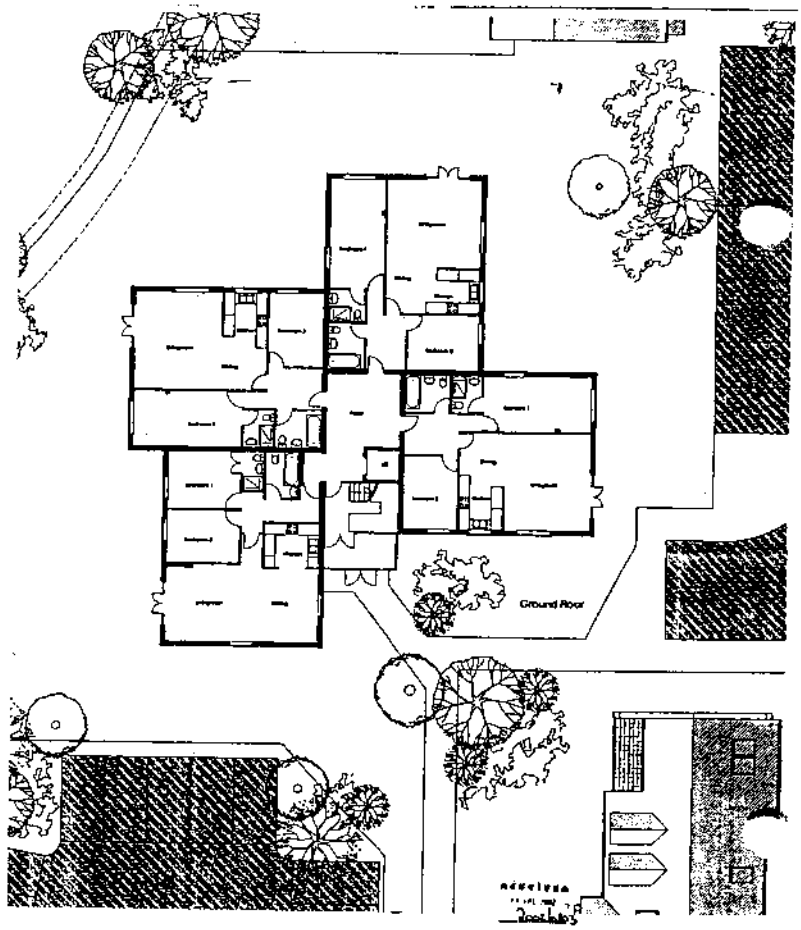
Roofs -	Dark grey concrete tiles
Walls -	Facing brick to ground floors with white bandcoat finish above and between window and door surrounds
Windows -	White uPVC

client	HOBF LIMITED	date 16/07/03
project	Former Highgrove Dairy Harraby Green, Carlisle Proposed Residential Development	scale 1:100 drawn PF
title	Apartment Block 1 Elevations	no. 0113/33 rev -

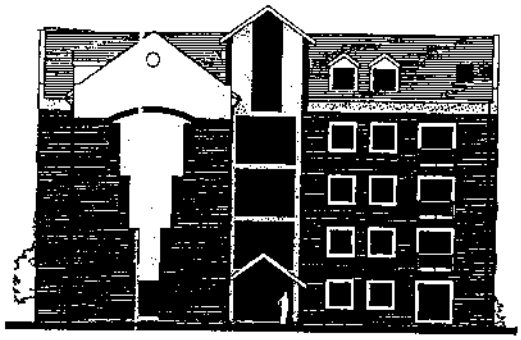
DESIGN ARCHITECTURE INTERIORS GRAPHICS







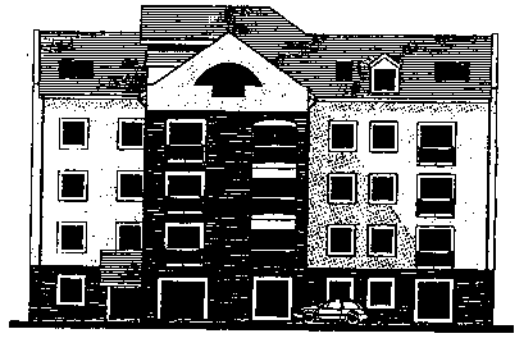
HOBF LIMITED
Former Highgrove Dairy
Hornsby Green, Carlisle
Proposed Residential Development
Apartment Block 2
Plans
D113/34
DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



South East Elevation

South West Elevation

North West Elevation

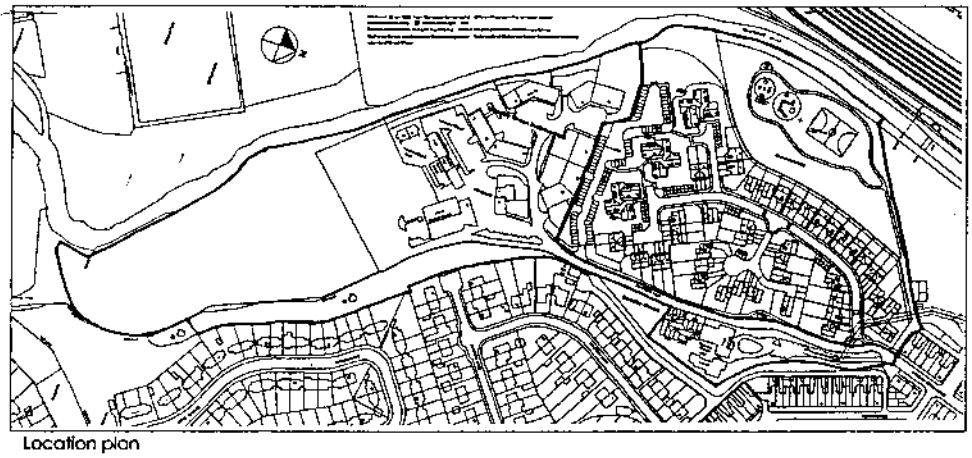


North East Elevation

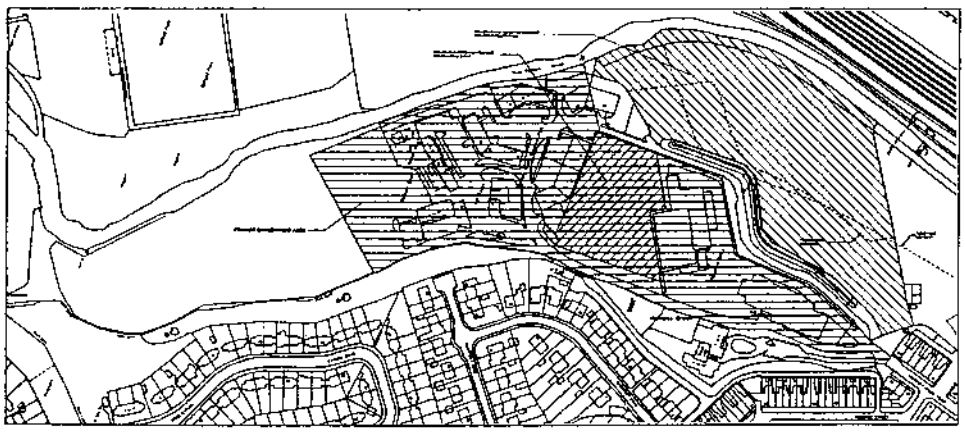
Addressa

client	HOME LIMITED
project	Former Highgrove Dairy Hornby Green, Carlisle Proposed Residential Development
title	Apartment Block 2 Elevations
	0113/35

DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



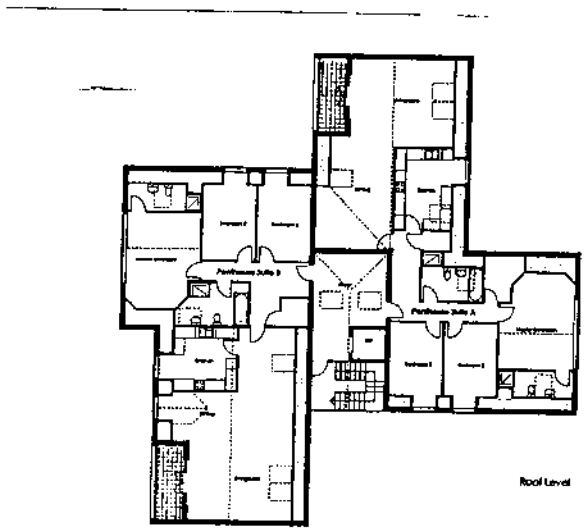
Location plan

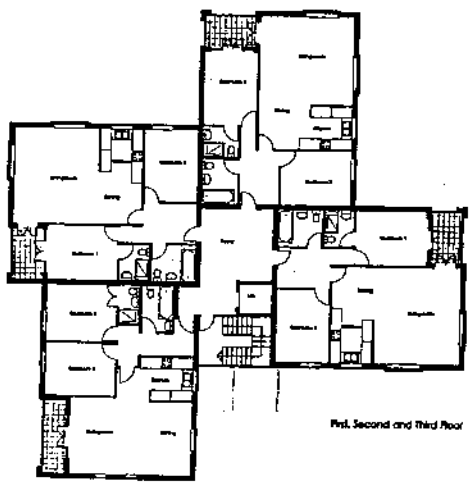


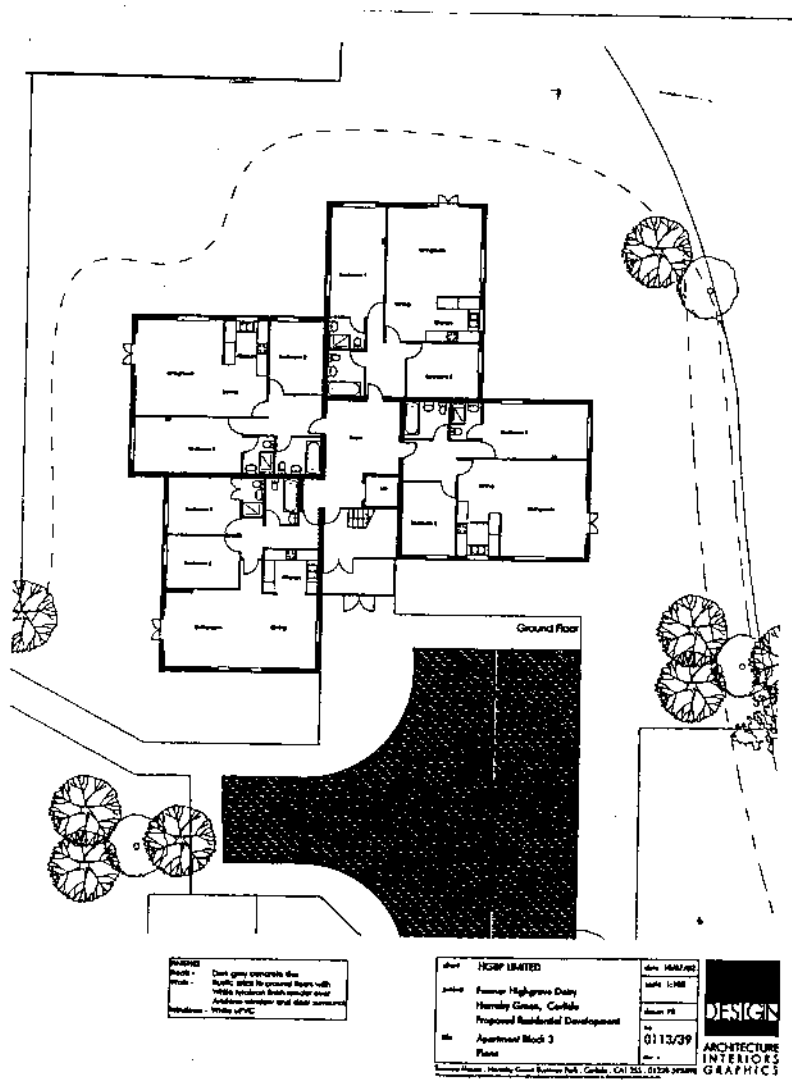
Land use designation plan

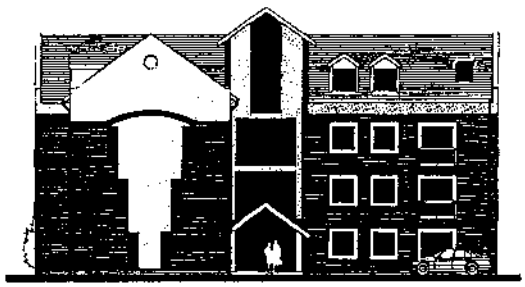
client	HGBF LIMITED	date 10/01/02
project	Former Highgrove Dairy Harraby Green, Carlisle Proposed Residential Development	scale n.t.s@A3
title	Location Plan & Land Use Designation Plan	drawn no. 0113/37 rev - A

DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS


Roof Level


First, Second and Third Floor


Ground Floor
FINISHES
HGBP LIMITED
Former Highgrove Dairy
Hornby Green, Carlisle
Proposed Residential Development
Apartment Block 3
Plans
0113/39
DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



North East Elevation

North West Elevation

South West Elevation

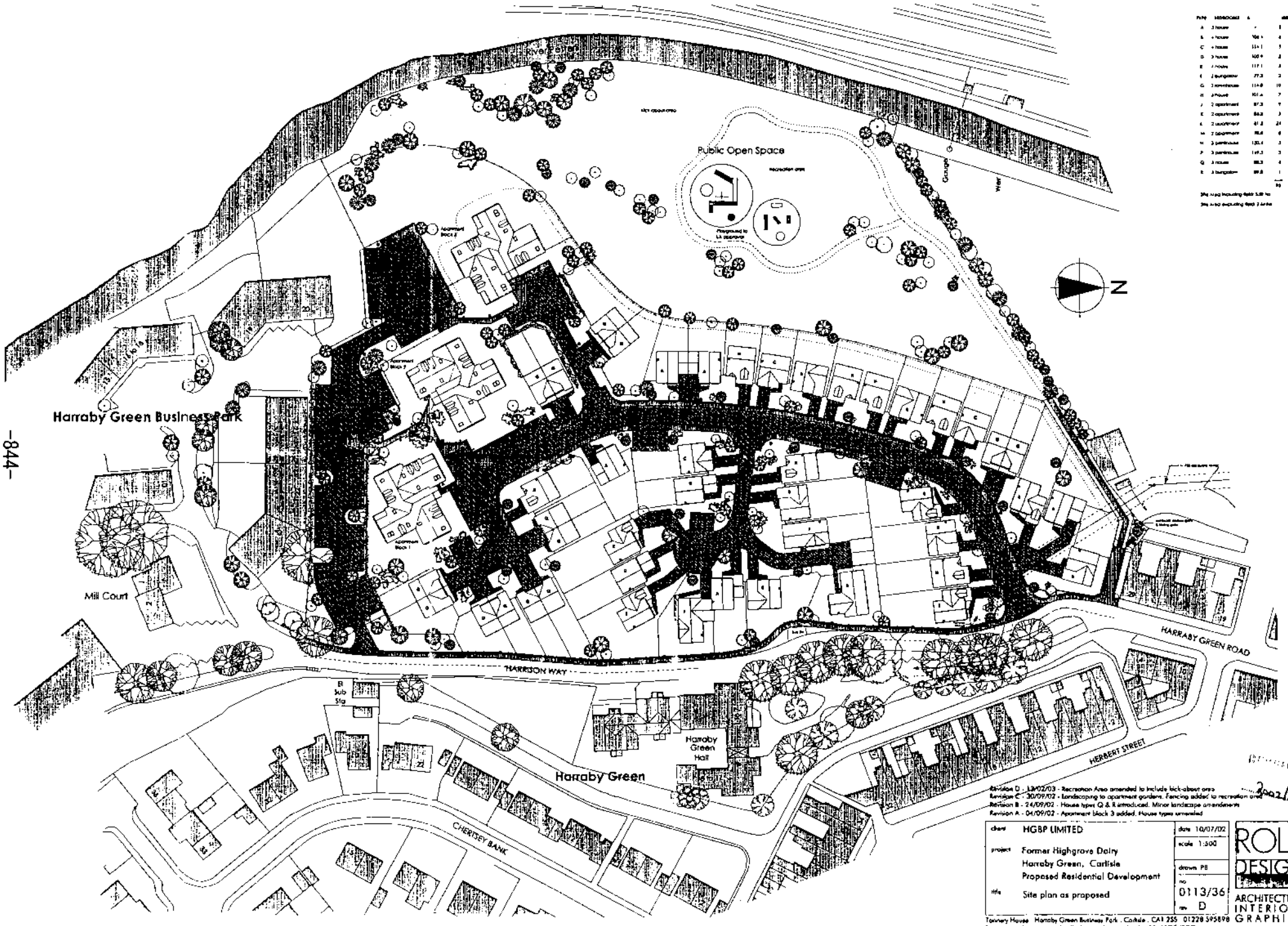
South East Elevation

Finishes:	
Roofs -	Dark grey concrete tiles
Walls -	Rustic brick to ground floors with white rendered finish to upper storeys. Artificial slate to window and door surrounds
Windows -	White uPVC

client	HGBP LIMITED
project	Former Highgrove Dairy Nursery Close, Carlisle Proposed Residential Development
title	Apartment Block 3 Elevations
date	06/09/05
scale	1:100
drawn	PE
no	0113/40
rev	-

Nursery House · Nursery Close Business Park · Carlisle · CA3 0JG · 01228 595688

DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS



Plot	Description	A	dwgs
A	3 house	-	1
B	4 house	106.1	4
C	4 house	111.1	3
D	3 house	100.9	2
E	4 house	117.1	3
F	2 bungalow	77.3	2
G	3 townhouse	114.8	10
H	4 House	101.6	7
J	2 apartment	87.3	9
K	2 apartment	86.2	3
L	2 apartment	61.2	24
M	2 apartment	88.8	6
N	3 penthouse	120.1	3
P	3 penthouse	149.3	3
Q	3 house	88.3	4
R	3 bungalow	89.8	1
			90

Sky Area including Gable Sub Ha
Sky Area excluding Gable 2 Ha Ha

Revision D - 13/02/03 - Recreation Area amended to include kick-about area
Revision C - 30/09/02 - Landscaping to apartment gardens. Fencing added to recreation area
Revision B - 24/09/02 - House types Q & R introduced. Minor landscape amendements
Revision A - 04/09/02 - Apartment Block 3 added. House types amended

Received 3002/13/62

client	HGBP LIMITED
project	Former Highgrove Dairy Harraby Green, Carlisle Proposed Residential Development
title	Site plan as proposed
date	10/07/02
scale	1:500
drawn	PB
no	0113/36
rev	D

ROL DESIGN
ARCHITECTURE
INTERIORS
GRAPHICS

Tannery House Harraby Green Business Park . Carlisle . CA1 2SS 01228 595898

Item No: 58 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0015	R E Norman & Sons	Orton
Date of Receipt:	**Agent:**	**Ward:**
10/01/2003	Scholefield & Co	Burgh

Location:
L/A Part Field 5066 adjacent The Bow Broiler Unit, Bow, Orton, Carlisle, CA5 6EW

Grid Reference:
333400 555570

Proposal: Erection of Agricultural Worker's dwelling (outline)

Amendment:

RJM

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

Carlisle District Plan
Housing - Proposal H6

Within the remainder of the Plan area, ouside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

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 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 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.

Summary of Consultation Responses:

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

Orton Parish Council: Issues raised:

1. where is the surface water to be directed, via the soakaway?
2. is the septic tank proposed, one which will be emptied regularly?

County Land Agent (Capita dbs): I have not gone into detail on the existing enterprises on the holding but have concentrated on the proposed broiler unit and the associated need for an agricultural workers dwelling at that site.

The report concludes that:

- there is a functional need to have a full-time worker resident on this holding in close proximity to the broiler unit;
- the labour requirement on the broiler unit equates to at least a full-time worker;
- the proposed broiler enterprise is financially viable; and
- I am of the opinion that an agricultural worker should live on or immediately adjacent to the broiler unit to be available at most times to deal with emergencies and avoid sever loss of livestock within this building.

Environment Agency (N Area (+ Waste Disp)): No objection subject to the

inclusion of a condition and Supplementary Informatives.

Design Services - Drainage Engineer: No comments.

CPRE (Cumbria Association): FLD notes that whilst the proposed site lies close to the existing chicken shed building, it is also fairly close to the villages of Moorhouse, Thurstonfield and Kirkbampton. No planning justification in support of the dwelling has been submitted in accordance with PPG7 (February 1997), relating to a functional and financial need. FLD considers that the applicants must demonstrate why they can not reside in one of the nearby villages, where suitable existing residential properties might otherwise be available on the open market. FLD considers that these matters must be addressed first as part of the consideration of the application.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, Stonerigg	14/01/03				INIT

This application was advertised in the form of a site notice and the direct notification of one neighbouring residence. At the time of preparing the report no response has been received.

Details of Proposal/Officer Appraisal:

Planning History:

Planning permission was granted for the erection of a broiler chicken building on 14 June 2002, under application reference 02/0031.

Details of Proposal:

The current application has been submitted in outline form and seeks consent for the erection of a further agricultural workers dwelling and related vehicular access proposed at The Bow, Moorhouse, Carlisle.

The site area as indicated on the location plan, measures 40 metres by 19 metres with the access being take from the adjacent access road to the broiler unit.

The site is situated in the open countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

Both Policy H6 and Planning Policy Guidance 7 (The Countryside - Environmental Quality and Economic and Social Development) require that applications for

agricultural workers dwellings are assessed by means of a functional and financial test.

As is normal practice with proposals of this nature, the County Land Agent (now part of Capita dbs) has been asked for observations on this application. A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken and it is reproduced in full after this Report.

The functional test applied by the County land Agent clearly demonstrates that it is essential for the proper functions of the enterprise for one or more workers to readily available at most times. Furthermore, the business is financially viable and the proposal will support recent investment and expansion of the business made by the applicant.

Policy guidance also requires that the siting of the building is well related to the farm steading and that the building is commensurate to the agricultural business. The applicant's agent has been contacted with a view to addressing the issues raised by CPRE. Furthermore, the agent has also been asked to provide further details of the proposed dwelling with regard to the size of the site area being proposed. Other matters such as the design and materials will be dealt with during the course of a subsequent application.

Human Rights Act 1998

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

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

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

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

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

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

SCHEDULE B: Reports Requiring Further Information

03/0015

Recommendation:

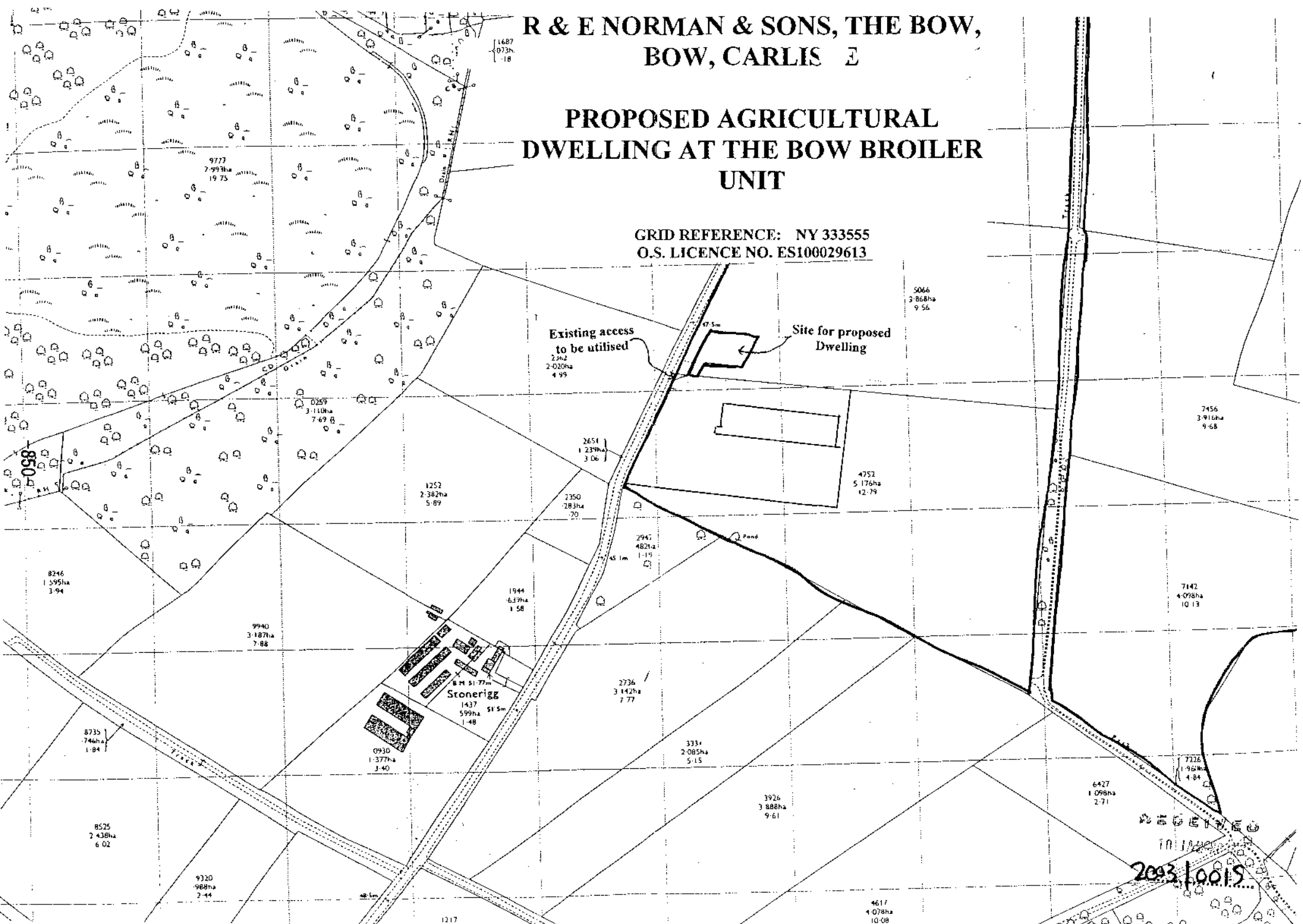
Reason for including report in Schedule B

A recommendation is unable to be made as amended drawings have been requested from the applicant's agent depicting a smaller site area. Upon receipt of these details, the consultees will need to be renotified.

R & E NORMAN & SONS, THE BOW, BOW, CARLISLE

PROPOSED AGRICULTURAL DWELLING AT THE BOW BROILER UNIT

GRID REFERENCE: NY 333555
O.S. LICENCE NO. ES100029613



FIELD No 5066
ADJACENT THE BOW BROILER UNIT
THE BOW
CARLISLE

Report on the agricultural need for a proposed agricultural workers dwelling

CAPITA
Clint Mill
Cornmarket
PENRITH
CA11 7HP
Tel: 01768 242340

CAPITA
LOCAL PRACTICES

February 2003

Proposed agricultural workers dwelling Field 5066 Adjacent The Bow Broiler Unit, Bow, Orton, Carlisle

1.0 Introduction

1.1 This report has been prepared at the request of Carlisle City Council who asked on the 14 January 2003 if I will report on the agricultural need for a proposed agricultural workers dwelling at The Bow, Great Orton, such dwelling to be used in connection with a proposed broiler unit.

1.2 I met Mr Robert Norman on behalf of the applicants RE Norman & Sons at The Bow on 27 January 2003 and inspected the application site. The following information was provided by Mr Norman.

2.0 Land Occupied

2.1 The area of land farmed by RE Norman & Sons extends in total to approximately 190 hectares (478 acres). Details of the make-up of this area of land are set out in my report dated 14 February 2002 (copy attached).

3.0 Livestock

3.1 Again livestock numbers are detailed in the attached report.

4.0 Cropping

4.1 Again details are set out in the attached report.

5.0 Farm Buildings

5.1 All of the farm buildings are situated adjacent to the house and steading at The Bow and principally comprise cubicle sheds and loose housing most of which are steel or concrete portal framed buildings. There is a traditional range of brick built slate roof buildings around the original farmyard. Silage is stored in open pits and slurry is stored in a weeping wall system

At the time of my inspection a purpose made broiler unit was nearing completion adjacent to the application site. This building measures 91.4m long by 24.38m wide, in total a total floor area of 2,228 sq m.

In my previous report I advised that at 34kg/sqm of finished product, this building would accommodate approximately 30,500 birds in each batch and at 5.5 crops per year this would result in 167,750 birds being reared in each year.

I note from Mr Schofields report that it is intended to stock the building with 40,000 birds in each batch which equates to approximately 18 birds/sqm. Although this stocking density is high it is at an accepted level. This will result in a total throughput of around 220,000 birds per year.

6.0 Domestic Buildings

6.1 There is a 5 bedroomed farmhouse, brick built under slate roof at The Bow adjacent to which is an unoccupied cottage in need of considerable repair.

7.0 Labour & Residence

7.1 Mr and Mrs Norman and their two sons work full time on the holding. In addition they regularly undertake contract work on farms in the locality.

All four workers currently live in the main farmhouse at The Bow.

8.0 Other Information

8.1 As I advised in my earlier report the applicants are seeking to diversify their farm businesses to cope with the low returns in agriculture in recent years.

They have invested considerably in the purpose made broiler unit being constructed on site and if the enterprise is successful, intend to erect a similar building alongside the one that is currently under construction, subject of course to future planning.

9.0 PPG7 and the need for agricultural workers dwellings

9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance note PPG7 "The Countryside-Environmental Quality and Economic and Social Development (revised in February 1997)" and in particular Annex I of that publication.

Guidance is given on the criteria to be met for agricultural dwellings and in relation to a permanent agricultural workers dwelling, these criteria are set out in paragraph I.5 of Annex I PPG7. These criteria are

a. There is a clearly established *existing* functional need

There is an established existing functional need for workers to be resident on this farm to deal with the care of the existing livestock. Clearly the proposed broiler unit is a new enterprise and the functional need is not yet established or existing. However that need will be established and existing once the building comes into use which is anticipated to be in the early spring of 2003.

b. The need relates to a full-time worker or one who is primarily employed in agriculture and does not relate to a part-time requirement

I have calculated the labour requirement for the number of birds that can be reared in the building and can advise it has a labour requirement of the equivalent of 3 full-time workers.

I can also confirm that the common practise is to rear these birds from day old chicks until they are fit for slaughter at about 7 weeks of age when the entire stock is removed from the building. The building is then cleaned out and disinfected over a period of about two weeks before the next batch is brought in. This gives a throughput of around 5.5 crops of birds per year.

Again I can advise it is common practise for the purchaser of these birds to provide the catching teams to collect the birds and dispatch them from the holding. Therefore the labour requirement mentioned above can be considerably reduced but will still meet the requirement for one full-time worker specifically in relation to this enterprise.

c. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them are, currently financially sound and have a clear prospect of remaining so.

The agricultural unit and the existing agricultural activities have been established for considerably in excess of 3 years and are financially viable, however the broiler unit is of course a new enterprise.

I have specifically looked at the financial viability of the proposed broiler enterprise and can confirm it is financially viable.

d. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

The feeding, watering and ventilation systems in this building are all mechanically/electrically controlled. The control of ventilation and heat within the building is crucial to avoid severe loss of livestock if systems malfunction. It is therefore important that labour is available on short notice to deal with any anomalies that occur to prevent severe loss of livestock. It is therefore important that a worker lives in reasonable proximity to the broiler unit to deal with emergencies, particularly those occurring outside normal working hours.

e. Other normal planning requirements, for example siting and access are satisfied

These is beyond my instructions.

10.0 Conclusion

10.1 In conclusion, I therefore advise

1. there is a functional need to have a full-time worker resident on this holding in close proximity to the broiler unit.

2. the labour requirement on the broiler unit equates to at least a full-time worker.

3. the proposed broiler enterprise is financially viable.

4. I am of the opinion that an agricultural worker should live on or immediately adjacent to the broiler unit to be available at most times to deal with emergencies and avoid severe loss of livestock within this building.

A G Jackson BSc FRICS FAAV
CAPITA
Clint Mill
Cornmarket
PENRITH

25 February 2003

COMPLIANCE WITH RICS PRACTICE STATEMENT SURVEYORS ACTING AS EXPERT WITNESSES

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2nd Edition Published in 2000 and in particular

(i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and

(ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*

(iii) that the expert understands his or her duty to the judicial body and has complied with that duty.

(iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

Item No: 59 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0077	A P & J Brown Ltd	Irthington
Date of Receipt:	**Agent:**	**Ward:**
28/01/2003	Johnston & Wright	Stanwix Rural

Location:
L/A, Townhead House, Irthington, Carlisle, CA6 4NN

Grid Reference:
350175 561815

Proposal: Erection of 2no. dwellings (revised proposal)

Amendment:

CJH

Report

Planning Policies:

Waste Disposal Site

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

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, Gilsland, 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, Lyneholmeford, 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 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.

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

Summary of Consultation Responses:

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

Irthington Parish Council: Comments awaited.

Cumbria County Council - (Archaeological Services): Comments awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Owner / Occupier, The Cottage	28/01/03			Objectio	AKN
The Occupier / Owner, Onsett Cottage	28/01/03				INIT
The Occupier / Owner, Gallowberry	28/01/03				INIT

This application has been advertised by means of a site notice and neighbour notification. In response, one letter of objection has been received from the adjoining occupier, on the grounds of overlooking.

Details of Proposal/Officer Appraisal:

Planning History:

Permission was granted in October last year for the redevelopment of this site to provide two dwellings, under reference 02/0855.

Details of Proposal:

This application is a revised proposal for the redevelopment of Townhead House, Irthington. This site is on the eastern fringe of the village. It has a total area of 0.12 ha. and is currently occupied by a single detached house. It is adjoined by a traditional cottage on the road frontage. There is a large Beech tree in the garden. It will be recalled that in October last year permission was granted for a scheme for the erection of two detached dwellings to replace the one existing dwelling. The current proposal is likewise for two detached dwellings and one of these (plot 2) is virtually identical to that previously approved both in terms of siting and design, with only changes of internal layout to create a four bedroom unit.

In the case of plot 1, although sited in the same position as the existing approval, the proposal has been amended more significantly to create a four bedroom house, with attached garage.

In the light of the above, it follows that the issues relevant to the current application relate to the changes made in plot 1. In this regard, it will be noted that an objection has been received from the adjoining occupier on the grounds of overlooking from a study window in the gable elevation which faces in that direction. Detailed examination of the relationship between the two properties reveals that significant overlooking would not in fact occur because the conservatory attached to the cottage has frosted glass in the side elevation, and because there is a substantial hedge between the two properties.

Nevertheless, officers do have some concerns about the relationship between the two properties, in terms of scale. The house on plot 1 would be significantly higher then the existing cottage, and discussions have taken place with the agent regarding ways in which this relationship could be improved. It has been suggested that the house could be handed so that the garage would be adjacent to the cottage. As well as achieving a better relationship, this would have an added benefit of removing the

window in the gable, which is the source of the objection. Such an amendment would revise the access arrangements however and the highway authority have been consulted regarding this revised arrangement.

It will be apparent from the roadside elevation that the house on plot 1 is higher than that on plot 2. In addition to handing it therefore, consideration is being given to re siting further back on plot, where the ground falls, enabling the floor level to be lowered. A further outstanding issue is the roof material. The approved has slate and it is considered that this should be retained in the revised proposal. It will be apparent that whilst the principle of a dwelling on plot 1 is acceptable, further work is required to achieve an acceptable design.

At the time of writing, discussions regarding these changes to plot 1 are continuing and an updated report will be given at the meeting.

Human Rights Act 1998

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

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

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

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

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

This application raises issues related to Article 1 of Protocol 1, and this should be considered when a decision is made.

Recommendation: A to I

Reason for including report in Schedule B

A firm recommendation cannot be made in respect of this application because there are outstanding issues related to the siting and design of the house on plot 1.

---

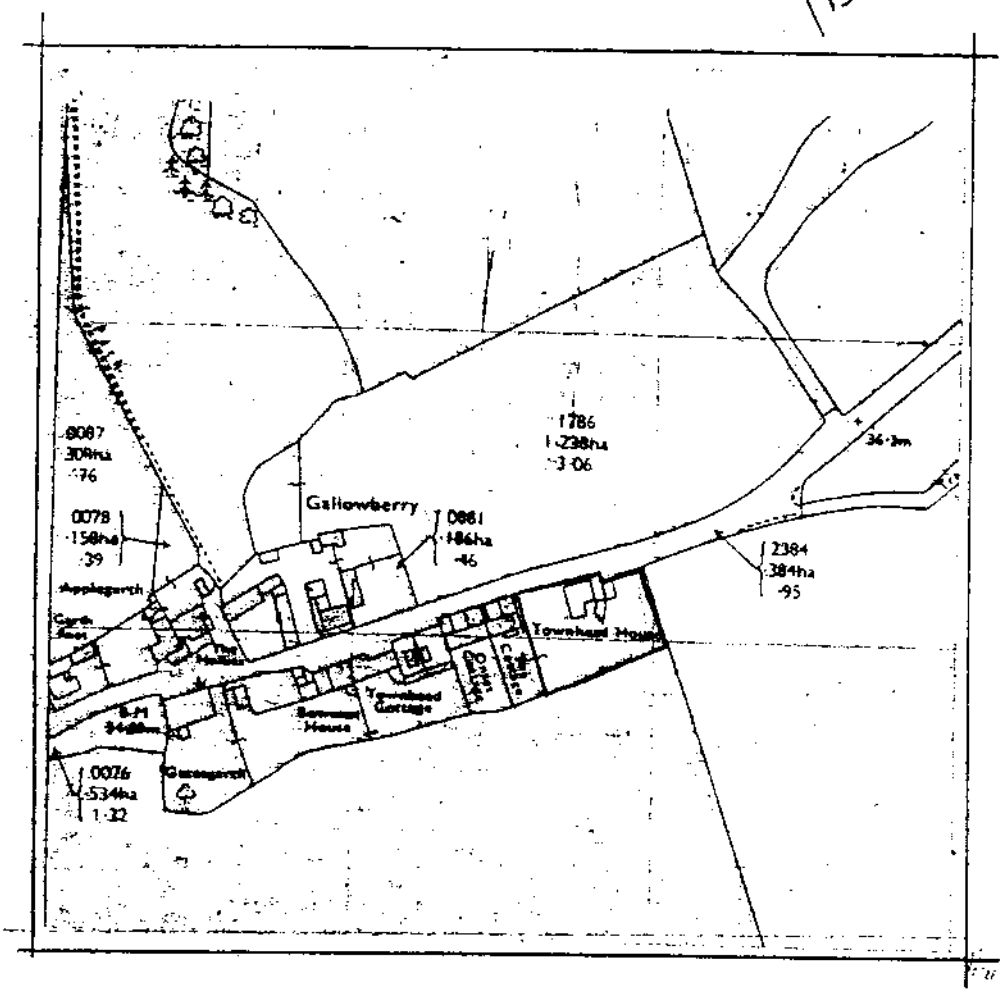
existing manhole

existing
Willow tree

PLOT 2

PLOT 1

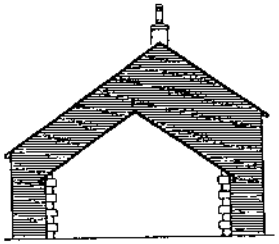
15·000



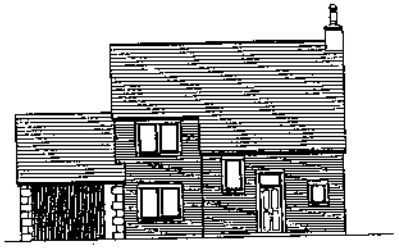
LOCATION PLAN 1:2500

RECEIVED
24 SEP 2002

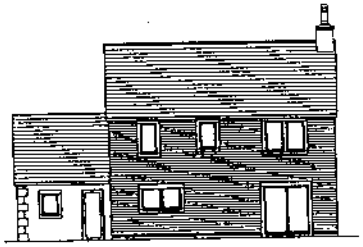
Drawing by	Amendments
W.R.Faulder	
Date	
21/9/2002	



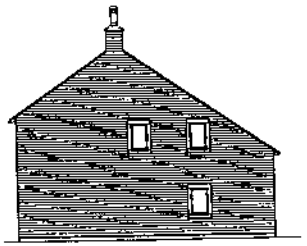
EAST ELEVATION



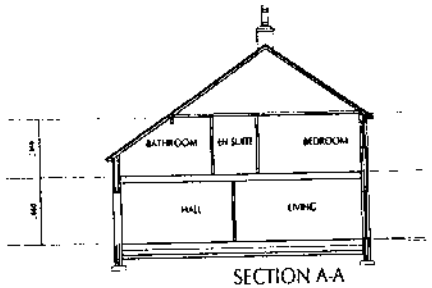
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

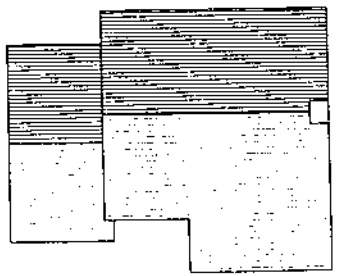


SECTION A-A

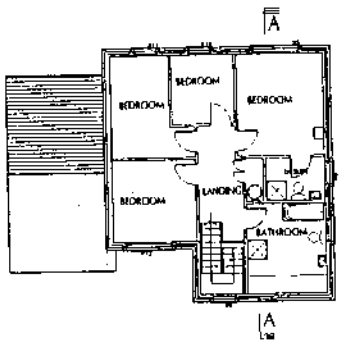
PLOT 1

4 BEDROOM
DOUBLE GARAGE
AREA
HOUSE - 143 SQM
GARAGE - 37 SQM

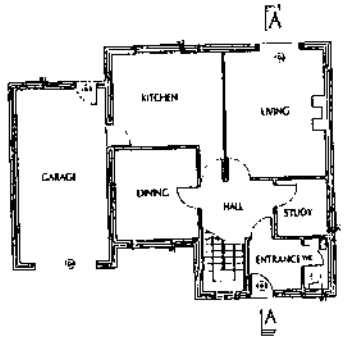
MATERIALS
Roof: Artificial slate
Walls: Multi mix clay facing brick
(Rendered blockwork)
Windows: Timber framed - stained
RWG: 'mac half round black pvc



ROOF PLAN



FIRST FLOOR



GROUND FLOOR

Johnston and Wright

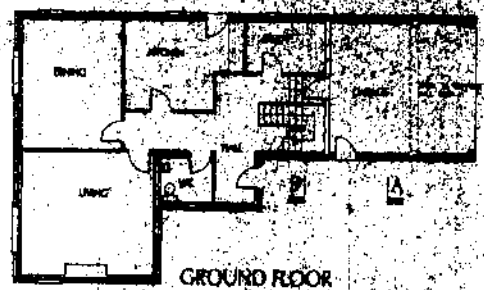
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228

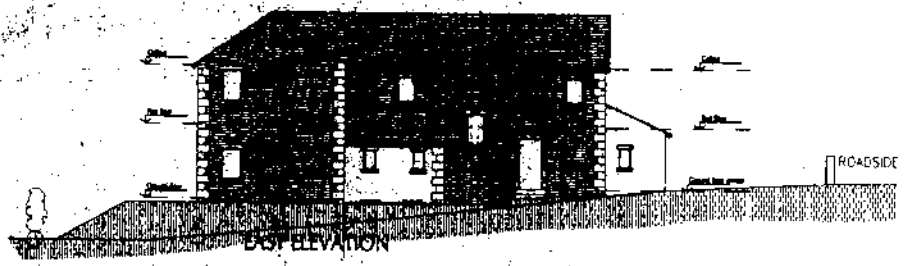
Project Housing Development, Irthing
A. P. Brown Ltd

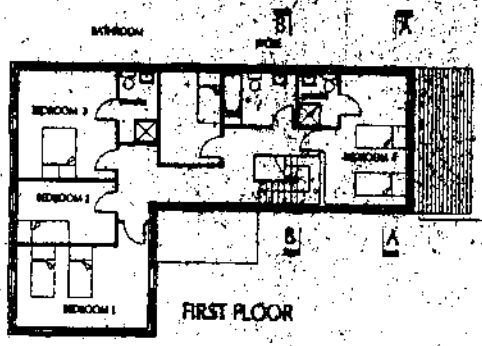
Drawing House Type Plot 1

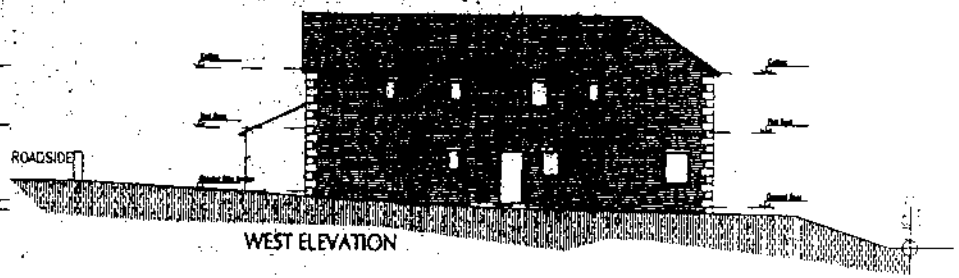
Scale 1:100 Date 2/10/13 Drawn

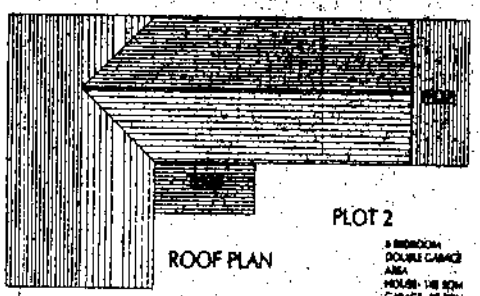
Revisions







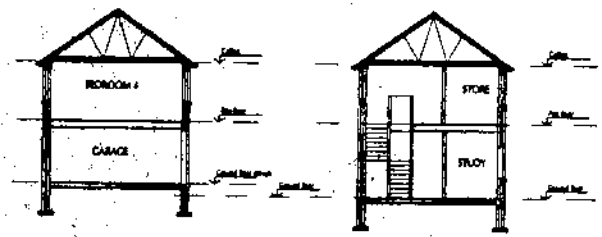




PLOT 2

4 BEDROOM
DOUBLE GARAGE
AREA
HOUSE- 148 SQM
GARAGE- 37 SQM

MATERIALS
Brick Artificial slate
Bright white pvc fascia board
[Rendered blockwork]
Aluminium Rainwater Goods - painted
Brick, buff multi facing brick
Brick, buff multi facing brick



Revisions

Johnston and Wright Chartered

15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0)

e-mail jw@jwa

Project Housing Development, Irthington, Carlisle
A. P. Brown Ltd

Drawing House Type Plot 2

Scale 1:100 Date 27.01.03 Drawn MG Number 1197-1

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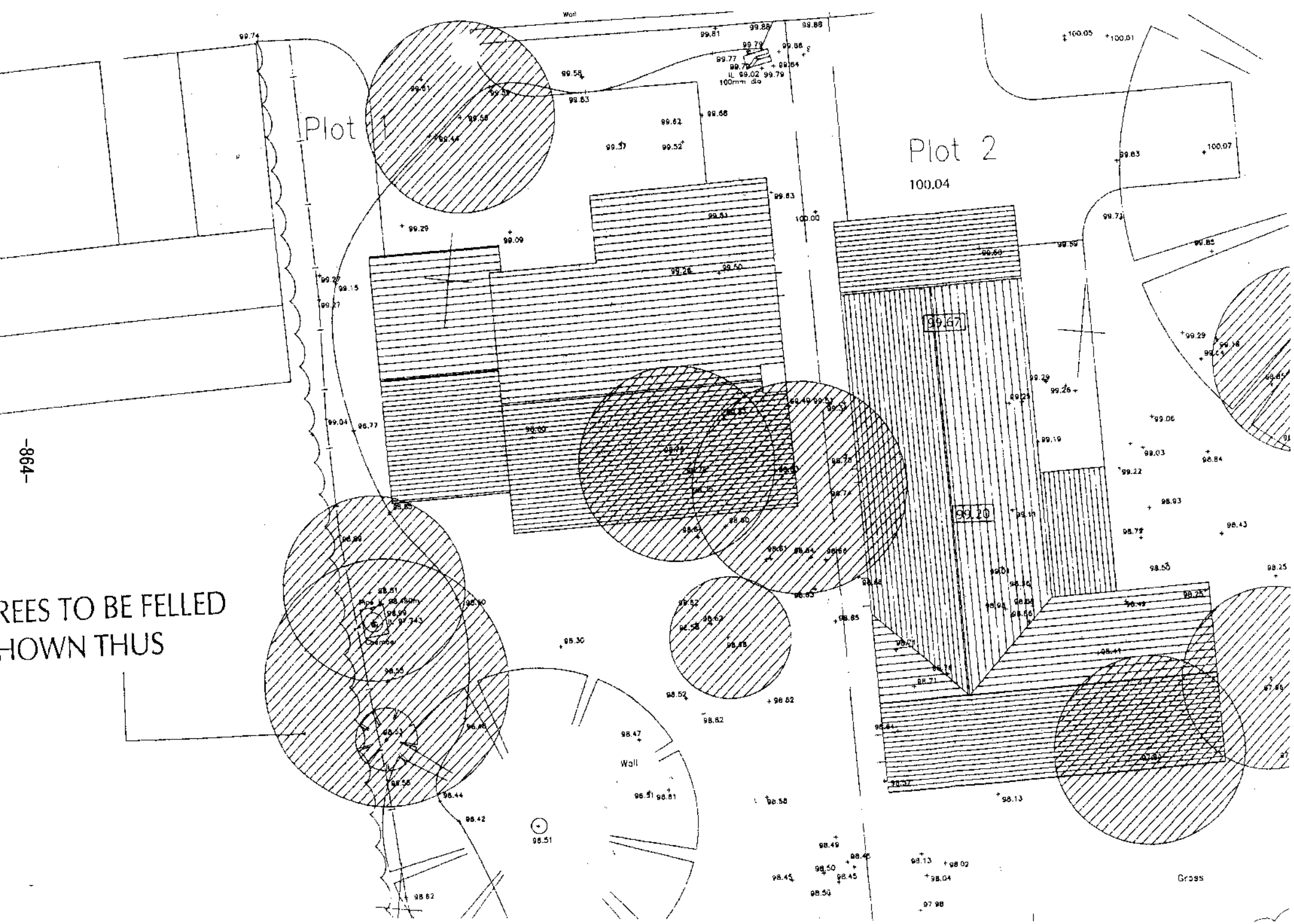
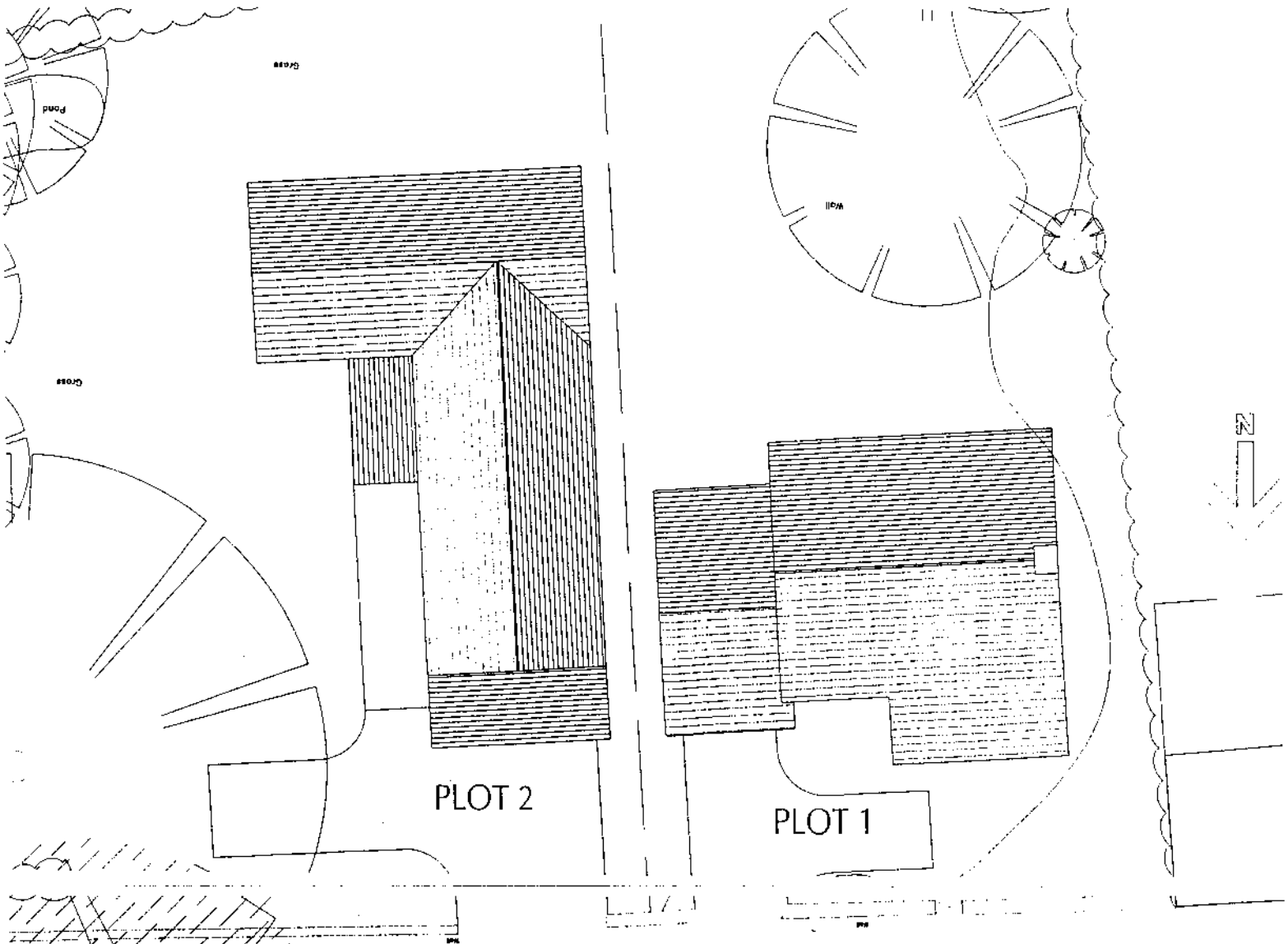
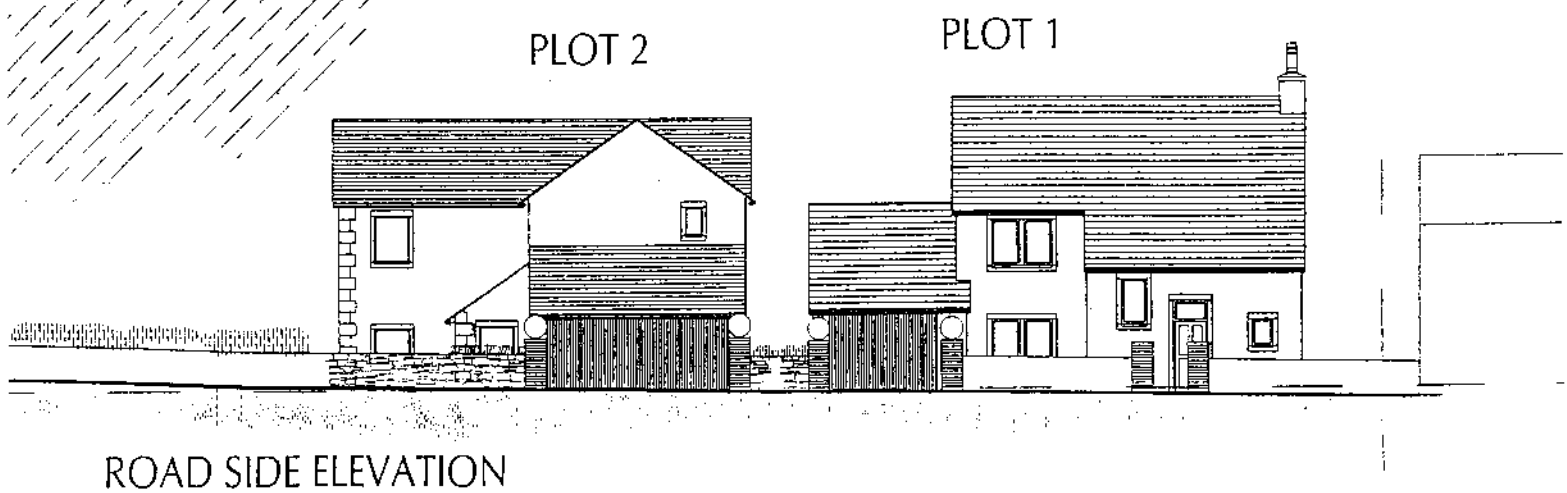

Plot 1
Plot 2
100.04
99.67
99.20
Wall
Wall
Grass
TREES TO BE FELLED
SHOWN THUS
-864-





ROAD SIDE ELEVATION

Item No: 60 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0106	Barratt Manchester	St Cuthberts Without
Date of Receipt:	**Agent:**	**Ward:**
31/01/2003		Dalston
Location:		**Grid Reference:**
L/A to north of, Garlands Road, Garlands Estate, Carlisle		342800 554000

Proposal: Substitution of house types on plots 77-192 with the addition of 8no. plots

Amendment:

AMT

Report

Planning Policies:

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 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
Housing - Proposal H1

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

			Site	**Ha.**
Dwellings				
i.	Morton Carlisle		41.00	1.025*
ii.	Garlands Carlisle		17.80	445*
iii.	Warwick Road, Carlisle		5.10	128*
iv.	Brisco Road, Carlisle		3.30	83*
v.	RAF 14MU Site No. 4		3.50	90*
vi.	Windsor Way, Carlisle		8.04	200*
vii.	Scotby, Carlisle	2.30	58*	
viii	William Howard Lower School, Brampton		1.00	25*
ix.	Barras Lane, Dalston		2.99	50
x.	Nook Lane, Dalston		1.47	20
xi	Ladyseat, Longtown		0.87	22*
Total		**87.37**	**2,146**	

*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential developemnt not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): awaited;

St Cuthberts Without Parish Council: the Parish Council is concerned that the developers are increasing the density which could create an imbalance in the whole estate together with putting further pressures on traffic volumes/car parking and play areas;

Environment Agency (N Area (+ Waste Disp)): awaited.

Summary of Representations:

Neighbour Notification

Initial:	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, 61 Dalesman Drive	05/02/03			Undeliv	NFA
The Occupier / Owner, 63 Dalesman Drive	05/02/03			Undeliv	NFA
The Occupier / Owner, 65 Dalesman Drive	05/02/03			Undeliv	NFA
The Occupier / Owner, 67 Dalesman Drive	05/02/03			Undeliv	NFA
The Occupier / Owner, 79 Longholme Road	05/02/03				INIT
The Occupier / Owner, 81 Longholme Road	05/02/03				INIT
The Occupier / Owner, 83 Longholme Road	05/02/03				INIT
The Occupier / Owner, 85 Longholme Road	05/02/03				INIT
The Occupier / Owner, 87 Longholme Road	05/02/03				INIT
The Occupier / Owner, 89 Longholme Road	05/02/03				INIT
The Occupier / Owner, 91 Longholme Road	05/02/03				INIT
The Occupier / Owner, 93 Longholme Road	05/02/03				INIT
The Occupier / Owner, 95 Longholme Road	05/02/03				INIT
The Occupier / Owner, 97 Longholme Road	05/02/03				INIT
The Occupier / Owner, 99 Longholme Road	05/02/03				INIT
The Occupier / Owner, 101 Longholme Road	05/02/03				INIT
The Occupier / Owner, 103 Longholme Road	05/02/03				INIT
The Occupier / Owner, 105 Longholme Road	05/02/03				INIT
The Occupier / Owner, 107 Longholme Road	05/02/03				INIT
The Occupier / Owner, 109 Longholme Road	05/02/03				INIT
The Occupier / Owner, 111 Longholme Road	05/02/03				INIT

The Occupier / Owner, 113 Longholme Road 05/02/03 INIT

Site and Press Notices have been displayed and adjacent residents have been consulted by letter. At the time this Report was prepared (25th February) there were no representations.

Details of Proposal/Officer Appraisal:

Planning History:

Outline Consent for the residential development of land to the north of Garlands Hospital was initially secured by the Regional Health Authority in December 1989.

Following disposal of the land, detailed planning permission for the development of that surplus land for housing purposes, comprising 443 dwellings, was approved in October 1997 and the site's development has subsequently been proceeding accordingly

Several variations to the layout and house types have been accepted as amendments in 1998, 1999, and 2000. In March 2001 approval was also given to further substitutions of house types within the development that resulted in the overall "approved" dwelling numbers increasing to 462 units.

In November of last year approval was given to a further substitution of house types at a number of plots, subject to the attainment of a Deed of Variation to the existing S106 Agreement. That was concluded and planning permission was issued in early December 2002.

A further application, to vary the house designs at plots 320-323 and 353a, was considered by the Committee on 31st January and was approved subject to attainment of a Deed of Variation to the S106 Agreement.

Members will note that another application relating to substitution of house types at 17 plots appears elsewhere in the Schedule.

Details of Proposal:

The current application arises from the applicant's re-assessment of a substantial part of the overall site they are developing at The Garlands, the construction of which began in 1997.

The proposals relate to the north-west corner of the site bounded by open land to the north and existing residential development to the west and seek approval to vary the mix of house types from that which currently has permission coupled with a re-planning of the layout to incorporate an additional 8 plots. This would lead to an aggregate of 475 units within the overall site being developed by Barratt Manchester and a density of just over 27 dwellings per hectare within that area. This proposed revision, coupled with earlier amendments means that the site gains in total 32 units

above the original approval of 443 dwellings.

The proposed mix comprises 25 pairs of semi-detached dwellings, a terrace of 3 houses and 71 detached houses and all of the dwelling types are represented within other parts of the overall development. Their designs and finishes are thus consistent with the development as a whole.

However, the proposed amendments include a revision of the road system within this sector of the overall site and that has resulted in the re-positioning of the rear building line of plots that back onto Longholme Road. That results inthe siting of several of the proposed dwellings affording considerably less than the 21-22 metres habitable room window to habitable room window distance between existing and proposed dwellings that is normally expected in order to maintain privacy.

That matter has been brought to the applicants' attention with a view to the layout being revised to observe that requirement (which was achieved in the original consent) and their response is awaited.

Subject to the receipt of an amended layout that secures the above, the proposals are regarded as acceptable. However, as the site is subject to the provisions of a S106 Agreement it will be necessary for a Deed of Variation to that Agreement to be secured prior to the issue of any notice of approval.

Informative Notes to Committee:

1. **Section 106 Agreement with Authority to Issue**

   In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

Human Rights Act 1998

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

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

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

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

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

There is no discernible conflict with provisions of the Act.

Recommendation: A + I

Garlands

House Schedule

Norfolk	17	800	13600
Dalton	46	580	26680
Ashbourne	145	754	109330
Alnwick	4	808	3232
Lauderdale	8	868	5186
Alderton	20	886	17720
Buckingham	57	1064	60648
Gloucester	28	973	26744
Rothesay	9	893	8037
Chelsworth	24	1150	27600
Shrewsbury	8	1244	9952
Woburn	8	1175	10575
Palmerston	40	903	37908
Edinburgh	26	973	25298
Derwent	20	886	17720
Ripon	24	1099	26160
	475		418277

Site area	=	43.62 Acres	17.67 Hectares
2 0.S	=	0.97 Acres	0.39 Hectares
Net area	=	38.45 Acres	84.86 Hectares
Density	=	11.078 Ft/Acre	

PLAY AREA (Phase 1 Play Equipment)
1 no RP125 Slide Unit Venturer Range
1 no RP4580 Play house and slide
2 no RP152 Swingmaster Cradle & Bay Fitted with cradle seats and 2 with flat seats
1 no RP213 Spring Frog
1 no RP214 Spring Rhino
1 no RP282 Seat
2 no RP325 Litter bin
1m high timber fence and self closing gates to Play area
Rubber tiles safety surfacing to be provided under all equipment

Blackburn Drive

Garlands Road

Garlands Road

BARRATT
Builders & Premium House Builders

Garlands

Planning and Landscape Layout

249/01

Item No: 61 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0124	Bimson & Martin	Beaumont
Date of Receipt:	**Agent:**	**Ward:**
04/02/2003		Burgh
Location:		**Grid Reference:**
L/A Barn, Monkhill Hall, Monkhill		334361 558459

Proposal: Conversion of existing barn plus extension to form 3no. dwellings

Amendment:

CJH

Report

Planning Policies:

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.

Summary of Consultation Responses:

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

Beaumont Parish Council: The Parish Council is concerned about the creation of a total of four additional dwellings in this location, where there are narrow road, and no speed limits.
Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

Representations Received

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, Monkhill Hall	06/02/03				INIT
The Occupier / Owner, Millcroft	06/02/03				INIT
Mr & Mrs Rigg, Gracelands	06/02/03			Objectio	RESP

This application has been advertised by means of a site notice and neighbour notification. To date one letter of objections has been submitted, which states that the objector's septic tank is located in the adjoining field, and vehicles drive through the farmyard to gain access to it. This would not be possible if the proposals are implemented.

Details of Proposal/Officer Appraisal:

Planning History:

In 1991, permission was given for the conversion of part of the hall to form a granny flat.

Details of Proposal:

This and the following application 01/0125 relate to Monkhill Hall, in Monkhill village. The Hall is located on the southern margin of the village, and comprises a farmhouse, and adjacent farm buildings. Some of these have been vacant and unused for some time. Application 03/0124 proposes the conversion of a large barn into three dwellings. The building is brick built with an asbestos roof and has a largely open frontage. The building has a date stone of 1883.

It is proposed to convert the building to form three dwellings, one with two bedrooms, one with three and one with four. Two extensions are proposed. The first is on the front elevation and provides entrances to the two smaller dwellings. The other is at the northern gable, and provides entrances to the two smaller dwellings. The other is at the northern gable and provides additional accommodation for the larger unit comprising kitchen. dining room and car port with two bedrooms above.

The application raises a number of issues, as follows: -

1 **Suitability of the buildings for conversion.**

Policy H12 and related matters. Photographs reproduced in the schedule indicate that the building is of no great merit, but it is felt that id does meet the basic criterion of Policy H12 ie, it is a building of traditional construction. In addition, members will be aware that PPG 7 advises that the employment of redundant buildings should be a material consideration. In this case, a report has been submitted which concludes the cost of a scheme to convert the buildings for employment use would be uneconomic. Taking these points into account therefore, it is considered the principle of the conversion of the building to residential use is acceptable.

2 **Details of the Proposal**

Policy H12 requires the details of the conversion in terms of window openings, extensions etc to respect and reflect the character of the buildings. In this case, officers have two principal concerns. Firstly, the scheme generally, and specifically the front elevation which faces onto a courtyard has a uniform and urban style appearance, rather as a terrace of houses. Although in this case it will be necessary to reconstruct the front elevation rather than using existing openings, it is nevertheless felt that this approach is not the right one in this rural location, and it has been suggested that this be changed so that there are fewer openings and these are more randomly located. Secondly, the front extension also has an urban look to it with a gable rather than a lean to. It has been suggested that this too be amended.

3 **Drainage**

The application specifies that foul drainage be dealt with by means of a bio disc system with the outfall connected to a mound. Further details of this system have been requested.

4 **Other Matters**

The one representation which has been received to date raises the issue of access through the farmyard to a septic tank located on neighbouring land. In the event that a right of way existed for this purpose, it would compromise the scheme and this has been passed to the applicants for their comments.

In conclusion therefore, whilst the conversion of this building is regarded as acceptable in principle, there are a number of matters which need to be resolved before approval could be recommended.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

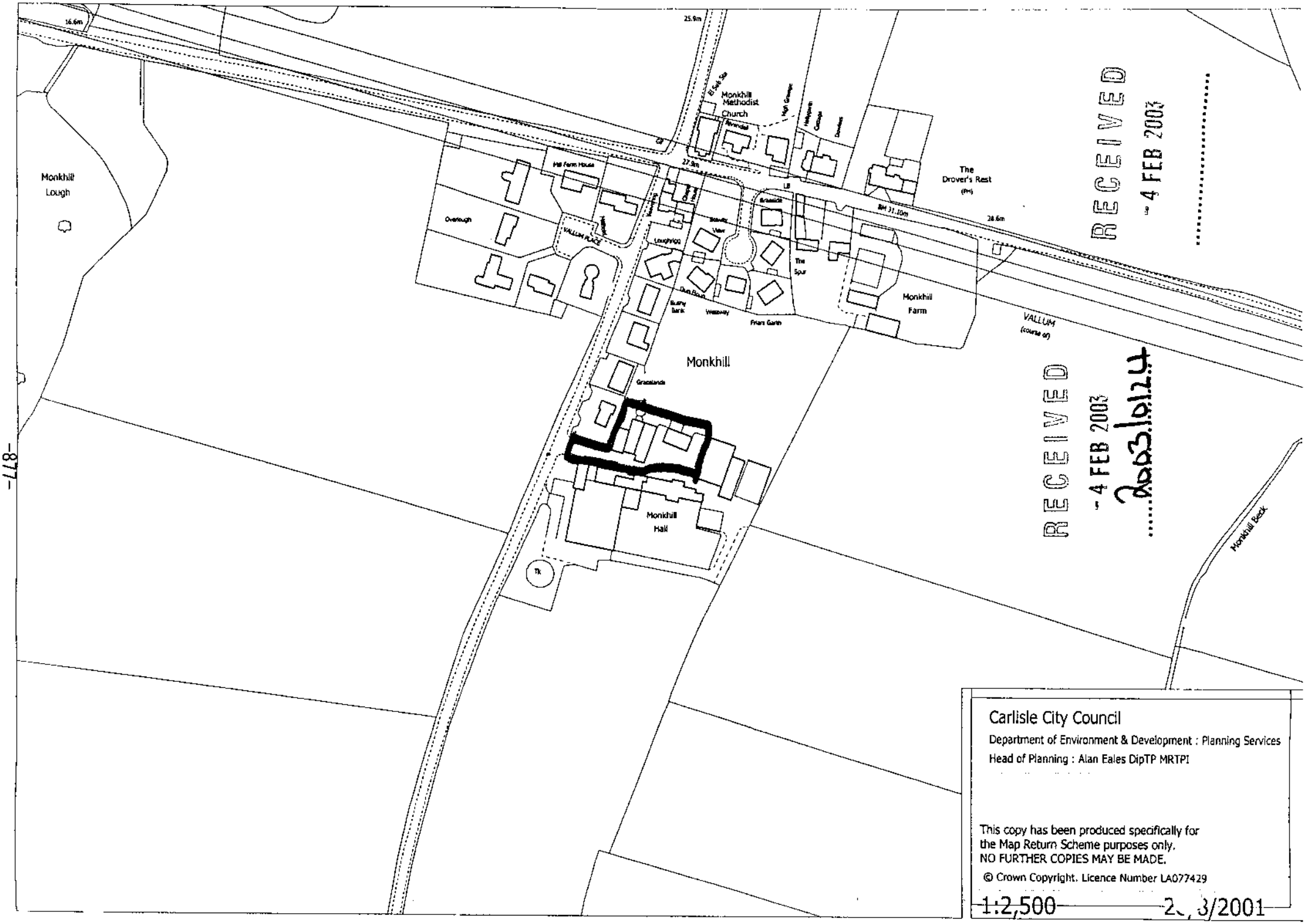
SJ

Recommendation:

Reason for including report in Schedule B

A firm recommendation cannot be made in respect of this application because there are outstanding issues relating to the design details of the conversion, extension, and drainage.

Design details.



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Department of Environment & Development : Planning Services
Head of Planning : Alan Eales DipTP MRTPI

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1:2,500 2/3/2001

SCALE 1-250

PROPOSED DEVELOPMENT AT MONKHILL HALL
FOR MESSRS BIMSON & MARTIN

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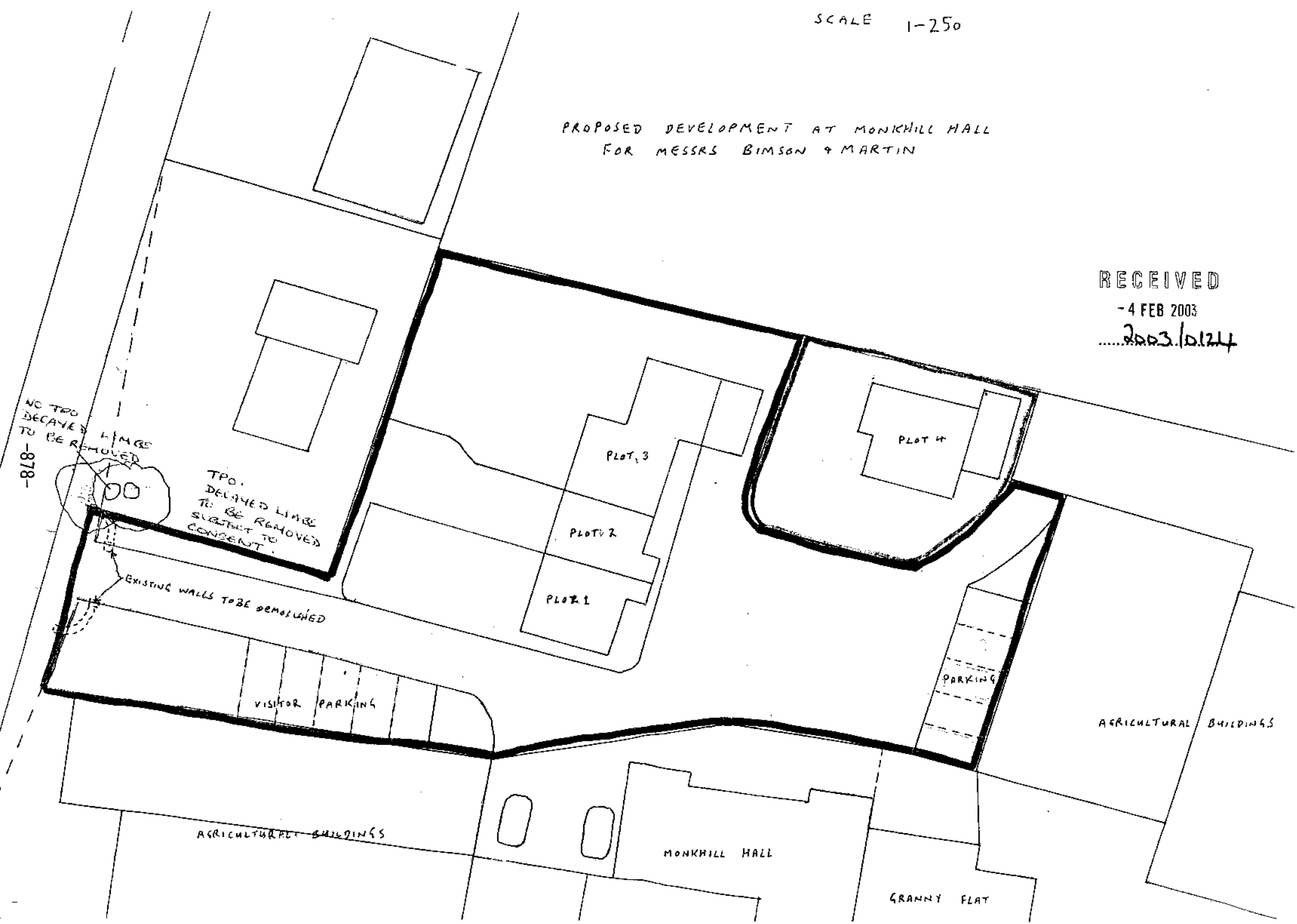
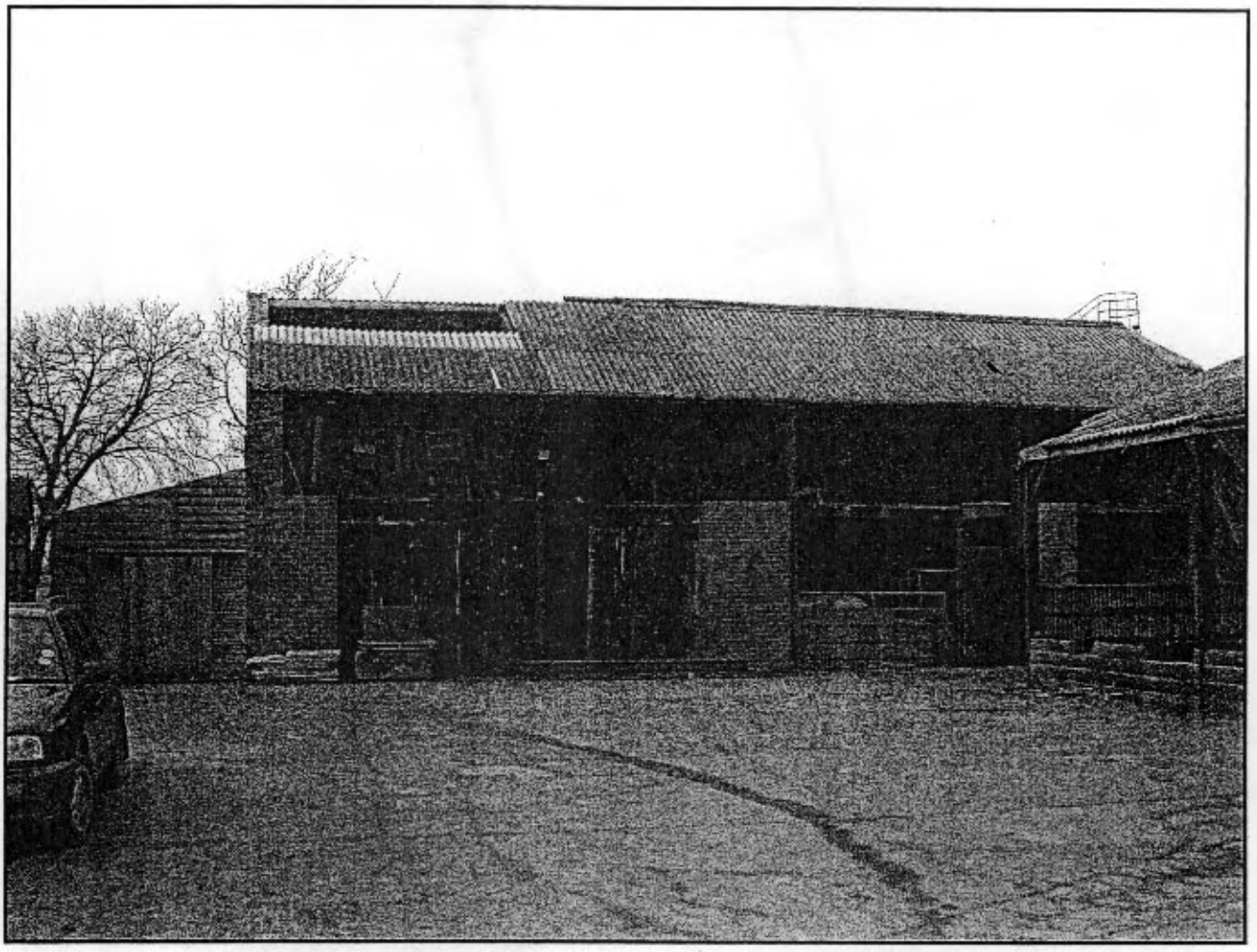
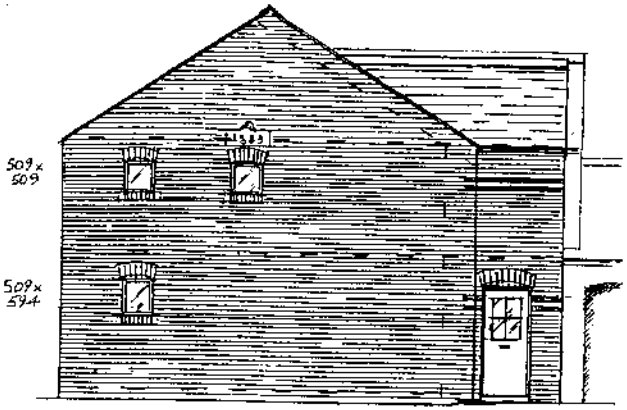
2003/0124

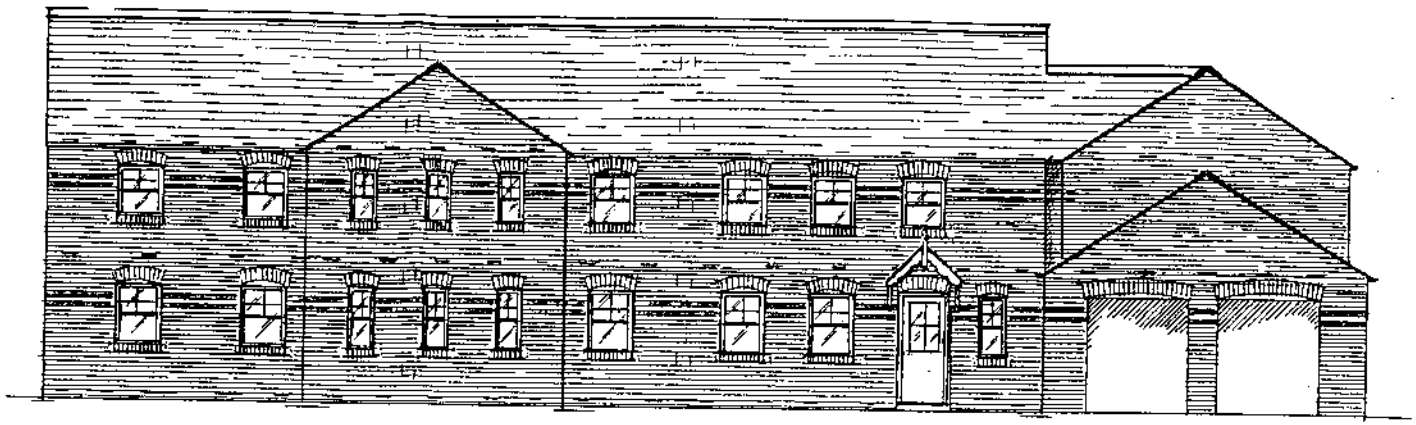


Barn, Monkhill Hall 2 21.02.03.JPG

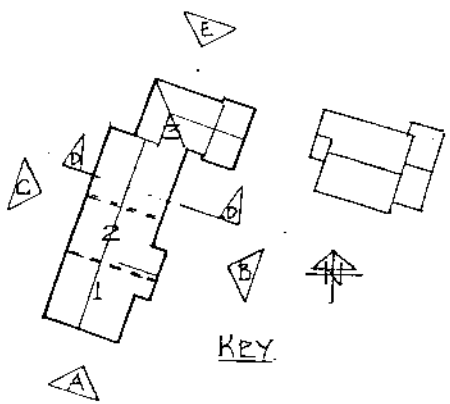


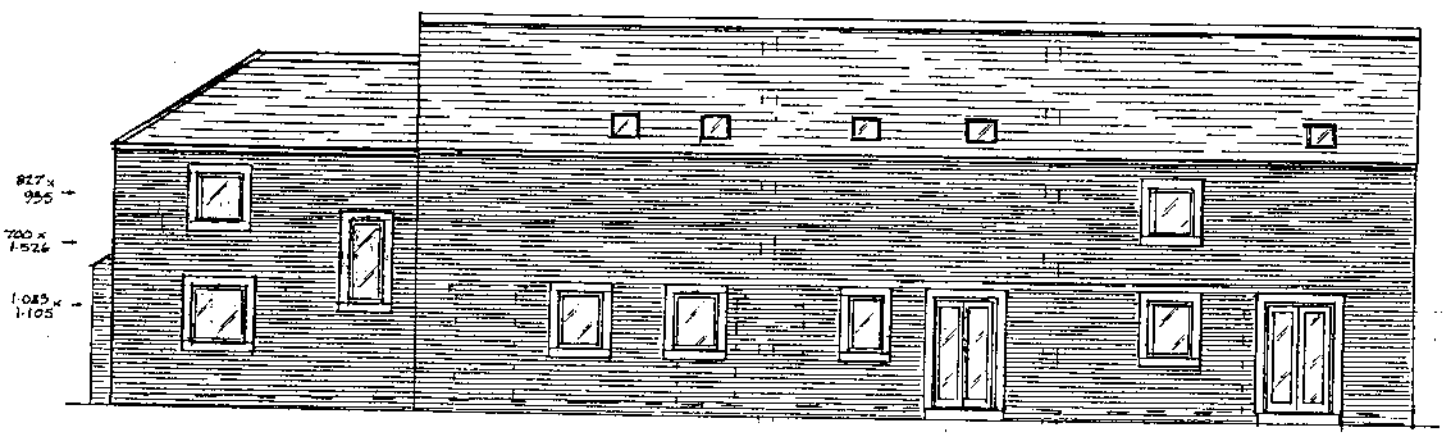


Ⓐ SOUTH ELEVATION OF Nº 1.

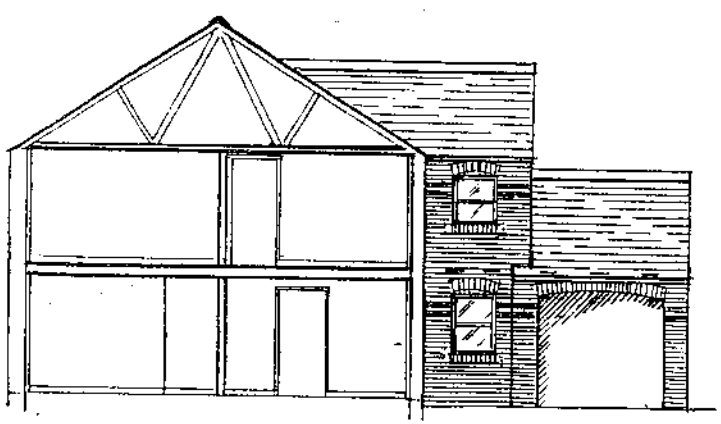


Ⓑ EAST (FRONT) ELEVATION OF 1 2 & 3

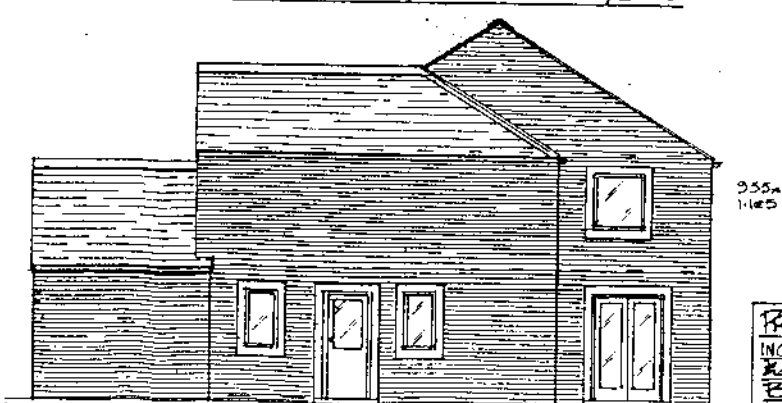




Ⓒ WEST (GARDEN) ELEVATION OF 1, 2 & 3



Ⓓ SOUTH ELEVATION (WITH SECTION) OF Nº 3.



Ⓔ NORTH ELEVATION OF Nº 3.

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PROPOSED CREATION OF 4 NEW DWELLINGS
INCLUDING 3 INCORPORATING BARN CONVERSION
& 1 NEWBUILD DETACHED @ MONKHILL HALL,
BURGH BY SANDS, CARLISLE.
FOR MESSRS BIMSON & MARTIN
NOVEMBER 2002 SCALE 1:100
DRAWING Nº OF . ELEVATIONS Nº 1 TO 3.

Item No: 62 Date of Committee: 14/03/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0125	Bimson & Martin	Beaumont
Date of Receipt:	**Agent:**	**Ward:**
12/02/2003		Burgh
Location:		**Grid Reference:**
L/A Barn, Monkhill Hall, Monkhill		334361 558459

Proposal: Erection of 1no. dwelling on site of existing barn/shed

Amendment:

Report

Planning Policies:

Cumbria & Lake District Joint Structure Plan
Policy 40

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

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, Gilsland, 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, Lyneholmeford, 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 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.

Summary of Consultation Responses:

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

Beaumont Parish Council: No observations; although the Parish observations on 03/0124 should be noted.

Drainage Engineer - Commercial & Technical Services: Comments awaited.

Cumbria County Council - (Archaeological Services): Comments awaited.

Environment Agency (N Area (+ Waste Disp)): Comments awaited.

Summary of Representations:

	Consulted	Reply Due	Date Replied	Reply Type	Contact Status
The Occupier / Owner, Monkhill Hall	13/02/03				INIT

The Occupier / Owner, Millcroft	13/02/03	INIT
Mr & Mrs J Rigg, Gracelands	13/02/03	Objectio RESP

This application has been advertised by means of a site notice and neighbour notification. In response, one letter of objection has been received, which raises the issue of a right of way to a septic tank on neighbouring land.

Details of Proposal/Officer Appraisal:

Planning History:

In 1991, permission was given for the conversion of part of the hall to form a granny flat.

Details of Proposal:

This application relates to a site adjacent to the building which is the subject of application 03/0124, and seeks permission for the erection of a single detached dwelling. The site is within the farmyard area and is currently occupied by a farm building, which has been vacant and unused for some years, (see photograph in schedule). It is proposed to redevelop the site with a three bedroom house, with attached garage. The style of the proposed house matches that of the proposed adjacent barn conversion.

The principal issue raised by this application is its acceptability in the light of Policy H5, P.P.G.3 and the interim Housing Policy Statement. Members will be familiar with the criteria of Policy H.5 which is now to be interpreted in the light of the guidelines of the P.P.G. and the Housing Policy Statement. These latter two documents state that in addition to the emphasis on brownfield sites as opposed to greenfield, in the interests of sustainability, there should be more stringent criteria applied to development in smaller settlements within the rural area. In the definition of previously developed land (brownfield) in Annex 3 of P.P.G.3, land and buildings currently used for agriculture or forestry are excluded. In this case, the building currently on the site was formerly used for agriculture, it has been unused for several years. Officers therefore consider that it should properly be regarded as brownfield.

In terms of its relationship with adjoining land and buildings, and the rest of the village, it will be apparent that the site is bounded by the building the subject of application 03/0124 on one side, and existing buildings currently in agricultural use and likely to remain so on the other. Although Monkhill Hall and its curtilage lie at the southern end of the village, it is considered that the site can be regarded as reasonably well related to it and therefore acceptable on the basis of the H5 criteria.

In relating the principles of P.P.G.3 to local circumstances and in particular to Policy H5, the Interim Housing Strategy states that as well as distinguishing between greenfield and brownfield sites, priority should be given to development in larger settlements where services such as schools, shops etc., are principally found, and where development would as a result be more sustainable. In applying the statement to the circumstances of the current application, it is apparent that

Monkhill, although it does have a public house, is a small settlement. As an application for a single dwelling on a brownfield site where the H.5 criteria are complied with, however, this level of development is considered acceptable in terms of the Interim Housing Statement. To argue otherwise would be to indicate that no level of development in a small settlement such as Monkhill is acceptable.

As well as these issues of policy, the application also raises a number of detailed issues, principally related also to the preceding application 03/0124 for the barn conversion. In that report, it is explained that there are reservations about the detailed treatment of the barn conversion, and that changes have been requested. The proposed new dwelling is of a similar style to that proposed for the barn conversion, and although as a new dwelling, this is less critical, it is considered that some elevational changes would be appropriate.

Also the objection raised to the barn conversion relating to a claimed right of access through the yard also relates to the application for a new dwelling.

For these reasons therefore, although the principle of a new dwelling on this site is considered to be acceptable, the application has been placed on Schedule B and an updated report will be given at the meeting.

Human Rights Act 1998

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

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

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

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

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

This application does not raise any Human Rights Act issues.

SJ

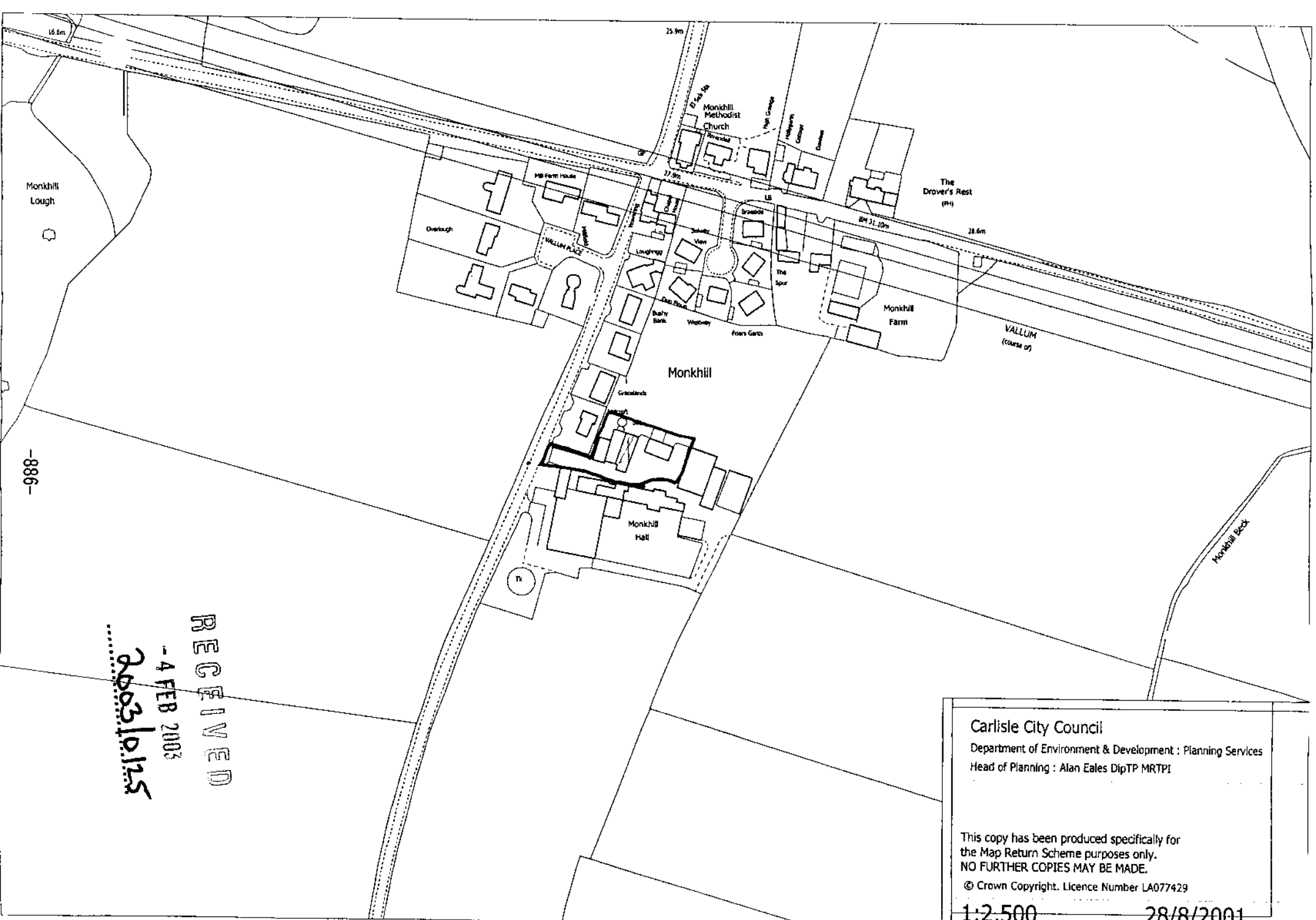
Recommendation:

Reason for including report in Schedule B

SCHEDULE B: Reports Requiring Further Information

03/0125

A firm recommendation cannot be made in respect of this application because there are outstanding issues relating to detailed design and drainage matters.



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1:2,500 28/8/2001

SCALE 1-250

PROPOSED DEVELOPMENT AT MONKHILL HALL
FOR MESSRS BIMSON & MARTIN

RECEIVED
- 4 FEB 2003
.....2003/0125

-887-

NO TPO
DECAYED LIMB
TO BE REMOVED

TPO.
DECAYED LIMB
TO BE REMOVED
SUBJECT TO
CONSENT.

EXISTING WALLS TO BE DEMOLISHED

PLOT 3

PLOT 2

PLOT 1

PLOT 4

PARKING

VISITOR PARKING

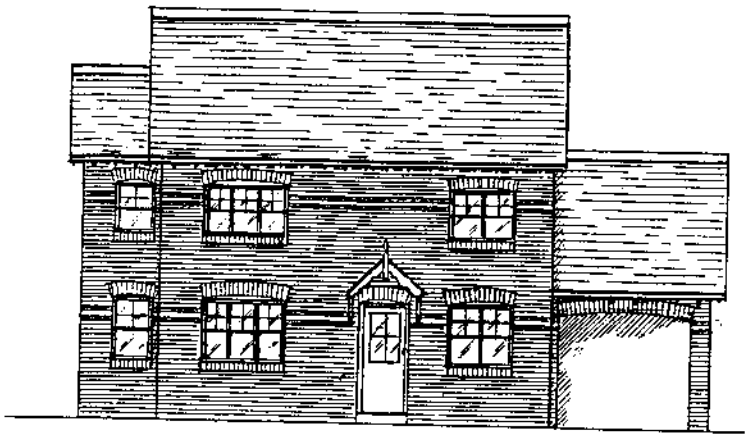
AGRICULTURAL BUILDINGS

AGRICULTURAL BUILDINGS

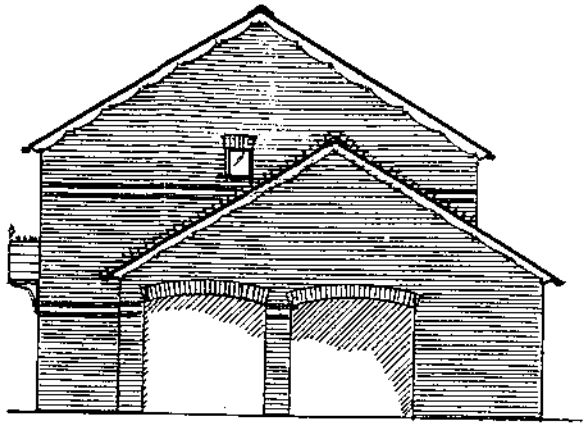
MONKHILL HALL

GRANNY FLAT

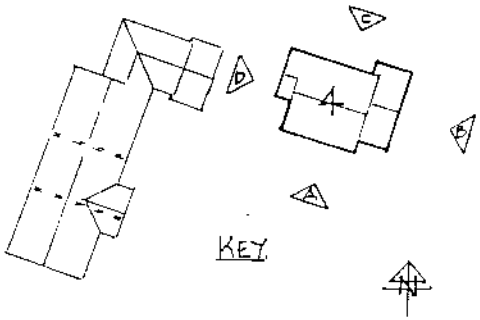
BURDON gallagher
JOB: NH/171/4

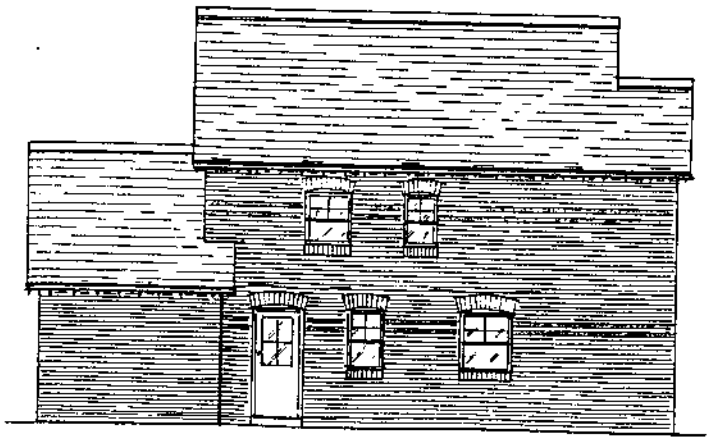


Ⓐ FRONT (SOUTH) ELEVATION

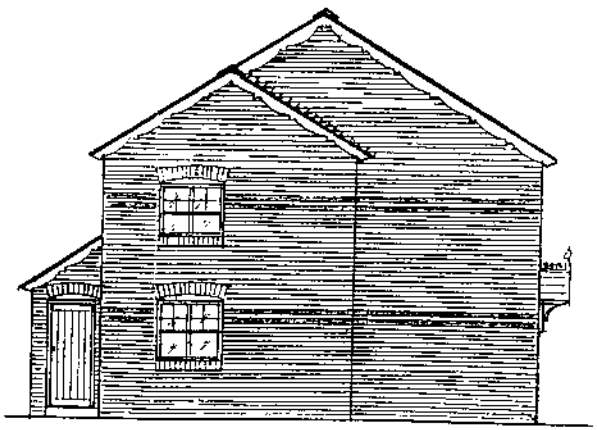


Ⓑ EAST SIDE ELEVATION





Ⓒ REAR (NORTH) ELEVATION

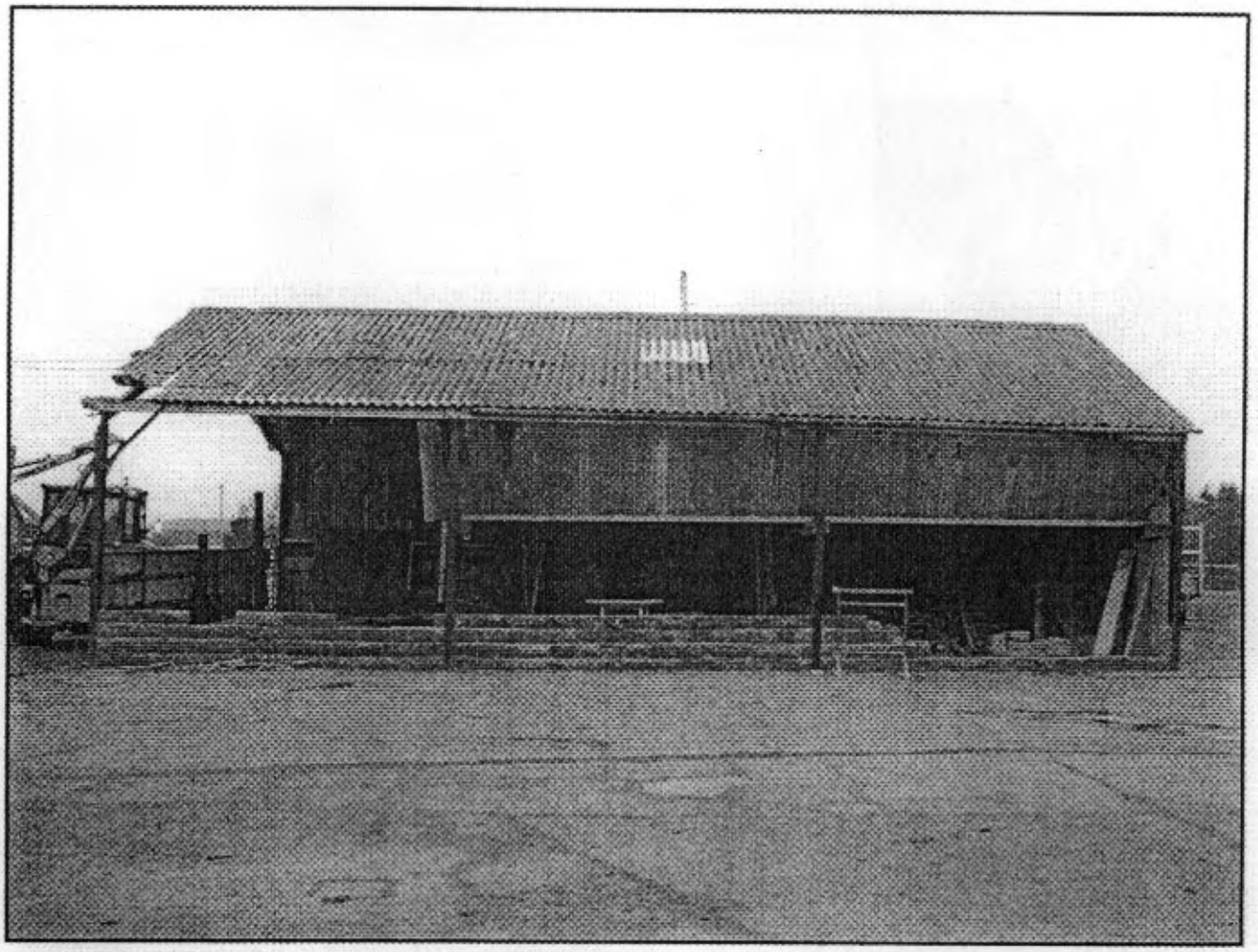


Ⓓ WEST SIDE ELEVATION

RECEIVED
- 4 FEB 2003
2003/0125

PROPOSED CREATION OF 4 NEW DWELLINGS
INCLUDING 3 INCORPORATING BARN CONVERSION
& 1 NEWBUILD DETACHED @ MONKHILL HALL
BURGH BY SANDS, CARLISLE.
FOR MESSRS BIMSON & MARTIN.
NOVEMBER 2002. SCALE 1:100
DRAWING N° OF . ELEVATIONS OF N°4.

Barn, Monkhill Hall 4 21.02.03.JPG



SCHEDULE C

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SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 63 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/9037	The Governors Stanwix Primary School	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
29/11/2002	Cumbria County Council	Stanwix Urban

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

Grid Reference:
340100 557137

Proposal: New sun screen/canopy to playground (Retrospective)

Amendment:

Report

City Council Observations on the Proposal:

Decision: City Council Observation - Observations **Date:** 12/12/2002

Decision of: Cumbria County Council

Decision Type: Refuse Permission **Date:** 03/02/2003

A copy of the Notice of the decision of the Determining Authority is printed following the report.

TCP.1 REFERENCE NO 1/02/9037

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

NOTICE OF REFUSAL OF PLANNING CONSENT

To: The Governors of Stanwix School
Mulcaster Crescent
Stanwix Crescent
Carlisle
CA3 9DW

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 19 November 2002.

VIZ: NEW SUN SCREEN/CANOPY TO PLAYGROUND (RETROSPECTIVE)
STANWIX PRIMARY SCHOOL, MULCASTER CRESCENT, STANWIX, CARLISLE

The reason for the Council's decision to refuse permission for the development is:

The erection of this lightweight structure would have an unacceptable adverse impact on the appearance of the conservation area. As such it would be contrary to policy E43 of the Carlisle Local Plan.

Dated the 3rd day of February 2003
On behalf of the Council

Shaun Gorman

.....
Shaun Gorman
Assistant Director (Development Control)
Community, Economy and Environment

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D: Reports on Previously Deferred Decisions

Item No: 64 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
01/0201	Stainsby Grange Ltd & Bendalls Eng.	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/03/2001	Taylor & Hardy	Harraby

Location:
Bendalls Engineering, London Road, Carlisle, Cumbria

Grid Reference:
341323 554919

Proposal: Erection of non-food DIY retail store, car parking and access (Outline)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 24 August 2001 that authority was given to the Head of Planning Services to issue approval subject to the completion of a Section 106 legal agreement covering the following matters:

The Agreement provides that prior to the commencement of any material operation on the application site the staff shall be re-located to the alternative site, the operation of the business shall be commenced at the alternative site and a Notice stating that both of the above has happened has been served upon the Head of Planning Services. That Notice must be served within 28 days of the staff being fully re-located and the business having commenced operating and the Head of Planning Services must further serve Notice within 28 days confirming that to his reasonable satisfaction the staff have been re-located and the business has commenced operating on that alternative site. That latter requirement must also be fulfilled before commencement of any material operation takes place on the application site.

Following completion of the legal agreement approval was issued on 13 February 2003.

Decision: Granted subject to Legal Agreement **Date:** 13/02/2003

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 premises hereby approved shall be used for the sale of builders and plumbers merchants materials; floor coverings; DIY and garden centre goods; furniture; furnishings; garden equipment; car, cycle and motor cycle accessories and spares including fitting bays for the fitting of spares and replacement parts and the carrying out of car servicing, MOT inspections, fault diagnosis and related repairs and for ancillary cleaning, treating and polishing; cycles, electrical goods; camping goods or leisure goods (except clothing and footwear) office furniture, office equipment and office stationery; and for the sale of pets and pet supplies; and for no other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any other Order revoking or re-enacting that Order.

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

4. The details required by Condition 2 (above) shall make provision for the following:

i. a detailed site layout plan to be submitted showing the siting and finished floor levels of all buildings, the extent, proposed levels and disposition of all car parking and servicing areas, the location of vehicle access and related circulation routes together with pedestrian/cycle access facilities, and the locations of the associated screen planting measures intended to be undertaken with the proposed development;

ii. detailed plans, elevations and sections of all proposed buildings and structures to be erected within the site together with details of

all proposed external lighting to these buildings;

iii. detailed plans and particulars of the proposed construction, drainage, surface finishes, the proposed nature and positioning of CCTV cameras, and the intended system of lighting of all proposed new roads and footpath/cycle routes within the site;

iv. fully detailed layout plans of all proposed car parking and service areas, including particulars of surface finishes, marking out, drainage, lighting and related installation of CCTV cameras, and these details shall clearly identify those car, cycle and motor cycle parking spaces allocated for the use of disabled persons, and, where appropriate, those parking spaces dedicated for essential staff parking purposes;

v. particulars of the scheme of secure cycle parking and motor cycle parking facilities within the site including detailed plans, elevations and a specification of the proposed construction materials or finishes of those buildings or structures proposed to be provided for covered, lockable storage of cycles in locations convenient to the proposed entrance;

vi. details of the precise location, route, construction, surface finishes, lighting and associated ancillary facilities intended to be provided within or adjacent to the site to enable increased accessibility by public transport services and to encourage use of such services by employees and customers;

vii. details of the location, extent, construction, surface finishes, lighting, and CCTV camera security of proposed taxi/customer setting down or collection points;

viii. a detailed landscaping scheme for the site, such scheme to identify any trees, shrubs or planted areas which are proposed to be retained and to include particulars of the proposed types, species, planting heights and planting densities of all trees, shrubs, or ground cover proposed to be planted, the heights and profiles of an earth modelling, and particulars of construction details and finishes of any related hard landscaping works to be undertaken;

ix. details of the proposed foul and surface water drainage of the site.

Reason: to ensure that the development is carried out in satisfactory manner and achieves a high standard of design and landscaping in keeping with the site's location on a major approach road to the City Centre and its' proximity to the Carlisle to Settle Railway Line Conservation Area.

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

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

6. Prior to the commencement of any building work there shall be submitted to, and approved in writing by, the Local Planning Authority, full samples or specifications (where appropriate) of all proposed external finishes to be used including type, texture, colour and profile of all masonry and cladding, particulars of proposed glazing systems to all window, doors and entrance canopies, and full particulars of of the type, texture and colour of the proposed roofing finishes and the related arrangements for drainage services to roofed areas.

   Reason: To ensure that materials to be used are acceptable.

7. The trading times and delivery arrangements for the proposed store shall be as follows:

   i. the proposed store shall trade only between 0730 and 2100 hours; and

   ii. service deliveries to the proposed store shall take place between 0700 and 1800 hours

   and outside of the permitted service delivery and trading hours the site shall be made secure by means of a vehicular barrier gate across the entrance area, or any such similar measures as the applicant may propose as an alternative to a barrier gate, the details of which shall be submitted to and approved by the Local Planning Authority before construction commences.

   Reason: to protect the amenity of adjacent and nearby residential properties from unacceptable noise nuisance and disturbance outside of the permitted hours.

8. The lantern types, details of which are required by Condition 4 (above) shall be selected and/or designed to minimise light pollution and attendant glare or distraction to the immediate site surroundings.

   Reason: in the interests of the visual amenity of the area.

9. Any pallets, metal crates or other packing or waste materials shall be enclosed within contained areas, details of which shall be approved in writing by the Local Planning Authority prior to the commencement of trading, and such stored materials shall not exceed a height of 2 metres above the ground level of the service yards.

   Reason: in the interests of visual amenity and to prevent wind blown wastes or packaging detracting from the amenity of the riverside area.

10. All highway improvement works related to the formation of the proposed traffic signal controlled vehicular access, including the formation of stabling lanes, bus priority lanes and bus gate, provision of pedestrian and cycle crossings, provision/re-siting of traffic signs, lane markings, traffic signals, service diversions and other accommodation works shall be based upon the details shown on drawing number 38834/03/1/Amo and the related Transport Impact Assessment and Supplementary Transport Impact Assessment prepared by Sanderson Associates, and any other schedule of drawings and/or works incorporated into the agreement to be entered into by the applicants and Cumbria County Council (as Highway Authority) under the provisions of S278 of the Highway Act 1980 and the approved highway works shall be fully completed prior to the commencement of trading from the proposed store.

    Reason: to ensure that a suitable standard of access is provided and that the development provides for the needs of pedestrians, cyclists and public transport users.

11. 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.

12. No goods or materials shall be stored or displayed for sale on the open areas of the site without the written approval of the local planning authority.

    Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

13. No advertisement or directional signage shall be displayed anywhere on the land or buildings other than in accord with a scheme of signage which shall be submitted to, and approved in writing by , the Local Planning Authority prior to

the commencement of display of such signs.

Reason: to ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

14. Before the development is commenced, a detailed site investigation shall be carried out to establish if the site contains contaminants, to assess the degree and nature of the contaminants present, and to determine its potential for pollution of the water environment. The method and extent of this investigation shall be agreed in writing with the Local Planning Authority in consultation with the Environment Agency prior to the commencement of the work. Details of appropriate measures to prevent pollution of groundwater and surface water, including provisions for monitoring, shall then be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Environment Agency before the development commences. The development shall then proceed in strict accordance with the approved measures.

Reason: to prevent pollution of the water environment and on the advice of the Environment Agency.

15. 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 a suitable oil interceptor that is designed and constructed to have a capacity and details compatible with the site being drained and no roof water shall be passed through the interceptor.

Reason: In order to protect local watercourses and drainage from pollution and in the interests of amenity.

16. The scheme of proposed drainage works required by Condition 4(ix) above shall make provision for surface water retention facilities, in accordance with details to be approved by the Local Planning Authority in consultation with the Environment Agency, to ensure that surface water run-off from the proposed site is restricted to existing rates of flow.

Reason: to ensure that the proposed development does not contribute to an increased risk of flooding.

17. 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 any remains of archaeological interest within the site and for the preservation, examination and recording

of such remains.

18. No development shall take place until a scheme has been submitted to the Local Planning Authority ensuring the retention of the brick and slate roofed range of former railway buildings situated adjacent to the London Road frontage and described as "Armstrong Building Supplies Brick Building" on drawing number A577.2000.SD.02 Rev F.

    Reason: To maintain the architectural integrity of the building and the amenities of its surroundings.

Item No: 65 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
01/0659	Dan Russell	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
31/07/2001		Denton Holme
Location:		**Grid Reference:**
Atlas Works, Nelson Street, Denton Holme, Carlisle, Cumbria		339604 555136

Proposal: Change of use to cyber cafe (retrospective)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 20th December 2002 that authority was given to the Head of Planning Services to issue approval subject to no objections being received from Cumbria Constabulary prior to the expiration of the consultation period. No objections were received, therefore, the approval was issued on 27th January 2003.

Decision: Grant Permission **Date:** 27/01/2003

1. The premises hereby permitted shall not commence trading before 11.00 hours or remain open for business after 23.00 hours on Mondays to Saturdays; or before mid-day and remain open for business after 22.30 hours on Sundays.

Reason: To prevent disturbance: nearby occupants.

2. No hot food shall be taken away for consumption off the premises.

   Reason: The amount of traffic using the premises should be kept to the minimum consistent with its proper functioning in the interests of road safety and the amenities of the neighbouring residents.

3. Any ancillary entertainment or activities at the premises shall be controlled so as to be inaudible in the the nearest noise sensitive premises.

   Reason: To safeguard the amenities of neighbouring residents.

Item No: 66 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
01/0867	Mr W Roper	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
24/09/2001	C & D Property Services	Great Corby & Geltsdale

Location:
L/A part field 7900, Brocklewath Farm, Great Corby,, Carlisle, Cumbria

Grid Reference:
348940 552000

Proposal: Erection of agricultural workers dwelling (outline)

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 1st February 2002 that authority was given to the Head of Planning Services to issue approval subject to the completion of a Section 106 Agreement governing the restricted occupation of the dwelling. The Agreement has now been entered into and the decision issued on 19th February 2003.

Decision: Grant Permission **Date:** 19/02/2003

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 occupation of the dwelling shall be limited to persons solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower of such a person.

Reason: There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

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. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable.

5. 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.

Reason: To ensure that materials to be used are acceptable.

SCHEDULE D: Reports on Previously Deferred Decisions

6. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved by the Local Planning Authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

   Reason: To prevent pollution of the water environment.

7. 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 ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

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

   Reason: In the interests of highway safety.

9. 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.

10. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the local planning authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

    Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety.

11. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and any garage shall be submitted to and approved in writing by the local planning authority before any site works commence.

    Reason: In order that the approved development overcomes any problems associated with the topography of the area.

12. 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.

13. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

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

14. 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.

Item No: 67 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0953	Orchard Developments	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
03/09/2002	Studio Map Ltd	Botcherby
Location:		**Grid Reference:**
St Joseph's Home, Banks Lane, Carlisle, CA1 2UD		341988 555655

Proposal: Development of existing site including demolition of existing building to construct 28no. family dwellings in Mews Court

Amendment:

SCHEDULE D: Reports on Previously Deferred Decisions

Report

Details of Deferral:

Members will recall at Committee meeting held on 15th November 2002 that authority was given to the Head of Planning Services to issue approval subject to:-

i There being no objections submitted to the revised proposals before the end of the consultation period.

ii The completion of an archaeological evaluation of the site and consideration of the results.

No objections have been submitted before the end of the consultation period and the archaeological evaluation has been completed and the results considered. Therefore approval was issued on 30th January 2003.

Decision: Grant Permission **Date:** 30/01/2003

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

   Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

   Reason: To ensure that materials to be used are acceptable.

4. 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.

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

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

6. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and 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 problems associated with the topography of the area.

7. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

   Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the local planning authority. The scheme shall be completed in accordance with the approved plans.

   Reason: to reduce the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Item No: 68 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1234	Peregrine Properties	Carlisle

SCHEDULE D: Reports on Previously Deferred Decisions

Date of Receipt:	Agent:	Ward:
29/11/2002	Cubby Construction Ltd	Castle

Location:
9 - 9A Fisher Street, Carlisle, CA3 8RF

Grid Reference:
339935 556122

Proposal: Erection of building in style previously listed building (9) to provide 3no residential units

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 31st January 2003 that authority was given to the Head of Planning Services to issue approval subject to confirmation of the conditions to be attached to the permission.
These conditions have been confirmed and the approval was issued on 13th February 2003.

Decision: Grant Permission **Date:** 13/02/2003

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. Samples of the roofing materials shall be submitted to and approved in writing by the local planning authority before any work is commenced.

   Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

   Reason: To ensure the works harmonise as closely as possible with the existing building.

4. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on

behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

Reason: To ensure the works harmonise as closely as possible with the existing building.

5. Sample panels of internal cornice mouldings, dado rails, panelling, door and architrave details to be used together with plans and sections showing their layout and appearance shall be submitted to and approved by the local planning authority. The approved details shall be fully implemented.

Reason: to ensure that the matters specified are designed to the satisfaction of the local planning authority.

6. Detailed specifications including materials, together with photographs of the original mouldings of the principal door surround shall be submitted to and approved by the local planning authority. The door surround shall then be installed in accordance with the approved details.

Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

Item No: 69 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1247	Senator Homes Limited	Brampton
Date of Receipt:	**Agent:**	**Ward:**
26/11/2002		Brampton
Location:		**Grid Reference:**
L/A Union Lane, Brampton, Cumbria		353100 561230

Proposal: Erection of 10no houses and associated access road and landscaping

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 31st January 2003 that authority was given to the Head of Planning Services to issue approval subject to confirmation

by the applicants of the proposed roof material and confirmation by the highway authority of the acceptability of the proposal.
These confirmations have been received and the approval was issued on 3rd February 2003.

Decision: Grant Permission **Date:** 03/02/2003

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

   Reason: To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

   Reason: To ensure that materials to be used are acceptable.

4. 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.

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

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

6. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

   Reason: To ensure that the matters specified are designed to the satisfaction of the local planning authority.

7. 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 the satisfaction of the local planning authority.

Item No: 70 Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1310	Mr D Irving	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
12/12/2002	Neil Robinson	Wetheral
Location:		**Grid Reference:**
5 Near Park, Scotby, Carlisle		343870 555600

Proposal: 1st floor extension over garage and utility to provide en-suite bathroom, dressing room and additional bedroom

Amendment:

Report

Details of Deferral:

Members will recall at Committee meeting held on 31st January 2003 that authority was given to the Head of Planning Services to issue approval subject to the satisfactory completion of the consultation process and no new planning issues being raised. This period lapsed with no new planning issues being raised, therefore, the decision was issued on 12th February 2003.

SCHEDULE D: Reports on Previously Deferred Decisions

Decision: Grant Permission **Date:** 12/02/2003

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.

SCHEDULE E

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SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/01/2003 and 28/02/2003

Appn Ref No:	Applicant:	Parish:
00/1016	The Wardens & Parochial Church Council	Arthuret
Date of Receipt:	**Agent:**	**Ward:**
13/12/2000	M Redgers Esq	Longtown & Rockcliffe

Location: L/Adj to Arthuret Parish Church, Longtown,, Carlisle, Cumbria

Grid Reference: 337940 567670

Proposal: Change of use to extend churchyard

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 06/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	Applicant:	Parish:
01/0705	Carlisle City Council	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/08/2001	Bereavement Services - (June Carswell)	Denton Holme

Location: Carlisle Cemetery, Richardson Street, Denton Holme, Carlisle, Cumbria

Grid Reference: 338900 554530

Proposal: Display of two pole mounted non-illuminated signs

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 20/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	Applicant:	Parish:
01/1030	A & C Baker	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
13/11/2001		Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Daisy Hill, Warwick-on-Eden, Carlisle, Cumbria

Grid Reference:
346481 556345

Proposal: Erection of a satellite mini-dish on chimney wall

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/0274

Applicant:
Mr & Mrs S Maxwell

Parish:
Burgh-by-Sands

Date of Receipt:
20/03/2002

Agent:

Ward:
Burgh

Location:
Boustead Hill House, Boustead Hill,
Burgh-by-Sands, Carlisle, Cumbria

Grid Reference:
329220 559042

Proposal: Alterations to existing storage building to create a workshop and erection of double garage and storage building along with the erection of a 21.5m extension to the existing boundary garden wall

Amendment:

Decision: Grant Permission

Date: 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/0275

Applicant:
Mr & Mrs S Maxwell

Parish:
Burgh-by-Sands

Date of Receipt:
20/03/2002

Agent:

Ward:
Burgh

Location:
Boustead Hill House, Boustead Hill,
Burgh-by-Sands, Carlisle, Cumbria

Grid Reference:
329220 559042

Proposal: Alterations to existing storage building to create a workshop and erection of double garage and erection of storage building along with the erection of a 21.5m extension to the existing boundary garden wall (LBC)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0369	Messrs GJ & HL Lawson	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
03/12/2002	George Stephen	Lyne
Location:		**Grid Reference:**
Craigburn Farmhouse, Catlowdy, Penton, Carlisle, CA6 5QP		347400 576080

Proposal: Erection of extension to form dining room extension and new kitchen.

Amendment:

Decision: Grant Permission **Date:** 27/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0562	Mr B Robinson	Castle Carrock
Date of Receipt:	**Agent:**	**Ward:**
22/07/2002		Great Corby & Geltsdale
Location:		**Grid Reference:**
L/Adj to Fell View Cottage, Heads Nook, Carlisle, CA8 9DW		353850 553280

Proposal: Change of use of verge to domestic garden/orchard, together with erection of 1m high boundary fence

Amendment:

Decision: Grant Permission **Date:** 12/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0650	Darren McDonagh	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
11/06/2002		Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
11 Lady Steps, Scotby, Carlisle, CA4 8DD

Grid Reference:
344320 554550

Proposal: Two storey extension to provide ground floor bedroom, bathroom with 2no. bedrooms above

Amendment:

Decision: Grant Permission **Date:** 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0712	Mr & Mrs Dowie	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
21/01/2003		Yewdale

Location:
21 Hebden Avenue, Keld Park, Carlisle, CA2 6TW

Grid Reference:
337450 554740

Proposal: Extension to provide sitting room (retrospective application)

Amendment:

Decision: Grant Permission **Date:** 14/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0803	Harrison Homes Cumbria Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
24/07/2002	Rol Design	Harraby

Location:
Former Highgrove Dairy, Harraby Green Business Park, Carlisle

Grid Reference:
341330 554457

Proposal: Residential development comprising 2no. 2 bedroom, 29no. 3 bedroom, 14no. 4 bedroom dwellings, 44no. 2 bedroom apartments and 6no. 3 bedroom penthouses incorporating public open space consisting of football pitch and play equipment together with increasing the width of Harrison Way to 5.5 metres to allow for two-way movement of traffic and add a 1.8 metre wide pavement.

Amendment:

1. The original proposal comprised the erection of 3no. 2 bed, 27no. 3 bed, 15no. 4 bed, 32no. 2 bed apartments and 4no. 3 bed penthouses. The revised plans received on the 16th September indicate, amongst other things, the provision of an additional apartment block.

Decision: Withdrawn by Applicant/or by default
Date: 27/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0835	Messrs J Fisher	Kirkandrews
Date of Receipt:	**Agent:**	**Ward:**
09/09/2002	Tsada Building Design Services	Longtown & Rockcliffe

Location: Smalmstown Farm, Longtown, Carlisle, CA6 5LH

Grid Reference: 336850 568986

Proposal: Erection of feed shed (phase 3)

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/0836	Messrs J Fisher	Kirkandrews
Date of Receipt:	**Agent:**	**Ward:**
09/09/2002	Tsada Building Design Services	Longtown & Rockcliffe

Location: Smalmstown Farm, Longtown, Carlisle, CA6 5LH

Grid Reference: 336850 568986

Proposal: Erection of cubicle shed.

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/0837
Applicant: Messrs J Fisher
Parish: Kirkandrews

Date of Receipt: 09/09/2002
Agent: Tsada Building Design Services
Ward: Longtown & Rockcliffe

Location: Smalmstown Farm, Longtown, Carlisle, CA6 5LH
Grid Reference: 336850 568986

Proposal: Erection of cubicle shed (phase 2)

Amendment:

Decision: Withdrawn by Applicant/or by default
Date: 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/0878
Applicant: Norman Elliott
Parish: Hethersgill

Date of Receipt: 14/08/2002
Agent: C & D Property Services
Ward: Lyne

Location: Abbey Croft, Mossedge, Hethersgill, Carlisle
Grid Reference: 347600 568405

Proposal: Erection of detached general purpose outbuilding to include the storage of vintage agricultural machinery and crops

Amendment:

Decision: Grant Permission
Date: 07/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/0985
Applicant: Story Homes
Parish: Stanwix Rural

Date of Receipt: 18/09/2002
Agent: Architects Plus
Ward: Stanwix Rural

Location: Rickerby House, Rickerby, Carlisle, CA3 9AA
Grid Reference: 341356 557013

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Alterations to existing rear portico to form balcony (LBC)
Amendment:

Decision: Grant Permission **Date:** 12/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1030	Ele Motors	Cummersdale
Date of Receipt:	**Agent:**	**Ward:**
11/10/2002		Dalston
Location:		**Grid Reference:**
Newby West Filling Station, Newby West, Carlisle, Cumbria		337562 553928

Proposal: Preparation, maintenance and sales of approximately 12no. motor vehicles

Amendment:

Decision: Grant Permission **Date:** 31/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1059	John Walsh	Nether Denton
Date of Receipt:	**Agent:**	**Ward:**
04/10/2002		Irthing
Location:		**Grid Reference:**
Denton Hall, Low Row, Brampton, Cumbria		357820 563060

Proposal: Change of use of outbuildings to commercial breeding kennels

Amendment:

Decision: Grant Permission **Date:** 30/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1092	James Hall & Co (Properties) Ltd	Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 16/10/2002
Agent: Harry Walters & Livesey
Ward: Upperby

Location: Spar Shop, 10-12 Petteril Bank Road, Carlisle, CA1 3AH
Grid Reference: 341775 553800

Proposal: Incorporation of a cash machine (ATM) in front elevation

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1120
Applicant: Oxfam GB
Parish: Carlisle

Date of Receipt: 22/10/2002
Agent:
Ward: Castle

Location: Oxfam Shop, 17 Bank Street, Carlisle, CA3 8HG
Grid Reference: 340168 555860

Proposal: Alterations to shop front (LBC)

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1124
Applicant: Mr O Taylor
Parish: Arthuret

Date of Receipt: 22/10/2002
Agent:
Ward: Longtown & Rockcliffe

Location: Lowmoorhead, Longtown, Carlisle, CA6 5RG
Grid Reference: 340140 569650

Proposal: Creation of new access and single lorry parking

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1128	Mr W Briggs & Mrs K Burns	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
23/10/2002	Swarbrick Associates	Denton Holme

Location: The Laurels Residential Home, 10 Norfolk Road, Denton Holme, Carlisle, CA2 5PQ

Grid Reference: 339189 554902

Proposal: Extension to provide 3no.single person bedrooms

Amendment:

Decision: Grant Permission **Date:** 27/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1140	Mr J Tweedie	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
25/10/2002		Stanwix Rural

Location: Lodge Cottage, Houghton, Carlisle, CA6 4JE

Grid Reference: 340860 559745

Proposal: Extension to provide lounge, kitchen and bathroom with bedroom and store in roof space together with detached garage.

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1141	Mr J Tweedie	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
25/10/2002		Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Lodge Cottage, Houghton, Carlisle, CA6 4JE

Grid Reference:
340860 559745

Proposal: Extension to provide lounge, kitchen and bathroom with bedroom and store in roof space together with detached garage (LBC)

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1142

Applicant:
Mr G McGarr

Parish:
Scaleby

Date of Receipt:
25/10/2002

Agent:

Ward:
Stanwix Rural

Location:
High Hill Cottage, Scaleby, Carlisle, CA6 4LW

Grid Reference:
345485 563155

Proposal: Erection of outbuilding to provide drying room, garage, utility and log store together with decked area.

Amendment:

Decision: Grant Permission **Date:** 19/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1149

Applicant:
Mr & Mrs T Mossom

Parish:
Arthuret

Date of Receipt:
29/10/2002

Agent:
Alan Gosling Architects

Ward:
Longtown & Rockcliffe

Location:
Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE

Grid Reference:
340385 572925

Proposal: Refurbishment of existing barns

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1164
Applicant: Mr & Mrs T Musson
Parish: Arthuret

Date of Receipt: 05/11/2002
Agent: Alan Gosling Architects
Ward: Longtown & Rockcliffe

Location: Carwinley Mill House, Carwinley, Longtown, Carlisle, CA6 5PE
Grid Reference: 340385 572925

Proposal: Removal of part of existing barns and erection of replacement (LBC)

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1167
Applicant: Accor (UK) Ltd
Parish: Carlisle

Date of Receipt: 18/11/2002
Agent: LRW Architects
Ward: Castle

Location: Hotel Ibis, The Portlands, Botchergate, Carlisle
Grid Reference: 340445 555580

Proposal: Erection of 3 no. high level illuminated hotel name signs, 1 no. illuminated projecting sign, 1 no. logo sign above entrance and 1 no. wall mounted sign adjacent to entrance

Amendment:

Decision: Grant Permission **Date:** 27/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1186
Applicant: Mr & Mrs Wright
Parish: Kingwater

Date of Receipt: 13/11/2002
Agent: Jock Gordon
Ward: Irthing

Location: Craigsyke Ford, West Hall, Brampton, CA8 2BT
Grid Reference: 356950 566578

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Erection of outbuilding for use as tool/log and coalstore
Amendment:

Decision: Grant Permission **Date:** 28/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1187	Mr R Butcher	Dalston
Date of Receipt:	**Agent:**	**Ward:**
13/11/2002	B F Child	Dalston
Location:		**Grid Reference:**
21 Nook Lane Close, Dalston, Carlisle		336400 549900

Proposal: First floor extension over existing garage to provide additional bedroom
Amendment:

Decision: Grant Permission **Date:** 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1188	Mr & Mrs M P Fell	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
13/11/2002		Currock
Location:		**Grid Reference:**
96 Beaumont Road, Currock, Carlisle, CA2 4RL		340130 553577

Proposal: Two storey rear extension to provide kitchen and bathroom
Amendment:

Decision: Grant Permission **Date:** 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1216	Builder Center	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
26/11/2002	Tyler Construction Ltd	Denton Holme

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Builder Centre, Junction Street, Carlisle

Grid Reference:
339600 555400

Proposal: Erection of stores building for storage of cement/plaster and board

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1244

Applicant:
Mr A Newton

Parish:
Kingmoor

Date of Receipt:
03/12/2002

Agent:

Ward:
Stanwix Rural

Location:
L/A, Rear of Lane End House, Cargo, Carlisle, CA6 4AY

Grid Reference:
336623 559127

Proposal: Revised dwelling type incorporating garage to gymnasium

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1252

Applicant:
Pam Harrison & Peter Bulman

Parish:
Hethersgill

Date of Receipt:
04/12/2002

Agent:

Ward:
Lyne

Location:
Howard House, Hethersgill, CA4 5RL

Grid Reference:
347600 568800

Proposal: Change of use of agricultural barn to office, including an increase in the roof height, insertion of 1no. window to side elevation and 2no. roof lights in rear elevation.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 22/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1257	FDS Russell	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002		Castle
Location:		**Grid Reference:**
11 Spencer Street, Carlisle, Cumbria, CA1 1BE		340418 555980

Proposal: Installation of bathroom to ground floor (LBC)

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1266	Mrs Gibson	Stanwix Rural
Date of Receipt:	**Agent:**	**Ward:**
29/11/2002	B F Child	Stanwix Rural
Location:		**Grid Reference:**
24 Hendersons Croft, Crosby-on-Eden, Carlisle		344570 559463

Proposal: Two storey extension to provide playroom with bedrooms above

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1272	Mr Simpson	Hayton
Date of Receipt:	**Agent:**	**Ward:**
10/01/2003	JAF Limited	Hayton
Location:		**Grid Reference:**
100 Hurley Road, Little Corby, Carlisle, CA4 8QF		347975 557235

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conservatory to rear elevation
Amendment:

Decision: Grant Permission **Date:** 13/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1285	Persimmon Homes (Lancashire) Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/12/2002		Stanwix Urban
Location:		**Grid Reference:**
5 Pennington Drive (Plot 65), Windsor Way, Carlisle		340000 558300

Proposal: Erection of conservatory (retrospective)

Amendment:

Decision: Grant Permission **Date:** 11/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1286	Persimmon Homes (Lancashire) Limited	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
05/12/2002		Stanwix Urban
Location:		**Grid Reference:**
13 Pennington Drive (Plot 69) & 45 Pennington Drive (Plot 85), Windsor Way, Carlisle		340000 558300

Proposal: Revised house types to include conservatories to rear

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1297	Mr & Mrs Robert	Arthuret

SCHEDULE E: Decisions Issued Under Delegated Powers

Armstrong

Date of Receipt: 06/12/2002

Agent: Tsada Building Design Services

Ward: Longtown & Rockcliffe

Location: Rear of, 16 Netherby Road, Longtown, Carlisle

Grid Reference: 338135 569048

Proposal: Erection of bungalow and garage

Amendment:

Decision: Grant Permission **Date:** 30/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1300

Applicant: Mr Mark Robinson

Parish: Hayton

Date of Receipt: 10/12/2002

Agent: Unwin Jones Partnership

Ward: Hayton

Location: L/A Barn, Ashtree Farm, Hayton, Carlisle, CA8 9HT

Grid Reference: 350942 557755

Proposal: Conversion of existing agricultural barn and outbuildings into dwelling and garages

Amendment:

Decision: Grant Permission **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1303

Applicant: Shankland Taxis

Parish: Carlisle

Date of Receipt: 20/12/2002

Agent:

Ward:

Location: Riverside House - Unit 3, Warwick Road, Carlisle, Cumbria

Grid Reference: 341821 555952

Proposal: Change of use to private taxi office and installation of radio antenna (retrospective).

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1304	Mr & Mrs P Thomas	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
10/12/2002	Johnston & Wright	Botcherby
Location:		**Grid Reference:**
4 Geltsdale Avenue, Durranhill, Carlisle, CA1 2RL		342750 555370

Proposal: Two storey extension to provide study, shower, utility room with 2no. bedrooms and shower room above

Amendment:

Decision: Grant Permission **Date:** 30/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1305	Briggs Construction	Castle Carrock
Date of Receipt:	**Agent:**	**Ward:**
14/01/2003		Great Corby & Geltsdale
Location:		**Grid Reference:**
L/A Barn, Shepherds View, Castle Carrock		354390 555300

Proposal: Revised proposal to convert barn to dwelling incorporating reconstruction of rear wall and erection of a detached garage

Amendment:

Decision: Grant Permission **Date:** 21/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1309	Alan Irving	Wetheral
Date of Receipt:	**Agent:**	**Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

03/01/2003 — Wetheral

Location:
112 Scotby Road, Scotby, Carlisle, CA4 8BJ

Grid Reference:
343975 555930

Proposal: Erection of balcony to rear elevation

Amendment:

Decision: Grant Permission — **Date:** 19/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1315

Applicant:
Dalston Aggregates Ltd

Parish:
Dalston

Date of Receipt:
13/12/2002

Agent:

Ward:
Dalston

Location:
Dalston Aggregates, Barras Lane, Dalston, Carlisle, CA5 7LX

Grid Reference:
336393 550805

Proposal: Erection of new office, showroom, plant store and wood products building with amendment to original plans on application 02/0288 to enclose canopy

Amendment:

Decision: Grant Permission — **Date:** 23/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1316

Applicant:
Auto Recoveries

Parish:
Carlisle

Date of Receipt:
20/12/2002

Agent:

Ward:
Castle

Location:
Auto Service Recoveries - 8-11 Millrace Road, Willowholme Industrial Estate, Carlisle, Cumbria

Grid Reference:
339078 556382

Proposal: Replacement of existing chain link fencing with palisade and replacement of flat roof.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1318	Mr S Appleton	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
13/12/2002	Jock Gordon	Wetheral
Location:		**Grid Reference:**
86 Scotby Road, Scotby, Carlisle, CA4 8BD		344090 555800

Proposal: First floor extension to rear elevation to increase bedroom and bathroom

Amendment:

Decision: Grant Permission **Date:** 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1320	Mr H Jobson	Brampton
Date of Receipt:	**Agent:**	**Ward:**
13/12/2002	Tamarind Design	Brampton
Location:		**Grid Reference:**
Jobsons Chemist, Front Street, Brampton		353030 561070

Proposal: Extension to rear to provide enlarged pharmacy

Amendment:

Decision: Grant Permission **Date:** 06/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1325	John A Dixon	Kingmoor
Date of Receipt:	**Agent:**	**Ward:**
16/12/2002		Stanwix Rural
Location:		**Grid Reference:**

SCHEDULE E: Decisions Issued Under Delegated Powers

Chaseside, Cargo, Carlisle, CA6 4AW 336700 559234

Proposal: Installation of new window to side elevation (west)

Amendment:

Decision: Grant Permission **Date:** 07/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1327	Mrs P M Breen	Hethersgill
Date of Receipt:	**Agent:**	**Ward:**
17/12/2002		Lyne
Location:		**Grid Reference:**
The Old Rectory, Kirklinton, Hethersgill, Carlisle, CA6 6BB		343275 567080

Proposal: Replace lay lights on the roof at back of building with 2no velux windows (LBC)

Amendment:

Decision: Grant Permission **Date:** 12/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1329	Crowther Homes Ltd	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
17/12/2002		Yewdale
Location:		**Grid Reference:**
Plots 52 & 53 "The Beeches", Wigton Road, Carlisle		337607 554307

Proposal: Construction of double garage block to provide a single garage to plots 52 & 53

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 02/1332
Applicant: Vodafone Ltd
Parish: Castle Carrock

Date of Receipt: 30/12/2002
Agent: Smith Woolley Telecom
Ward: Great Corby & Geltsdale

Location: L/A, Roughethill, Castle Carrock
Grid Reference: 354712 553762

Proposal: Installation of 3no airwave 4-stack antennas, 0.6m transmission dish, equipment cabin and ancillary equipment

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1336
Applicant: Mr Wilson
Parish: Carlisle

Date of Receipt: 19/12/2002
Agent: Paramount Windows
Ward: Belle Vue

Location: 36 Burgh Road, Carlisle
Grid Reference: 337688 556164

Proposal: Conservatory to rear elevation

Amendment:

Decision: Grant Permission **Date:** 07/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 02/1340
Applicant: New Look Group Plc
Parish: Carlisle

Date of Receipt: 19/12/2002
Agent: Chadwick + Bracewell
Ward: Castle

Location: 11 English Street, Carlisle, CA3 8JW
Grid Reference: 340122 555915

Proposal: Display of non-illuminated aluminium fascia panel & projecting sign with internally illuminated logo/text

SCHEDULE E: Decisions Issued Under Delegated Powers

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1343	Milligans Bakery	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
19/12/2002	Christopher Wale Interior Design	Castle

Location: 47-49 Lowther Street, Carlisle, CA3 8EQ

Grid Reference: 340219 555880

Proposal: Alterations comprising erection of external staircase to service yard, erection of two columns to front elevation, and raising of flat roof section.

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1345	Mr & Mrs S McConnell	Burgh-by-Sands
Date of Receipt:	**Agent:**	**Ward:**
20/12/2002	Mr G Tyler	Burgh

Location: Vallum Close, Burgh-by-Sands, Carlisle, CA5 6AP

Grid Reference:

Proposal: Erection of sun room to side elevation

Amendment:

Decision: Grant Permission **Date:** 30/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1349	SMART TMO Limited	Brampton
Date of Receipt:	**Agent:**	**Ward:**

SCHEDULE E: Decisions Issued Under Delegated Powers

20/12/2002 Brampton

Location: **Grid Reference:**
18 Cambeck Close, Brampton, CA8 1BX

Proposal: Change of use from residential to housing office to service St Martins Estate, incorporating a disabled access facility

Amendment:

Decision: Grant Permission **Date:** 07/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1352	Mr C Elliot	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
23/12/2002		Belle Vue

Location: **Grid Reference:**
86 Moorhouse Road, Carlisle 337292 556154

Proposal: Two storey extension to provide additional bedrooms and enlarged kitchen/dining room

Amendment:

Decision: Grant Permission **Date:** 14/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1353	System Driver Training Ltd	Irthington
Date of Receipt:	**Agent:**	**Ward:**
08/01/2003	Unwin Jones Partnership	Stanwix Rural

Location: **Grid Reference:**
System Driver Training Ltd, Airport Industrial Estate, Irthington, Carlisle, CA6 4NW 347500 560700

Proposal: Two storey extension to existing office and training facility

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 27/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1354	Mr & Mrs A Norman	Irthington
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002	Tsada Building Design Services	Stanwix Rural
Location:		**Grid Reference:**
Pine View, Newby East, Carlisle, CA4 8RA		348341 559111

Proposal: Extension to form 2no. bedrooms, living room, garage, conservatory and porch to include additional dormers (revised application)

Amendment:

Decision: Grant Permission **Date:** 05/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1355	Mr & Mrs B Storey	Hethersgill
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002	Tsada Building Design Services	Lyne
Location:		**Grid Reference:**
Low Dubwath Farm, Kirklinton, Hethersgill, Carlisle		346520 568771

Proposal: Erection of conservatory

Amendment:

Decision: Grant Permission **Date:** 11/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/1360	Mr J Grant	Kingmoor
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002	Mr G Stephen	Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
L/A Crindledyke Estate, Crindledyke Estate, Kingstown, Carlisle

Grid Reference:
338371 560638

Proposal: Erection of 2no. dwellings (Phase 3 - plots 16 & 17)

(revised scheme)

Amendment:

Decision: Grant Permission **Date:** 21/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1361

Applicant:
Mr & Mrs Barker

Parish:
Kirklinton Middle

Date of Receipt:
30/12/2002

Agent:
Jock Gordon

Ward:
Lyne

Location:
Moor Cottage, Scaleby, Carlisle, CA6 4NB

Grid Reference:
342860 563915

Proposal: Conversion of detached garage to granny annex and erection of conservatory and porch

Amendment:

Decision: Grant Permission **Date:** 06/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
02/1365

Applicant:
Mr H Jobson

Parish:
Brampton

Date of Receipt:
30/12/2002

Agent:
Tamarind Design

Ward:
Brampton

Location:
Jobsons Chemist, Front Street, Brampton, CA8 1RL

Grid Reference:
353030 561070

Proposal: Extension within rear yard area (LBC)

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
02/9040	Newtown School Governors	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
30/12/2002	Cumbria County Council	Belle Vue

Location: Newtown Primary School, Raffles Avenue, Raffles, Carlisle, CA2 7LW

Grid Reference: 338300 555932

Proposal: Erection of new nursery building

Amendment:

Decision: City Council Observation - Observations
Date: 24/01/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0005	The Royal Bank of Scotland Group	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/01/2003	Lewis Hickey Architects	Botcherby

Location: National Westminster Bank, Unit 7, Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RW

Grid Reference: 342700 555700

Proposal: New level landing to be formed to allow disabled access. New letterplate and external lighting.

Amendment:

Decision: Grant Permission **Date:** 10/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0008	Mr E J Pattison	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
07/01/2003		Belle Vue

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
26 Criffel Road, Belle Vue, Carlisle, CA2 7QP

Grid Reference:
337021 555987

Proposal: Rebuild existing garage with ground floor rear/side extension to provide additional living space. First floor side extension to provide bedroom over garage

Amendment:

Decision: Grant Permission **Date:** 03/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0009	Carleton Property Group	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
08/01/2003	Swarbrick Associates	Harraby

Location:
Inglewood Forest Public House, Pennine Way, Harraby, Carlisle

Grid Reference:
342170 554539

Proposal: Alterations and extension to provide TV lounge

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0014	Mr & Mrs Parker	Nicholforest
Date of Receipt:	**Agent:**	**Ward:**
22/01/2003	Hogg & Robinson Design Services	Lyne

Location:
The Firs, Catlowdy, Penton, Carlisle, CA6 5QW

Grid Reference:
346600 577377

Proposal: Conversion of garage/workshop into a "granny annex" ancillary to existing dwelling.

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0020
Applicant: Mr T Fisher
Parish: Brampton

Date of Receipt: 22/01/2003
Agent: H & H Bowe Ltd
Ward: Brampton

Location: Low Geltsbridge Farm, Brampton, CA8 1TA
Grid Reference: 351961 559300

Proposal: Erection of cubicle shed

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0021
Applicant: Mr & Mrs Boak
Parish: Carlisle

Date of Receipt: 13/01/2003
Agent: John Lyon Associates
Ward: Harraby

Location: 40 Dalegarth Avenue, Harraby, Carlisle, CA1 3LT
Grid Reference: 342070 554100

Proposal: Two storey extension to provide enlarged kitchen with 1no bedroom above

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0024
Applicant: Mr S Perryman
Parish: Stanwix Rural

Date of Receipt: 13/01/2003
Agent: S & H Construction
Ward: Stanwix Rural

Location: 39 Jackson Road, Houghton, Carlisle, CA3 0NP
Grid Reference: 341035 559180

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two storey extension to provide enlarged kitchen with 1no en-suite bedroom above

Amendment:

Decision: Grant Permission **Date:** 27/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0025	Mr C Errington	Wetheral
Date of Receipt:	**Agent:**	**Ward:**
14/01/2003		Wetheral
Location:		**Grid Reference:**
1 West View, School Road, Cumwhinton, Carlisle, CA4 8DX		345285 552766

Proposal: Erection of conservatory to side elevation

Amendment:

Decision: Grant Permission **Date:** 17/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0026	S Potts	Nether Denton
Date of Receipt:	**Agent:**	**Ward:**
14/01/2003		Irthing
Location:		**Grid Reference:**
Casa Mia, Low Row, Brampton, CA8 2LE		358535 563010

Proposal: Extension to provide 1no bedroom, shower & garage with enlarged porch/conservatory

Amendment:

Decision: Grant Permission **Date:** 13/02/2003

Between 18/01/2003 and 28/02/2003

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No: 03/0036
Applicant: Mr R Nutt
Parish: Stanwix Rural

Date of Receipt: 24/01/2003
Agent: James Dewhurst
Ward: Stanwix Rural

Location: 3 Knells Cottages, The Knells, Houghton, Carlisle, CA4 8QF
Grid Reference: 341230 560710

Proposal: Erection of conservatory

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0042
Applicant: Carlisle City Council
Parish: Carlisle

Date of Receipt: 17/01/2003
Agent: Culture Leisure & Sport Services
Ward: Morton

Location: L/A Dalston Road Play Area - off Winscale Way, Morton Park, Carlisle
Grid Reference: 338530 554020

Proposal: Renovation of existing play area to provide play equipment and safety surfacing for children aged 2-12 years with pedestrian access path to play area

Amendment:

Decision: Grant Permission **Date:** 25/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0043
Applicant: Mr & Mrs S Irving
Parish: Wetheral

Date of Receipt: 20/01/2003
Agent:
Ward: Wetheral

Location: Springbank House, Warwick-on-Eden, Carlisle, CA4 8PA
Grid Reference: 346509 556419

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Two storey extension to provide dining area with enlarged bedroom above

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0044	Mrs M Wilson	Solport
Date of Receipt:	**Agent:**	**Ward:**
17/01/2003	B Cowens	Lyne
Location:		**Grid Reference:**
Shawstown, Penton, Carlisle, CA6 5RT		346050 574700

Proposal: Erection of indoor Equestrian Centre

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0045	Mr & Mrs K Ball	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
20/01/2003	John Lyon Associates	Belah
Location:		**Grid Reference:**
2 Bailey Road, Lowry Hill, Carlisle, CA3 0HG		339000 558267

Proposal: Extension to provide study & enlarged garage

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0053	Mr G Barnfield	Irthington

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt: 21/01/2003
Agent: David Corrin
Ward: Stanwix Rural

Location: Townend Cottage, Newby East, Carlisle, CA4 8QX
Grid Reference:

Proposal: Extension to provide kitchen/dining room together with alterations to existing vehicular access

Amendment:

Decision: Grant Permission **Date:** 21/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0058
Applicant: Mr & Mrs Lovelands
Parish: Bewcastle

Date of Receipt: 23/01/2003
Agent: Mr G Stephen
Ward: Lyne

Location: Cloud Cottage, Kinkry Hill, Roadhead, Carlisle
Grid Reference: 351479 575088

Proposal: Erection of conservatory

Amendment:

Decision: Grant Permission **Date:** 27/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No: 03/0065
Applicant: A C Graham
Parish: Carlisle

Date of Receipt: 24/01/2003
Agent:
Ward: Stanwix Urban

Location: 39 Longlands Road, Stanwix, Carlisle, CA3 9AD
Grid Reference: 340906 557388

Proposal: Erection of conservatory

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0066	Mr P Roberts	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
24/01/2003	Jock Gordon	Morton
Location:		**Grid Reference:**
32 Levens Drive, Morton Park, Carlisle, CA2 6JF		338666 554544

Proposal: Extension to rear of garage to provide WC & utility room with 1no ensuite bedroom above

Amendment:

Decision: Grant Permission **Date:** 27/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0070	The School Governors	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
27/01/2003	Geoffrey Cowan & Company	Castle
Location:		**Grid Reference:**
Trinity School, Strand Road, Carlisle, CA1 1JB		340568 556300

Proposal: Storeroom extension together with installation of 3no canopies & disabled access ramp to Sports Hall

Amendment:

Decision: Grant Permission **Date:** 21/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:	**Applicant:**	**Parish:**
03/0085	Mr A Thomson	Carlisle
Date of Receipt:	**Agent:**	**Ward:**
29/01/2003		Belah

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
7 Naworth Drive, Carlisle, Cumbria, CA3 0DD

Grid Reference:
339364 558615

Proposal: Two storey extension to provide kitchen/dining area with 1no bedroom above

Amendment:

Decision: Grant Permission **Date:** 24/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
03/0092

Applicant:
Mr David Weir

Parish:
Carlisle

Date of Receipt:
30/01/2003

Agent:

Ward:
Harraby

Location:
10 Cumwhinton Road, Harraby, Carlisle, CA1 3LA

Grid Reference:
342085 553900

Proposal: Kitchen extension

Amendment:

Decision: Grant Permission **Date:** 26/02/2003

Between 18/01/2003 and 28/02/2003

Appn Ref No:
03/0121

Applicant:
Mr & Mrs Ford

Parish:
Carlisle

Date of Receipt:
04/02/2003

Agent:
Jock Gordon

Ward:
Upperby

Location:
32 Manor Road, Upperby, Carlisle, CA2 4LG

Grid Reference:
341145 553635

Proposal: Ground floor extension to front elevation to provide shower room for a disabled person

Amendment:

Decision: Grant Permission **Date:** 28/02/2003