

SCHEDULE A: Applications with Recommendation

09/0102

Item No: 05

Date of Committee: 29/05/2009

Appn Ref No:
09/0102

Applicant:
Mr James Newton

Parish:
Carlisle

Date of Receipt:
18/02/2009

Agent:
Mr Ian Newton

Ward:
Stanwix Urban

Location:
The Old Stables, Church Place, Church Street,
Stanwix, Carlisle

Grid Reference:
340093 557100

Proposal: Erection Of Single Storey Side Extension To Provide Kitchen/Dining
Area

Amendment:

1. Details indicating proposed raft foundations at a depth of no more than 450mm below existing ground level.
-

REPORT

Case Officer: Barbara Percival

Reason for Determination by Committee:

This application is brought before Members of the Development Control Committee due to the receipt of five letters/e-mails of objection. The authors of these also wish to exercise their Right to Speak.

1. Constraints and Planning Policies

Ancient Monument

Gas Pipeline Safeguarding Area

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

Conservation Area

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

Local Plan Pol H11 - Extns to Existing Resid. Premises

Local Plan Pol CP5 - Design

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

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objection the proposed development as it is considered that the proposal does not affect the highway;

Development Services Planning & Housing Services - Conservation Section: from a Conservation standpoint there are no objections to the principle of this proposal. Prefer to see a reduction size to that of the existing (slightly) raised paved area. Obviously there might be planning and other issues which might otherwise determine the outcome of this application;

English Heritage - North West Region: do not wish to comment in detail following receipt of amended plans but have the following observations. The revised plans confirm that no excavation will be deeper than 450mm below the present ground surface. This appears to be in line with earlier advice given by Jeremy Parsons from Cumbria County Council which was discussed with English Heritage. English Heritage agree with Cumbria County Council's judgement, that at this depth of excavation, the works would be sufficiently unlikely to impact on important archaeological remains. This could be mitigated by an archaeological watching brief secured by a condition;

Northern Gas Networks: no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works. Should the planning application be approved, it is required that the promoter of these works contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;

Cumbria County Council - (Archaeological Services): records indicate that the site lies in an area of high archaeological potential. It is located within the site of Petriana Roman Fort and adjacent to an area that is legally protected as a Scheduled Monument (Scheduled Monument No. 28484). Archaeological investigations in the immediate vicinity have revealed elements of the fort surviving in a good state of preservation below ground.

The applicant has provided further information showing that the ground works will be limited to 450mm below existing ground floor level. It is recommended that the ground works associated with the development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a condition in any planning consent.

3. Summary of Representations**Representations Received**

Initial:	Consulted:	Reply Type:
1 Church Place	19/02/09	
2 Church Place	19/02/09	Objection
3 Church Place	19/02/09	Objection
4 Church Place	19/02/09	Objection
5 Church Place	19/02/09	Objection
6 Church Place	19/02/09	Objection
Stanwix Primary School	19/02/09	
15 Romanway	19/02/09	

- 3.1 This application has been advertised by direct notification to the occupiers of eight neighbouring properties and the posting of site and press notices. In response, 5 neighbouring residents have objected via e-mail or letters.
- 3.2 The e-mails and letters identify the following issues:
1. restriction of access to the rear of properties on Church Place, already made difficult by the erection of gates that close off the end of the common entrance arch;
 2. concern about the potential to erect a two storey extension at a later date which would compromise privacy and restrict the light to all houses in Church Place;
 3. the ground to the rear of numbers 4-6 Church Place is legally and historically a communal garden/drying green for the residents of Church Place and must be preserved. Legal advice has been sought as the occupiers of Church Place have rights over the land on which the extension is to be erected;
 4. the proposed extension together with the existing building would be out of character and disproportionate with the remaining space of the plot. Further development will affect the amenity values of the residents of Church Place;
 5. the property has already been extended and the retention of the communal garden/drying green is more complementary to the character of the Stanwix Conservation Area;
 6. granting of an additional extension to property would be contrary to the original permission, intent and declared policy and have an adverse impact on properties in Church Place;
 7. reduction/loss of the communal garden/drying green would force the occupiers of Church Place to use tumble dryers which is not

environmentally friendly;

8. the erection of the proposed extension would reduce the area around the property and in order to gain adequate access to the rear of Church Place a well established border may have to be removed. The result of this would have an adverse affect on the remaining open space and the environment which the occupiers of Church Place has tried to create;
9. contrary to the objective of Policies H2 and LE18 of the Carlisle District Local Plan;
10. reduction in light would result in the ground floor rear rooms of Church Place being very dark, forcing the use of artificial light;
11. the proposal is to provide extra dining accommodation which they do not believe is essential to comfortable occupancy of the property and does not outweigh the adverse effect it would have on adjacent properties.

4. Planning History

- 4.1 In 1996, an application for the demolition of a 2 metre high wall and erection of 2 metre high gates was withdrawn (application 96/0950).
- 4.2 In 1997, an application for minor internal alterations to existing storage building was withdrawn (application 97/0150).
- 4.3 In 2003, planning permission was granted for the change of use from a store to a dwelling (application 03/1315).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks Full Planning Permission for a single storey extension to a property to the rear of the terraced properties of Church Place, Stanwix. The property, originally a former stable, has pedestrian access via an archway between numbers 3 and 4 Church Place. The property is enclosed by 2 metre high brick walls, Stanwix School's playground lies immediately to its north-west and north-east boundaries whilst to its immediate south east are the rear enclosed yards of Church Place. In 2008, under Permitted Development, a two storey extension was constructed.

Background

- 5.2 The submitted drawings illustrate a single storey side extension which would provide a kitchen/dining area off the existing kitchen. It would project 3.6

metres from the south-western gable elevation and be, at its widest part, 3.6 metres with a ridge height of 3.2 metres. The extension would be finished in painted render with a slate roof in keeping with the existing dwelling.

Assessment

- 5.3 The relevant planning policies against which the application is required to be assessed are Policies H11, CP5, LE5 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.4 The proposals raise the following planning issues:
1. The Impact Of The Proposal On the Living Conditions of Neighbouring Residents
- 5.5 Policy H11 and Policy CP5 of the Local Plan seek to protect the living conditions of adjacent properties from proposals which adversely affect them, through inappropriate scale, design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.
- 5.6 Several of the objectors have cited possible loss of light to the rear rooms and yard areas of properties in Church Place. Their objections have been noted; however, It is not considered that the proposal would exacerbated the current situation to an unacceptable level to warrant refusal, due to a combination of factors. Firstly, the orientation of the proposal in relation to its neighbours; secondly, it would be single storey with a maximum ridge height of 3.2 metres; and third the roof would slope away from the properties at Church Place. In order to assist Members, a shadow plan has been prepared and included within the Schedule which illustrates the shadows that would be cast by the proposal together with those currently cast by the Old Stables and boundary walls of Church Place.
2. Whether The Proposal Is Appropriate To The Dwelling
- 5.7 As previously stated, Policies H11 and CP5 seek to ensure the development is appropriate in terms of quality to that of the surrounding area, are of good design and are of an acceptable scale. The proposals which are being presented for consideration are relatively minor in scale, resulting in an overall ground floor area being created of 12.96 square metres. In such a context, therefore, it is considered that the proposal would not be disproportionate to the property. Likewise the design is considered acceptable, using materials to match the existing property.
3. The Impact Of The Proposal On The Stanwix Conservation Area
- 5.8 Policy LE19 outlines that proposals for new development should preserve or enhance all features which contribute positively to the area's character or appearance. In particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape. It goes on to explain

that developments should not have an unacceptable impact on the historic street patterns and should protect significant important open spaces and views into, out of, and within the area.

- 5.9 This proposal seeks to develop a piece of land, currently used as a patio area, within a shared communal garden/drying area, which is not visible from public viewpoints. The scale and materials proposed are considered acceptable in relation to the existing dwelling. The City Council's Conservation Officer has been consulted and has no objections to the development from a conservation standpoint.

4. The Impact Of The Proposal On Hadrians Wall World Heritage Site

- 5.10 The application site lies within Hadrian's Wall World Heritage Site and as such Policy LE5 of the Local Plan is relevant. Policy LE5 outlines that development will not be permitted where there is an unacceptable impact on the World Heritage Site. In line with standard procedures, English Heritage and the County Council's Historic Environment Officer have been consulted. Following receipt of additional information, illustrating that the foundations will have a minimum depth of 450mm below ground level, both consultees have confirmed that they have no objections subject to the imposition of a condition ensuring a watching brief is undertaken.

5. Other Matters

- 5.11 Several objectors have raised issues regarding right of access and ownership of the communal garden/drying area. Their objections have been noted; however, these issues relate to Civil Law and not planning legislation.

Conclusion

- 5.12 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposal is acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable loss of light, overlooking or overdominance. In all aspects the proposal is compliant with the objectives of the adopted Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. **Recommendation** - Grant Permission

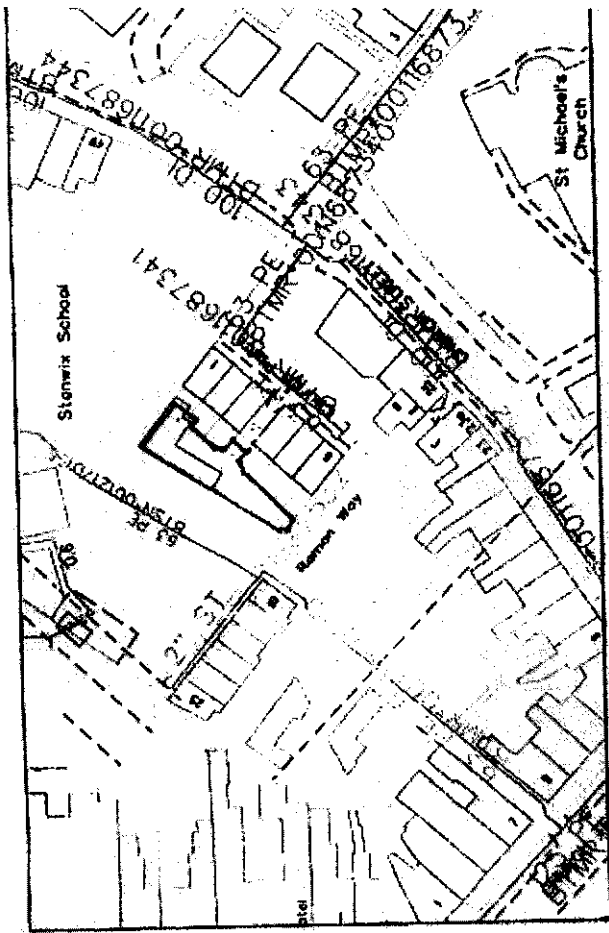
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

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

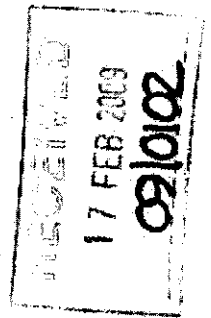
Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains.

**PROPOSED EXTENSION FOR
MR J NEWTON, THE OLD STABLES
CHURCH PLACE, STANWIX, CA3 9DN**



SITE LOCATION PLAN

SCALE 1:1250



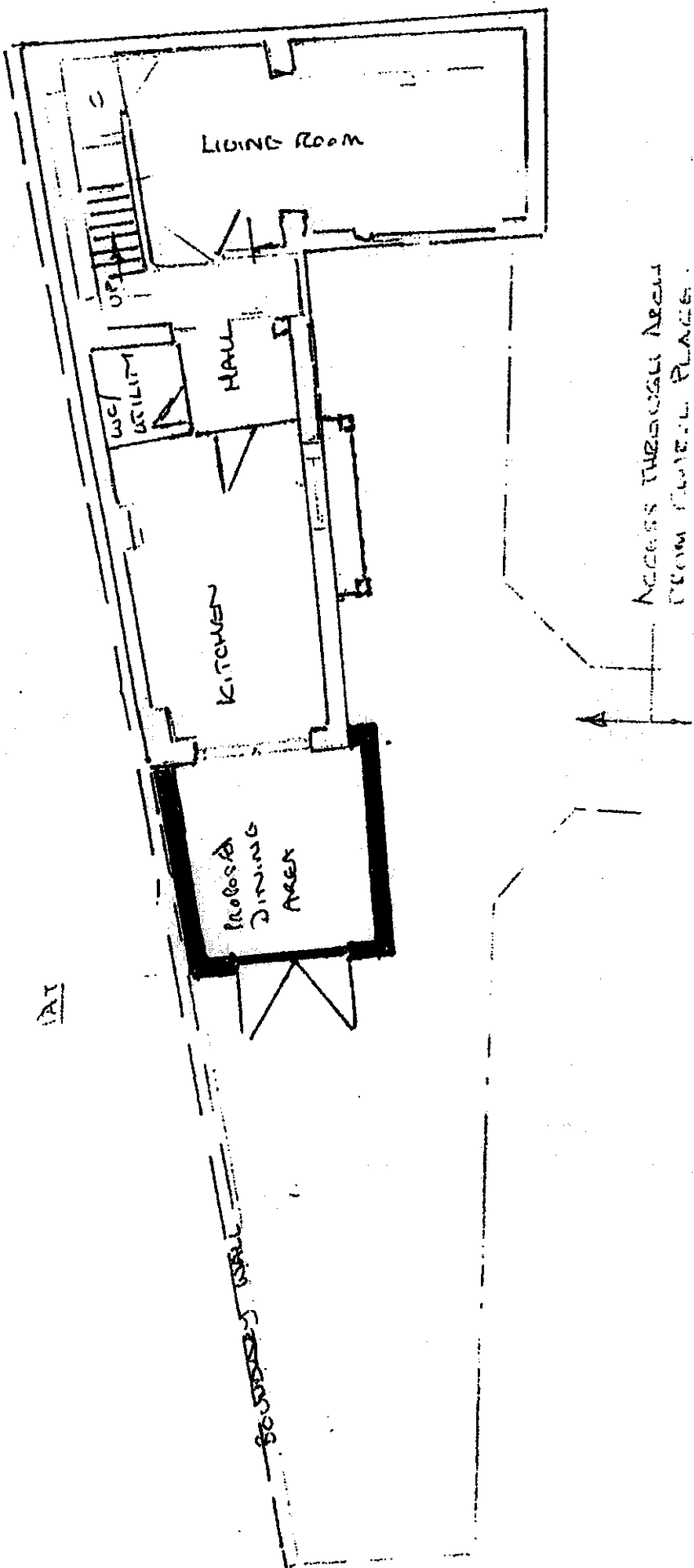
PROPOSED EXTENSION FOR
MR J NEWTON, THE OLD STABLES
CHURCH PLACE, STANWIX, CA3 9DN

Proposed Ground Floor

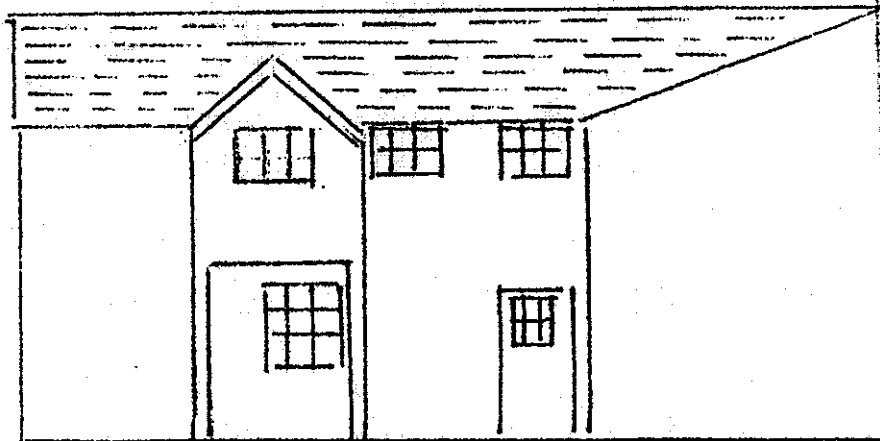
SCALE 1:100

17 FEB 2009

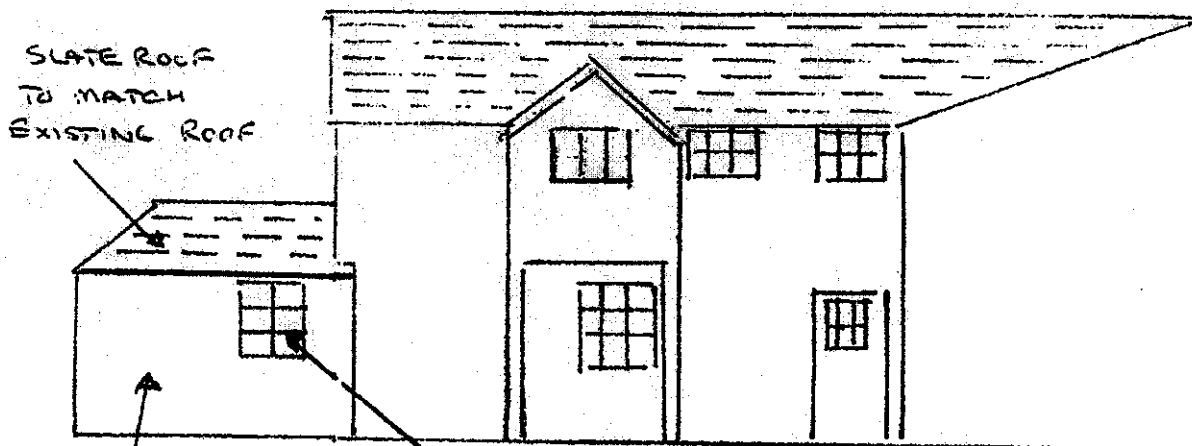
12 FEB 2009
2009/0102



FRONT ELEVATION - EXISTING



FRONT ELEVATION - PROPOSED



SLATE ROOF
TO MATCH
EXISTING ROOF

WALLS TO BE RENDERED
AND PAINTED WHITE
AS EXISTING

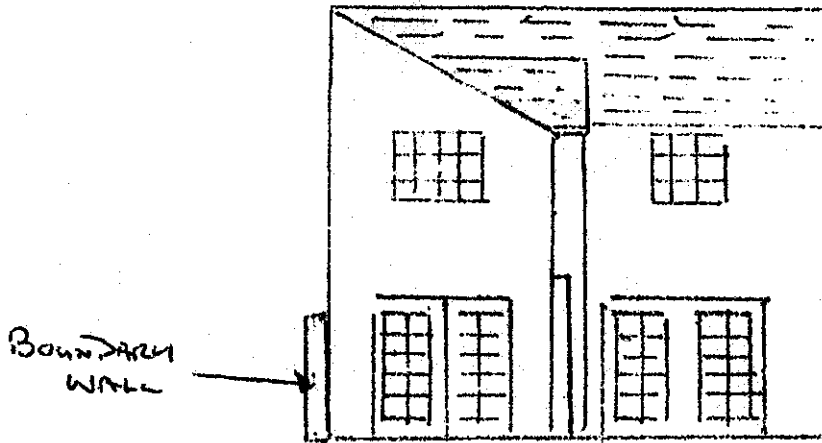
UPVC WINDOW
TO MATCH EXISTING
WINDOWS

SCALE 1/50: 100

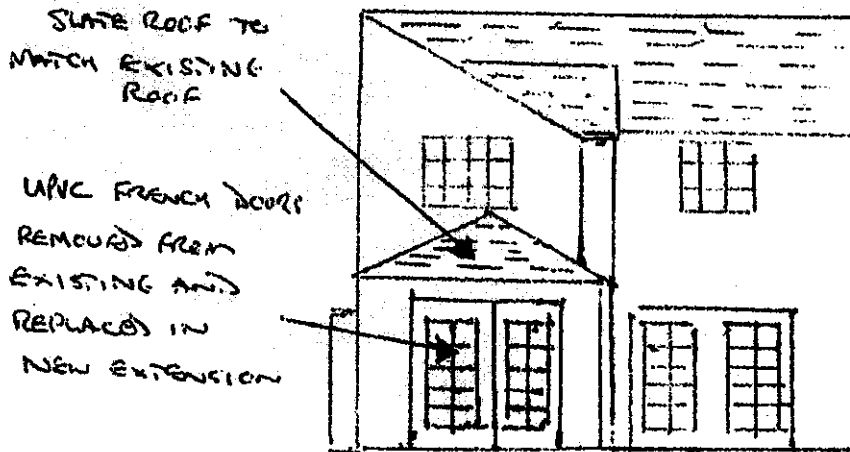
12 FEB 2009
2009/01/02

PROPOSED EXTENSION FOR
MR J NEWTON, THE OLD STABLES
CHURCH PLACE, STANWIX, CA3 9DN

SIDE ELEVATION - EXISTING



SIDE ELEVATION - PROPOSED

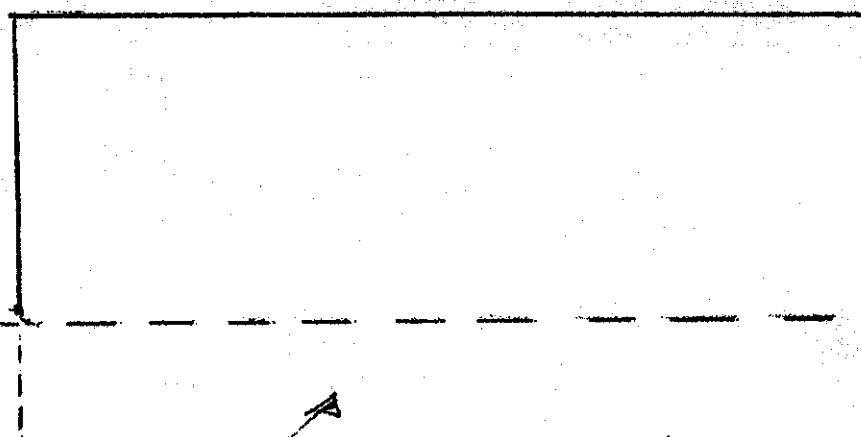


SCALE 1:100

12 FEB 2009
2009/0102

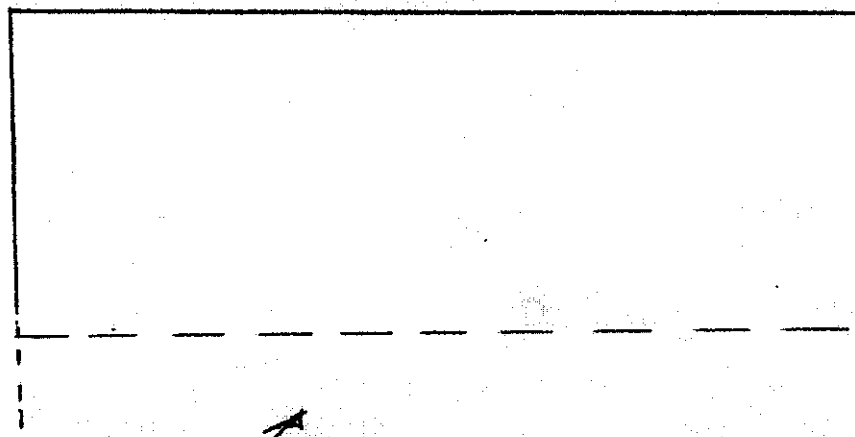
PROPOSED EXTENSION FOR
MR J NEWTON, THE OLD STABLES
CHURCH PLACE, STANWIX, CA3 9DI

REAR ELEVATION - EXISTING



EXISTING BOUNDARY WALL

REAR ELEVATION - PROPOSED



SLATE ROOF TO
MATCH EXISTING ROOF

EXISTING BOUNDARY WALL

EXPOSED WALL AREA TO BE
BEST MATCH BRICK AS EXISTING
WALL
NON EXPOSED AREA TO BE CONCRETE BLOCK

SCALE 1:100

12 FEB 2009
2009/0102

17 FEB 2013

09/0102

**PROPOSED EXTENSION FOR Mr J C NEWTON, THE OLD STABLES,
CHURCH PLACE, STANWIX, CARLISLE CA3 9DN**

DESIGN AND ACCESS STATEMENT

History of site:

The initial use of the existing property was presumably a stable. Subsequent to this, it is known that the property was then used as a commercial car repair workshop and then a builder's yard, office and store. Planning consent was obtained in 1995 to convert the existing buildings into a dwelling. (Planning Ref 03/1315) The conversion was completed in 2006 and a small permitted development extension was added in 2008.

Photos are associated to show the site prior to and after redevelopment.

Site Analysis

The site is located to the rear of a terrace of houses in Church Place and is therefore only overlooked from the rear of these properties. The NW and NE boundaries abut to Stanwix School play grounds and the SW boundary, to open ground in Roman Way. The whole site, other than where the building forms part of the boundary, is surrounded with a two metre high brick wall.

Design Principles

The proposed extension is to provide additional dining space in the existing kitchen area. Due to the lack of depth of the original building, this is currently very much restricted.

The design criteria, was to create an extension which would give adequate additional floor space but would have minimum visual impact, both on the existing house/grounds and the adjacent properties.

The floor area of the proposed extension, represents a usage in the region of 20% of the existing open space surrounding the dwelling.

The proposed extension is single story and because of the high existing boundary walls, will not be visually intrusive from any surrounding properties..

The design of the extension, is to match the existing dwelling, using the same wall and roof materials, together with a similar window and reusing the existing door.

The roof is designed to have minimum impact to neighbouring properties.

The remaining open space will be re landscaped as existing.

Access

The proposals do not affect existing access arrangements. The site is level and general access, together with disability and emergency access, is not compromised in any way.

Ian Newton, Agent for J C Newton

PLANNING & HOUSING SERVICES	
REF	09/0102
20 APR 2009	
RECORDED	
SCANNED	
FORWARDED TO	
ACTION	

The Willows
Aglionby
Carlisle
CA4 8AQ

Tel: 01228 525739

Email: ianr.newton@tiscali.co.uk

16 April 2009

Barbara Percival
Development Services
Civic Centre
Carlisle
CA3 8QG

Dear Barbara,

Erection of single story extension. The Old Stables, Church Place, Stanwix, Carlisle

Your Ref: BP/DC/09/0102

With reference to your letter of 14th March 2009.

As requested, please find enclosed drawings indicating proposed raft foundation drawings. I confirm that no foundation excavations will be below 450mm existing ground level.

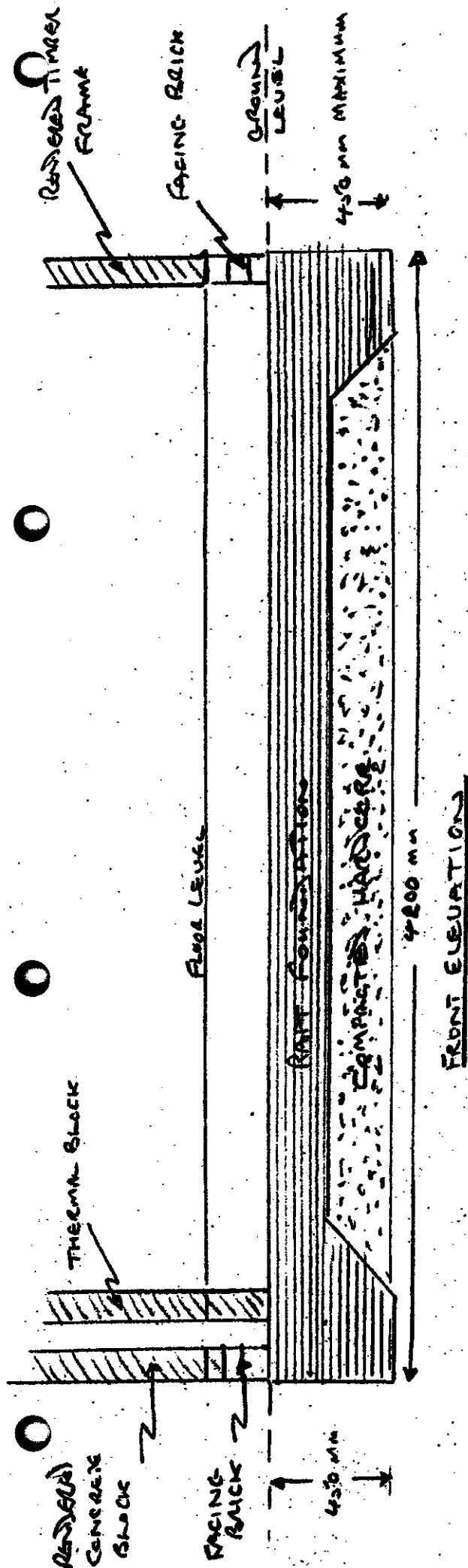
Also, there is no requirement for any further excavations for drainage, as rain water disposal will be by connection to an existing down pipe. There is no requirement for any foul water disposal.

Many thanks for your help.

Yours sincerely,



Ian Newton

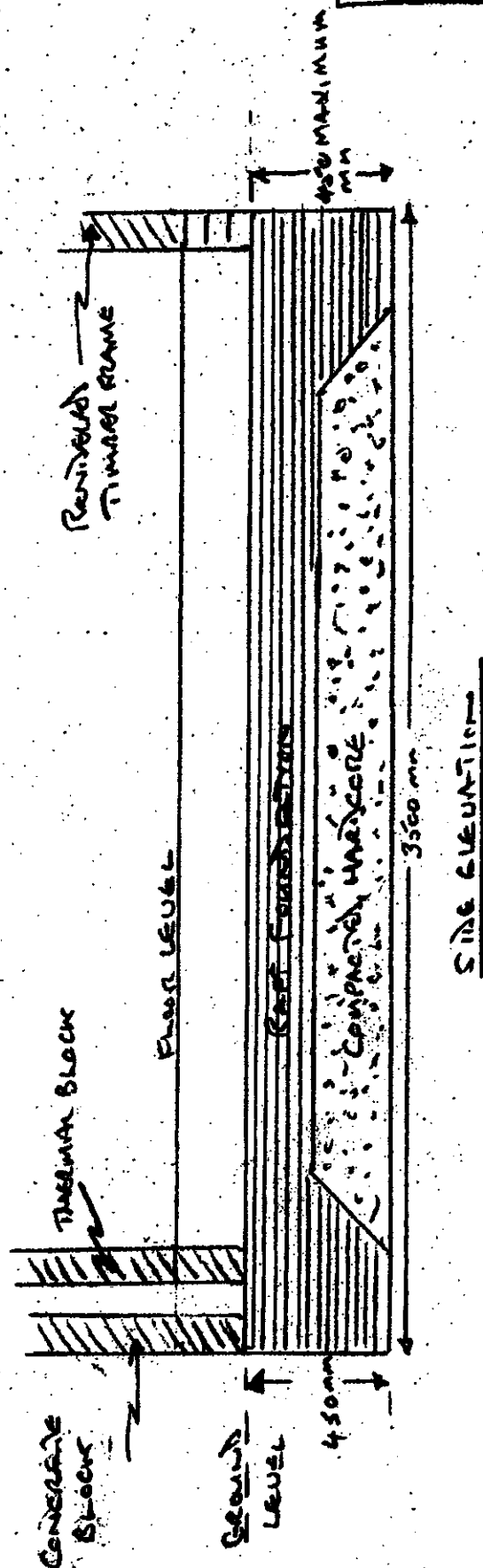


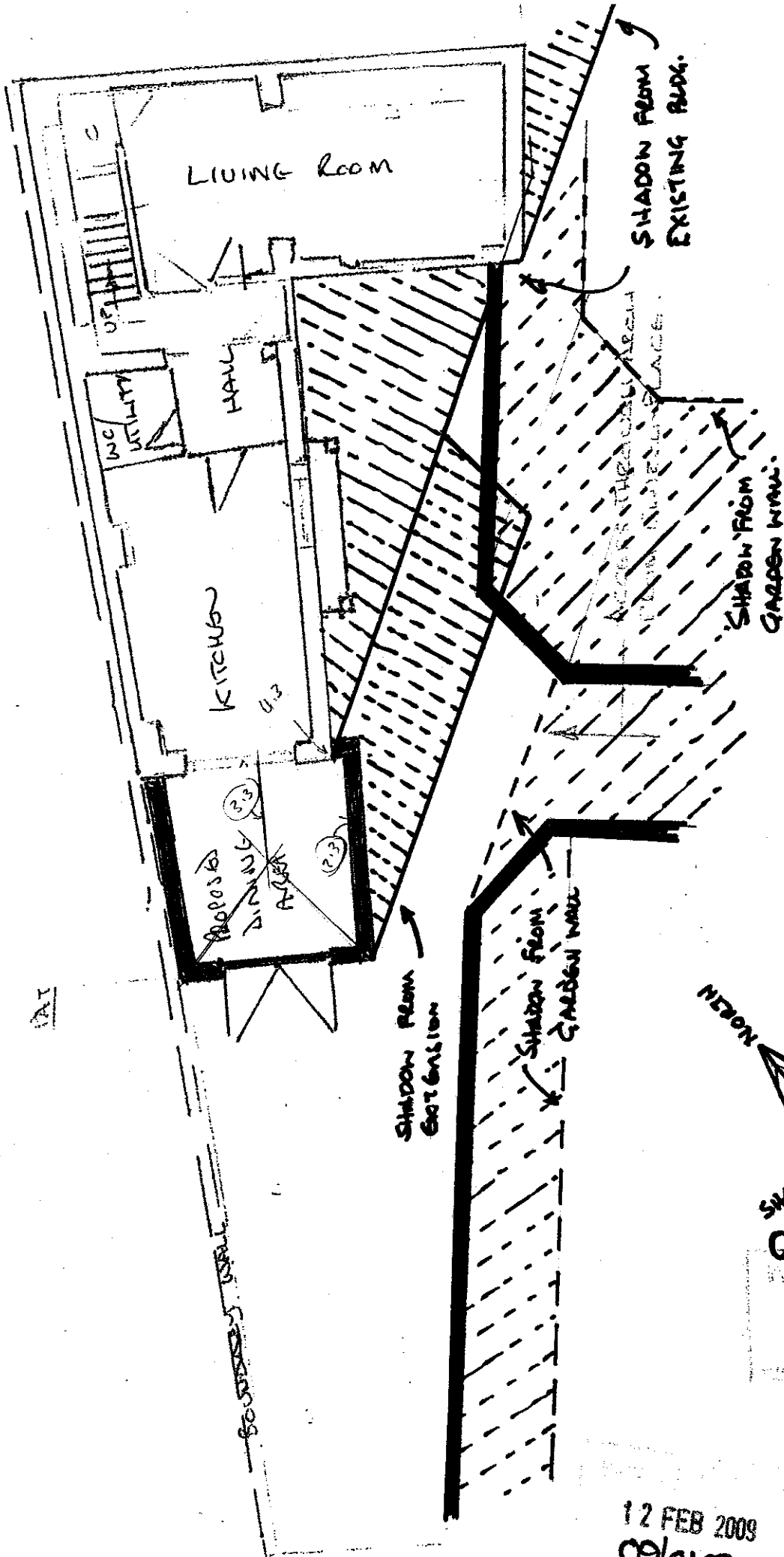
PROPOSED ERECTION OF SINGLE STEP 7
SIDE EXTENSION. THE OLD STAGES
CHURCH PLACE STANWIX

RECEIVED

20 APR 2009

09/0102

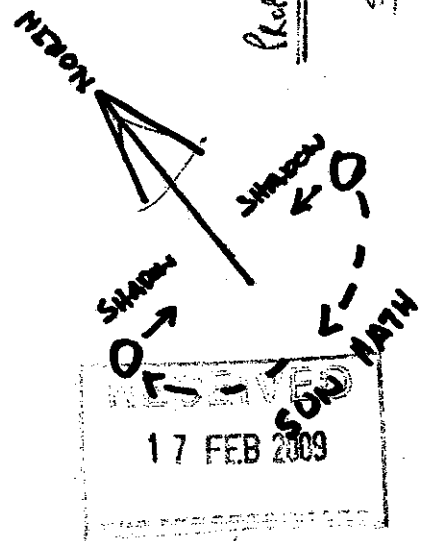




PROPOSED EXTENSION FOR
MR J NEWTON, THE OLD STABLES
CHURCH PLACE, STANWIX, CA3 9DN
SHOWING SHADOWS CAST
AT 16.00 ON 21 MARCH +
EQUIN. AUTUMN EQUINOX (SEPT.)

PROPOSED GARDEN WALL

SCALE 1:100



12 FEB 2009
09/0102

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08/1089

Item No: 06

Date of Committee: 29/05/2009

Appn Ref No:
08/1089

Applicant:
Egertons Recovery Ltd

Parish:
Carlisle

Date of Receipt:
27/11/2008

Agent:
Taylor & Hardy

Ward:
Belle Vue

Location:
Caxton Road, Newtown Industrial Estate, Carlisle
CA2 7HS

Grid Reference:
338054 556147

Proposal: Change Of Use Of Depot To Recovery And Storage Of Vehicles
Involved In Accidents And Erection Of Palisade Fencing
(Retrospective/Revised Application)

Amendment:

1. Modifications to the landscaping scheme to address the Council's Landscape Architect's comments.
2. Statistical data detailing the number of recoveries made between April 2008 and April 2009.
3. Alterations to the areas where commercial and non commercial vehicles can be stored, together with 2.5 metre high vehicle height restriction in the 10 metres strip immediately behind the visual barrier.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of four letters of objection and because an earlier application was refused, which is contrary to this current recommendation.

1. Constraints and Planning Policies

Waste Disposal Site

The proposal site is within or adjacent to a Waste Disposal Site.

Gas Pipeline Safeguarding Area

The proposal relates to land or premises situated within or adjacent to the Gas

Pipeline Safeguarding Area.

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol EC1 - Primary Employment Areas

2. Summary of Consultation Responses

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

Cumbria Constabulary - Crime Prevention: the Architectural Liaison Officer has asked Cumbria Constabulary's Information Management Unit to research the extent of calls for police service (between 1 Jan 2007 and 31st Dec 2008) relating to vehicle recovery firms throughout Cumbria. Cumbria Constabulary has a contract with Recovery Management Services Limited (RSML) for the recovery of motor vehicles either after a collision or suspected of being used in crime. RSML utilise several specialist companies through the county to carry out this function and the research has been carried out against premises operated by these firms.

In total 7 premises were investigated and during the period, 43 incidents were raised. Of these, 7 were reported crimes and in four of these matters, suspects were arrested and charged. Two suspicious incidents were reported at the premises on Caxton Road. The premises were investigated on both occasions, but everything was found to be in order;

Environmental Services - Environmental Quality: this department has no objections to this proposal providing the measures to minimise noise impact as set out in the supporting statement to the application are followed, which can be ensured through the imposition of a suitable planning condition;

Northern Gas Networks: no objections;

Community Services - Drainage Engineer: has not received any complaints regarding flooding in this area; however, the proposal to install a kerb drainage system should improve any drainage situation in the rear gardens of the residential properties adjoining the depot as this will reduce runoff from the hard standing area. The installation of the interceptor and it's use will obviously need to comply with any Building Control, Environment Agency and United Utilities requirements and consents.

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With regard to the installation of the bund for screening purposes, the Drainage Engineer originally commented that surface water run off may increase drainage problems within the gardens of the neighbouring residential properties. The Drainage Engineer has since commented that the provision of a surface water drain to the south of the landscaped bund will address this issue;

United Utilities: no objections to the proposal.

All fuel and chemical storage tanks must have adequate bund walls without outlets. The bund must be capable of holding more than the largest tank within it. Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage should be connected to the foul sewer. They may be regarded as trade effluent's and may require the formal consent of United Utilities.

If this proposal results in a trade effluent discharge to a public sewer, the applicant may need Trade Effluent Consent. The applicant must discuss this with United Utilities Regulatory Controller to determine whether consent would be granted. All surface water drains must have adequate oil interceptors;

Development Services Planning & Housing Services - Local Plans (Trees): has confirmed that the proposed landscaping scheme is acceptable.

Environment Agency: only uncontaminated surface waters should be discharged to any watercourse. Vehicle wash waters must be conveyed to the foul sewer (with the permission of the water undertakers). If no foul sewer is available then wash water must be conveyed to a sealed, recirculation system with no overflow, or to a sealed tank for off site disposal. Wash water must not be discharged to any watercourse or soakaway.

All vehicles washing should be carried out in accordance with Pollution Prevention Guidelines Vehicle washing and cleaning: PPG13; a copy of which has been supplied to the applicant's agent. An Environmental Permit will be required if any waste is to be stored or treated on these premises.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
176 Newtown Road	05/12/08	
190 Newtown Road	05/12/08	
192 Newtown Road	05/12/08	Objection
6 Osprey Close	05/12/08	Objection
168 Newtown Road	05/12/08	
170 Newtown Road	05/12/08	
172 Newtown Road	05/12/08	
174 Newtown Road	05/12/08	
35 Harvey Street	05/12/08	

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36 Harvey Street	05/12/08	
37 Harvey Street	05/12/08	
38 Harvey Street	05/12/08	
39 Harvey Street	05/12/08	
40 Harvey Street	05/12/08	
41 Harvey Street	05/12/08	
42 Harvey Street	05/12/08	
Thompson Accident Repair Centre	05/12/08	
Carlisle Indoor Karting	05/12/08	
Polestar Properties Limited	05/12/08	
3 Chatsworth Square	05/12/08	
5 Osprey Close	05/12/08	
7 Osprey Close	05/12/08	
8 Osprey Close	05/12/08	
9 Osprey Close	05/12/08	
10 Osprey Close	05/12/08	
Solway Slate & Tile Ltd	05/12/08	Undelivered
Newtown Glass	05/12/08	
The Window Shop Ltd	05/12/08	
C.S.L.	05/12/08	
Chris Brown Joinery	05/12/08	
Miltech Electrical	05/12/08	
St Barnabas Church Hall	05/12/08	
196 Newtown Road	05/12/08	
Hartington House	05/12/08	
178 Newtown Road	05/12/08	
180 Newtown Road	05/12/08	
182 Newtown Road	05/12/08	Objection
184 Newtown Road	05/12/08	
186 Newtown Road	05/12/08	
188 Newtown Road	05/12/08	Objection

- 3.1 This application has been advertised by means of a site notice and notification letters sent to forty neighbouring properties.
- 3.2 In response four letters of objection have been received. The grounds of objection are summarised as;
1. Egertons Transport is a vehicle recovery business operating 24 hours a day, 7 days a week within a residential area. The noise and 24 hour living is detrimental to all residents in this area;
 2. The absence of an adequate surface water drainage system could result in contaminants from damaged vehicles entering the watercourses and potentially affect neighbouring residents;
 3. The access road, which is used by large transport vehicles, is already in a bad state of repair;
 4. The access road is immediately adjacent to St. Barnabas Church Hall. The building is well used by youth group and older people and the use of the road by heavy transport vehicles would be an unacceptable risk;
 5. The large transport vehicles associated with the business have difficulty

negotiating the turn into Caxton Road to the detriment of the safety of and flow of vehicles using Newtown Road;

6. The surrounding road network is unsuitable for the types of transport vehicles associated with the operation;
7. The storage of combustible and inflammatory materials such as fuel and the use of welding equipment pose a potential risk to nearby residential properties;
8. The buildings located within the premises have asbestos roofs. If a vehicle were to damage a roof asbestos fibres would be released into the environment and exposed to local residents;
9. A number of trees/hedges have been removed along the boundary that the site shares with the properties on Newtown Road, which is detrimental to local wildlife and increases the visual impact of the development;
10. The installation of CCTV camera's infringes on the privacy of local residents; and
11. The rear gardens of the properties along Newtown Road have historically been affected by localised flooding, particularly during the winter months. The provision of additional areas of hardstanding may exacerbate this problem as the site is situated at a higher level.
12. The provision of a landscape bund may exacerbate the problem of localised flooding experienced by local residents;
13. The use of the site may encourage criminal activity in the area; for example, where vehicles have been involved in criminal activities and the persons involved may attempt to destroy/recover the evidence.
14. There are concerns regarding the health and safety practises undertaken by employees on the site.
15. There are concerns that the proposal may affect the biodiversity of the landscape that surrounds the nearby River Eden.

4. Planning History

- 4.1 In June 2008 retrospective planning permission was refused for the change of use of the premises to enable it to be used for the recovery and storage of vehicles involved in accidents (Application 08/0423).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This revised application seeks retrospective approval for the change of use of a depot situated within Caxton Road Industrial Estate to enable it to be used as a vehicle recovery centre. The Industrial Estate is situated off Newtown Road, which is the main thoroughfare into the city from the West. The site is operated by Egertons Recovery Limited; a company that operates 24 hours a day, 7 days a week. The premises are situated at the south eastern extent of the Industrial Estate in close proximity to residential properties. The site is identified on the Urban Area Inset Map that accompanies the Carlisle District Local Plan as lying within a Primary Employment Area.

Background

- 5.2 The Council were alerted to the unauthorised use of the site following complaints from local residents in March 2008. In April 2008 Egertons Recovery Ltd submitted a retrospective application; however, the application was refused under the Council's delegated powers procedure for the following reasons:
- i. *"The application site is situated at the south eastern extent of Caxton Road Industrial Estate, which is within close proximity of the residential properties of Turnstone Park and Newtown Road. Egertons Recovery Ltd is a vehicle recovery service that operates 24 hours per day, 7 days per week and the intensification of commercial activity within this predominantly residential area, including into the late evening/early morning, would lead to an overall increase in the levels of noise and disturbance likely to be experienced by immediate and nearby residents. This would have an unacceptable adverse impact upon local residents at a time when they could reasonably expect peace and quiet. The proposal is, therefore, contrary to criteria 1 and 3 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan; criterion 5 of Policy CP4 (Design) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report and criteria 1 and 3 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.*
 - ii. *In the absence of adequate screening along the southern boundary of the site, adjacent to the rear domestic curtilage of Nos.180-192 Newtown Road, the use of the site for the storage of damaged/recovered vehicles would be visually intrusive and detrimental to the living conditions of nearby residents. The proposal is, therefore, contrary to criterion 1 of Policy H17 (Residential Amenity) of the Carlisle District Local Plan and criterion 1 of Policy CP5 (Residential Amenity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report.*
 - iii. *The proposed use of the site involves the storage of damaged vehicles, recovered from road traffic accidents, on an open area of hardstanding. In the absence of a surface water drainage system capable of intercepting contaminants from the damaged vehicles it is likely that contaminants, such*

as brake fluid, petrol or oil, will leak from the damaged vehicles, thereby causing significant risk of ground contamination, which would be potentially harmful to local wildlife or human health. The proposal is, therefore, contrary to the objectives of Policy E24 of (Ground, Surface and Coastal Waters) of the Carlisle District Local Plan; criterion 8 of Policy CP4 (Design) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report, and the objectives of Policy CP10 (Protection of Groundwaters and Surface Waters) and CP11 (Foul and Surface Water Sewerage and Sewerage Treatment) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft, as amended by the Inspectors Report".

- 5.3 In assessing this current proposal Members need to consider whether the information submitted to support this revised application overcomes the previous reasons for refusal.

The Proposal

- 5.4 Permission is sought to use the site for the storage and recovery of damaged vehicles. These comprise vehicles that have been involved in accidents or crimes, including stolen vehicles. There is no set period for which vehicles are retained; however, this is largely influenced by the time that it takes insurance companies to reach a settlement or for any accidents/incidents to go through any court processes.
- 5.5 The site comprises a general office and staff facilities building, a police "scene of crime" garage, staff/visitor parking facilities and an open vehicle storage area. Along the southern, western and northern boundary of the site a 2.4 metre high, galvanised steel fence has been erected. Within the site compound two CCTV have been installed for security purposes. The camera's, which are positioned at the eastern and western side of the building, measure 4 and 3 metres in height respectively. They incorporate privacy blockers which restrict visibility to the site itself and do not overlook the neighbouring residential properties.
- 5.6 It is proposed to install a 60 metre long visual and acoustic barrier to the southern extent of the site, parallel with the rear boundary of the properties on Newtown Road (Nos.182-192). The barrier comprises a 1.5 metre high landscaped bund on top of which would be a 1.2 metre high close boarded timber fence. The bund is to be planted with 18 trees and approximately 300 shrubs at a density of 3 per square metre. To the southern side of the bund a surface water drain would be installed to prevent water discharging from the bund into the gardens of the properties on Newtown Road.
- 5.7 On the area where vehicles are to be stored any unsurfaced areas of yard are to be concreted and any cracked or damaged concrete will be repaired with all joints sealed. Around the periphery of the hardstanding "Aco 305 drainage kerbs" will be installed and surface water from this area will outfall into a new interceptor. The interceptor is designed to separate any oil, petrol or other contaminants prior to the surface water being discharged into the adopted sewer.

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- 5.8 The site would be staffed from 8 a.m. to 8 p.m., with the site office open from 9 a.m. to 5 p.m. Monday to Friday and from 9 a.m. to 12 a.m. on Saturdays. The recovery vehicles themselves are available on 24 hour call-out. In total Egertons operate five recovery vehicles from the site.
- 5.9 The applicants supporting statement, which is reproduced in the schedule following this report identifies that following the previous refusal the applicant's have sought to address the reasons for refusal outlined in paragraph 5.2 of this report.
- 5.10 With regards to the 24 hour operation the applicants have implemented a new working practise to minimise disturbance to nearby residents. The site has two access points; one to the south near the junction of Caxton Road and Newtown Road, the other to the north within the industrial estate. It is proposed that the southern entrance is only used by recovery vehicles during daytime hours (9a.m. - 5 p.m.) Monday to Friday, with the northern access point used at all other times. The loading/unloading of vehicles during daytime hours (8 a.m. – 6 p.m.) from Monday to Friday will take place within the yard. Outside of these hours the unloading will take place within the building on the site after the doors have been closed in order to minimise disturbance. The "bleepers" on the recovery vehicles within the site will, outside day time working hours Monday to Friday, be switched off. The applicants have confirmed that that they would accept the imposition of a condition that requires them to carry out their operation in accordance with the above measures.
- 5.11 The site layout plan illustrates that recovered non-commercial vehicles will be stored to the south of the site, adjacent to the boundary with those properties on Newtown Road, with commercial vehicles stored further to the north. The site layout plan also identifies an area, which measures 10 metres in depth, within which no vehicles with a height exceeding 2.5 metres would be stored. The purpose of the height restriction is to ensure that vehicles parked within close proximity to the boundary could not be seen above the proposed visual barrier.
- 5.12 The supporting statement also provides a detailed background about Egertons Recovery Ltd, how they function and the circumstances that resulted in them operating from the current site. It is interesting background information; however, it is not pertinent to the decision. Members must consider whether the use of the site for the recovery and storage of recovered vehicles is appropriate in this location, irrespective of the operator.

Assessment

- 5.13 The relevant planning policies against which the application is required to be assessed are Policies CP5, CP6, CP11, CP12, CP17 and EC1 of the Carlisle District Local Plan 2001-2016.
- 5.14 The proposals raise the following planning issues:

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1. Whether The Use Of The Site Is Appropriate In This Locality.

- 5.15 The site is allocated in the Carlisle District Local Plan as a Primary Employment Area. In such area uses falling into Use Classes Order B1, B2 and B8 will be acceptable. The proposed use falls within use class B8 and, therefore, the principle of accommodating a use of this nature on an employment site is acceptable, subject to compliance with the relevant policies contained in the Carlisle District Local Plan.

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

- 5.16 The buildings on the site have not been altered externally and, therefore, the living conditions of local residents will not be adversely affected through increased loss of light, privacy or overdominance.
- 5.17 Some local residents have voiced concern that the CCTV cameras that have been erected on the site could potentially view into the garden areas of those properties situated on Newtown Road. Whilst these concerns are noted, the cameras have been fitted with privacy blockers so that visibility is restricted to below the site perimeter fence. The Case Officer has viewed the camera system in operation and can confirm that the vista above the perimeter fence is masked. As such, the residents concerns are not substantiated. The retention of the privacy blockers can be secured by a planning condition.
- 5.18 Whilst the office hours of the premises are reasonable, the recovery element of the business operates 24 hours and, therefore, the potential disturbance associated with the use of the premises could continue well after 11.00 p.m., the time when Planning Policy Guidance Note 24 (Planning and Noise) advises that people would normally be sleeping. A small number of local residents have reported instances of noise and disturbance in the early hours of the morning when vehicles are delivered to and off loaded at the premises.
- 5.19 In order to assess the concerns of local residents the Council's Environmental Protection Services placed noise monitoring equipment within No.6 Osprey Close to monitor the activity in the area. The Council's Environmental Quality Officer has advised that the noise levels monitored were within tolerable limits.
- 5.20 To assess the level of activity Officers also requested information regarding the number of vehicles recovered. The applicant has supplied data which has been collated over a 12 month period from April 2008 to April 2009. Egertons Recovery retains this information for their monitoring purposes. The information is gathered via a tracking system which is installed into the recovery vehicles.
- 5.21 The vehicle movements are grouped into three time periods. These three groups comprise midnight to 6 a.m., 6 a.m. to 6 p.m. and 6 p.m. to midnight. This information has been reproduced in the schedule following this report.

The fundamental reason for refusal focused on the impact that the proposed use would have as a result of noise and disturbance at unsociable hours and, therefore, the period which Members ought to focus upon is from 6pm to 6 am. On average the number of vehicle recoveries per month during this timeframe equates to 31 recoveries per month or approximately 1 recovery per night.

- 5.22 Given that this issue formed the principal reason of refusal, Members need to make a judgement as to whether the results of the noise monitoring collated by the Council and the trip generation figures provided by the applicant demonstrate that the Council's previous grounds for refusal is unjustified.
- 5.23 The Council's Environmental Quality Officer has raised no objections to the development as a result of noise generated and has recommended that if the Council were minded to approve the application a condition is imposed that requires the developer to adhere to the out of hours operating procedure outlined in the applicant's supporting statement.
- 5.24 Although potential impact of the 24 hour operation upon the living conditions of neighbouring residents formed the principal reasons for refusal it is the Officers view that for the reasons outlined above there is no evidence to suggest that the use of the site causes sufficient disturbance to warrant refusal of the application.
- 5.25 It has been suggested that the use of the site could cause a problem in the future; however, the application should not be refused on the supposition that this may occur unless Members have clear evidence that this is likely to be the case. If Members were minded to refuse the application due to the potential impact that it has upon neighbouring residents they would need to be able to substantiate that decision otherwise the Council would be in danger of losing any appeal and incur significant risks of costs being awarded to the applicants. The applicant's have already indicated it would be their intention, if the outcome of this application was not favourable, to appeal.

3. The Visual Impact Of The development Upon The Surrounding Area.

- 5.26 Prior to Egertons operating from the site a number of trees and hedges along the southern perimeter, adjacent to the rear boundaries of 180-192 Newtown Road, were removed in order to erect the palisade fencing. This has increased the visibility of the site to neighbouring residents. It is acknowledged that the site is within an industrial estate and that it would be unreasonable of any resident not to expect to see the visual paraphernalia associated with an industrial premises; however, the visual impact was such that the Council also refused the early application on this basis.
- 5.27 In order to overcome this concern the applicant proposes to erect an acoustic/visual barrier which would provide a 2.7 metre high solid screen. Once the planting, which includes 18 trees, becomes established, would screen the development further still. Within the area immediately below the visual barrier no vehicle with a height exceeding 2.5 metres would be stored.

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A condition is recommended to this effect. It is the Officers opinion that these measures overcome the previous reason for refusal.

- 5.28 One local resident has voiced concern that they can see vehicles that could have been involved in fatalities. With regard to this point the agent has clarified that the vehicles stored do not include those where there have been fatalities.

4. Whether The Site Is Adequately Served By A Surface Water Drainage System.

- 5.29 By the nature of the proposed use, the vehicles stored on the site can be damaged. As such, it is possible that contaminants, such as brake fluid, petrol or oil will leak from the damaged vehicles. To address this those areas where vehicles are to be stored will be surfaced in concrete and surface water will drain into an interceptor. The Environment Agency has confirmed that this arrangement is acceptable.
- 5.30 Under the applicants current operating procedures if a vehicle is suspected of having a ruptured fuel tank etc it is taken to their existing premises at Southwaite to be depolluted before being recovered to the application site. If permission was forthcoming vehicles would be depolluted at Caxton Road.

5. Whether The Site Will Increase The Risk Of Criminal Activity Or Result In An Increased Perception Of The Fear Of Crime And Disorder.

- 5.31 A local resident has voiced concern that the site may attract criminal activity, particularly in relation to vehicles that have been seized by the Police and recovered to this site for secure storage. Cumbria Constabulary's Architectural Liaison Officer has investigated these concerns to establish whether this claim can be substantiated. In doing so he has investigated criminal activity at other similar establishments in Cumbria. The evidence does not suggest that this would be the case and in the time that Egertons have operated from the site there has only been two suspicious incidents reported. In considering this particular issue, it could be argued that the use of the site would be at no greater risk of crime than if it were used for the storage of electrical equipment or other similar uses that are commonly found on industrial estates.

6. Highway Matters.

- 5.32 One of the key issues voiced by local residents relates to their concerns that neither Caxton Road nor Newtown Road is suitable for the large recovery vehicles associated with the business. Their concerns are noted, but in respect of this point it is important to remember that these roads serve an industrial estate and, therefore, it is not unreasonable to expect large vehicles associated with the industrial premises to use these roads. Furthermore, the Highway Authority has not objected to the development, stating that the vehicular use of the existing access is unlikely to have a significant material affect on existing highway conditions.

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7. Whether The Residents Concerns Regarding Localised Flooding Can Be Substantiated.

- 5.33 A local resident has voiced concern that the operators have increased the size of the hardcore areas within the site, which due to the site levels being higher than neighbouring gardens, has exacerbated the surface water drainage problems that they experience. Similarly, it is alleged that the removal of trees and hedges along parts of the southern boundary has worsened the problem.
- 5.34 It is difficult to substantiate these claims, as the extent of the former hardcore areas is not known nor is the full extent of the localised flooding. It not unreasonable to assume that the removal of the mature planting could contribute to the problem; however, the surface water drainage to be installed to the vehicle storage area and to the south of the bund, together with the new planting, will capture water and, hence, prevent any surface water discharging from the site to the properties on Newtown Road. The Council's Drainage Engineer has confirmed that this arrangement is acceptable.

7. Other Matters.

- 5.35 Local residents have voiced concern regarding the health and safety practises of Egertons Recovery in the day to day operation, both within the site and upon the public highway. Whilst the concerns of the local residents are noted Members are advised that it would not be justifiable to refuse the application on this basis.
- 5.36 If Egertons are in breach of health and safety regulations within the site it is a matter for the Health and Safety Executive to address, not the planning system. With regards to the way that Egertons conduct themselves whilst on the public highway it is a matter for Cumbria Constabulary or the Highway Authority to address.

Conclusion

- 5.37 In summary, it is the Officer's view that the applicant has satisfactorily addressed the three previous reasons for refusal. In all aspects the proposal is compliant with the relevant policies contained in the Local Plan.

6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered against the above. The applicant's rights are respected but based on the foregoing it is considered that any personal considerations do not out-weigh the harm created.

7. Recommendation - Grant Permission

1. The premises shall be used for as a vehicle recovery and storage depot and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies CP6 and EC1 of the Carlisle District Local Plan 2001-2016.

2. Between 6 p.m. to 8 a.m. Monday to Friday, and at any time on Saturdays or Sundays, vehicles associated with the use hereby approved shall only use the vehicular entrance to the north of the site. During these hours any recovered vehicle shall only be unloaded within the building identified on the site layout plan received 13th May 2009 with its doors closed, as outlined in the applicant's supporting statement.

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

3. The cameras hereby approved shall at all times be fitted with privacy blockers to prevent the neighbouring residential properties, including their domestic gardens, from being overlooked.

Reason: To ensure that the privacy of neighbouring residential properties is safeguarded in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

4. Within two months from the date of this permission the proposed acoustic/visual barrier shall be constructed in accordance with the approved scheme. The landscaping scheme shall be implemented in the next available planting season, in accordance with the details contained on the site layout

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plan received 13th May 2009, unless otherwise agreed, in writing, by the Local Planning Authority. Any plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the site is adequately screened and to ensure compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

5. Within two months from the date of this permission the vehicle storage area shall be concreted and drained in accordance with the details contained on the site layout plan received 13th May 2009, unless otherwise agreed, in writing, by the Local Planning Authority.

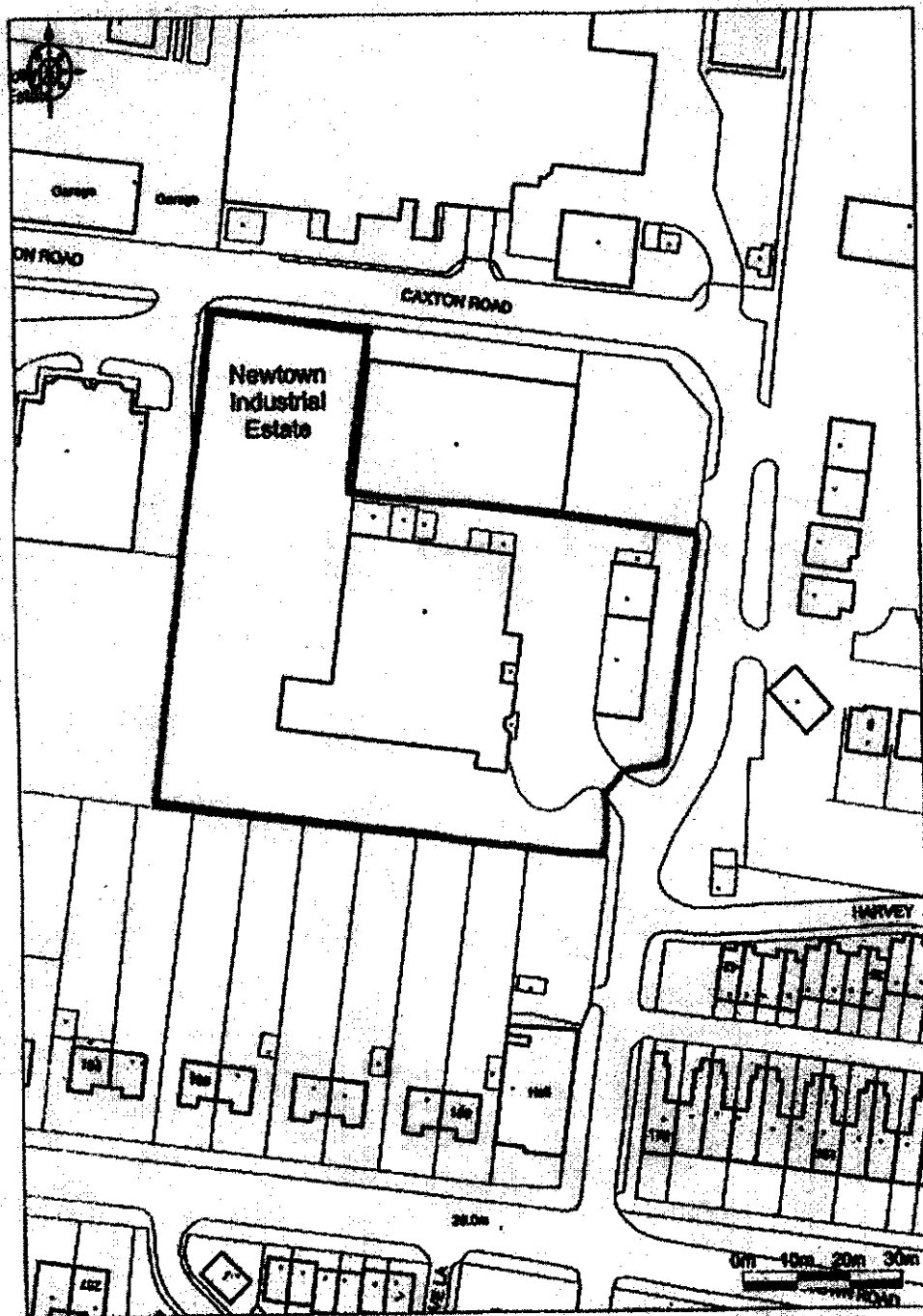
Reason: To ensure that the site is adequately screened and to ensure compliance with Policies CP11 and CP12 of the Carlisle District Local Plan 2001-2016.

6. The audible warning alarms on recovery vehicles shall only be used between 8 a.m. to 6 p.m. Monday to Friday. Outside of these hours the audible warning alarms shall be switched off.

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

7. No vehicle with a height exceeding 2.5 metres above the adjacent ground level of the site shall be stored within the hatched area illustrated on the site layout plan received 13th May 2009.

Reason: To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area and to ensure compliance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.



Ordnance
Survey

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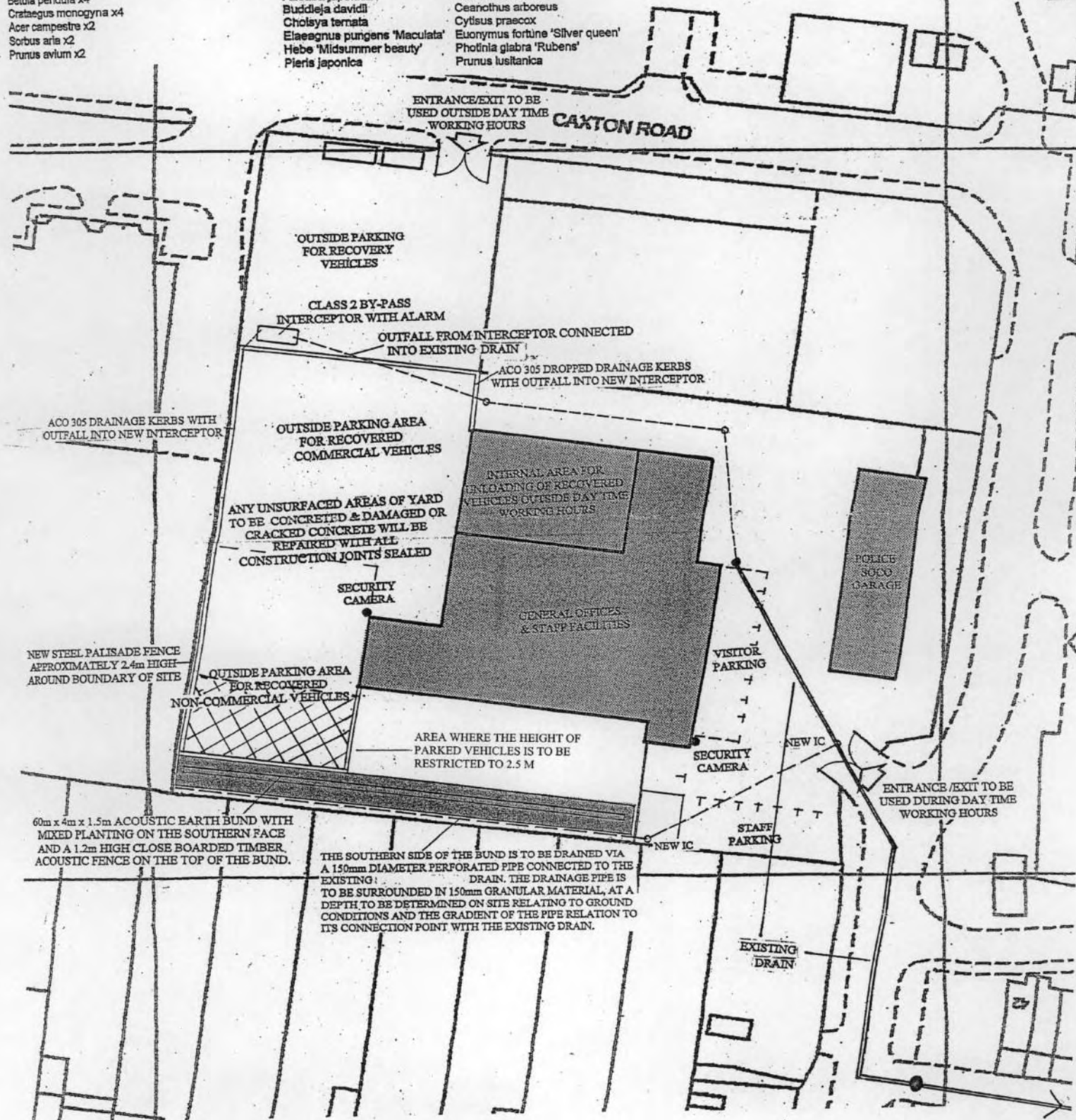
PLANTING SCHEDULE FOR BUND

All planting schemes to be agreed with the Planning Authority prior to work commencing.

The bund is 60 metres long and 4 metres wide at the base. The southern slope and the top of the bund are to be planted to create a visual and acoustic screen. Most of the plants are to be evergreen perennials, providing a visual barrier all year round. To provide some additional height 18 native species trees will be included, which will also be of benefit to birds and invertebrates. The suggested planting list and number of plants is as follows:

TREES	SHRUBS
18 native trees, staked with tree ties. (standard size)	Mostly evergreen, with some deciduous planting, at 3 plants per square metre, in 10 litre pots.
Sorbus aucuparia x4	Estimate require about 300 shrubs
Betula pendula x4	Aucuba japonica
Crataegus monogyna x4	Buddleja davidii
Acer campestre x2	Cholsya ternata
Sorbus aria x2	Elaeagnus pungens 'Maculata'
Prunus avium x2	Hebe 'Midsummer beauty'
	Pieris japonica
	Berberis umbellata
	Ceanothus arboreus
	Cytisus praecox
	Euonymus fortune 'Silver queen'
	Photinia glabra 'Rubens'
	Prunus lusitanica

SECTION THROUGH ACOUSTIC EARTH BUND
SCALE: 1-100
ALL FACES OF BUND TO BE SEED

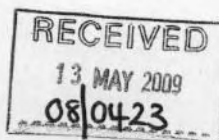


PROPOSED VEHICLE RECOVERY DEPOT

CAXTON ROAD - CARLISLE

SITE PLAN (REVISED 09.03.09)

(and 03.04.09
and 12.05.09
SCALE: 1-500



STATEMENT

**SETTING OUT BACKGROUND TO THE FULL PLANNING APPLICATION
WHICH SEEKS RETROSPECTIVE CONSENT
FOR THE USE OF PREMISES AT CAXTON ROAD, NEWTOWN
INDUSTRIAL ESTATE, CARLISLE FOR THE RECOVERY AND STORAGE OF
VEHICLES INVOLVED IN ACCIDENTS (AMENDED PROPOSAL FOLLOWING
REFUSAL OF APPLICATION L.P.A. REFERENCE NO. 08/0423)
FOR EGERTONS RECOVERY LIMITED**

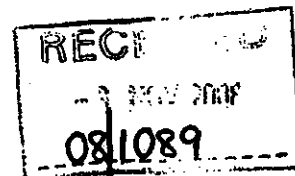
**TAYLOR & HARDY,
CHARTERED TOWN PLANNERS**

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Our Ref: MEH/J/C08/125

OCTOBER, 2008



1. INTRODUCTION

In this Statement, set out under two headings, is background information to the full planning application which seeks retrospective consent for the use of premises at Caxton Road, Newtown Industrial Estate, Carlisle for the recovery and storage of vehicles involved in accidents (amended proposal following refusal of application L.P.A. Reference No. 08/0423).

In Section 2, background to Egertons Recovery Limited is set out including details of their Cumbria operation and how they use their premises at Caxton Road.

In Section 3, the details of their proposal, amended following the refusal of Application L.P.A. Reference No. 08/0423 on 20th June 2008 are set out.

2. CONTEXT

Egertons Recovery Limited are a National company whom have over 48 years experience of vehicle recovery. They are one of the largest recovery companies in Europe and have contracts with the Police Authority, the RAC, the AA, Europe Assistant, Green Flag and Stagecoach.

Within Cumbria where they have operated since 1992, Egertons Recovery Limited employ in the region of 28 staff and cover a wide geographical area:

- in respect of HGV vehicles the services provided by the company extend across an area defined by Gretna in the north, junction 37 of the M6 Motorway (Kendal) in the south, Brough on the A66 and Haltwhistle on the A69 in the east and Workington/Whitehaven in the west;
- in respect of non HGV's the area is essentially as above with the exception of the south where the area is slightly smaller extending only to junction 41 of the M6 Motorway.

When an incident occurs within these areas and is reported to Egertons Recovery Limited they are required to be at the site of that incident, 'the response time', within 35 minutes.

In the period up to April 2006 the company worked from 2 premises. These being at:

- Southwaite Services south of Carlisle on the M6 Motorway; and
- Allerdale Yard, Brigham on the A66 near Cockermouth.

These 2 long-established premises are the companies main sites where the bulk of their recovery vehicles are based, the majority of their staff are employed and most of their business activity occurs.

As the company has expanded and the range of the work they undertake within Cumbria has broadened, bearing in mind they have a 'response time' of 35 minutes, the company searched for additional premises within the City of Carlisle itself. It was in April 2006 that they first occupied premises at Watts Yard, London Road. The company operated from these premises for 2 years until they were given 'Notice to Quit' as consent was granted for the redevelopment of the site for residential purposes.

Egerton's Recovery Limited undertook a lengthy search for suitable premises to which to relocate to.

The selection of 'suitable premises' was guided by a number of clear requirements.

The premises needed to:

- be within the centre of population in a location where there is ease of access by a wide range of transport modes including walking, cycling and the bus;
- be well related to the principal road network of the City;
- be in a location which was convenient for the Police;
- be outwith any zone of flood risk;
- have been either used for employment purposes or zoned for employment purposes;
- be sited, in terms location, where they complemented the Applicants' existing premises at Southwaite Services and Brigham;

The site subject of the accompanying application met these requirements and the company moved into the premises in March 2008. From these premises Egertons Recovery Limited operate 5 recovery vehicles.

7 full time employees work from the premises. Of these 2 are administrative staff whom work normal office hours Monday to Friday and 5 are drivers. The drivers work on a shift system and 3 report to work each working day Monday to Friday. In addition there are 5 retained drivers whom stay at home until they are called upon.

The activity at the premises follows the following pattern:

i. Monday to Friday

Day time hours are 8.00 a.m. – 6.00 p.m. During these hours at the premises there are usually 2 administrative staff and 3 of the full time drivers.

Early evening hours are 6.00 p.m. – 8.00 p.m. During this period all the buildings are locked and all the vehicles parked. 1 member of staff, a full time driver, stays on the premises to take and respond to any calls.

Night hours are 8.00 p.m. – 8.00 a.m. During this period:

- the premises are wholly vacated, locked and alarmed. There are no staff whatsoever on site unless they are working having responded to a 'call out';
- no calls whatsoever are taken at the premises. All calls are routed to the company headquarters which is at Mobbley, Cheshire;
- if there is a 'call out' within the area of Cumbria covered by the Applicants the drivers are contacted at their home. The drivers, dependant on the location of the incident and the location of the driver's home, will call at the most conveniently located of Egerton Recovery's premises, collect a recovery vehicle, go to the site where the recovery is required and then return to 1 of the 3 premises. The premises to which they return being determined by the nature of the incident which has occurred.

II. Saturdays, Sundays, Bank Holidays

Day Time hours are 8.00 a.m. – 6.00 p.m. During these hours all the buildings are locked and all the vehicles parked up. Usually 2 members of staff, full time drivers, stay on the premises to take and respond to any calls.

Night hours are 6.00 p.m. – 8.00 a.m. During this period, as above:

- the premises are wholly vacated, locked and alarmed. There are no staff whatsoever on site unless they are working having responded to a 'call out';
- no calls whatsoever are taken at the premises. All calls are routed to the company headquarters which is at Mobbley, Cheshire;
- if there is a 'call out' within the area of Cumbria covered by the Applicants the drivers are contacted at their home. The drivers, dependant on the location of the incident and the location of the driver's home, will call at the most conveniently located of Egerton Recovery's premises, collect a recovery vehicle, go to the site where the recovery is required and then return to 1 of the 3 premises. The

premises to which they return being determined by the nature of the incident which has occurred.

The premises subject of the accompanying application are used solely for the storage of damaged or recovered vehicles. These being those which result from accidents and crimes, including stolen vehicles, where there has been no loss of life or thought to be no loss of life. No mechanical repairs whatsoever are carried out.

The duration of the vehicle storage is dependant on a range of factors, but is principally influenced by the time it takes for insurance companies to reach a settlement and/or for any accident/incident to go through any court process.

As will be appreciated from the details set out above, the activity levels at the site subject of the application are directly related to the number of accidents/incidents upon which Egertons Recovery Limited are called upon to deal with which occur within the area of Cumbria specified above and from which it is appropriate for vehicles to be brought back to Caxton Road for storage.

To aid with an appreciation of the use at the application site details of the activity levels for the period April-September 2008 will be provided.

3. AMENDED PROPOSAL

Following refusal of the previous application (L.P.A. Reference No. 08/0423) on 20th June 2008 the Applicants have given close and careful consideration to the Reasons for Refusal and the steps that they can take to ensure that the concerns raised can be overcome.

My Clients have amended and refined their proposal to incorporate revisions which seek to minimise any adverse impacts. The revisions, which can be controlled by appropriately worded planning conditions, comprise:

I. A clear precise definition of the Work Hours at the premises

The work hours at the premises are described above. There are during the period Monday to Friday 3 distinct parts to the work hours, and on Saturday, Sunday and Bank Holidays 2 distinct parts.

In respect of Monday to Friday these parts are:

Day time	:	8.00 a.m. – 6.00 p.m;
Early Evening	:	6.00 p.m. – 8.00 p.m;
Night	:	8.00 p.m. – 8.00 a.m.

In respect of Saturday, Sunday and Bank Holidays these parts are:

Day Time	:	8.00 a.m. – 6.00 p.m;
Night	:	6.00 p.m. – 8.00 a.m.

As described in Section 2, between 6.00 p.m. to 8.00 a.m. Monday to Friday and on Saturdays, Sundays and Bank Holidays the activity at the application site is limited.

II. Use of the entrance/exists to the site

As shown on the plans which accompany the application the site has two entrances, one to the south near to the junction of Caxton Road with Newtown Road, and one to the north within the industrial estate.

The entrance to the south is proposed to be used only during the day time hours Monday to Friday. This relates solely to the period 8.00 a.m. – 6.00 p.m. 5 days a week.

For the remainder of the time 6.00 p.m. – 8.00 a.m. Monday to Friday and all Saturdays, Sundays and Bank Holidays the northern entrance will be used.

iii. The formation of an acoustic and visual barrier

As also shown on the plans which accompany the application, an acoustic and visual barrier is proposed to be formed along the length of the site boundary between the premises and the rear gardens of 182-192 Newtown Road.

The precise nature of the physical barrier which is to be formed is subject to discussions with the Local Planning Authority.

The acoustic and visual barrier will screen the rear part of the application site, where vehicles are to be stored, from the rear gardens of the residential properties which front onto Newtown Road.

iv. A reconfiguration of how the premises are to be used

The site layout plan also identifies how the site is proposed to be used. Areas are specified for the outside parking of: recovered commercial vehicles (HGV's); recovered non-commercial (non-HGV's) vehicles and the vehicles used to carry out the recoveries.

v. Loading/unloading of recovered vehicles

During day time hours 8.00 a.m. – 6.00 p.m. Monday to Friday the loading and unloading of recovered vehicles will occur in the yard area. Outside these hours the unloading will occur within the building on the site after the doors have been closed.

vi. 'Bleepers'

The bleepers on the recovery vehicles when being manoeuvred within the site will, outside day time working hours Monday to Friday, be switched off.

vii. Surface Water

The recovered vehicles are to be stored on an area of hardstanding where a system of surface water drainage will be formed which will be fed into a Class 2 bypass separator with an alarm. A drain from the separator will connect into the adopted sewer in Caxton Road close to the junction with Newtown Road.

Further details on this aspect will be supplied shortly.

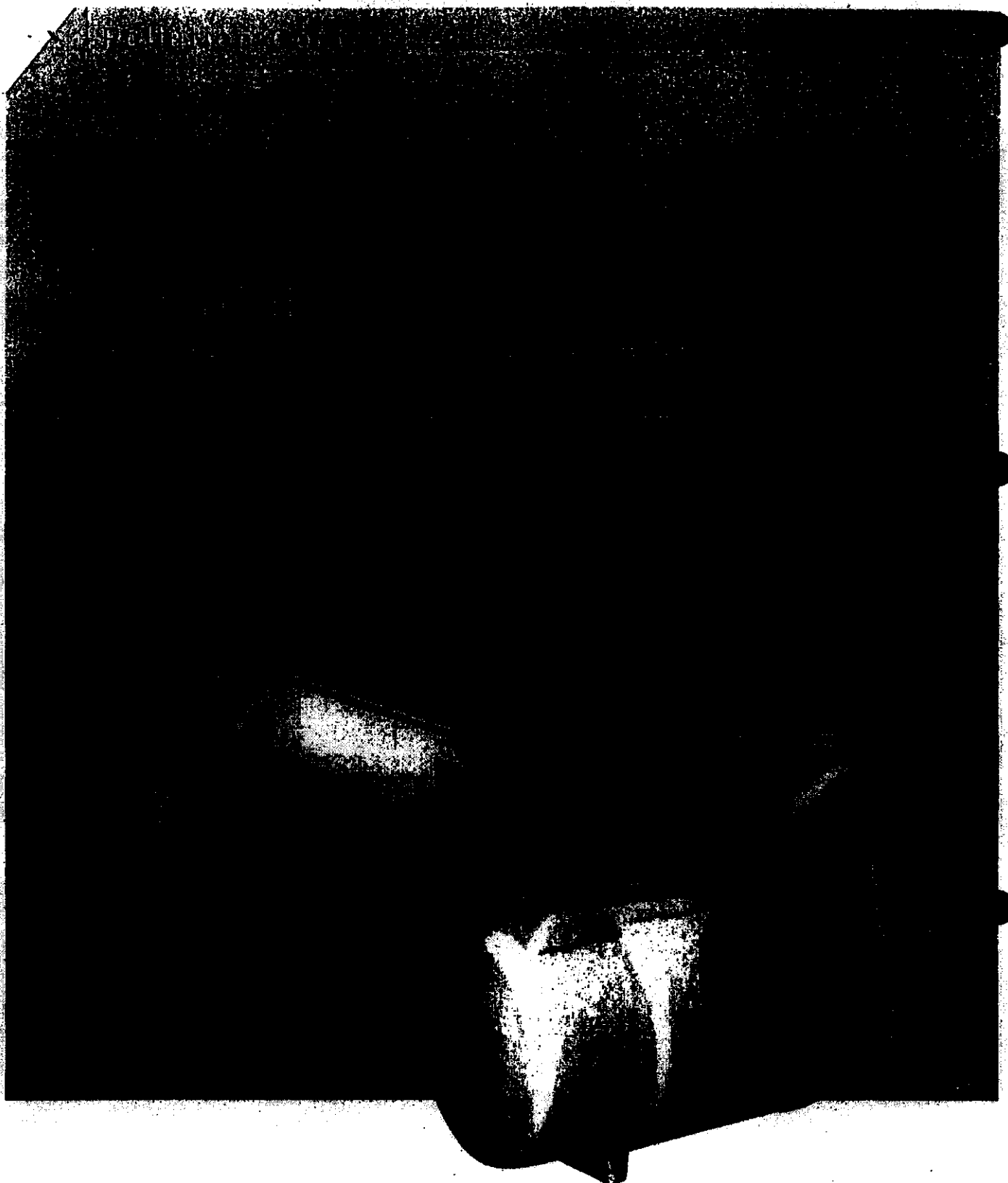
TECHNICAL DETAILS

KLARGESTER NSBD BY PASS SEPARATOR

2008/1089

TAYLOR & HARDY

Chartered Town Planners



klargester.com


Klargester

Introduction

Surface water drains normally discharge to a watercourse or indirectly into underground waters (groundwater) via a soakaway. Contamination of surface water by oil, chemicals or suspended solids can cause these discharges to have a serious impact on the receiving water.

The Environment Regulators, Environment Agency, England and Wales, SEPA, Scottish Environmental Protection Agency in Scotland and Department of Environment & Heritage in Northern Ireland, have published guidance on surface water disposal, which offers a range of means of dealing with pollution both at source and at the point of discharge from site (so called 'end of pipe' treatment). These techniques are known as 'Sustainable Drainage Systems' (SuDS).

Where run-off is draining from relatively low risk areas such as car-parks and non-operational areas, a source control approach, such as permeable surfaces or infiltration trenches, may offer a suitable means of treatment, removing the need for a separator.

Oil separators are installed on surface water drainage systems to protect receiving waters from pollution by oil, which may be present due to minor leaks from vehicles and plant, from accidental spillage.

Effluent from industrial processes and vehicle washing should normally be discharged to the foul sewer (subject to the approval of the sewerage undertaker) for further treatment at a municipal treatment works.

Separator Standards and Types

A British (and European) standard (BS EN 858-1 and 858-2) for the design and use of prefabricated oil separators has been adopted. New prefabricated separators should comply with the standard.

Separator Classes

The standard refers to two 'classes' of separator, based on performance under standard test conditions.

Class I

Designed to achieve a concentration of less than 5mg/l of oil under standard test conditions, should be used when the separator is required to remove very small oil droplets.

Class II

Designed to achieve a concentration of less than 100mg/l oil under standard test conditions and are suitable for dealing with discharges where a lower quality requirement applies (for example where the effluent passes to foul sewer).

Both classes can be produced as full retention or bypass separators. The oil concentration limits of 5 mg/l and 100 mg/l are only applicable under standard test conditions. It should not be expected that separators will comply with these limits when operating under field conditions.

Full Retention Separators

Full retention separators treat the full flow that can be delivered by the drainage system, which is normally equivalent to the flow generated by a rainfall intensity of 65mm/hr. On large sites, some short term flooding may be an acceptable means of limiting the flow rate and hence the size of full retention systems.

Bypass Separators

Bypass separators fully treat all flows generated by rainfall rates of up to 6.5mm/hr. This covers over 99% of all rainfall events. Flows above this rate are allowed to bypass the separator. These separators are used when it is considered an acceptable risk not to provide full treatment for high flows, for example where the risk of a large spillage and heavy rainfall occurring at the same time is small.

Forecourt Separators

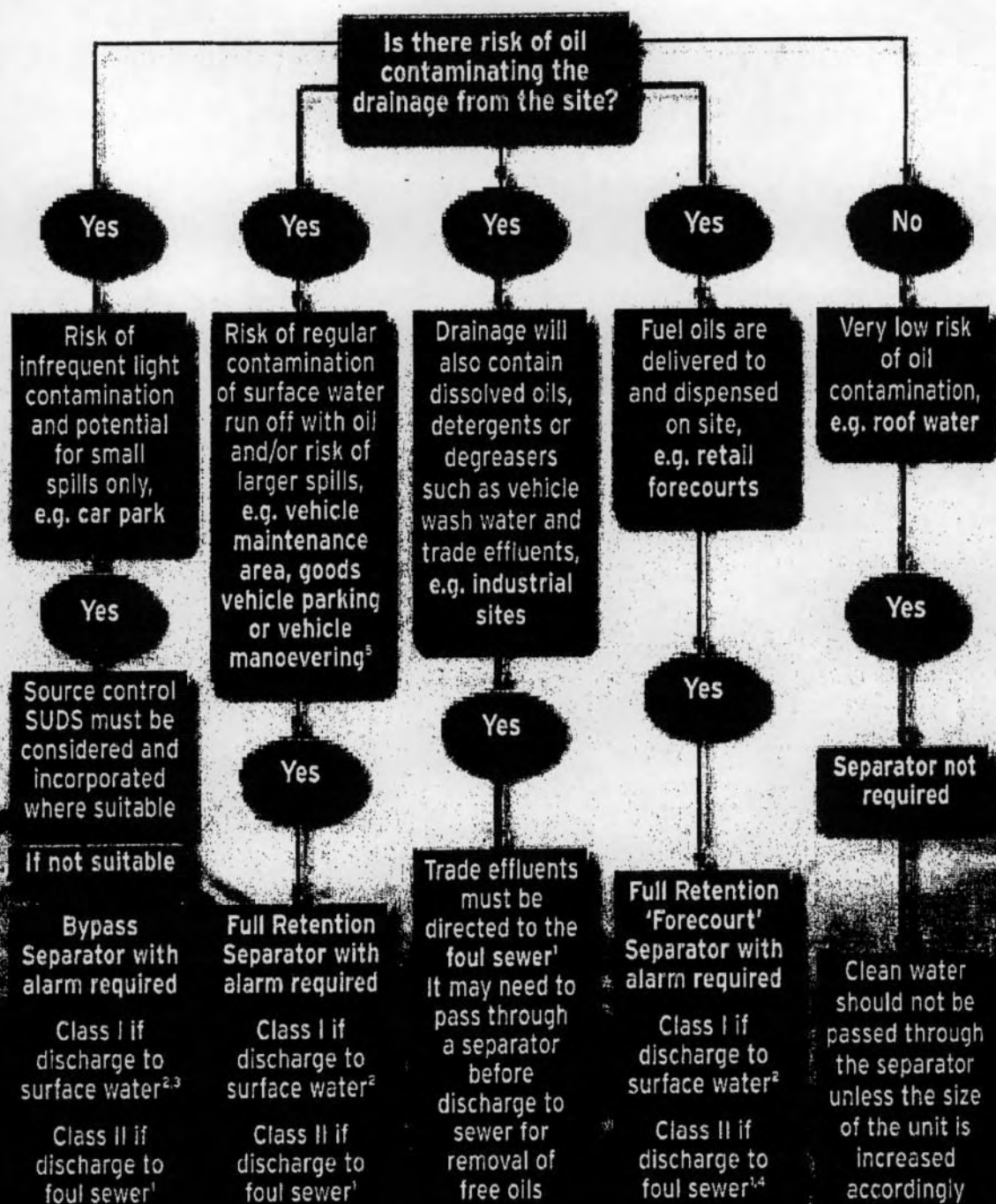
Forecourt separators are full retention separators specified to retain on site the maximum spillage likely to occur on a petrol filling station. They are required for both safety and environmental reasons and will treat spillages occurring during vehicle refuelling and road tanker delivery. The size of the separator is increased in order to retain the possible loss of the contents of one compartment of a road tanker, which may be up to 7,600 litres.

Selecting the Right Separator

The chart on the following page gives guidance to aid selection of the appropriate type of fuel/oil separator for use in surface water drainage systems which discharge into rivers and soakaways.

For further detailed information, please consult the Environment Agency Pollution Prevention Guideline 03 (PPG 3) 'Use and design of oil separators in surface water drainage systems' available from their website.

Klargester has a specialist team who provide technical assistance in selecting the appropriate separator for your application.



The use of SUDS should be considered at all sites and they should be incorporated where suitable. SUDS can be used to polish the effluent from these separators before it enters the environment⁶

Source control SUDS should be considered where possible

Bypass Separator

NSBD Range

Application

Bypass separators are used when it is considered an acceptable risk not to provide full treatment, for very high flows, and are used, for example, where the risk of a large spillage and heavy rainfall occurring at the same time is small, e.g.

- Surface car parks
- Roadways
- Lightly contaminated commercial areas

Performance

Klargester were one of the first UK manufacturers to have separators tested to EN 858-1. Klargester have now added the NSBD bypass range to their portfolio of certified and tested models. The NSBD number denotes the maximum flow at which the separator treats liquids. The British Standards Institute (BSI) tested the required range of Klargester full retention separators and certified their performance in relation to their flow and process performance assessing the effluent qualities to the requirements of BS EN 858-1. Klargester bypass separator designs follow the parameters determined during the testing of the required range of bypass separators.

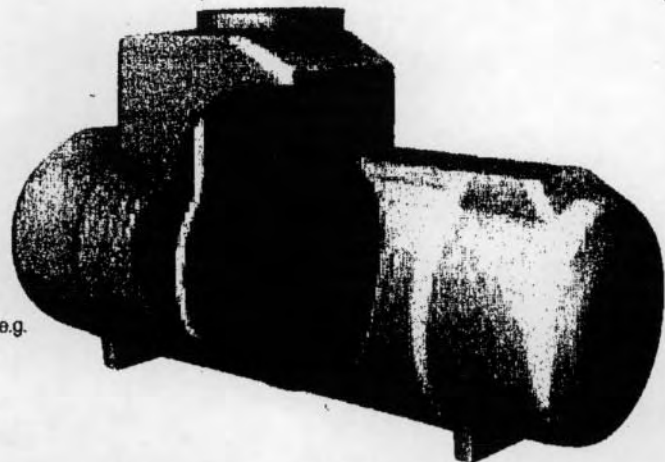
Each bypass separator design includes the necessary volume requirements for:

- Oil separation capacity
- Oil storage volume
- Silt storage capacity
- Coalescer

The unit is designed to treat 10% of peak flow. The calculated drainage areas served by each separator are indicated according to the formula given by PPG3 NSB = 0.0018A(m²).

Flows generated by higher rainfall rates will pass through part of the separator and bypass the main separation chamber.

Class I separators are designed to achieve a concentration of 5mg/litre of oil under standard test conditions.



Class II separators are designed to achieve a concentration of 100mg/litre of oil under standard test conditions.

Features

- Light and easy to install
- Class I and Class II designs
- Inclusive of silt storage volume
- Fitted inlet/outlet connectors
- Vent points within necks
- Oil alarm system available (required by BS EN 858-1 and PPG3)
- Extension access shafts for deep inverts
- Maintenance from ground level

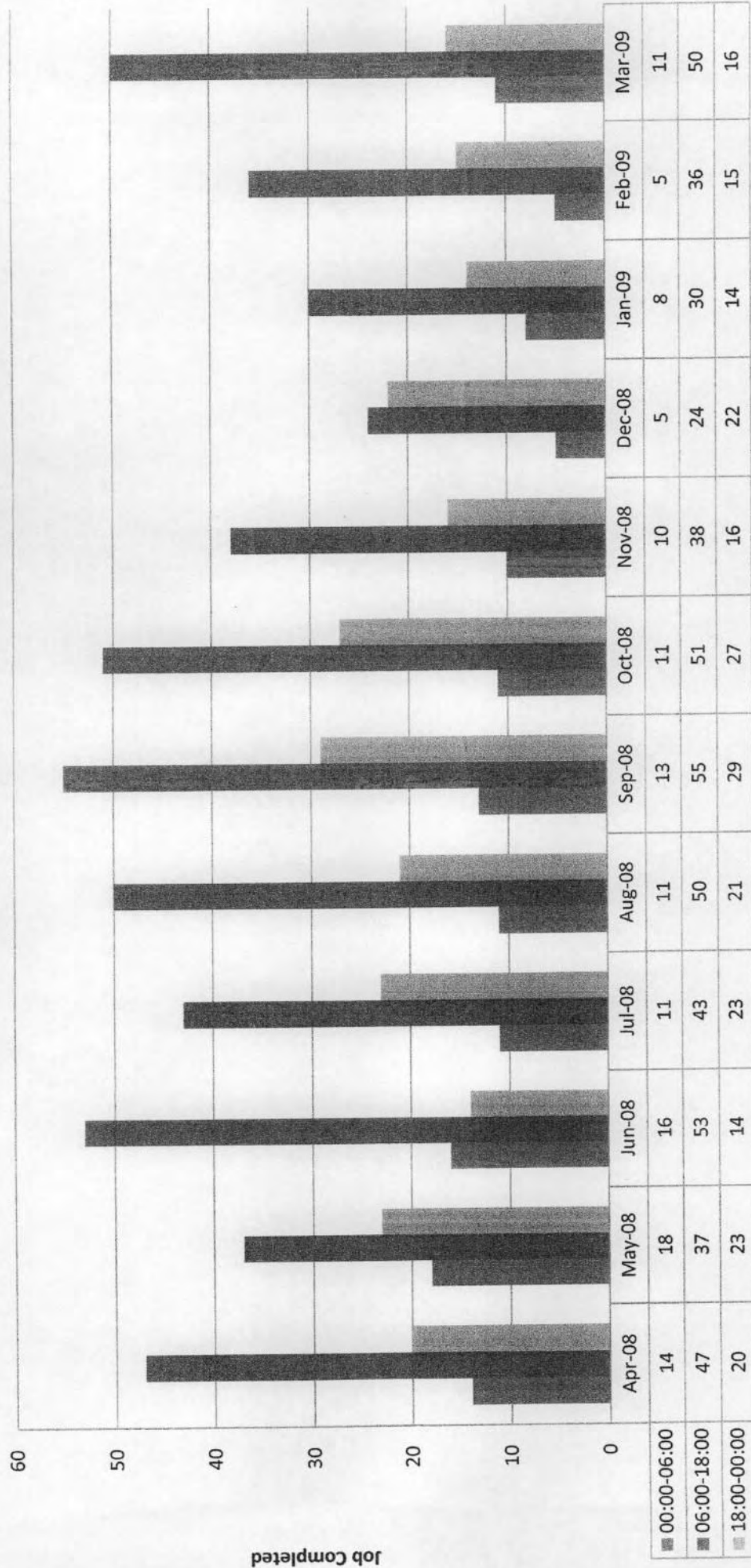
To specify a nominal size Bypass Separator, the following information is needed:-

- The calculated flow rate for the drainage area served. Our designs are based on the assumption that any interconnecting pipework fitted elsewhere on site does not impede flow into or out of the separator and that the flow is not pumped
- The required discharge standard. This will decide whether a Class I or Class II unit is required
- The drain invert inlet depth
- Pipework type, size and orientation

Sizes & Specifications:

Model	Flow (l/s)	Flow (m³/h)	Flow (m³/d)	Silt (kg)	Oil (kg)	Length (mm)	Depth (mm)	Flow (l/s)	Flow (m³/h)	Flow (m³/d)	Flow (l/s)	Flow (m³/h)	Flow (m³/d)
NSBD3	3	30	1670	300	45	1765	1225	750	1450	1350	100	500	160
NSBD4	4.5	45	2500	450	68	1765	1225	750	1450	1350	100	500	200
NSBD6	6	60	3335	600	90	1765	1225	750	1450	1350	100	500	200
NSBD8	8	80	4445	800	120	3065	1225	750	1450	1350	100	500	250
NSBD10	10	100	5560	1000	150	3065	1225	750	1450	1350	100	500	315
NSBD12	12	120	6670	1200	180	3915	1225	750	1450	1350	100	500	315
NSBD15	15	150	8335	1500	225	3915	1225	750	1450	1350	100	500	315
NSBD18	18	180	10000	1800	270	3200	2012	600	2110	2010	100	1000	375
NSBD24	24	240	13340	2400	360	3200	2012	600	2110	2010	100	1000	375
NSBD30	30	300	16670	3000	450	3915	2012	600	2110	2010	100	1000	450
NSBD36	36	360	20000	3600	540	3915	2012	600	2110	2010	100	1000	525
NSBD55	55	550	30560	5500	825	5085	2820	600	2310	2060	250	1000	600
NSBD72	72	720	40000	7200	1080	5820	2820	600	2310	2060	250	1000	675
NSBD84	84	840	46670	8400	1260	6200	2820	600	2310	2010	300	1000	750
NSBD96	96	960	53340	9600	1440	7375	2820	600	2310	2010	300	1000	825
NSBD110	110	1100	61110	11000	1650	7925	2820	600	2360	2010	350	1000	825
NSBD130	130	1300	72225	13000	1950	8725	2820	600	2360	2010	350	1000	825

Work Loads April 2008 to April 2009



RECEIVED
13 MAY 2009
08/0423

Photograph 1: Photograph looking northwards towards the part of the application site where the recovered vehicles are stored. The photograph was taken from the dormer window in the rear roof slope of No.188 Newtown Road on 5th May 2009.



SCHEDULE A: Applications with Recommendation

09/0283

Item No: 07

Date of Committee: 29/05/2009

Appn Ref No:
09/0283

Applicant:
Mr Bell

Parish:
Arthuret

Date of Receipt:
14/04/2009

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
Unit 9 Sandysikes Ind Est, Sandysike, Longtown,
CA6 5SR

Grid Reference:
338847 566088

Proposal: Refurbishment and Extension Of Existing Storage Building; Formation Of Storage Yard, Erection Of Security Fencing And Formation Of Drainage Swale; Improvement To Access (Revised Application)

Amendment:

REPORT

Case Officer: Richard Maunsell

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee at the request of the local Ward Councillor who also wishes to exercise his right to speak.

1. Constraints and Planning Policies

Tree Preservation Order

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

Health & Safety Executive Consultation

The proposal relates to development involving or affected by hazardous substances or noise.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol EC1 - Primary Employment Areas

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

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

Cumbria County Council - (Highway Authority): no objection subject to the imposition of highway conditions relating to visibility splays, construction and surfacing of the access and limitation on the height of the boundary hedge;

Arthuret Parish Council: comments awaited;

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

Development Services Planning & Housing Services - Local Plans (Trees): the site is considered by the Forestry Commission to be a Plantation on an Ancient Woodland site. Such sites are valuable wildlife habitats and a finite resource. Once lost they are lost for ever and cannot be replaced or replicated. Consequently National, Regional and Local planning and Forestry policy seeks to maintain and enhance sensitive woodland sites.

The proposals are contrary to the following Planning and Forestry Policies National Policy:

Planning Policy Statement 9 Biodiversity and Geological Conservation:
S10 which states that Local Planning Authorities should not grant planning permission for any development that would result in the loss or deterioration unless the need for and benefits of the development in that location outweigh the loss of the woodland habitat. The Applicant does not have a need to develop this area as they already have a suitable neighbouring site, albeit partially tenanted. No benefit will arise from the loss of the woodland in terms of increased jobs etc as the proposals relate only to the relocation of existing jobs; and S12 which states that networks of habitats are a valuable resource and should be protected from development.

The Strategy for England's Trees, Woods and Forests (defra)
Chapter 5 Land and the Natural Environment Objectives 34, 35, & 36 which seek to maintain and enhance our woodlands, safeguard the landscape character and seek to ensure good woodland management.

Regional Policy - Northwest of England Regional Spatial Strategy to 2021
Policy DP1 in that it does not promote environmental quality, or make the best use of resource and infrastructure, the Applicant having a suitable site, and the majority

SCHEDULE A: Applications with Recommendation

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of the proposed site being woodland, not an existing industrial site.

DP7 in that it does not maintain and enhance the quantity and quality of biodiversity and habitat.

RDF2 in that it does not enhance the value of our rural environmental inheritance.

EM1 in that it does not seek first to avoid the loss of or damage to the Regions woodland assets. Also it should be noted that there is no possible mitigation or remedial measures available to offset the damage caused to the finite resources that such Ancient Woodland sites represent.

The Cumbria and Lake District Joint Structure Plan 2001-2016

Policy E35 which states Development and other land use changes that are detrimental to these nature conservation interests will not be permitted unless the harm caused to the value of those interests is outweighed by the need for the development.

Policy E37 Landscape character in that it would adversely affect the distinctive woodland character of the location and, biodiversity features and ecological networks and semi-natural habitats.

Regional Forestry Framework for Englands Northwest (Northwest Regional Forestry Framework Partnership 2005)

Action Area 3 Biodiversity and Landscape

Local Policy - The Carlisle District Local Plan 2001-2016

Policy EC1 as it relates to the Sandysike Industrial estate in that the proposals will have a adverse effect on the landscape character resulting from the loss of a significant area of woodland that is clearly visible to the public and forms an integral part of the wider wooded landscape character of the location.

Policy CP2 Biodiversity, which includes woodlands as a landscape feature of major importance for supporting biodiversity which proposals should not harm.

Policy CP3 Trees and hedges on Development Sites which states the City Council will resist proposals which cause unacceptable tree loss.

Furthermore, the Pre-development Arboricultural Report does not contain sufficient information. Although the application form states that there are trees adjacent the site that could be affected by the development or influence the development these have not been included in the Pre-development arboricultural survey. In particular the woodland to the east of the proposed site, which is also protected by Tree Preservation Order 226, is classified as ancient woodland. The proposals would have an effect on the trees within this area of woodland but the Pre-development arboricultural report omits these trees.

Notwithstanding the above, the woodland was illegally felled in contravention of The Forestry Act 1967. I have discussed the illegal felling of the woodland with the Forestry Commission who advise me they are pursuing the replanting of the

SCHEDULE A: Applications with Recommendation

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woodland by means of a restocking notice.

In conclusion I am opposed to the above proposal on the grounds of that there is insufficient information to determine the application and that it is contrary to national regional, and local planning and forestry policy, and that as the woodland has been illegally felled it is to be restocked in accordance with The Forestry Act 1967 as amended; and

Forestry Commission: the site of the proposed planning permission at Sandysike has been the subject of investigations both by the City Council and the Forestry Commission (FC).

It was discovered that trees had been felled at the site on the 6th November 2006. The FC wrote to the owner advising him to cease any work on site whilst the FC investigated the matter. The site was approximately 0.25 ha in size.

At some stage during the ongoing investigation the remaining trees on site, which could only be described as large veteran oak trees, were also felled. The felling site was also enlarged to cover 0.5 ha in total. This happened despite previous FC letters to cease action. This was discovered by the FC in May 2007.

A total of 129 trees were felled without any lawful felling licence. This covered both areas of the site before and after communication with the FC to cease operations.

The City Council and the FC felt that the only way to actually halt further removal of habitat and tree cover would be for the Council to place a Tree Preservation Order (TPO) on the remaining woodland. This included the extensive woodland behind all the yards at Sandysike. It had been noted these yards had been slowly enlarging over time, encroaching on the woodland.

This TPO action has had an effect on delaying the FC restocking condition process. This restocking order has now been served, reference GL8/9/010/4/06-07,23/08-09. The FC were initially content that the legislation under TPO regulations was able to adequately safeguard this site and its restocking with native trees.

The site is part of an extensive area of native woodland and immediately adjacent to a designated site of Plantation on Ancient Woodland Site (PAWS) which means this is actually a site recently occupied by one of our most precious natural resources: Ancient Semi Natural Woodland (ASNW). The site in question shows exactly the same characteristics as the PAWS site and should be valued in the same way.

By restocking the site by planting or allowing the native species to regrow from seed and stump (which is happening very satisfactorily on site) any native flora within the soil will be safeguarded for the future. This means all the components of a native woodland will remain on site and with time a high forest with an under storey of native shrubs and other flora will succeed.

The FC would not support the whole scale removal and development of this piece of land from the native woodland site. The FC would question whether the City Council would allow such removal if the site were covered in woodland. This woodland

SCHEDULE A: Applications with Recommendation

09/0283

existed prior to being felled without a lawful felling licence. The fact remains, the owner felled the trees without permission or licence and even during investigation, despite being asked not to act further, some of the most valuable and oldest trees in the woodland were felled.

The FC believe this was a cynical attempt at site clearance to pave the way for a planning permission on what would then be a cleared area. This would seem to be the first step to enhance its chances in gaining permission to be developed. This pre-meditated action can be clearly seen when the FC had written to the owner to cease felling operations on site, yet they continued, doubling the initial area felled.

The FC have enclosed two dated aerial photographs of the site that clearly show tree cover before and after the unauthorised felling activities. This shows the mature nature of the tree cover that existed on this important site.

The FC would like to stress that although the site has been cleared, it is regrowing well and in fact will redevelop into the scarce natural resource the FC is charged with protecting.

The plan entitled "topographical survey" in the consultation documents shows the location of tree stumps which gives an indication of the tree cover removed from the site.

The FC also note that some statements in the "application assessment" are of dubious value:

The paragraph referring to DP7 - promote environmental quality, cites "creation of extensive woodland strips". The FC disagree these strips are extensive in exchange for the woodland cover for the whole site.

EM1 (A and D) - landscape and trees "allow for woodland area to be managed ensuring continuity of woodland cover". Again, the FC disagree that the proposals provide this against the removal of the existing and protected natural habitat on site.

In the landscaping section under the species to be planted it mentions a beech hedge - this is inappropriate and all species to be planted should be site native.

The FC is not adverse to development of all sites and recognises the need to allow businesses to grow. However, the whole area of Sandysike and the various yards have been eroded by development for many years, allowing more and more of this important natural resource to be developed. The action taken by the City Council in placing a TPO on the site was to be applauded and finally seemed to be a properly effective way to stop this erosion of the woodland resource.

3. Summary of Representations

Representations Received

Initial:

Consulted:

Reply Type:

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09/0283

Beatty Woodcraft	21/04/09	
- Longtown & Rockcliffe	21/04/09	Objection
J D Engineering	21/04/09	
Speedy Mortar	21/04/09	
Jim Peet Agriculture	21/04/09	Support
Sandysike Builders	21/04/09	
Titteringtons	21/04/09	

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring premises. At the time of writing this report, one letter of support has been received which raises the following issues:

1. the site will finally be tidied up. For the past 8-10 years this site has been an eyesore and a let down to the industrial estate;
2. the application should be supported and the preference for employment development over the trees should be made in the current employment climate; and
3. Unit 9 is a strong focal point location in the centre of the industrial estate and if developed in the right manner will fit the image of the whole estate.

4. Planning History

- 4.1 An application for planning permission was submitted in 2008 for the refurbishment and extension of existing storage building; formation of storage yard, erection of security fencing and formation of drainage swale; improvement to access but was withdrawn prior to determination.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks approval for the refurbishment and extension of the building and extension of the site to form accommodation for a storage and haulage business at Unit 9 Sandysike Industrial Estate, Sandysike, Carlisle. The application site lies approximately 400 metres westwards of the junction that links Sandysike Industrial Estate with the A7 on the northern side of the Class C road. The application site is identified on the Proposal Map that accompanies the Carlisle District Local Plan (2001-2016) as lying within a Primary Employment Area and being subject to a Tree Preservation Order (TPO No. 226).

Background

- 5.2 On 30th May 2007, a Tree Preservation Order (No. 226) was made on areas of land to the north of the application site. The areas are designated as Plantation on Ancient Woodland Site and Ancient Semi Natural Woodland. The Order was confirmed by Members of the Development Control Committee on 9th November 2007 and came into force on 16th November 2007. The Order follows clearance of significant areas of the woodland without a felling licence issued by the Forestry Commission. The Order was drafted to preserve the remaining trees and to protect the habitat and wildlife value and the public amenity that the area affords.
- 5.3 A Restocking Notice for the areas that have been felled was served by the Forestry Commission on the applicant on 13th March 2009. A copy is reproduced following this report.
- 5.4 An application was submitted in 2008 for the refurbishment and extension of the existing storage building; formation of storage yard, erection of security fencing and formation of drainage swale; together with the improvement to the access. The application was withdrawn prior to determination in 2009 in order that the applicant could attempt to address concerns raised through the consultation process regarding the impact on the adjacent trees.

Proposal

- 5.5 The existing building has a footprint of 693 square metres and it is proposed to be refurbished and clad with dark green profile sheeting to the sides with slate grey profile sheeting to the roof. An extension is proposed to the west elevation with a footprint of 475.36 square metres, finished in materials that would match the refurbished existing building. The ridge of the extension would project 2.4 metres above the existing building. The depth of the site to the rear would be extended by 45.48 metres to provide an enlarged concrete apron together with a parking area for heavy goods vehicles and secure parking for staff vehicles along with a landscaped area. This area would be accessed through the formation of a new vehicular entrance from the Class C road adjacent to the east elevation and would be secured by the installation of a sliding security gate. The site would be enclosed by a 1.8 metre high galvanised steel fence.
- 5.6 The existing vehicular access would be closed and the boundary reinstated by planting a beech hedge. Additional screen planting is also indicated to the south and west sides of the building.

Assessment

- 5.7 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP1, CP3, CP5, EC1 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.8 The proposal raises the following planning issues:

1. Whether The Principle Of The Use Is Acceptable

- 5.9 The application site falls within an area designated for Primary Employment use under the adopted Proposals Map and, in such locations, Policy EC1 of the Carlisle District Local Plan 2001-2016 is applicable. Policy EC1 specifically states that proposals in the Sandysike/ Whitesyke area for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided that: the proposal does not have an adverse impact on the landscape; the proposal does not involve the loss of existing tree cover; where appropriate, opportunities are taken to reinforce existing landscaping; and adequate access and appropriate parking are provided.
- 5.10 The existing building together with the site generally is in a semi-derelict state and is subject to fly-tipping. Planning policies allow for the extension and alteration of existing premises within Primary Employment Areas. Sandysike and Whitesyke Industrial Areas are specifically identified in the policy; however, this principle is subject to consideration against the relevant policy criteria. This report has already identified the background information with regard to the adjoining land and the impact on the trees and designated wooded areas.
- 5.11 Although there would be no objection to the principle of the refurbishment and limited expansion of the site (subject to the submission of supporting information and the use is compliant with uses in Primary Employment Areas). The site is however, specifically constrained by a wooded area that is located immediately adjacent to the site boundaries and it is the impact of the loss of such extensive woodland that is fundamental in determining this application and which is discussed in the following paragraphs.

2. Impact Upon Tree Preservation Order 226

- 5.12 In order to accommodate the proposed development it would be necessary to extend the site boundaries by 48.2 metres to the north and 48.6 metres to the west, resulting in a site area of 8360 square metres. This is an increase of almost 430% from the existing area of 1945.6 square metres, although an area of approximately 1893 square metres (nearly 23% of the overall proposed site area) will be reserved to the north and west for planting areas. When considering the TPO, the objectors along with some of the Members, were conscious that the Order may prevent continuing expansion of the industrial area. The purpose of imposing a TPO on this site was to protect this area of woodland as an attractive feature of the landscape and to prevent its removal in support of Policy EC1 as it related to the Sandysike area.
- 5.13 The applicant has submitted an arboricultural report which recommends:
- Removal of the seven individual trees surveyed;
 - Removal of the other trees on the site but retaining a 10m strip along the side and rear of the site;
 - Creation of a 9m wooded area along the front of the site; and

SCHEDULE A: Applications with Recommendation

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- Attachment of a planning condition to erect protective fencing.
- 5.14 In the Design and Access Statement submitted to support this application, it is stated that the applicant currently operates a haulage business from land to the west of the application site. That land is shared with tenants who rent part of the buildings thereon. In order for the applicant's business to expand, the tenants of that adjacent site would have to be evicted or, alternatively, the land that is subject to this current application needs to be developed. Planning policies recognise the needs of businesses to expand but proposals should be considered in the context of the Local Plan and other policies that are applicable to the development. No information has been submitted to indicate if other options such as any alternative site has been considered and/ or why they have been discounted as inappropriate. No persuasive economic argument has been demonstrated to justify the need for the development of the site on a scale that would outweigh the loss of the wooded area that is subject to a TPO and a Restocking Notice served by the Forestry Commission.
- 5.15 Members should be aware that a large portion of protected woodland in close proximity to the application site has already been felled without approval. A tree replacement notice has been issued, and upheld on Appeal for the replacement of the trees which were felled; however, this matter is being dealt with separately to this current application. Subsequent to this, the Forestry Commission has served a Restocking Notice. Although this loss of tree cover has affected the wooded character of the area, in due course the woodland will re-establish and once again be the feature it once was. Objections have been received from both the Forestry Commission and the Council's Tree Officer and in particular, Members will be aware of the strong and details objection submitted by the Forestry Commission.
- 5.16 In relation to the above the removal of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a significant natural landscape feature. As such the proposal would be contrary to the objectives of Policies CP1, CP3, CP5 and EC1 of the Carlisle District Local Plan 2001-2016.
3. Comparison With Development On A Nearby Site (Occupied By Jim Peet Agriculture Ltd)
- 5.17 Members considered an application for the erection of a steel framed building to provide an outloading facility for cattle food manufacturing operation at Jim Peet (Agriculture), Sandysike, Longtown. The application was recommended for refusal on the basis of the necessity to remove 2350 square metres of woodland which is protected by Tree Preservation Order No. 226. It was considered that the irrevocable loss of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a significant natural landscape feature and therefore contrary to Local Plan policies.
- 5.18 The application was supported at the Committee meeting by a local Ward

Member who spoke in support of the proposal. He argued that there was a thriving business on the site and the need for the changes and expansion were being forced on the applicant due to health and safety legislation. It was further argued that given the physical relationship within the site, the visual impact of the development would be minimal. A copy of the relevant minutes are appended following this report.

Conclusion

- 5.19 In overall terms, the principle of redevelopment and expansion of existing premises within Primary Employment Areas is acceptable, subject to compliance with the relevant criteria of policies within the Local Plan. The enlargement of the site by almost 430% into an area designated as an Ancient Woodland and subject of a TPO is disproportionate for which no justification has been submitted. For the reasons identified in the report it is recommended that the application is refused as it constitutes the irrevocable loss of a protected woodland and an important natural woodland feature.

6. Human Rights Act 1998

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

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

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

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

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

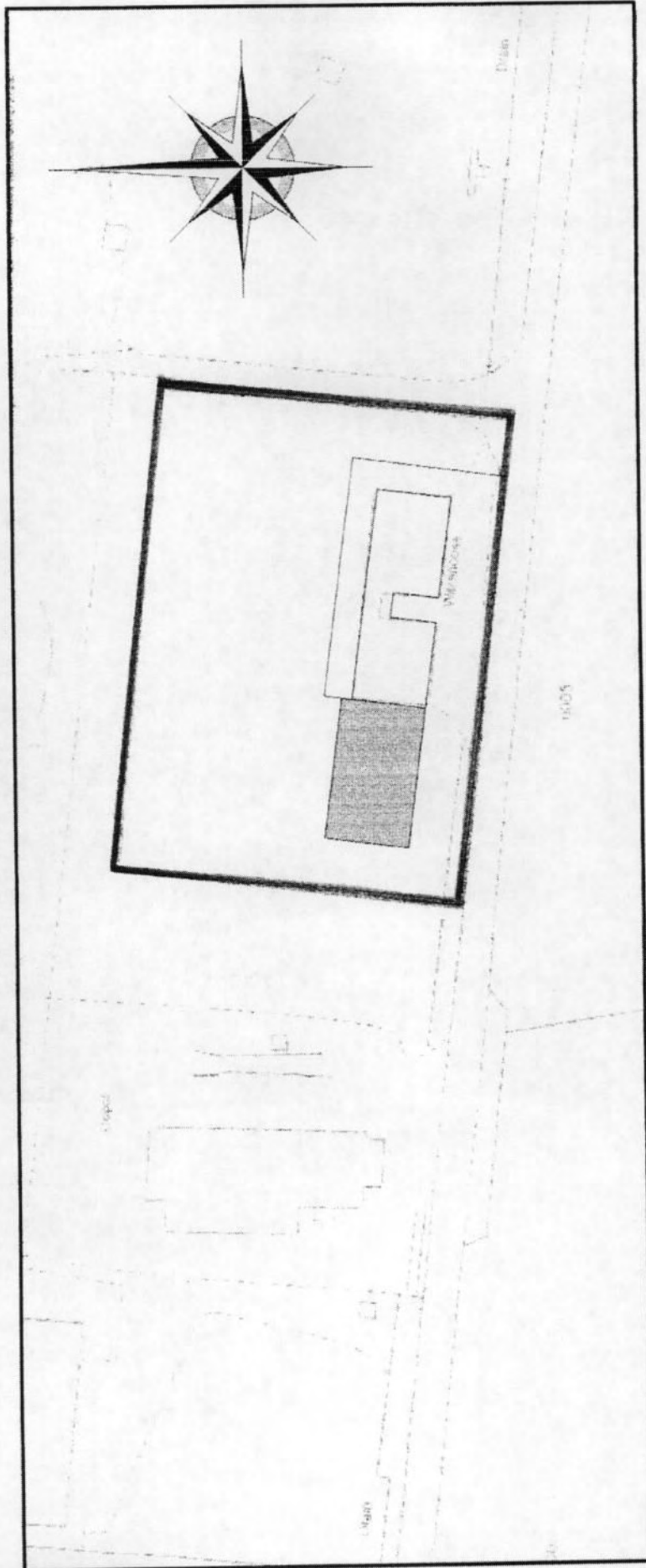
- 6.3 Article 8 and Article 1 of Protocol 1 of the Human Rights Act are relevant to this application, and should be considered when a decision is made. Members are advised that for the reasons identified in the report the impact of the development in these respects will be minimal and the separate rights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

7. Recommendation - Refuse Permission

SCHEDULE A: Applications with Recommendation

09/0283

1. **Reason:** In order to accommodate the proposed development it would be necessary to remove an extensive area of woodland, which is protected by Tree Preservation Order No.226 and is subject to a Restocking Notice served by the Forestry Commission. The irrevocable loss of such a significant area of protected woodland would be detrimental to the landscape character of the surrounding area and result in the loss of a natural area and significant landscape feature. As such the proposal is contrary to the objectives of criteria 1 and 2 of Policy EC1 (Primary Employment Area - relating to Sandysike), the objectives of Policy CP1 (Landscape Character), Policy CP3 (Trees and Hedges on Development Sites), and criterion 6 of Policy CP5 (Design) of the Carlisle District Local Plan 2001-2016.
-



LOCATION PLAN 1:1250

FELLED TREE AREA

76000

HARDCORE APRON

EXISTING STORAGE UNIT

OAK
SILVER BIRCHOAK
OAK
OAK

OAK

OAK

OAK

OAK

OAK

OAK

OAK

OAK

OAK

RECEIVED
11 APR 2006
25090623

DITCH

EXISTING BEACH HEDGE

EXISTING BEACH HEDGE

EXISTING BEACH HEDGE

PUBLIC ROAD

TSADA BUILDING DESIGN SERVICESTsada Cottage, Longdown, Carlisle, Cumbria CA6 5NA
Telephone (01228) 791807**Job title**PROPOSED EXTENSION TO
UNIT 6 SHEDS/YES INDUSTRIAL ESTATE
WITH YARD AND SECURITY FENCING
EXISTING BLOCK PLANAll dimensions are copyright of Tsada Building Design Services and must not be copied without the written
consent of the company.
All entries/permissions shall be taken over and over and all dimensions and descriptions must be agreed to the client
before making practical work during the period of work.

Drawing by

W. J. F. ALDER

Date

7/12/2006

Amendments

Client

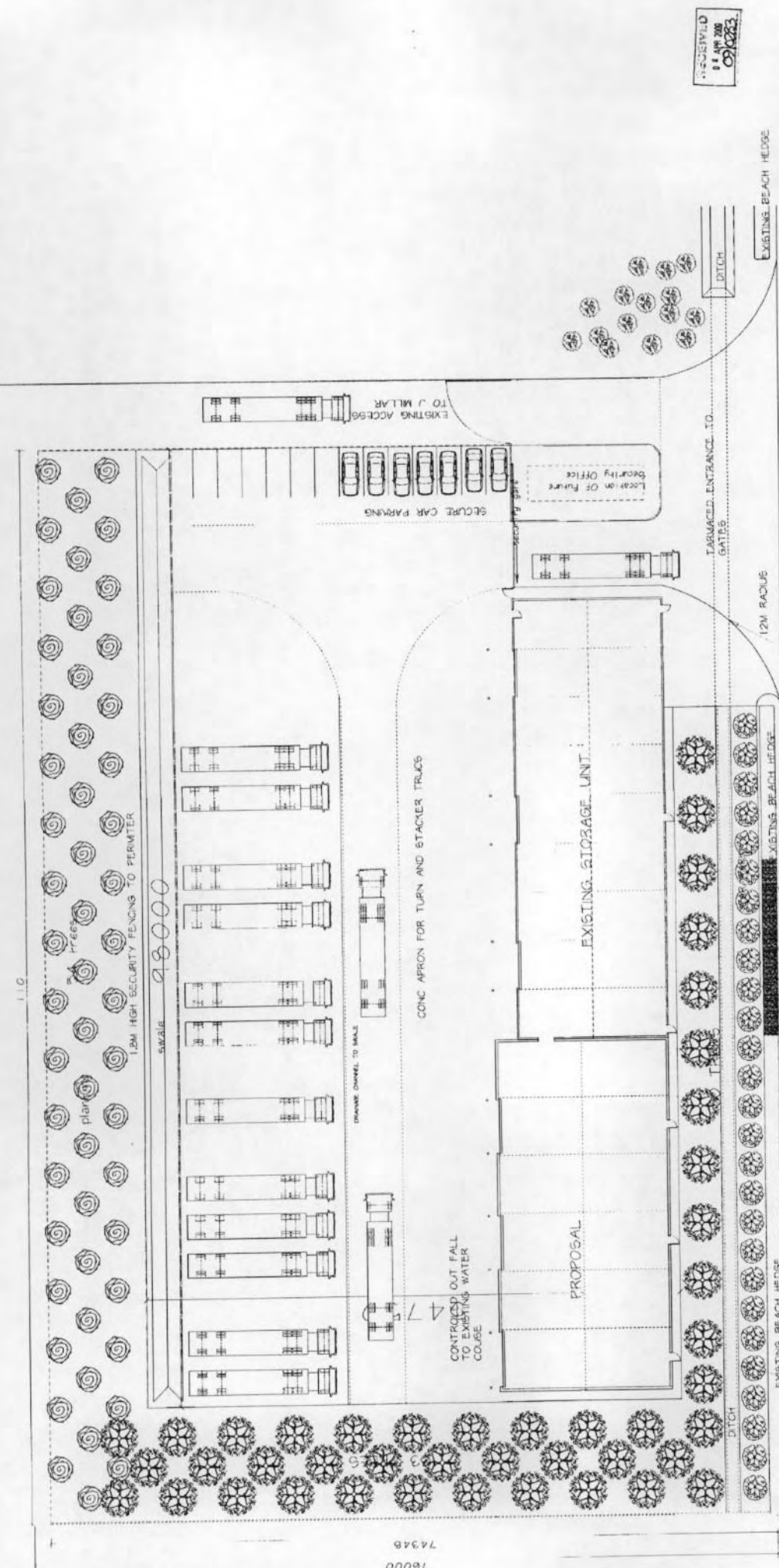
MR C BELL
NOOK LANE
DALSTON
CARLISLE

Dwg No.

2/12/2006/1

Scale

1:200



RECEIVED
11 APR 2006
09/0283

TSADA BUILDING DESIGN SERVICES

Travis, Cottage, Longtown, Carlisle, Cumbria, CA4 8TA
Telephone: (01224) 791807

Job title
PROPOSED EXTENSION TO
UNIT 9 SANDYSKES INDUSTRIAL ESTATE
WITH YARD AND SECURITY FENCING
BLOCK/ LAYOUT PLAN

All plans must be supplied of 7 inch building design services and must be reported with the correct
scale. All plans must be supplied of 7 inch building design services and must be reported with the correct
scale. All plans must be supplied of 7 inch building design services and must be reported with the correct
scale.

Drawing by
W.R.F. AULDER

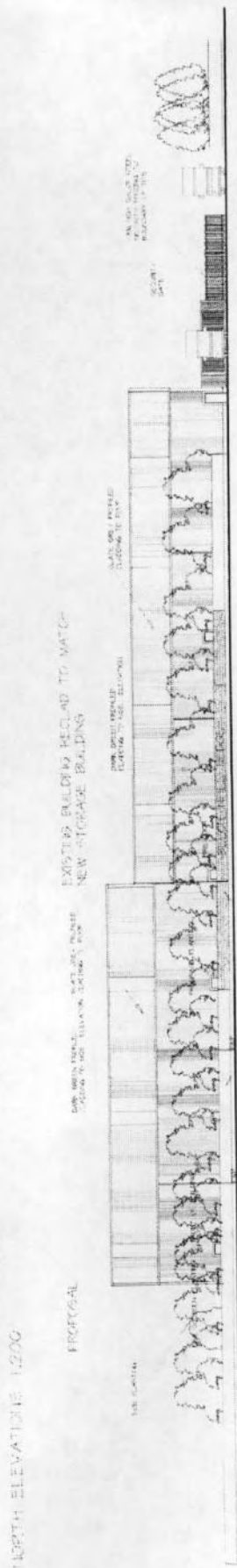
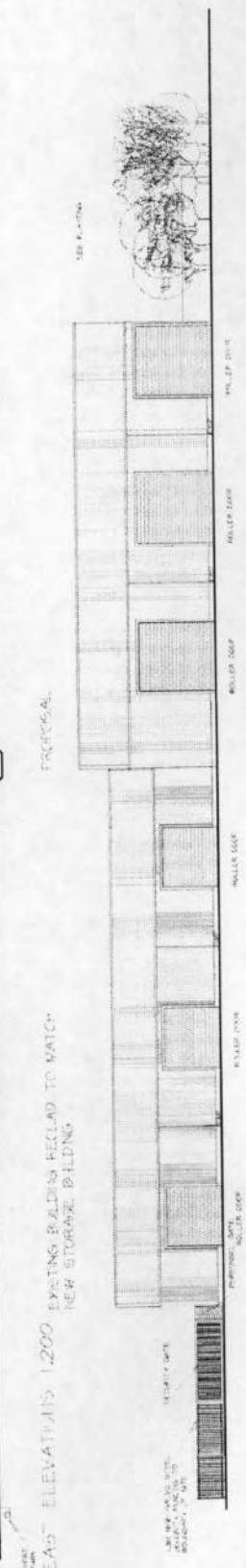
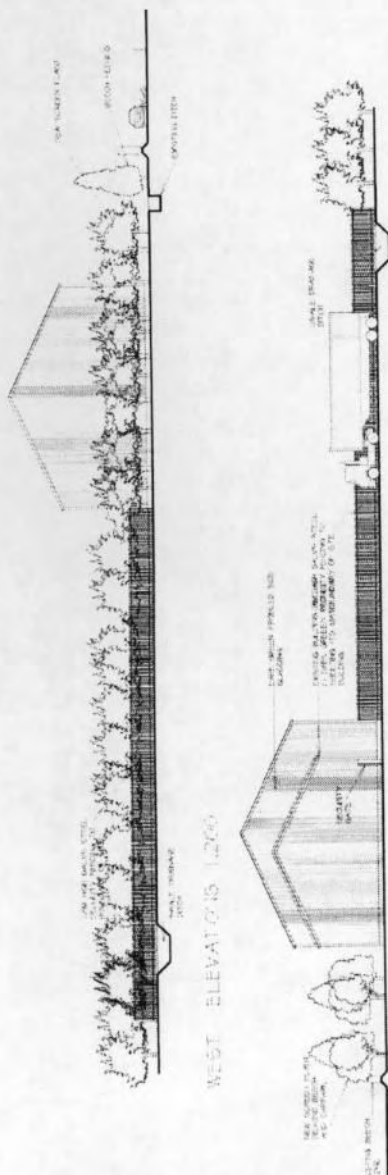
Date
7/12/2006

Amendments
1 24/2006 1000000 1000000 1000000

Client
MR C BELL
NORR LANE
DALLON
CARLISLE

Drng No.
2/12/2006/2A

Scale
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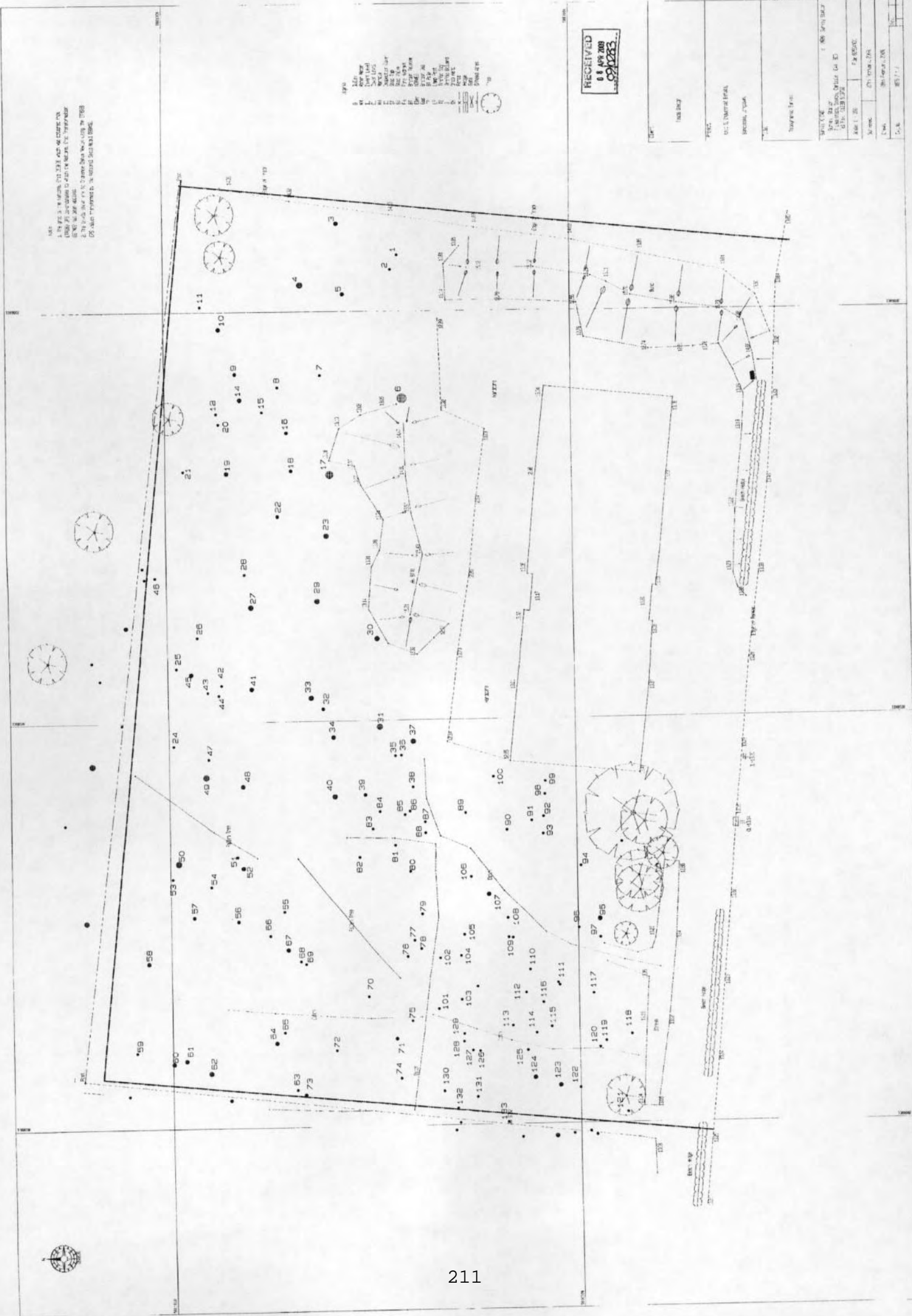


TSADA BUILDING DESIGN SERVICES

Job title

All above means the concept of "mala (bad)" is not a good one and must not be repeated with the concept of the "Karmaphala".

[illegible]



FORESTRY ACT 1967

NOTICE REQUIRING THE RESTOCKING OR STOCKING OF LAND WITH TREES

Name and address of the person on
whom the notice is served

Address of Issuing Office

Mr. C. Bell,
Gill Wood,
Nook Lane,
Dalston, Cumbria,

Forestry Commission England
National Office
Great Eastern House
Tenison Road
CAMBRIDGE
CB1 2DU

1. It has been established that you felled trees on land at Sandysike, without a felling licence in contravention of the provisions of the Forestry Act 1967, the Forestry Commissioners, in pursuance of their powers under Section 17A of that Act, hereby give notice requiring you to carry out the restocking specified in the schedule below.

2. Your attention is drawn to the notes overleaf.

13th March 2009 date

.....
S Hunt for the Forestry Commissioners

SCHEDULE

1. Before 30 June 2010 the area outlined coloured blue on the map attached to this notice, should be adequately prepared and protected to allow the establishment of trees.
2. The land should be managed in such a way as to secure restocking by means of re-coppicing and natural regeneration of alder, willow and birch. Some enrichment planting of oak in 1.2 metre shelters should be undertaken in existing gaps, in order to achieve an average stocking equivalent to 1100 trees per hectare.
3. For a period of 10 years from successful regeneration or planting, the plants must be protected against damage and be adequately weeded.
4. Any failures or losses must be replaced where necessary to provide satisfactory stocking and any fences or individual tree guards must be properly maintained, all in accordance with the rules and practice of good forestry.

NOTES

i. If the person to whom this notice is given objects to the notice or to the conditions contained in it, he may, by notice served on the appropriate Minister in the manner and within the period (three months) prescribed in Regulation 8A of the Forestry (Felling of Trees) Regulations, 1979 (SI 1979 No 791) - as amended by the Forestry (Felling of Trees) (Amendment) Regulations 1987 (SI 1987 No 632) - request the appropriate Minister to refer the matter to a Committee appointed in accordance with Section 27 of the Forestry Act 1967.

ii. If, after the expiration of the time specified in this notice, any of the steps required by the notice have not been taken, the Forestry Commissioners may, in accordance with the powers granted to them by Section 24 of the Forestry Act 1967, give notice to the owner of the land requiring such steps as may be specified in the notice to be taken to remedy the default.

(l) Erection of steel framed building to provide outloading facility for cattle food manufacturing operation, Jim Peet (Agriculture), Sandysike, Longtown, Cumbria CA6 5SY (Re-submission Application 08/0895)

The Development Control Officer submitted her report on the application, reporting the receipt of a consultation response from the Parish Council confirming that they did not wish to make any representation on the proposal.

The Development Control Officer reminded Members that the application site related to an area of land which fell within Part W2 of Tree Preservation Order 226, approved by the Committee on 16 November 2007.

The proposal was contrary to Policy EC1 of the Carlisle District Local Plan specifically relating to Sandysike. As outlined in section 5.13 of the report a neighbouring site had been felled without approval. A woodland replacement notice was upheld on appeal with the Inspector mentioning the amenity value of the trees.

Photographs were displayed on screen and explained to the Committee.

The Officer reminded Members that if the scheme was approved a precedent would be set in the area for similar schemes. On the basis of the reasons outlined in the report, the recommendation was for refusal.

A Ward Member was present at the meeting and spoke to the Committee at length in support of the application. He informed Members that Mr Peet had come to the site in 1982 as a tenant, but had subsequently purchased and extended the site to a significant degree. All previous applications had been dealt with under delegated powers. Mr Peet had built up a successful business, dealing with issues such as foot and mouth which had not always been easy.

The Member recognised and accepted the reason for the Officer's recommendation, but highlighted the pressing need the business had for extension, mainly because of health and safety legislation.

He quoted from the Tree Preservation Order and a letter from the Council's Landscape Architect/Tree Officer, commenting that he did not consider it to be an amenity area. The public impact of the development would be minimal. The business was well suited to its setting and served the farming community and others. Health and Safety legislation was being forced upon Mr Peet, he was happy to comply but needed to be able to do so.

If the Committee could not grant permission, the Member made a plea to them to visit the site so that they could see the isolated and sterile nature thereof. In conclusion, he said that the impact of the proposal was minimal and the benefits enormous.

Referring to plans and photographs on screen, Mr Peet (Applicant) outlined the application which had been carefully planned and designed to provide what he needed whilst leaving trees for screening purposes. He added that a letter received from the Council explained that Tree Preservation Orders did not prevent development being granted.

In considering the matter, a Member commented upon the importance of the business in terms of employment in the rural area. He further quoted from the Pre-Development

Arboricultural Report which stated that "the majority of the trees within the woodland are poor specimens that individually shouldn't be a constraint to development". He moved that permission be granted on the grounds of EC11, subject to a condition that adequate screening be provided. The motion was duly seconded.

RESOLVED – That permission be permission be granted, subject to the conditions indicated in the Schedule attached to these Minutes.

Councillor Mrs Rutherford wished it to be recorded that she was outwith the meeting during part of the discussion on the application and had therefore taken no part in the above decision.

SCHEDULE A: Applications with Recommendation

09/0289

Item No: 08

Date of Committee: 29/05/2009

Appn Ref No:
09/0289

Applicant:
Knightbridge
Developments

Parish:
Hayton

Date of Receipt:
09/04/2009

Agent:
Architects Plus (UK) Ltd

Ward:
Hayton

Location:
Former WI Hall Site, Hayton

Grid Reference:
350568 557995

Proposal: Erection Of 2no. Detached 2 Storey Dwellings

Amendment:

1. Alterations to the position of the retaining walls.
2. Repositioning of the garages 6 metres from the carriageway, as opposed to 6.5 metres, following the Highway Authority's consultation response, together with further alterations to the position of the retaining wall and minor changes to the fenestration detail to Plot 2 to reduce potential overlooking issues.
3. Submission of an additional site survey plan that illustrates the eaves and ridge height of the former Women's Institute Hall, which has since been demolished.

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of six letters of objection, together with a petition signed by thirty five people.

1. Constraints and Planning Policies

Airport Safeguarding Area

Gas Pipeline Safeguarding Area

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

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

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

Local Plan Pol H1 - Location of New Housing Develop.

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

Local Plan Pol T1- Parking Guidelines for Development

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): no objections, subject to the imposition of three highway related planning conditions;

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

Community Services - Drainage Engineer: awaiting comments;

Development Services Planning & Housing Services - Local Plans (Trees): the plans illustrate a number of trees on the site that could be affected by the development. Whilst these are shown on the site survey drawing a tree survey was not supplied when the application was originally submitted.

This information has since been provided and the removal of the Hawthorn bushes is acceptable to the Landscape Architect;

Hayton Parish Council: awaiting comments;

Carlisle Airport: no objections;

National Grid UK Transmission: based on the information that has been provided and the proximity/sensitivity of these networks to the proposal National Grid has concluded that the risk is negligible.

3. Summary of Representations

Representations Received

SCHEDULE A: Applications with Recommendation

09/0289

Initial:	Consulted:	Reply Type:
1 Briar Close	16/04/09	
3 Acre Close	16/04/09	
4 Acre Close	16/04/09	
5 Acre Close	16/04/09	
6 Acre Close	16/04/09	Objection
7 Acre Close	16/04/09	
8 Acre Close	16/04/09	
9 Acre Close	16/04/09	
10 Acre Close	16/04/09	
11 Acre Close	16/04/09	Objection
12 Acre Close	16/04/09	
Carlton	16/04/09	
Four Winds	16/04/09	
1 Swedish Houses	16/04/09	
2 Swedish Houses	16/04/09	
1 Castle View	16/04/09	
2 Castle View	16/04/09	
3 Castle View	16/04/09	
4 Castle View	16/04/09	
5 Castle View	16/04/09	
6 Castle View	16/04/09	
7 Castle View	16/04/09	
8 Castle View	16/04/09	
9 Castle View	16/04/09	Objection
10 Castle View	16/04/09	
Lynden Lea	16/04/09	
- Hayton	16/04/09	
2 Briar Close	16/04/09	
3 Briar Close	16/04/09	
4 Briar Close	16/04/09	
5 Briar Close	16/04/09	
6 Briar Close	16/04/09	
1 Acre Close	16/04/09	Objection
2 Acre Close	16/04/09	Objection
2 Acre Close		Petition

- 3.1 This application has been advertised by means of a site notice as well as notification letters sent to thirty four neighbouring properties. In response six local residents have objected to the application and petition has been submitted, which has been signed by thirty five people.
- 3.2 The letters of objection and petition identify the following issues:
1. The position of the proposed access to the site is opposite the junction of Acre Close with the main road leading into Hayton. This arrangement will be detrimental to highway safety;
 2. There is insufficient parking provision to serve the properties on Acre Close and this proposal will exacerbate the situation;
 3. If planning permission were granted adequate off site parking should be provided for construction vehicles, as without such provision these

vehicles will park in Acre Close, thereby causing further congestion in this small cul de sac;

4. Inadequate curtilage parking provision has been provided to serve the dwellings. Given that the dwellings are four bedroom properties more than two parking spaces per dwelling will be required;
5. Insufficient parking provision has been made for visitors, which may result in additional cars being parked on the highway to the detriment of highway safety;
6. The site is better suited to a single storey dwelling;
7. A Copper Beech tree was removed unnecessarily prior to the application being submitted;
8. Loss of privacy to Nos. 1 and 2 Acre Close;
9. The proposal results in the overdevelopment of the site and would be out of character with other properties in the area;
10. The proposed dwellings, due to their size and position in relation to the highway, will dominate the surrounding area;
11. Insufficient garden space has been provided to given the size of the dwellings; and
12. The proposed dwellings stand proud of the established building line.

4. Planning History

- 4.1 In 1996 planning permission was granted for the erection of a disabled access ramp to the Women's Institute Hall (Application 96/0973).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks full planning permission for the erection of two detached dwellings on land that was formerly occupied by the Women's Institute Hall in Hayton. The site, which is positioned immediately adjacent the roadside, is situated opposite the junction that Acre Close shares with the main road that leads into Hayton when accessing the village from the western approach of the A69. The site occupies a long frontage measuring 37 metres in length, but is narrow in depth, measuring only 16.4 metres at its deepest point.

- 5.2 Immediately to the north and south of the site are field accesses to the agricultural land that borders the eastern boundary of the site. To the west of the site, on the opposite side of the main road, are the residential properties of Acre Close, which are elevated in relation to the application site. Additional residential properties are also located to the north and south of the site beyond the field accesses.
- 5.3 The Women's Institute Hall was removed from the site prior to the application being submitted. The hall was a timber framed structure that measured 27 metres in length by 7 metres in depth. A site survey that has been undertaken by the applicant prior to the removal of the hall indicates that the building had an eaves height of approximately 4.08 metres and a ridge height of 6.16 metres when measured from the adjacent road.
- 5.4 The site is identified on the Inset Map that accompanies the Local Plan, as lying within the settlement boundary of the Hayton.

The Proposal

- 5.5 It is proposed to erect a 2no. two storey dwellings, the layout of which are mirror images of one another. The dwellings have a footprint of 114 square metres and sit within plots that measure 296 square metres (Plot 1) and 264 square metres (Plot 2). The properties, which are "double fronted", are positioned parallel with the road, 2.4 metres from the roadside boundary. The dwellings incorporate conventional eaves and ridge heights of 5 metres and 7.6 metres respectively.
- 5.6 The proposed dwellings comprise a single garage, entrance hall, open plan dining room/kitchen, utility and lounge to the ground floor with four bedrooms (one of which has ensuite facilities), and a bathroom to the first floor.
- 5.7 The properties, which are traditional in appearance, would be predominantly two storeys in height; although the proposed garages would be single storey. The dwellings incorporate a two storey forward projecting gable to the front elevation, which would be finished using randomly laid natural stone. The remainder of the external walling would be rendered with a self-coloured cream render and the properties would be roofed with natural slate. The design of the properties includes stone lintels, cills, quoins and copings to the gables. All new windows and doors are to be timber effect upvc framed. Externally the dwellings appear largely the same; however, the fenestration detail to the front elevation of the dwelling to be accommodated on Plot 2 differs from Plot 1 in order to overcome privacy issues.
- 5.8 Parking provision for two vehicles per plot would be available. One space would be provided on the driveway, with a further space available within the single garage. The driveways, which are accessed directly from the highway, are centrally located along the site's road frontage. Between the driveways that serve the individual residential units would be one visitor's parking space.

- 5.9 The existing stock proof fence to the site's northern, eastern and southern boundaries is to be retained; however, a retaining wall would be erected to the rear boundary of Plot 2 to compensate for the difference in levels between the site and the surrounding agricultural land. The retaining wall would be rendered with a stone coping.
- 5.10 It is proposed to discharge foul and surface water drainage to the main sewer.

Assessment

- 5.11 The relevant planning policies against which the application is required to be assessed are Policies CP3, CP5, CP12, H1, H4 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.12 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.13 The application site lies within the settlement boundary of Hayton, which is identified as a Local Service Centre by Policy H1 of the Local Plan. As such, the principle of residential development is acceptable, subject to compliance with the criteria identified in Policy H1 and the other relevant policies contained within the Local Plan.
2. Whether The Scale And Design Of The Dwellings Is Acceptable.
- 5.14 The appearance of the dwellings is traditional in character and the external materials to be used are sympathetic to the site's semi-rural setting.
- 5.15 The scale of the dwellings, in terms of their overall height, is in keeping with the surrounding two storey semi-detached properties. A number of local residents have made reference to the height of the dwellings in comparison to the Women's Institute Hall, which was a single storey building. Although the building may have been single storey it was elevated on the ground and was a substantial structure. It had a ridge height of 6.16 metres, when measures from the roadside, which is only 1.7 metres lower than the ridgeline of the dwellings hereby proposed.
- 5.16 It is acknowledged that the buildings stand forward of the other properties on the eastern side of the main road; however, the site is detached from these properties and the position of the proposed building is comparable to that which was occupied by the Women's Institute Hall.
- 5.17 The principal issue that this application raises, from a policy perspective, is whether the gardens are adequately sized to serve these four bedroom dwellings. The rear garden area to serve Plot 1 would measure approximately 13 metres by 5 metres, whereas the dwelling to Plot 2 would have a rear garden measuring 13 metres by 4.2 metres, albeit diminishing in width to 3.6

metres.

- 5.18 With regard to this issue the architect has stated that the applicant is targeting families who could possibly not afford a typical four bedroom house in a village, as they tend to have larger gardens and consequently a higher asking price. The issue Members should consider is whether the living conditions of the future occupiers of these dwellings would be compromised due to the size of the garden areas. It is the Officer's opinion that this would not be the case, as adequate garden space, drying areas and storage provision for recycling/refuse bins would be available. Furthermore, the proposed units would offer an importance contribution to a more affordable family sized accommodation, which is a rare commodity in rural areas. The local residents preference for a single detached property to be erected on the site is understandable; however, it should not be the role of the planning system to impose preconceived ideas regarding rural housing, particular where it cannot be demonstrated that the living conditions of future or existing residents would be harmed by the proposal.
- 5.19 In order to ensure that adequate garden space is retained to serve the future occupiers of these properties it is considered that it would not be unreasonable to impose a planning condition, which removes "permitted development rights" from these properties thereby ensuring that future extensions to these dwellings can be controlled.
- 5.20 In summary, the scale, design and external materials to be used area are acceptable. Taking into account the position of the neighbouring properties in relation to the buildings proposed, the overall height and mass of the dwellings proposed would sit comfortably with the scale of the surrounding buildings.
3. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.
- 5.21 Adequate separation distance has been maintained between the existing residential properties and the proposed dwellings to ensure that the living conditions of neighbouring residents are not affected through loss of light or overdominance.
- 5.22 In terms of loss of privacy, the property most affected would be No.2 Acre Close. The dwelling on Plot 1 is offset from No.2 Acre Close and, therefore, would not result in any loss of privacy. In contrast, however, the dwelling to Plot 2 is positioned opposite No.2 Acre Close. There is a difference in levels of approximately 1 metre between the application site and No.2 Acre Close, with the latter being positioned at a higher level. As a consequence, the Case Officer is satisfied that the windows to the ground floor of the dwelling to Plot 2 would not result in loss of privacy.
- 5.23 There is a single bedroom window to the front elevation of Plot 2 that would be 18 metres from the primary windows serving No.2 Acre Close. This distance is marginally less than the recommended distance of 21 metres,

which Officers generally encourage as a good practise guide. In this instance, views from the bedroom window in question would be partially obscured by the forward projecting two storey gable to the front elevation of the dwelling. In addition, Members are reminded that it is only this window that would result in any loss of privacy. On balance, the adverse impact that this window would have as a result of is insufficient to warrant refusal of this application.

4. Highway Issues.

- 5.24 One of the principal issues raised by local residents relates to the perceived highway safety issues that this proposal would generate. In concluding that the proposal is acceptable from a highway safety perspective the Highway Authority has commented that *"the provision of off road parking at this location is seen as a highway benefit to the potential traffic/parking demand that the previous hall would generate"*.
- 5.25 The Highway Authority go on to state that *"it might be beneficial to reduce the space in front of the garages to 6 metres (from the current 6.5 metres). This reduction could avoid the temptation of parking parallel to the carriageway behind a vehicle on the space"*. Members should note that the applicant has amended the plans accordingly in light of the Highway Authority's advice.
- 5.26 Whilst the concerns of the residents are noted, as the Highway Authority has raised no objections to the proposal, subject to the imposition of three planning conditions, it would not be justifiable to refuse the application on highway grounds.

5. Whether The Removal Of Existing Planting Is Significant.

- 5.27 The proposal involves the removal of two modestly proportioned Hawthorn bushes. The site layout plan suggests that additional planting is proposed to compensate for their loss; however, no specific details have been provided. The implementation of an appropriate landscaping scheme could be secured through the imposition of a planning condition.
- 5.28 A number of residents have commented regarding the loss of a Copper Beech tree, which was removed when the site was cleared. The tree was not protected by a Tree Preservation Order and, therefore, its retention was at the applicants' discretion. Members are strongly advised that the removal of the Copper Beech tree should not prejudice the outcome of this planning application.

8. Impact Created By Construction Traffic/Works.

- 5.29 Local residents have expressed concern that, if the scheme were approved, construction traffic/works would cause undue disturbance to neighbouring residents. It is normally reasoned that such disturbance is an inevitable temporary manifestation of any development project and is not the concern of the planning system unless there would be exceptional harm to amenity. It is the Officers view that there would be no significant harm to the living

SCHEDULE A: Applications with Recommendation

09/0289

conditions of local residents as a result of construction works. With regard to highway safety, the Highway Authority has recommended that a condition is imposed that requires a plan to be submitted, which illustrates that adequate land has been reserved parking of vehicles engaged in the construction of the dwellings.

Conclusion

- 5.30 In overall terms, the principle of the proposed development is acceptable. The scale, siting and design of the proposed dwellings are acceptable in relation to the site and the surrounding properties. The living conditions of neighbouring properties would not be compromised through unreasonable overlooking or unreasonable loss of daylight or sunlight. Adequate car parking and amenity space would be provided to serve the dwellings. In all aspects the proposals are compliant with the objectives of the relevant Local Plan policies.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation - Grant Permission

1. The development shall be begun not later than the expiration of 3 years

SCHEDULE A: Applications with Recommendation

09/0289

beginning with the date of the grant of this permission.

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

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

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

3. All new external stonework shall be carried out in natural stone, which shall be laid in a random manner, in accordance with the details contained in the submitted application, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure an acceptable external appearance for the completed development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: To ensure that adequate external amenity space is available to serve the dwellings in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

6. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the

SCHEDULE A: Applications with Recommendation

09/0289

dwellings are occupied.

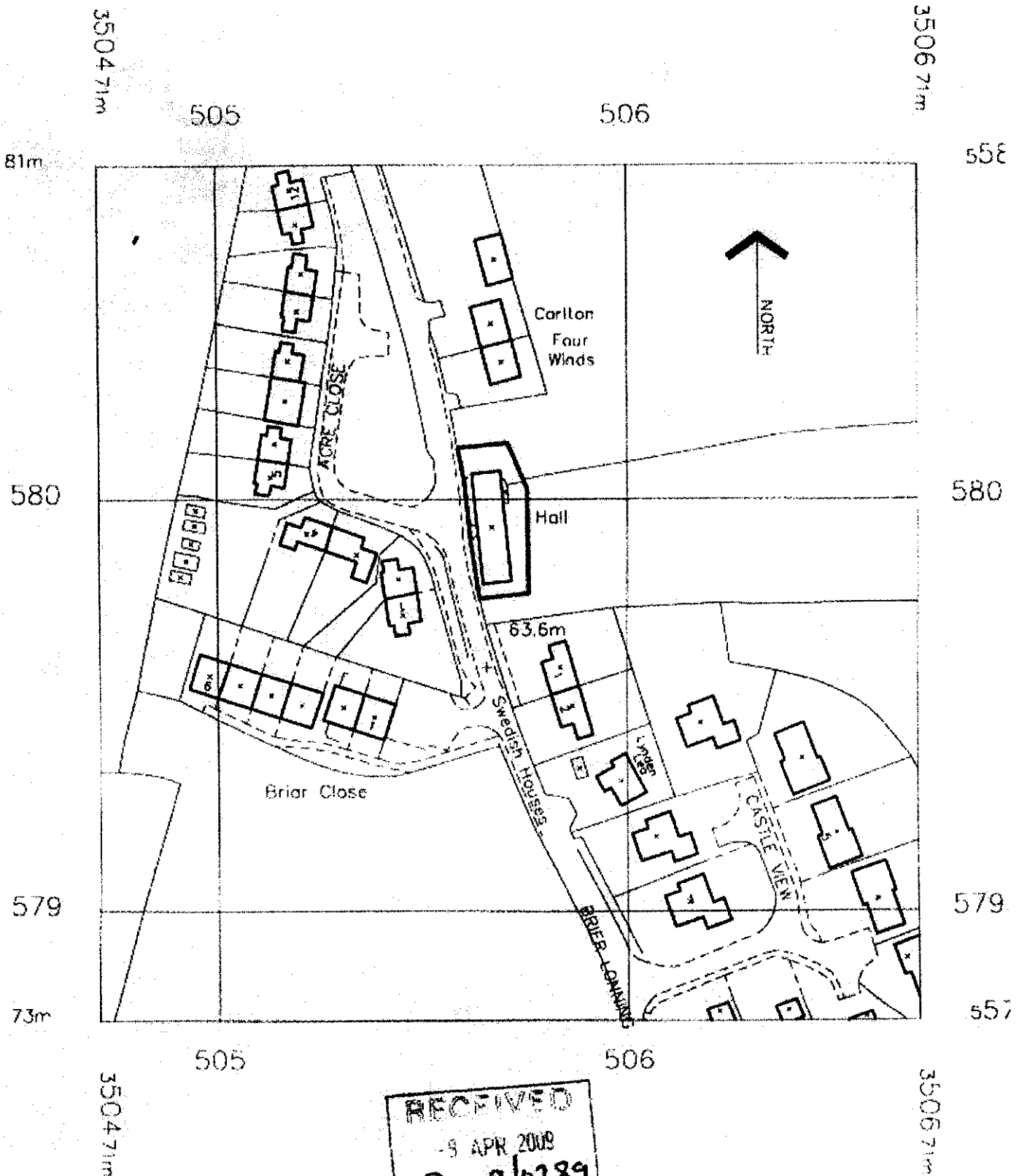
Reason: In the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

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

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

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

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



RECEIVED
9 APR 2009
2009/6289

Revised By
Revision Date Description

ARCHITECTS
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This drawing is copyright. Figure dimensions are to be followed in preference to scaled dimensions and particular are to be taken from the original work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

Revised By

Former W.I. Hall Site, Hayton
Knightbridge Developments Ltd.
Site Location

Scale 1:1250 Date April 09 Drawn by db Checked by FCI Number 08082-00

Architect Plus (UK) Limited Registered in England No. 4221143
Victoria Gardens, Vantage House, Victoria Road, Colchester, Essex, CO1 1AB
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Legend

G	Gully
WM	Water Meter
IL	Invert Level
CL	Cover Level
NH	Manhole
IC	Inspection Cover
ST	Stop Tap
SV	Stop Valve
PH	Fire Hydrant
BT	British Telecom
ELC	Electric
BS	British Gas
TP	TV Pole
LP	Lamp Post
TS	Traffic Sign
TR	Traffic Barrier
DK	Drop Kerb
F	Fence
H	Hedge
G	Gate
OW	Overhead Wire
T	Tree

Four Winds

- HEALTH & SAFETY**
CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2007
The CDM Regulations 2007 apply to all construction work carried out in Great Britain.
- 1** The Client for all construction work other than domestic should have a duty to comply with the Regulations. They must ensure that competent persons are appointed and that the design and construction of the project, the Client must ensure that the design and construction of the project is carried out in accordance with the Regulations. The Client must ensure that the design and construction of the project is carried out in accordance with the Regulations. The Client must ensure that the design and construction of the project is carried out in accordance with the Regulations.
- 2** On projects where the work is carried out by a contractor, the contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations. The contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations. The contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations.
- 3** Competence with regulations. Appointees working on the design and construction of a project must comply with the CDM Regulations 2007. They must be competent to do so. They must be competent to do so. They must be competent to do so.
- 4** Where the design and construction of a project is carried out by a contractor, the contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations. The contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations. The contractor must ensure that the design and construction of the project is carried out in accordance with the Regulations.

Acre Close

Outline of former W.I. Hall

Swedish Houses

Note:

1. The grid is the National Grid OS6836 which was obtained from ETRS89 GPS co-ordinates to which the National Grid Transformation OSTN02 has been applied.
2. The levels shown are to Ordnance Datum Newlyn using the ETRS89 GPS values transformed by the National Grid Model OSGM02.

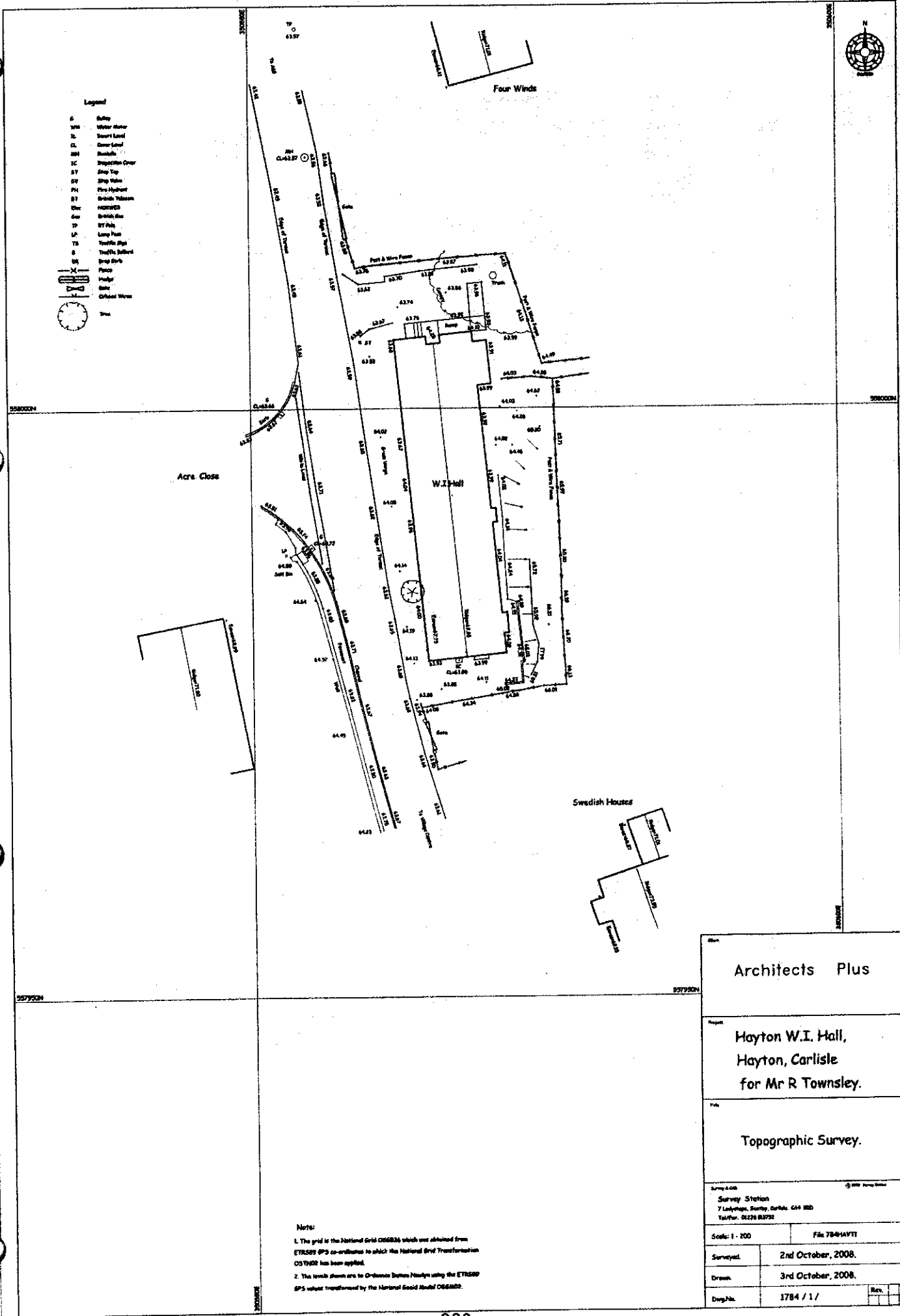
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PLUS

Project
Former W.I. Hall Site, Bayton.
Knightbridge Developments Ltd.
Survey

Scale
1:100
Date
April 06
Drawn
cd
Compiled
EOI
Number
08082-01

Architects Plus (UK) Limited
Registered in England No. 4221140
Victoria Cottage, Market House, Victoria Road, Colton, Cumbria, CA2 3JH
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Web: www.architectsplus.co.uk
597950N

- Legend
- 6. Subty
 - 10. Water Meter
 - 11. Trench Level
 - 12. Clear Level
 - 13. Road
 - 14. Inspection Cover
 - 15. Stop Sign
 - 16. Stop Sign
 - 17. Fire Hydrant
 - 18. British Telecom
 - 19. BT Pole
 - 20. BT Pole
 - 21. Lamp Post
 - 22. Traffic Sign
 - 23. Traffic Sign
 - 24. Stop Sign
 - 25. Fence
 - 26. Hedge
 - 27. Gate
 - 28. Circular Manhole



Notes:

1. The grid is the National Grid OSGB36 which was obtained from ETR589 GPS co-ordinates to which the National Grid Transformation OSTW02 has been applied.
2. The levels shown are to Ordnance Datum (Mean) using the ETR589 GPS which transformed by the National Grid Model OSGB02.

Architects Plus	
Project Hayton W.I. Hall, Hayton, Carlisle for Mr R Townsley.	
Title Topographic Survey.	
Survey Station 7 Ladyhope, Searby, Carlisle, CA4 8BD Tel/Fax: 01276 812752	
Scale: 1 - 200	File: 784-HAYTI
Surveyed:	2nd October, 2008.
Drawn:	3rd October, 2008.
Drawn:	1784 / 1/
Rev.	

SCHEDULE B: Reports Requiring Further Information

08/1254

Item No: 09

Date of Committee 29/05/2009

Appn Ref No:
08/1254

Applicant:
JJ Lattimer Ltd

Parish:
Dalston

Date of Receipt:
19/12/2008

Agent:
Swarbrick Associates

Ward:
Dalston

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

Grid Reference:
336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience
Store And Two Residential Units (Revised Proposal Submitted 30.04.09)

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application was brought before the April Committee for determination as there were more than four objections and a Local Member requested a right to speak. A decision on the application was deferred to allow the possibility of forming a pedestrian refuge on the B5299 and for the applicant to submit amended proposals. Amended proposals have been submitted and consultations and renotifications carried out.

1. Constraints and Planning Policies

Conservation Area

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE10 - Archaeological Field Evaluation

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol T2 - Parking in Conservation Areas

RSS Pol DP 2 - Promote Sustainable Communities

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

RSS Pol RDF 2 - Rural Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): response to the original proposal:

There have been pre application discussions with the applicant and as a whole this Authority has no objection in principal to this application.

Saying that, the impact this development might have on the village centre has not been fully investigated, whilst on face value it seems as if the current building/its use would be moved across the road, therefore not impact on the traffic at all (i.e staff and customers will park as they currently do); this is not necessarily the case. Assuming the current business relocates, it would leave a vacant building with a permitted retail use that could be used by another retailer. Therefore as the application currently stands, this application is treated as if it is for a new store in addition to the exiting Co-op.

Traffic generation figures are also needed (this can be obtained by using the TRICS data base) for the new store, as well as a statement from the applicant stating the parking provision for this "additional" store.

The applicant is also required to provide a swept path analysis of the HGV movement into/ out of the site as well as a statement about their timing and frequency.

In the absence of such information, it is therefore recommended that this application is refused for the following reasons:

1. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of

- (a) access
- (b) off-street parking
- (c) surface water drainage
- (d) its effect on local traffic conditions and public safety

2. The land required to gain satisfactory access to a public highway is not included within the Application site, nor is the land within the control of the Applicant such as to ensure that satisfactory access can be achieved.

The above is true for the access to the Flats and the additional customer parking to the rear of the building. The area needed for the access is shown on the plan as being "area outside the ownership of the applicant". There is however no statement as to its ownership or the status of this area. It is also recommended that the residential parking is segregated from the store parking. This will ensure that these parking spaces are available as intended (for visitors parking for the flats) and secure. If this area is not made secure then there is a real possibility that inappropriate parking would make this access/ parking unusable.

(The Highway Officer was subsequently advised that the access in question lies within the application site and that the applicant has carried out the legal obligation to notify the County Council as owner. It was explained that unless a right of access is linked to the use of the existing site, the applicant will have to obtain permission from the owner to allow the development to proceed).

If the Planning Authority is however minded to grant permission then it is recommended that the following conditions are included in any consent granted:

1. The development shall not commence until agreement has been reached for the funding by the developer of:-
 - a) The formalisation of the parking within the square (lining and possible introduction of time restricted waiting) and the installation of grass crete within the area referred to as "D" on the submitted documents.
 - b) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green,) Townhead Road and Kingsway.

The details of these shall be approved by the Planning Authority in consultation with the Local Highway Authority.

2. The whole of the access are(s) 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.

3. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

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

6. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval for a period of at least 5 years.

Following submission of further details by the applicant, County Highways submitted an amended consultation response on 23 February advising as follows:

The applicant has now provided the additional information required. I would however wish to reiterate my original concerns raised about the private and public parking provision at the north western side of the development. I would still recommend that the residential parking is segregated from the store parking. This will ensure that these parking spaces are available as intended (for visitors parking for the flats) and secure. If this area is not made secure then there is a real possibility that inappropriate parking would make this access/ parking unusable, creating road safety issues at close proximity to the junction of Carlisle road and Townhead Road. I would therefore strongly suggest that no store customer parking is allowed here.

I can therefore now confirm that I have no objection to the application, but would recommend that the following conditions are included in any consent you might grant:

1. The development shall not commence until agreement has been reached for the funding by the developer of –
 - a) The formalisation of the parking within the square (lining and possible introduction of time restricted waiting) and the installation of grass crete within the area referred to as "D" on the submitted documents.

- b) The introduction of a No Waiting at Any Time Waiting restriction at the junction of Carlisle Road (The Green,) Townhead Road and Kingsway.
- c) The introduction of a pedestrian refuge on Townhead Road, to accommodate pedestrian movement across this Junction with the B5299.

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

2. The whole of the access area(s) 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.

3. The use shall not be commenced until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

The above recommendations are however made with the proviso that there is a restrictive covenant on the use of the existing store as stated in the letter dated 5 February 2009.

Response to amended proposals submitted 30.04.09:

Having reviewed the revised drawings, I can confirm that I have no objection to the application as shown on drawing no 1384/p/06(b) but have the following comments:

1) The applicant has now provided parking space on site for both the residential and retail elements and there is therefore no justification to require a financial contribution for either the parking down the Kingsway nor the pedestrian refuse across the B5299.

It is however still reasonable to require a contribution towards the formulation of the parking in the square, the installation of a pedestrian refuse on Townhead Road and the improvement of the Bus infrastructure. The indicative cost for these works/ contributions are calculated at £13585.

2) I would recommend that the footway connecting the parking area and the store be widened to at least 2m. This can be done by narrowing the carriageway running adjacent to the shop to 4.8m (instead of the 5.5m shown) and then using this space for footway.

3) The applicant should be asked to consider allowing disabled parking on the loading area outside "delivery times" as well as proving a 2m footway in a direct line from the pedestrian refuge mentioned above and the store entrance. This route will

represent the desire line of pedestrians, and the additional (limited) disable parking spaces will give additional accessibility to disabled customers.

4) The access to the car park (section between the residents car park and the disable parking space) should be provided with dropped kerb facilities with tactile paving on both sides to ensure that a wheelchair / buggy users could safely negotiate onto the footway / cross the access road.

No's 2, 3 and 4 above can however dealt with under the conditions below.

I would therefore recommend that the following conditions are included in any consent you might grant:

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

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

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

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

The use shall not be commenced until the access road, footways and parking requirement details have been approved and constructed in accordance with these approved plan. All such provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

Dalston Parish Council: response to the original proposal:

Following its meeting on 10th February, the Parish Council advised as follows:

Resolved, by a substantial majority, to recommend approval of planning application 08/1254 subject to the following matters and conditions being considered:

1. Consideration to be given to relocating the waste bins and plant away from the south eastern frontage of the proposed building. The revised screening

wall was thought to be unsatisfactory, because of the different height levels in relation to the adjoining residential property. Clarification was required as to the type/use of the bins and plant. The Parish Council supported the request by Carlisle City Council Environmental Health for more information on the potential noise levels generated, particularly in relation to the proposed plant.

2. The lighting levels should be reduced from the glaring and intrusive 24 hour security lighting currently installed on the site. It needed to be more sympathetic to the Conservation Area location.
3. The Transport Statement was inaccurate and did not reflect the normal situation in Dalston. Dalston Parish Council endorsed Cumbria Highways concerns regarding the effect of the development on local traffic conditions and safety.
4. In the interests of pedestrian safety, it was suggested that an island refuge might be considered on Townhead Road. Either double or single yellow lines should be introduced at the junction of Townhead Road and the B5299. A change in road surface on the B5299, with a slightly raised brick section opposite the Kingsway access road might also benefit pedestrian safety.
5. Goods delivery times should be restricted to between 8am and 10.30pm.
6. Store opening hours should be as for the existing Co-op store from 8am to 10pm.
7. Dalston Parish Council objected to the inclusion of an external ATM and felt that it should be located within the building. This was on the grounds of noise and nuisance to nearby residents.
8. It was felt that two of the on-site parking spaces should be for disabled use.
9. Shopping trolleys should be for internal use only to prevent them being left outside or taken off site.
10. It was suggested that a Section 106 agreement should be included to cover a financial contribution towards Dalston Parish Council expenditure on parking provision adjacent to the Kingsway.

The following response to the revised application of 30/04/09 has subsequently been received:

Dalston Parish Council at its meeting held on 12th May 2009 resolved to request a site visit with reference to planning application 09/0358 and, as they were now linked together and following consultation on the revised plans – 08/1254. It was suggested that it was essential to have both a Conservation officer and Cumbria Highways representative at the site visit.

The site visit was requested in order that the Development Control Committee members could consider more closely the following items.

- The size and scale of the building in relation to the site and the development of a large car park in a green field area. This was a strategic location, visible from all approaches and could possibly be the most important building development in Dalston village centre in this Century.
- The building lacked architectural cohesion with a temple like entrance and plate glass windows facing the Green and Square and dormer windows in the dwellings. It did not relate to other buildings in the central Conservation Area.
- The volume mass of the proposed building and its position in relation to the

building line. Concern was expressed that the angle of the two parts of the building facing onto the B5299 and the Green created a cavern and that this prominent frontage was a service area, which visually could be unacceptable. A 3D computer generated representation of the proposed development had been requested from the first consultation and asked for since then, but had not been forthcoming from the developer or through the planning department, despite it being known to exist.

- Material change of use for car parking on agricultural land in a Conservation Area. The impact of grey concrete ground surface materials over a large expanse. The introduction of a trolley park and potential for untidiness when internal use of trolleys only had already been requested.
- The potential increase in traffic onto/off Townhead Road and its proximity to the junction. It was suggested that with 25 spaces, up to 100 additional vehicles per hour could be using the car park entry/exit.
- The position of an external ATM and the high likelihood of vehicles blocking the car park access. The Parish Council had already objected to an external ATM for several reasons, including highway safety and crime prevention and strongly recommended that this should be an internal facility only.
- Concern regarding noise of vehicles entering and exiting the car park, particularly for nearby residents.
- Building and car park additional security lighting in relation to potential light pollution. The car park area is currently unlit and the level of lighting had already been commented on in relation to the proposed store.
- There was no screening of the car park area on the Townhead Road side.
- There was space shown for one HGV delivery vehicle on site only. Currently the Co-op deliveries were regularly in tandem, often with several vehicles waiting to unload.
- There was no change to previous comments submitted or in the general support for improved Co-op retail facilities and associated parking in Dalston, but both planning applications 08/1254 and 09/0358 needed to be more sympathetic in terms of scale and design.

Environment Agency (N Area (+ Waste Disp)): response to the original proposal:

Advise that the site historically operated as a petroleum fuel store and dispensing facility. Petroleum Hydrocarbons which may be present in or under the ground are List 1 Substances and as such are prohibited from discharge into groundwater. As the site overlies a major aquifer, the Agency have a duty to protect the quality of this resource. The Agency objects to the proposed development as submitted because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable, contrary to Policy LE29 of the Carlisle District Local Plan. There are three strands to this objection:

1. the level of risk posed by this proposal is considered to be unacceptable
2. the application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been undertaken. PPS 23 takes a precautionary approach and requires a proper assessment whenever there might be a risk, not only when a risk is known.

3. under PPS23 the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

The agency note that a Flood Risk Assessment has been submitted in accordance with with annex F of PPS 25 and guidance contained in FRA note 1. As the majority of the site is located in Flood Zone 1 the Agency recommend that the application is dealt with by the Council under Flood Risk Standing Advice;

Reply awaited to consultation on amended proposals submitted 30.04.09

Community Services - Drainage Engineer: reply awaited;

United Utilities: response to the original proposal:

there is no objection to the proposal providing the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

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

No further comment on amended proposals submitted 30.04.09

Environmental Services (Contaminated land): response to the original proposal:

There are no objections to the above proposal in principle; however no information has been provided regarding land contamination. From records the former building and yard area used to be the site of a petrol filling station and it is located over a major aquifer.

Thus either the application should be re-submitted with the necessary intrusive investigations and remediation schemes or the following conditions should be applied:

1. Site Characterisation

No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons

and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing

immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

(Environmental Services subsequently advised (10/02/09) that no further comment could be made until the contamination survey report is submitted.)

No comment on revised proposals of 30/04/09 further to original correspondence.

Environmental Services (Environmental Quality): response to the original proposal:

Advised that further information was being sought from the applicant with regard to noise sources.

Development Services Planning & Housing Services - Conservation Section:
response to the original proposal:

At our original meeting with David Swarbrick, I recall expressing concern over the location of the storage/refuse areas along the street frontage of the proposed building, and also querying whether or not considered had been given to a more contemporary solution. I note that neither of these observations have been taken on board. In the meantime, I have also become concerned that the proposed building is not aligned with the principle site frontage, that the size of the development dominates the site, and that parking provision is practically negligible .

Given the restricted vehicular access onto the site, I do not have an issue with service access off the main road as shown, however, I feel that the servicing and refuse arrangements and plant should be hidden at the rear of the site, where the residential element is currently shown. Merely screening this facility from the adjacent dwelling is not going to avoid the unpleasant smells, noise and clutter that is generally associated with such areas. Neither does it help to present the best possible impression to the store's principle elevations.

I feel strongly that the building should be orientated parallel to the main road to maintain the linear sight line connections between The Green and The Square. The building can be realigned and still retain the key subsidiary elements shown on the application drawings. Realignment may also provide opportunities to reconfigure the internal layout, which would also impact on the external appearance of the proposed building.

Externally, I recall, David Swarbrick was not keen to alter his proposals to accommodate a more contemporary style of architecture. That is fine, but does the proposed style suit the site? It can be argued that the existing garage buildings have no architectural merit, however, this is a prime site in the Dalston Conservation Area

and if the site is to be redeveloped then we should be looking at a quality scheme that, if not contemporary, then reflects the character of the village. Unfortunately, the size of building now proposed for this site is rarely seen in a village. Thus most of the vernacular architecture is of domestic scale, which this proposal is not.

For me, the roof is too shallow, and the set back dormer arrangement to accommodate the residential element of the scheme is alien to the character of the village. I do not wish to be nit-picky, but I assume that the plain rectangular elements on the facades are intended to represent quoins, but lack the presence of half quoins on the return walls. The actual entrance area of the North Eastern elevation presents a welcoming access point to the building, but it could be anywhere rather than in Dalston.

Apart from farmsteads and the village church, only the village or community hall would stand out as a larger non-domestic building in a typical village. A larger village may also still have its textile mill or factory buildings, but perhaps not so close to the village centre. In this particular case, given the proximity, size and importance of the existing Village Hall, perhaps the elevations of this new Co-op building should pay greater homage to the architectural style of the hall with its much steeper roofline, and narrower gabled frontage, elements which I consider would benefit the design of the Co-op and give it a stronger character than is currently proposed.

Whether or not there should be more parking provision for this proposal on the actual garage site is debatable as the Co-op is planning to move from a site that is adjacent to the village's car park in The Square to a site which is adjacent to the privately owned village hall car park. But the fact that the proposed building takes up so much of the existing garage site means that there is not only limited scope for discreet servicing of the property, but also limited potential for any customer parking. I cannot see how the proposed residents' and store parking facilities located at the rear of the premises could be considered acceptable as it reduces the road access width to a single lane to accommodate parking on the incoming lane. Realigning the building may provide more scope for creating at least a better parking layout if not any additional space to that which is currently proposed (see sketch plan).

Reply awaited to consultation on amended proposals submitted 30.04.09

Development Services Planning & Housing Services - Local Plans (Trees):
response to the original proposal:

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

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

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

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

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

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

Tree protection barriers will be required for the duration of the development and these must be in accordance with the Pre-development Arboricultural Report Appendix 6, and Fig. 3 Tree Protection Plan

In relation to the revised plans submitted 30/04/09, I have no further comments/observations to make on the above proposal over and above those I made earlier, and which remain relevant.

Northern Gas Networks: response to the original proposal:

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

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

No objections to amended proposals submitted 30.04.09.

Cumbria County Council - (Archaeological Services): response to the original proposal:

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

It is therefore recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development and advise that this work should be undertake at the

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

In relation to the revised proposals submitted 30/04/09 the comments made concerning the original application are still relevant.

Cumbria Constabulary - Crime Prevention: response to the original proposal:

Disappointed to note that the Design and Access Statement makes no reference of an intention to implement any crime prevention measures with this development (Paragraph 87 DCLG Circular 1/2006- Guidance to the development Control System). It is therefore difficult to establish if this proposal complies with Policy CP17 (Designing out Crime) of the Carlisle District Local Plan. In order to reduce the opportunities for crime to occur, the following issues should be considered and I request further clarification from the applicant in respect of:

1. site perimeter treatments and access controls
2. demarcation of dwellings semi-private space
3. impact of landscaping scheme on surveillance opportunities
4. security lighting scheme
5. physical security measures for store and dwelling
6. security measures for the proposed cash ATM in main frontage
7. cash handling facilities in store
8. deployment of CCTV
9. measures to deter nuisance gathering
10. security of bin store.

In relation to the revised proposal submitted on 30/04/09 I wish to make the following observations regarding this application, which I have considered from a Community Safety and Architectural Liaison perspective.

Perimeter Security

Extending the site raises the issue of perimeter security, to prevent or deter unauthorised access. Consequently, the perimeter treatment must be substantial, with the intention of obliging all visitors (vehicle or pedestrian) to enter via the

designated access point. If the boundary treatments can be easily breached, unwelcome access or short-cutting will occur, undermining the overall security of the development. I recommend the deployment of welded mesh or extruded types, which are difficult to scale or breach, yet permit easy surveillance. Metal palisade fencing is not appropriate in this environment, due to its austere appearance. Chainlink fencing cannot be relied upon as a secure fencing type as it can be easily breached. Alternatively, defensive planting may be deployed to reinforce boundaries, but requires time to become established and it must be strictly maintained.

Demarcation of Semi-Private Space

This revision alters the layout of the dwellings, which brings shop customers back and forth in front of the dwellings as they access the car park. In my view, this arrangement reduces the amount of semi-private space and will have an impact on privacy of these residents.

Consideration should be given to establishing some defensible space to the dwellings, perhaps by extending the (south west) dwarf brick wall alongside the north west elevation.

The rear garden spaces are separated by a 2.0m high gate and fence, but the existing stone wall could be exploited as a climbing aid to enter this space.

Natural Surveillance Opportunities

Dispensing with the dwellings garages permits a revised internal layout, which introduces additional windows into the ground floor elevations. This arrangement improves natural surveillance opportunities around the dwellings and across the proposed car park.

Car Parking

Dispensing with the dwellings garages increases the risk of crime to resident's vehicles. However, the designated parking spaces are placed adjacent to the building, where they can be directly overlooked by their owners.

I am encouraged to note that the customer spaces are laid out in straight lines, maximising surveillance opportunities. I also note the provision of lighting columns.

Landscaping

Care must be taken with the proposed soft landscaping scheme. Surveillance opportunities must be preserved as plants mature and the effects of the lighting scheme considered, preventing the creation of shadows – particularly around the trolley park.

CCTV

I repeat my recommendations regarding coverage of external areas/spaces, which I believe is now more relevant with the introduction of a new parking area. There should be protection for the ATM and Cash-in-Transit crews (depending on their intended parking place on site and route into the building).

I trust the above is of value and is relevant to the revised proposals. I shall be

pleased to discuss any of the issues raised in this or previous responses, if required.

Conservation Area Advisory Committee: response to the original proposal:

This is a very significant site within the Dalston Conservation Area that is visible from many viewpoints and it deserves to be treated with great care. The existing Garage buildings are modest and add little to the character of this area and in principle their replacement with a better building would be welcomed. Unfortunately the scheme as designed offers little that is different from similar Co-op schemes elsewhere. The building is very large for the site with a low pitched roof and a variety of fenestration that does not bring any harmony to the scheme.

The Committee were not happy with the siting of the proposed building and considered that its footprint in relation to the size of the site was too large. Such a cramped proposal meant that servicing and access were very limited. The building should relate more to the adjoining properties and be re-aligned so that the ridge line was parallel with the Green. This could be achieved if the residential element at the rear was dropped from the proposal. Reducing the footprint in this way would also help to alleviate the Committee's first comment. It is also considered that the details of the building, including the proposed materials, the windows and the roller shutters, did not produce an attractive or coherent proposal. Although the existing structures have little merit their scale and proportions are more appropriate for this site and the current scheme should be reconsidered so that it does not detract from the character of the Conservation Area.

Reply awaited to consultation on amended proposals submitted 30.04.09

Access Officer: response to the original proposal:

I confirm that I have read the Design and Access Statement provided with this application. The information regarding Access reads:

The location of the site is such that it is in easy walking distance of the centre of the Village and is less than eighty metres from the existing Co-operative store. Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete pavements or setts leading to level access thresholds at doors. Footways around the building will be illuminated by building mounted lighting. Pedestrian and vehicular routes will be distinguished by colour and texture.

All Access doors, corridors and circulation areas will be in at least to the minimum widths stipulated in BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings. There is a designated parking space for the disabled; laid out in accordance with BS8300 with a ramped access route to the store entrance.

Fire detection and emergency lighting systems will be provided in compliance with the Building Regulations.

Emergency vehicles can access the site around the area designated for deliveries and along the service road towards the residential units.

Please note the following:

General parking and disabled parking provision has been considered. Access via footpaths has been discussed and it is assumed that the pavements have appropriately placed dropped kerbs to accommodate the route for disabled people

External lighting has been addressed

It is noted that there is a ramped access to the entrance of the store with level access to the entrance and automatic entrance doors

Colour definition has been considered as has ironmongery and circulation areas are to be adequate widths for circulation within the store

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Applicants should be aware of their duties within the DDA.

Response to amended proposals submitted 30/04/09:

1. In agreement with highways it is recommended that the footway connecting the parking area and the store be widened to at least 2m. This can be done by narrowing the carriageway running adjacent to the shop to 4.8m (instead of the 5.5m shown) and then using this space for footway.

2. The travelling distance is a concern for disabled people from the proposed car park. In agreement with highways I would suggest that the applicant be asked to consider allowing disabled parking on the loading area outside delivery times.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	06/01/09	Objection
Whin View	13/01/09	Objection
10 The Square	15/01/09	
The Cornmill	07/05/09	Objection
2 The Green	06/01/09	
Highbury	06/01/09	
Dalston House	06/01/09	
Old Veterinary Surgery	06/01/09	
Glave Hill House	06/01/09	Objection
Yew Tree House		Comment Only
14 The Green		Support
7 Townhead Road		Support
1 Craiktrees		Objection
15 Victoria Place		Support
1 The Square		Undelivered
- Dalston		Comment Only
Management Committee,		Objection

Hollin Bush

29 Caldew Drive	Objection
Low Fauld	Objection
23 The Square	Objection
21 Burnsall Close	Support
Glave Hill House	Objection
28 Nook Lane Close	Comment Only
20 Station Road	Objection
Hawthorn Cottage	Objection
13 The Square	Objection
54 Glebe Close	Support
37 Carlisle Rd	Support

3.1 Publicity was given to the original proposal by press and site notice and by direct notification of neighbours. Representations were received from 19 persons and comments from a further 3. Of the representations, 13 were against the proposal and 6 in favour of it. Further publicity by direct notification of neighbours was given to the revised proposals submitted on 30th April. The period for representations expires on 26 May.

3.2 The key issues raised to the original proposal by the objectors were as follows:

1. Traffic & Parking Issues

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

1.2 Preliminary plans showed 70 parking spaces on adjacent land.

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

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

1.5 Conflict between delivery vehicles and customer parking.

1.6 Inadequate turning space and access for service vehicles.

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

1.8 Vehicle weight limit in village should be enforced.

2. Impact on residential amenity, character of the conservation area & the setting of the adjacent listed building

- 2.1 The site is a primarily residential area and, by reason of scale, un-neighbourly form, illumination, signage, siting of plant and refuse bins, the presence of delivery and customer vehicles and customers (particularly in early morning and late evening), the development would adversely affect the living conditions of nearby residents through noise and disturbance, litter, loss of privacy, anti-social behaviour and overbearing visual impact.
- 2.2 The scale and form of the proposal, together with additional light pollution detracts from the setting of the adjacent Grade II Listed Building and the character of Dalston Conservation Area.
- 2.3 Trolley management is needed to prevent trolleys being scattered around the village.
- 3. Other Issues
- 3.1 Plans are of insufficient scale, and inappropriate type, to allow proper assessment of environmental impact.
- 3.2 No need for another food store, particularly as a supermarket is planned for the west side of Carlisle.
- 3.3 Proposal should be linked to plans for the old Co-Op building to ensure that it is not left vacant.
- 3.4 Proposal is sited outwith the 'trading area'.
- 3.5 Site is best suited to residential development (previous owner sold the site for residential accommodation for retired persons and first time buyers).
- 3.6 Impact on viability of existing small businesses in the village.
- 3.7 Energy efficiency measures should be included in the buildings (especially the houses).
- 3.8 Calling Dalston a 'town' fails to recognise its 'village' identity and the need for development to reflect the rural nature of the village.
- 3.3 Those in favour of the proposal referred to (1) the inadequacy of the existing store in terms of restricted access to shelves, with no real chance of improvement, for people in wheelchairs and with pushchairs (2) the attractiveness of a larger store with some off-road parking which would reduce congestion in The Square and (3) the fact that the new store would encourage people to shop in the village instead of travelling to Carlisle and replace existing buildings with something more in character.
- 3.4 Some of the grounds of objection were accompanied by positive suggestions of ways of resolving the issues, including (1) double yellow lines at the

approach to the junction on Townhead Road and (2) restricting the residential accommodation to a single flat, thereby releasing land for additional parking and/or relocation of waste receptacles etc.

4. Planning History

- 4.1 The planning history of the site relates to its existing use as a garage and petrol filling station and provision of a car showroom (BA2224) with the subsequent installation of extractor ducts and flues (04/1304) and a steel framed shed for use as a commercial garage (06/878).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for Planning Permission and Conservation Area Consent to demolish existing buildings and erect a convenience store and two residential units at Blain's Garage, Glave Hill, Dalston. The application site, which extends to 0.154 ha, lies immediately south of the Square and is bounded by an area of open space to the north, the B5299, No 1-The Green and Dalston Showfield to the east and south and the Victory Hall car park to the west.
- 5.2 At present the site, which slopes from west to east, contains three separate buildings. The main building is two storey and is of grey painted render, with artificial stone on the north elevation, and a corrugated roof with a single storey flat roofed brick built extension, with a large display window, to the north. This building also has a flat roofed wooden extension to the east. To the west is a utilitarian building , also of grey painted render with a corrugated roof but with large flues projecting from the roof and a large window to wall ratio. Close to the southern boundary is a mono-pitch building of block and render containing two garages and an office.
- 5.3 The boundary with the car park is 1 metre high mesh fencing while the boundary with No1 The Green is a wall topped by a screen fence. The curtilage of No.1 is at a lower level than the application site ranging from approximately 0.6m at the drive entrance to over 1.8m along the southern boundary. Access to the site is taken from Townhead Road and the B5299. Cars for sale are parked within the site.
- 5.4 There are groups of trees (coniferous and deciduous) along the northwestern boundary and on the boundary with No.1 The Green.
- 5.5 The application site lies within the Dalston Conservation Area and adjacent to a Grade II listed building (No1 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

5.6 The proposed development comprises a single building containing a convenience store (with 301 square metres of retail space and 101 square metres of storage space) and two residential units. The main part of the building, containing the retail and store space is L- shaped with an 8 metre high ridge, the eaves being 4 metres lower. The entrance to the shop faces the Square and includes a porch, under which there is an ATM. The original proposal has been revised as follows:

1. The floor area of the store element remains the same but it now projects 11.8m from the retail element and has a lower ridge height (5.7m).
2. The residential element now comprises two 2 bedroom flats all contained in a two storey extension at the southern end of the retail unit. The integral garages have been removed (with parking to be provided as part of the parking proposed for the convenience store which is subject to a separate application (09/0358)). The flats have been moved to the west so that side windows no longer overlook the rear garden of No1 The Green and creating a larger amenity area for the flats. Entrance to Flat 1 is direct from the proposed car park while the entrance to Flat 2 is as per the original proposal.
3. Customer parking has been removed from the delivery area and will now be catered for by a proposed car park in part of the showfield to the south of the site, (see application ref 09/0358), access to which will be gained by extending the service road to the west of the retail unit.
4. The bin store and plant area is now located to the north of the store in the corner formed by the retail unit. The bin store/plant area will be enclosed by a 2.3m high stone wall.
5. The removal of residential accommodation from the roof space above the shop/store has allowed the removal of the dormers and resulted in a simpler form of roof.
6. The internal rearrangement of the residential accommodation has led to the introduction of two smaller dormers on the north west elevation and one on the south east elevation.
7. New tree screen planting is proposed along the north west boundary together with a post and wire fence.
8. There are single shop windows on all these elevations.

5.7 The proposed materials are stonework (natural or reconstituted) on the north elevation and coloured render to walls with feature quoins to certain external corners; roof coverings in natural slate; shop front and windows in polyester powder coated aluminium with other windows in UPVC, roof coverings in natural slate and pavements / setts to footways and entrance area and tarmac to car parks and entrance roads. The delivery area is linked by a ramp to the entrance. It is also proposed to retain the existing trees and timber fence along the boundary with No.1

5.8 The original proposal was accompanied by a Transport Statement, an Arboricultural Report, a Flood Risk Assessment and a Design and Access Statement. The Transport Statement concluded that;

1. as the convenience store will be operated by the Co-Op and replace the existing Co-op convenience store within the Square, the proposals would not therefore be expected to produce any significant change in local travel patterns or increase in frequency of accidents;
2. the development would be reasonably located to promote trips by sustainable transport, including linked trips with other facilities in Dalston town centre;
3. the proposed parking arrangements, with 8 shopper's parking spaces and four residential parking spaces, are considered reasonable for the development which is adjacent to the town centre. A parking survey has also suggested that any overspill retail parking that did occur at peak times could be accommodated in existing parking areas in the vicinity of the site;
4. overall, the proposals are considered reasonable in transport terms;

5.9 The Arboricultural Report identified the position, type and condition of trees on the site, together with their crown spread and root protection area. The report concludes that the redevelopment of the site can be carried out in accordance with BS5837 (2005) and will not cause significant harm to the trees recommended to be retained, provided that recommendations are followed with regard to the erection of protective fencing, the method of removal and replacement of existing tarmac and pruning. The report recommends the removal of only two of the thirteen trees on site.

5.10 The Flood Risk Assessment advised that the Environment Agency have confirmed that a long term 100 year design flood level of 41.60m should be adopted. The assessment concludes that (1) as the lowest point on site is 42.19m at the entrance to the staff car park, the site should lie within Flood Risk Zone 1 and (2) the floor levels (43.3m) of the new building are set considerably higher than the recommended level.

5.11 A revised Design and Access Statement has been submitted setting out the applicant's justification for the form of the development as follows:

Layout

A variety of site configurations were investigated and after consideration the layout shown on the drawings submitted was chosen for the following reasons:- Store frontage oriented towards the southern axis from The Square to present an appealing façade with strong visual and pedestrian links to the centre of the village.

The inclusion of the service road to the north western boundary provides for access to proposed car park. With the restrictions on the site, deliveries to the

store required a lot of consideration and on balance it was felt that the most appropriate solution would be for delivery vehicles to access site from the south on the B5299, park parallel to the road on site, unload to the adjacent storage area and exit northbound on the B5299. This solution has been discussed with Cumbria County Council Highways representatives and is acceptable.

The space available for on site parking was an issue with the original scheme and the applicant has negotiated the purchase of part of the adjacent field to the southern side of the site and a design has been formulated for the provision of 25 parking spaces for the Store (including 2 for the disabled); 2 parking spaces for motorcycles and 5 spaces allocated to the occupants/visitors of the residential units. The latter being defined by a low stone wall.

Scale

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

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

Landscaping

The layout proposed takes a sensitive approach to the existing tree planting present on the site. It is the intention that the majority of the trees will be retained. A fir tree requiring removal as this is located adjacent to the existing garage building and falls within the footprint of the proposed building. The preferred option would be to retain the screen planting alongside the new roadway. However should this prove to be impracticable, due to necessary reduction of ground levels, a replacement band of tree planting will be provided. The existing screen planting to south eastern/ western boundaries will be retained and trees trimmed as suggested in Tree Report. To further soften the impact of the building a scheme of shrub planting will be implemented to the areas indicated on drawing no. 1384/06.

Appearance

As the site is located on the edge of the Village centre it is felt that the design and materials should compliment the surroundings and to this end there has been a conscious approach to facilitate a domestic feel to the building. Materials proposed are stonework (natural or reconstituted) and coloured render to walls with feature quoins to certain external corners.

- Shop front and windows in polyester powder coated aluminium, remaining windows in uPVC.
- Rainwater goods in polyester powder coated aluminium.
- Roof coverings in natural slate.
- Pavements/setts to footways and entrance area and tarmac to car parks and entrance roads.

Access

The location of the site is such that it is in easy walking distance of the centre of the

Village and is less than eighty metres from the existing Co-operative store. Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete pavements or setts leading to level access thresholds at doors. All footways will be 2.0 metres wide.

The applicant has agreed to provide a footway following a direct line from the proposed pedestrian refuge on Townhead Road and the entrance to the store. This will be subject to obtaining the necessary approvals from Cumbria County Council owners of the land.

There are designated parking spaces for the disabled; laid out in accordance with

BS8300 within the proposed car parking area which is subject to Planning application ref: 09/0358. Drop kerbs with tactile paving will be provided at both sides of the access road to the car park between residents and the parking area for disabled persons.

Footways around the building will be illuminated by building mounted lighting, shielded to avoid light spillage. Pedestrian and vehicular routes will be distinguished by colour and texture. All access doors, corridors and circulation areas will be in at least to the minimum widths stipulated in BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings. Fire detection and emergency lighting systems will be provided in compliance with the Building Regulations.

Assessment

5.12 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.

5.13 PPS 1 (Delivering Sustainable Development) sets out the Government's

aims of sustainable development and includes (1) social progress which recognises the needs of everyone (2) effective protection of the environment and (3) reducing the need to travel by car. Action to achieve the first includes the need to address accessibility (both in terms of location and physical access) and to improve choice for all members of the community in relation to jobs, health, housing, education, shops, leisure and community facilities. PPS 1 also stresses the importance of good design in achieving sustainable development.

5.14 In consideration of this application Policies DP1, CP5, CP6, CP7, CP9, CP15, CP17, H1, LE10, LE12, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan and Policies DP2, RDF2 and EM1 of North West of England Plan Regional Spatial Strategy to 2021. These policies seek to ensure that:

1. there is fair access to services for rural communities and appropriate development proposals are focussed in Key and Local Service Centres;
2. development should respect the character of Conservation Areas and the character and setting of listed buildings;
3. sites of archaeological significance or high archaeological potential are appropriately evaluated;
4. the amenity of residential areas is protected from inappropriate development where the use is inappropriate, of an unacceptable scale, leads to an unacceptable increase in traffic or noise or is visually intrusive;
5. where appropriate, locally sourced materials are used to maintain the local character of buildings and their environment;
6. proposals take account of the need for energy conservation and efficiency measures are encouraged;
7. provision is made for easy, safe and inclusive access to, into and within buildings and facilities;
8. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
9. no adverse effect on the residential amenity of existing areas or adjacent land uses;
10. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
11. a Flood Risk Assessment is carried out where development is proposed in a floodplain;
12. a Risk Assessment is submitted clearly identifying contaminant sources, pathways and human and environmental receptors together with

measures to treat, contain and control contamination;

13. satisfactory access is available and appropriate levels of car parking provision are made;

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

1. the development of a replacement convenience store and residential accommodation of this scale is considered to be appropriate in principle in the centre of Dalston which is a Local Service Centre;
2. the required archaeological evaluation of the site which lies on the edge of the medieval village of Dalston can be the subject of a condition;
3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations;
4. most of the existing trees are to be retained and can be safeguarded by appropriate conditions;
5. submission of details and implementation of a landscaping scheme can be required by a condition;
6. the Environmental Agency have no objection in relation to flooding;
7. County Highways have requested (1) a contribution of £13,585 towards the formulation of parking in the square, the installation of a pedestrian refuge on Town head Road and the improvement of the Bus infrastructure and (2) amendments to the plans including a reduction in the width of the access road to 4.8m and an increase in the width of the footway to 2m. (A response to the consultation on the related application for the proposed car park in the adjacent Showfield (09/358) is awaited.)
8. details of illumination can be required by condition and illuminated signage will have to be the subject of an application for Advertisement Consent
9. with regard to the need for trolley management, it is intended to include a trolley park in the proposed car park in the Showfield
10. the submitted plans are considered adequate to allow the environmental impact of the proposal to be assessed
11. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop
12. the applicant has amended the store opening hours to between 7am and

10-00pm and delivery times can be the subject of a condition

13. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the possible need for attenuation
14. as no decision has been taken on the type of air conditioning external condenser unit to be installed, no information is available on associated noise levels. This information, together with appropriate mitigation measures, can be required by condition
15. the applicant has now submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses
16. with regard to the impact of the development on the privacy of the adjacent residential property (No 1 The Green), the 1.8 metre timber screen fence on the southwest boundary should prevent overlooking from the flats amenity area.

5.16 The proposed development will result the Co-op relocating to a new larger unit (301 sq metres of retail space instead of 165 sq metres) on an existing commercial site to the southwest of the Square with, unlike the existing store, dedicated servicing space. Although the new building is only 0.4 metres higher than the existing building it has a much greater mass as its footprint is over 60% greater and it occupies approximately one third of the total site area. The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere. It can therefore be argued that the proposal achieves some of the objectives set out in Planning Policy Statement 1 (Delivering Sustainable Development) in increasing choice and reducing car travel. However protection of the environment and achieving good design are also objectives of sustainable development .

5.17 The key issue to be resolved in determining this application is whether the advantage of an enhanced retail facility, the removal of existing non-traditional buildings and the opportunity to achieve environmental improvements to the Square is outweighed by the environmental impact on the character of the conservation area, the setting of a Grade II listed building and on the living conditions of the occupiers of adjacent and nearby residential properties.

5.18 Critical to the decision is the acceptability of the proposed car park in the adjacent Showfield which is the subject of a separate application.(09/358). There are outstanding consultation responses on both applications. Also (1) at the time of writing this report the period for representations has not expired and (2) there are outstanding issues to be resolved including (a) the level of contribution required from the applicant towards associated highway works and (b) the concerns of the Architectural Liaison Officer. Revised plans are

awaited from the applicant to address issues raised by County Highways.

5.19 An update will be presented to the Committee.

6. Human Rights Act 1998

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

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

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

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

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

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

7. Recommendation

Reason For Including Report In Schedule B

At the time of preparing the report there are outstanding responses from consultees, the period for representations has not expired, for both this and a related application 09/358 and amended plans are awaited from the applicant.

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existing LOCATION PLAN
1-1250

swarbrick
associates

CHARTERED ARCHITECTS

Tel.: 01 228 566552 Fax: 01 228 566504
E-Mail: info@www-art.ch
Website: www.gesetz.ch

CLAUDE EDWARD SNYDER

CONFIDENTIAL

L. J. Lardner (London)

Source:

Regional Conference State and Headquarters Development at Glenside, Dallas, CA, 1964

Chronic:

Example 10: $\frac{1}{2} \times \frac{3}{4} = \frac{1 \times 3}{2 \times 4} = \frac{3}{8}$

1384/p/01 (rev. A)

[illegible]

Highbury

House

House

Glave Hill

Car Park

SITE AREA: 0.154 Hectares

AREA FOR PROPOSED
CAR PARK: 0.127 Hectares
[subject of separate
Planning Application]

...and of south China

259

B 5299

Victory Hall

existing SITE PLAN - 1 - 200

00 meters.

Week	Description	Date
A	Program for medical scheme.	27-04-2006

existing LOCATION PLAN
1-1250

swarbrick
associates

CHARTERED ARCHITECTS

	Cardiac	CAT V/P
Auditory Stimulus		

[illegible]

Tel: 01228 340000 Fax: 01228 340000
 Email: info@marco'sworld.com

Website: www.paulshelton.com

BLAINS GARAGE, DALSTON

SUBJECT:

I am interested in learning about

J. J. Langstaff *University of Oxford, Department of Psychiatry, Warneford Hospital, Oxford, UK*

SUBJECT:
Journal Conference Time and Notification

supported by the state and national governments at Glass Hill, Tisbury, Dorset, UK.

Training:

Stock and Location Name - all proposed

138.4/p/06 rev.B

[illegible]

Scale: 1-100, 1 = (50) (Jan) Date: (06.12.08)

Glave Hill

Car Park

SITE AREA: 0.154 Hectares

RESTAURANT

Café

B 5299

AREA OF CAR PARK: 0.127 HECTARES

parking for store
25 spaces (including 2 disabled)

17

16

13

12

8

motorcycle parking

residents only

1

7

23

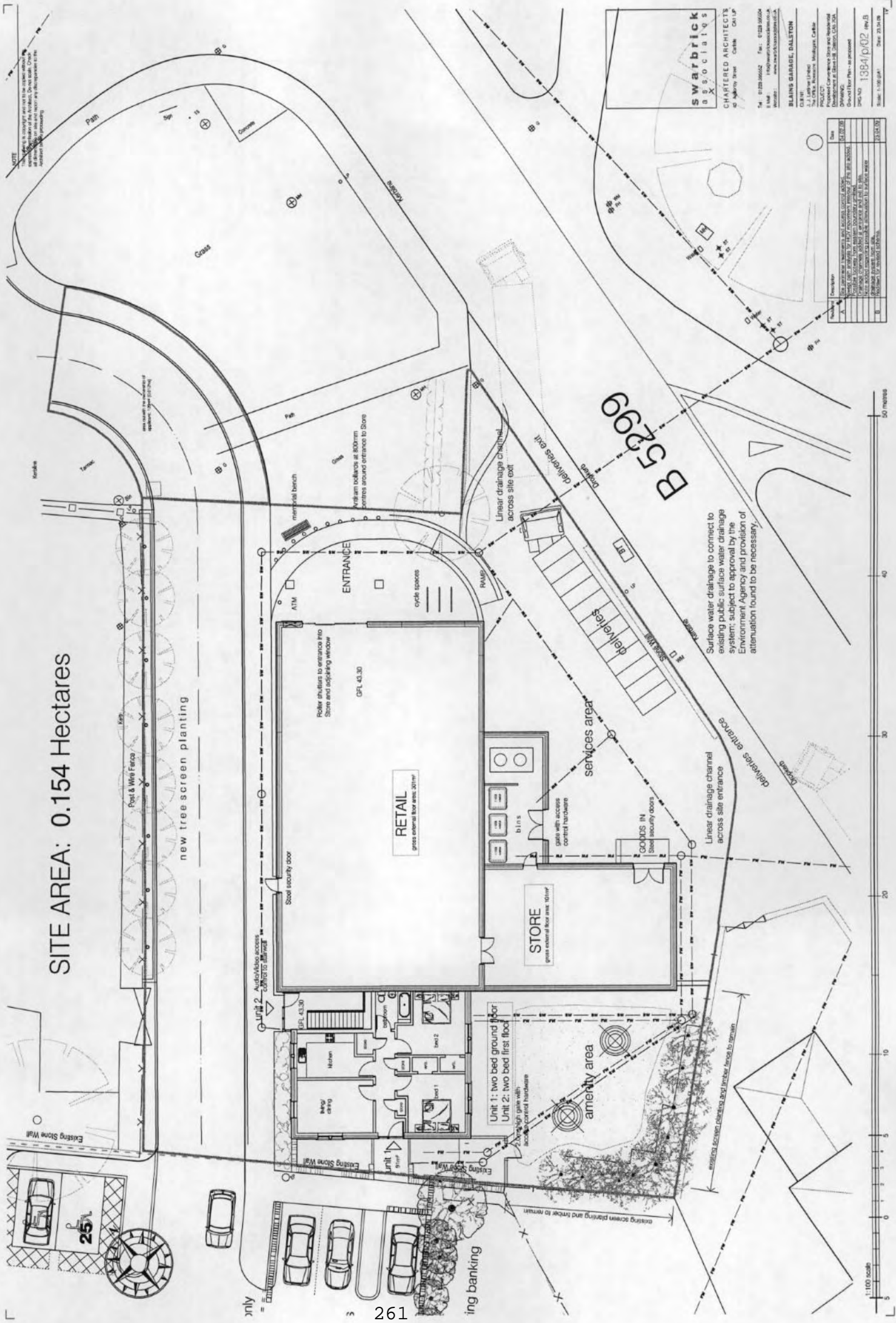
Victory Hall

Access parking on earth bank formed at top of existing building

proposed SITE PLAN - 1-200

proposed SITE PLAN - 1 - 200
1:200 scale

SITE AREA: 0.154 Hectares



swarbrick
associates
CHARTERED ARCHITECTS
40 High Wycombe Street
Uxbridge, Middlesex, U.K. UB8 3PH
Tel: 01895 556602 Fax: 01895 556603
Email: info@swarbrickassociates.co.uk
Website: www.swarbrickassociates.co.uk

BLAIRS GARAGE, DALLTON
CLIENT: Blair's Garage, Dallton
PROJECT: Blair's Garage, Dallton
DRAWING: Ground Floor Plan - as proposed
DATE: 13/04/2017
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 13/04/2017

Rev	Description	Date
1	Issue for planning application	13/04/2017
2	Issue for planning application	13/04/2017
3	Issue for planning application	13/04/2017
4	Issue for planning application	13/04/2017
5	Issue for planning application	13/04/2017
6	Issue for planning application	13/04/2017
7	Issue for planning application	13/04/2017
8	Issue for planning application	13/04/2017
9	Issue for planning application	13/04/2017
10	Issue for planning application	13/04/2017
11	Issue for planning application	13/04/2017
12	Issue for planning application	13/04/2017
13	Issue for planning application	13/04/2017
14	Issue for planning application	13/04/2017
15	Issue for planning application	13/04/2017
16	Issue for planning application	13/04/2017
17	Issue for planning application	13/04/2017
18	Issue for planning application	13/04/2017
19	Issue for planning application	13/04/2017
20	Issue for planning application	13/04/2017



Notes:
1. All works to be completed and ready for occupation within the
timeframe of the project. Please note: Check
the site plan for any discrepancies to the
existing site plan.

swarbrick
ASSOCIATES
CHARTERED ARCHITECTS
40 High Wycombe Street
Cirencester, Gloucestershire
GL7 1JH
Tel: 01295 255555
Fax: 01295 255556
Email: info@swarbrick.co.uk
www.swarbrick.co.uk

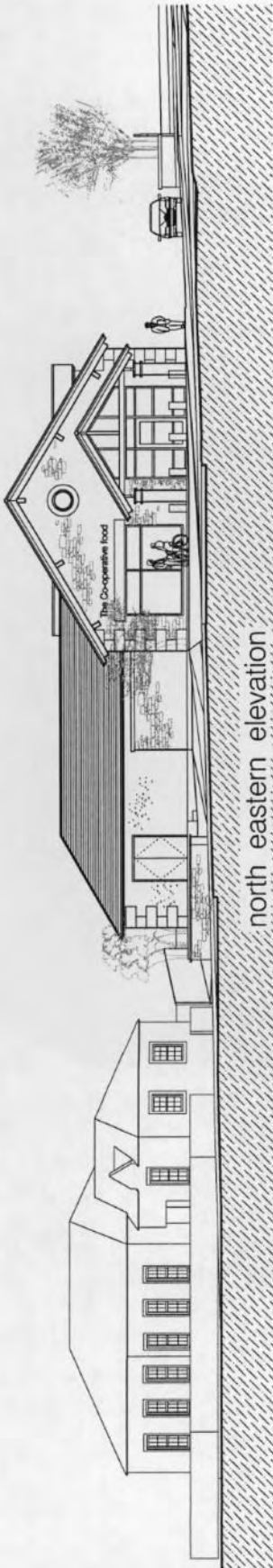
BLAIRS BARRE, GILSTON
CLIENT: Blair's Barre, Gilston
PROJECT: Blair's Barre, Gilston
PROJECT LOCATION: Blair's Barre, Gilston
PROJECT DESCRIPTION: Blair's Barre, Gilston
PROJECT STATUS: Blair's Barre, Gilston
PROJECT NO: 1384/p/03 (N/A)
Scale: 1:100 Date: 23/04/09

Rev	Description	Date
1	Issue for construction	23/04/09
2	Issue for construction	23/04/09
3	Issue for construction	23/04/09
4	Issue for construction	23/04/09
5	Issue for construction	23/04/09
6	Issue for construction	23/04/09
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8	Issue for construction	23/04/09
9	Issue for construction	23/04/09
10	Issue for construction	23/04/09

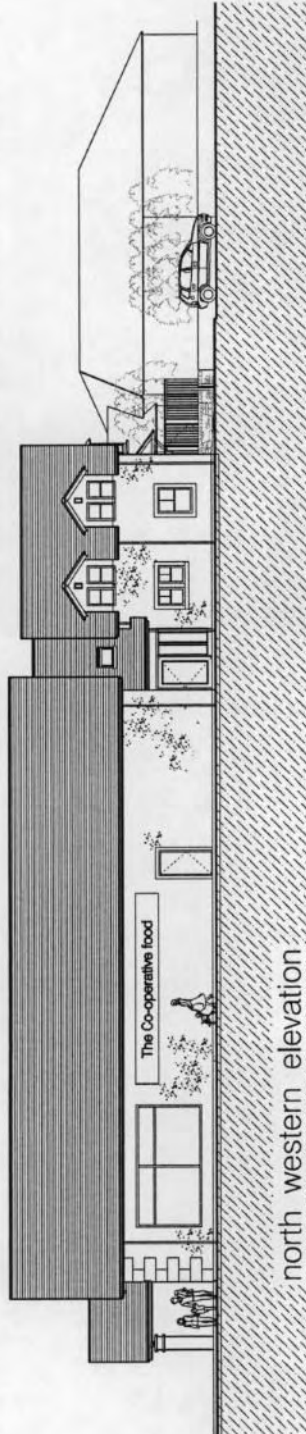


NOTE

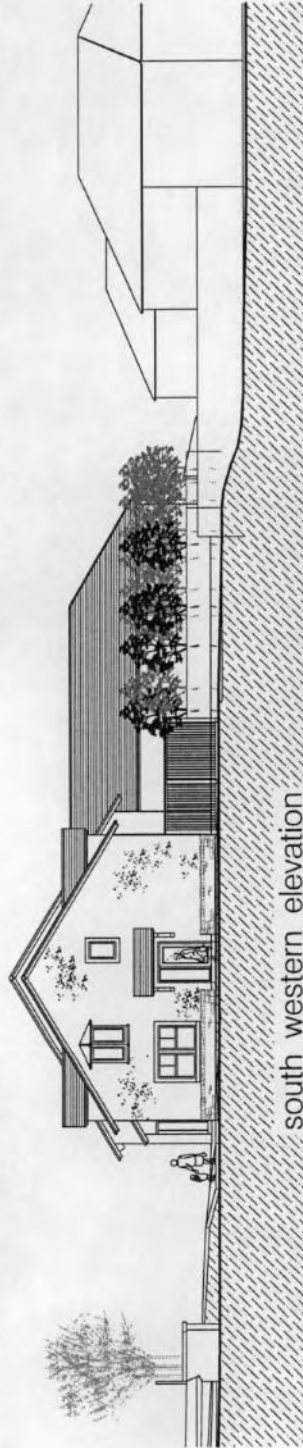
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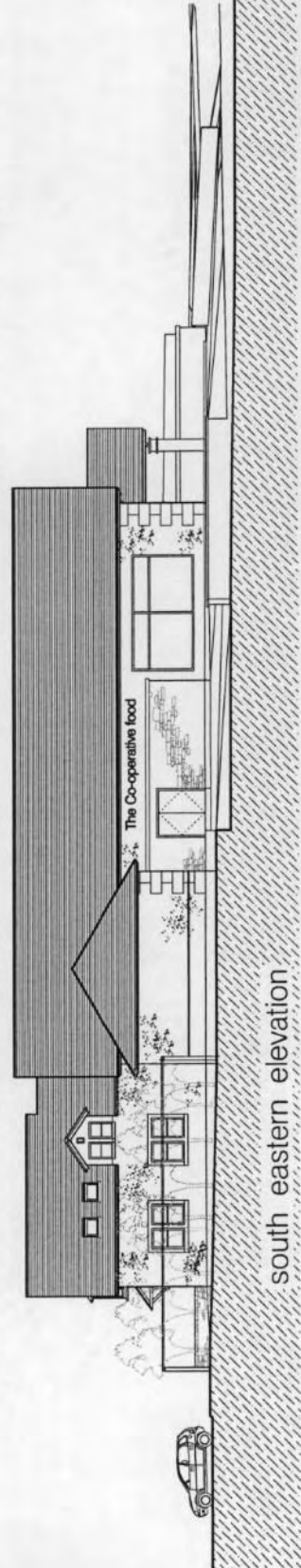
north eastern elevation



north western elevation



south western elevation



south eastern elevation

PROPOSED FINISHES
 roof: natural slate in situ
 walls: reconstituted stone
 shop front: coloured enamel and stainless steel
 windows: UPVC, finished in white
 UPVC goods: polyester powder coated aluminium (powderless)
 entrance: concrete block with
 paving and service lines: ceramic

swarbrick
 ASSOCIATES
 CHARTERED ARCHITECTS
 40, Aldgate Street, London, E1 3DF
 Tel: 020 7460 0202 Fax: 020 7460 0204
 E-Mail: info@swarbrick.co.uk
 Website: www.swarbrick.co.uk

1384/p/04

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1384/p/04

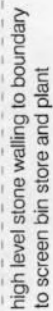
1384/p/04

1384/p/04

Number	Description	Area
A	Co-operative food	10.00
B	Co-operative food	10.00
C	Co-operative food	10.00
D	Co-operative food	10.00
E	Co-operative food	10.00
F	Co-operative food	10.00
G	Co-operative food	10.00
H	Co-operative food	10.00
I	Co-operative food	10.00
J	Co-operative food	10.00
K	Co-operative food	10.00
L	Co-operative food	10.00
M	Co-operative food	10.00
N	Co-operative food	10.00
O	Co-operative food	10.00
P	Co-operative food	10.00
Q	Co-operative food	10.00
R	Co-operative food	10.00
S	Co-operative food	10.00
T	Co-operative food	10.00
U	Co-operative food	10.00
V	Co-operative food	10.00
W	Co-operative food	10.00
X	Co-operative food	10.00
Y	Co-operative food	10.00
Z	Co-operative food	10.00



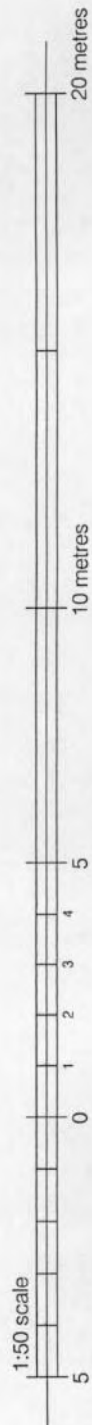
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swarbrick

CHARTERED ARCHITECTS

cross - section along south eastern boundary



Bookkeeper	Supervisor	Date
A	Section along south eastern boundary added.	2nd Dec 09

Id: 01278 00010 : 01278 00010 : 01278 00010

Address: _____

Website	www.fishbase.org
---------	------------------

BLAINE GARAGE, DALSTON

cont.

L.L. Lucchini Limited
The Office, Rosemary, Westinghouse, Cardiff

PROJECT: _____

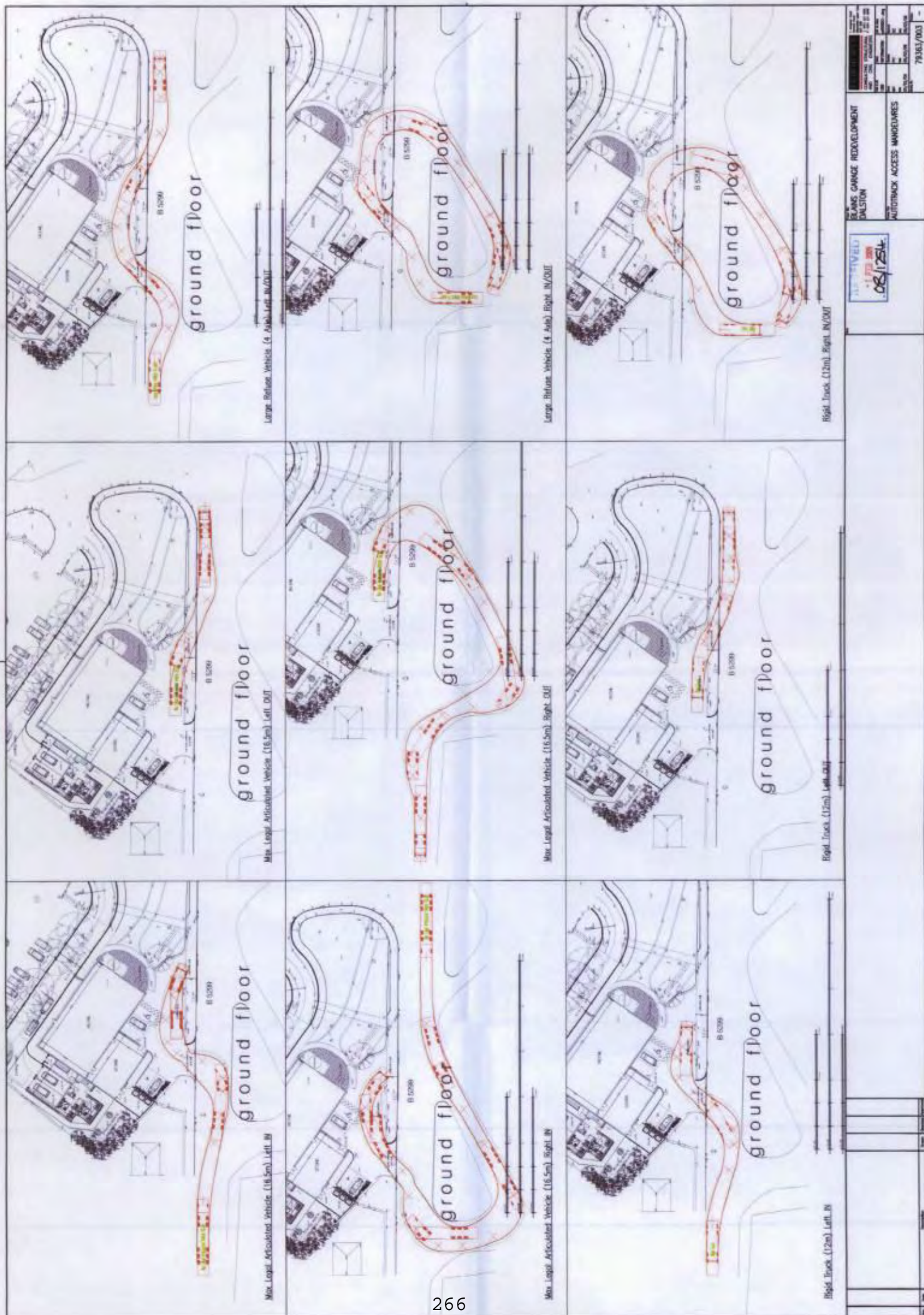
Proposed Commercial Store and Restaurant Development at Glenside Mall, Culver City, CA. NGA

CONVING
Conv. sections through 30s

© 2000 Blackwell Science Ltd

1384/ P/ 07 REV A

Scale: 1:50 @A1 Date: 06.07.09



SCHEDULE B: Reports Requiring Further Information

09/0358

Item No: 10

Date of Committee 29/05/2009

Appn Ref No:
09/0358

Applicant:
J. J. Lattimer Limited

Parish:
Dalston

Date of Receipt:
01/05/2009

Agent:
Swarbrick Associates

Ward:
Dalston

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

Grid Reference:
336831 549981

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

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

This application is brought before the Development Control Committee on the basis of the anticipated number of objections to the proposal and as it is intrinsically linked to application 08/1254 which has also been brought before Development Control Committee for determination.

1. Constraints and Planning Policies

Flood Risk Zone

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol CP4 - Agricultural Land

Local Plan Pol T2 - Parking in Conservation Areas

Local Plan Pol CP5 - Design

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): awaiting comments;

Development Services Planning & Housing Services - Conservation Section: awaiting comments;

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

Cumbria County Council - (Archaeological Services): awaiting comments;

Cumbria Constabulary - Crime Prevention: have the following observations regarding this application, which have been considered from a Community Safety and Architectural Liaison perspective.

Perimeter Security

Extending the site raises the issue of perimeter security, to prevent or deter unauthorised access. Consequently, the perimeter treatment must be substantial, with the intention of obliging all visitors (vehicle or pedestrian) to enter via the designated access point. If the boundary treatments can be easily breached, unwelcome access or short-cutting will occur, undermining the overall security of the development. I recommend the deployment of welded mesh or extruded types, which are difficult to scale or breach, yet permit easy surveillance. Metal palisade fencing is not appropriate in this environment, due to its austere appearance. Chainlink fencing cannot be relied upon as a secure fencing type as it can be easily breached. Alternatively, defensive planting may be deployed to reinforce boundaries, but requires time to become established and it must be strictly maintained.

Demarcation of Semi-Private Space

This revision alters the layout of the dwellings, which brings shop customers back and forth in front of the dwellings as they access the car park. In my view, this arrangement reduces the amount of semi-private space and will have an impact on privacy of these residents.

Consideration should be given to establishing some defensible space to the dwellings, perhaps by extending the (south west) dwarf brick wall alongside the north west elevation.

The rear garden spaces are separated by a 2.0m high gate and fence, but the existing stone wall could be exploited as a climbing aid to enter this space.

Natural Surveillance Opportunities

Dispensing with the dwellings garages permits a revised internal layout, which introduces additional windows into the ground floor elevations. This arrangement improves natural surveillance opportunities around the dwellings and across the proposed car park.

Car Parking

Dispensing with the dwellings garages increases the risk of crime to resident's

vehicles. However, the designated parking spaces are placed adjacent to the building, where they can be directly overlooked by their owners. I am encouraged to note that the customer spaces are laid out in straight lines, maximising surveillance opportunities. I also note the provision of lighting columns.

Landscaping

Care must be taken with the proposed soft landscaping scheme. Surveillance opportunities must be preserved as plants mature and the effects of the lighting scheme considered, preventing the creation of shadows – particularly around the trolley park.

CCTV

I repeat my recommendations regarding coverage of external areas/spaces, which I believe is now more relevant with the introduction of a new parking area. There should be protection for the ATM and Cash-in-Transit crews (depending on their intended parking place on site and route into the building);

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

Dalston Parish Council: Dalston Parish Council at its meeting held on 12th May 2009 resolved to request a site visit with reference to planning application 09/0358 and, as they were now linked together and following consultation on the revised plans – 08/1254. It was suggested that it was essential to have both a Conservation officer and Cumbria Highways representative at the site visit.

The site visit was requested in order that the Development Control Committee members could consider more closely the following items.

- The size and scale of the building in relation to the site and the development of a large car park in a green field area. This was a strategic location, visible from all approaches and could possibly be the most important building development in Dalston village centre in this Century.
- The building lacked architectural cohesion with a temple like entrance and plate glass windows facing the Green and Square and dormer windows in the dwellings. It did not relate to other buildings in the central Conservation Area.
- The volume mass of the proposed building and its position in relation to the building line. Concern was expressed that the angle of the two parts of the building facing onto the B5299 and the Green created a cavern and that this prominent frontage was a service area, which visually could be unacceptable. A 3D computer generated representation of the proposed development had been requested from the first consultation and asked for since then, but had not been forthcoming from the developer or through the planning department, despite it being known to exist.
- Material change of use for car parking on agricultural land in a Conservation Area. The impact of grey concrete ground surface materials over a large expanse. The introduction of a trolley park and potential for untidiness when internal use of trolleys only had already been requested.

- The potential increase in traffic onto/off Townhead Road and its proximity to the junction. It was suggested that with 25 spaces, up to 100 additional vehicles per hour could be using the car park entry/exit.
- The position of an external ATM and the high likelihood of vehicles blocking the car park access. The Parish Council had already objected to an external ATM for several reasons, including highway safety and crime prevention and strongly recommended that this should be an internal facility only.
- Concern regarding noise of vehicles entering and exiting the car park, particularly for nearby residents.
- Building and car park additional security lighting in relation to potential light pollution. The car park area is currently unlit and the level of lighting had already been commented on in relation to the proposed store.
- There was no screening of the car park area on the Townhead Road side.
- There was space shown for one HGV delivery vehicle on site only. Currently the Co-Op deliveries were regularly in tandem, often with several vehicles waiting to unload.
- There was no change to previous comments submitted or in the general support for improved Co-op retail facilities and associated parking in Dalston, but both planning applications 08/1254 and 09/0358 needed to be more sympathetic in terms of scale and design.

3. Summary of Representations

Representations Received

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

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 28 neighbouring properties. At the time of preparing the report no verbal or written representations have been received;

4. Planning History

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

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application seeking full planning permission for the formation of a car parking area to serve the proposed convenience store and two dwellings (application reference 08/1254) which is included on the agenda of this Committee. The site, which extends to 0.13ha, is roughly rectangular in shape and is currently in an agricultural use. It is located to the south of Townhead and to the west of the B5299 in the Dalston Conservation Area. It is to located in close proximity to the south-western gable of the convenience store proposed under application 08/1254.

The Proposal

- 5.2 The application seeks approval for a car parking area, providing 25 off-street parking spaces (including two for disabled people) on agricultural land in the Dalston Conservation Area. The car park is required to serve the convenience store and dwellings proposed under application reference 08/1254. The Design and Access Statement indicates that the car park will be surfaced in grey concrete block permeable pavers. Access to the car park will be via a reconfigured access along the northern boundary of the proposed convenience store. In relation to screening, to the northern-western boundary it is intended to provide a new 1.2m timber fence and landscaping. In addition, the existing stone wall to Townhead, which is approximately 15m north-west of the boundary of the car park, is to be retained. To the north-east the existing stone boundary wall will be retained. To the south-east it is intended to form a landscaped bund at the top of the bank which slopes down towards 1 and 2 The Green. To the south-western boundary it is intended to erect a new 1.2m timber fence and landscaping. The Design and Access Statement indicates that lighting to service the car park and access routes will be fitted with guarding to avoid light pollution and is to have an average maintained horizontal illuminance of 15 lux and a minimum

horizontal illuminance at ground level of 5 lux.

Assessment

- 5.3 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the Carlisle District Local Plan (2001 - 2016) (adopted 9/9/2008), extended policies of the Joint Cumbria and Lake District Structure Plan (2006) and the North West of England Plan Regional Spatial Strategy to 2021.
- 5.4 The relevant policies in relation to this application are policies CP4, CP5, LE19 and T2 of the Carlisle District Local Plan.
- 5.5 The Proposal raises the following planning issues;
1. Impact On The Character Of The Dalston Conservation Area
- 5.6 The proposed car park sits within an agricultural field within the Dalston Conservation Area. It is well related to both the convenience store and dwellings proposed under application reference 08/1254 which it is required to serve. It is however acknowledged that the proposal will impact on the character and setting of the Conservation Area by virtue of the loss of agricultural land. In mitigation, the area to which the proposal relates only extends to 0.13ha, will be enclosed by definitive boundaries to each flank and will introduce little in the way of built development. Dalston Parish Council have however raised concern as to the deleterious impact on the Conservation Area of introducing a large expanse of grey concrete surface materials and also the potential general untidiness associated with the proposed trolley park. Concern has also been raised as to the potential visual impact of the proposed car park lighting and also due to the perceived lack of additional screening to Townhead Road. The Parish Council have also asked for a site visit.
2. Impact On The Living Conditions Of Neighbouring Residents;
- 5.7 The closest residential properties are located to the north-west on Townhead and to the south-east on the B5299. The nearest property on Townhead is Highbury, which, at its closest point, is at a distance of approximately 23m. The nearest properties to the east on the B5299 are 1 and 2 The Green. At its closest point the boundary of the car park is within 2m of the rear curtilage of 1 The Green and approximately 22m from the dwelling itself. Concern has been raised by Dalston Parish Council as to the potential adverse impact on the living conditions of neighbouring residents arising through noise generated by cars accessing and exiting the car park.
3. Whether The Loss Of Agricultural Land Is Acceptable

- 5.8 Policy CP4 of the Carlisle District Local Plan provides a general presumption against the loss of the '*best and most versatile agricultural land*'. This is generally taken to mean soils identified as Grades 1, 2 or 3a in the Agricultural Land Classification. In this instance the land to be lost is generically classified as Grade 3. On this basis, and given that the loss of agricultural land is minor in the context of the local resource as a whole, it is not considered that its loss would provide sufficient justification to warrant refusal of the application.

Conclusion

- 5.9 At the time of preparing the report, further comments are awaited from statutory consultees and members of the public as the period for representations does not expire until 5 /06/09 and an update will be provided to Members at the Committee Meeting. The committee will be required to take a decision on the Parish Council's request for a site visit.

6. Human Rights Act 1998

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

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

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

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

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

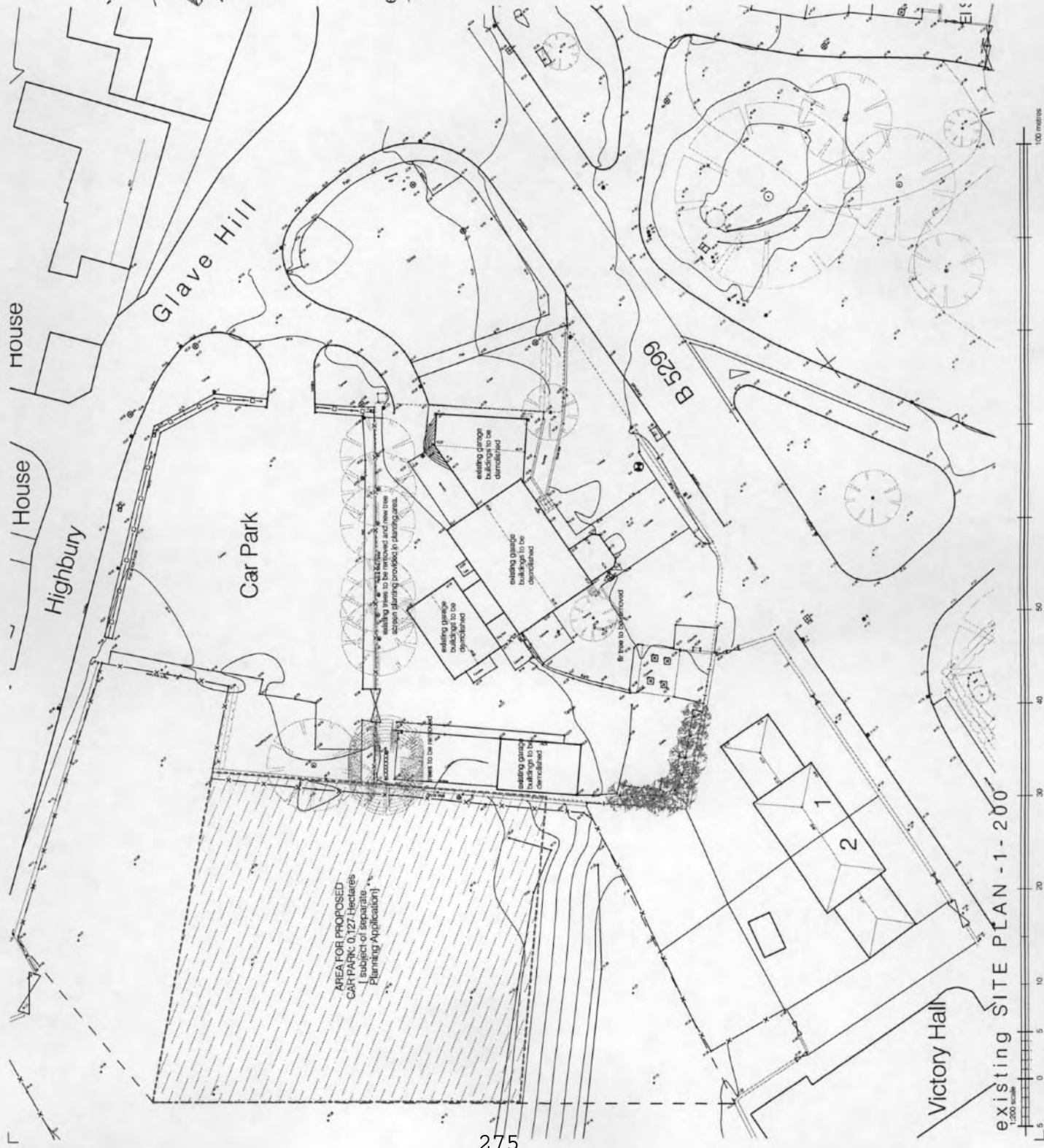
- 6.3 The application is being considered with due regard to the provisions of the above Act.

7. Recommendation

Reason For Including Report In Schedule B

This application has been included on Schedule B as at the time of preparing the report the statutory notification period has not expired and further consultation

responses are awaited.



AREA FOR PROPOSED
CAR PARK: 0.127 Hectares
(subject of separate
Planning Application)

existing trees to be removed and new tree
action planting provided in planting areas

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

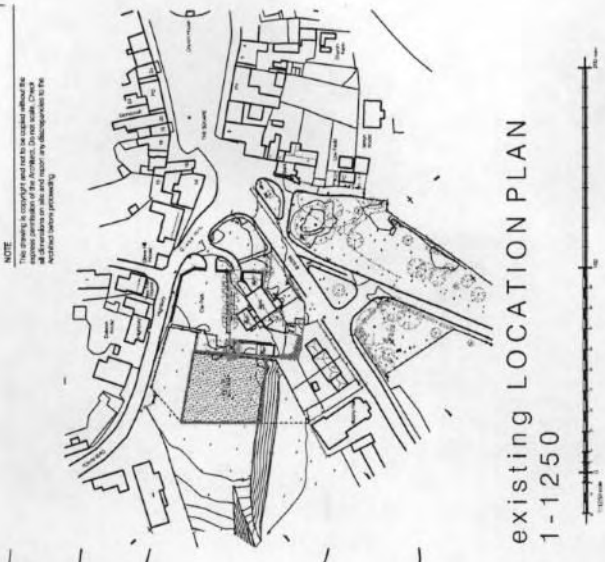
existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished

existing garage
buildings to be
demolished



NOTE
This plan is to be used in conjunction with the
approved planning application. It is not to be used
for any other purpose. It is the responsibility of the
applicant to ensure that the plan is used correctly.

swarbrick
B S S O C I A T E S

CHARTERED ARCHITECTS
40 Agency Street
Chichester, West Sussex PO19 1UP

Tel: 01243 800000 Fax: 01243 800001
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BLAIRS GARAGE, DALSTON

CLIENT:
The Dalston Property Management Company

PROJECT:
Development of site for new
garage and associated parking
spaces

DRAWING:
Site and location plan, as existing

DRAWN BY:
1384/009 rev.0

Scale: 1:250 1:250 plan 1:250 elev. 1:250

