

# **Development Control Committee Main Schedule**

Schedule of Applications for  
Planning Permission

18th December 2009

## The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 4th December 2009 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 9th December 2009.

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

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## SCHEDULE A: Applications with Recommendation

09/0815

Item No: 01

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0815

**Applicant:**  
McKnight & McIntosh Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
05/10/2009

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Denton Holme

**Location:**  
Denton Business Park, Denton Street, Carlisle,  
Cumbria, CA2 5EL

**Grid Reference:**  
339778 555258

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**Proposal:** Demolition Of Former Storage And Workshop Buildings; Erection Of New Buildings To House 40no. Craft/Art Workshop Units, Retail Facilities, Admin Support With Performance Areas, 205no. Student Bedrooms (Including Usage By Occupants Of Craft/Workshop Units); Facade Alterations To 36-40 Denton Street, Creation Of 2no. Additional Flats; Alterations To 2no. Flats (Including Partial Change Of Use)

**Amendment:**

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**REPORT**

**Case Officer:** Alan Taylor

### **Reason for Determination by Committee:**

The application relates to a site where planning permission has previously been refused by the Committee and, in addition, the proposals represent a major development.

### **1. Constraints and Planning Policies**

**Flood Risk Zone**

**RSS Pol DP 1 - Spatial Principles**

**RSS Pol DP 2 - Promote Sustainable Communities**

**RSS Pol DP 3 - Promote Sustainable Economic Development**

**RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure**

**RSS Pol DP 7 - Promote Environmental Quality**

**RSS Pol DP 9 - Reduce Emissions & Adapt to Climate Change**

**RSS Pol RDF 1 - Spatial Priorities**

**RSS Pol EM 2 - Remediating Contaminated Land**

**RSS Pol EM 5 - Integrated Water Management**

**RSS Pol L 1 - Health,Sport,Recreation,Cultural and Education**

**RSS Pol RT 2 - Managing Travel Demand**

**RSS Pol - Walking and Cycling**

**RSS Pol W 4 - Release of Allocated Employment Land**

**RSS Pol CNL 1 - Overall Spatial Policy for Cumbria**

**RSS Pol CNL 2 - Sub-area Development Priorities for Cumbria**

**Joint Str.Plan Pol ST5: New devt & key service centres**

**Joint Str. Plan Pol EM13: Employment land provision**

**Joint Str. Plan Pol EM14: Dev.employment land other purposes**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP10 - Sustainable Drainage Systems**

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

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol IM1 - Planning Obligations**

## **2. Summary of Consultation Responses**

**Community - Environmental Services - Waste Services:** I've had a look at the McKnight application (09/0815) for the land between Denton Street and Blencowe Street in Denton Holme as previously discussed. I met with Ken Allen back in



August to discuss the waste collection requirements for the waste arising from the proposal. I recommended that he provide the following:

*Assuming each person requires 35 litres of bin space per week for residual waste (that fits with our recent experience) and given that you are providing living accommodation for a maximum of 224 individuals (204 units with 10% being double occupancy) I suggest that 8 x 1,100 litre eurobins will be needed for residual household waste (i.e. non-recyclable waste). Please note that I would recommend a weekly collection. In addition to the 8 residual waste bins, I suggest that you will require an additional 6 x 1,100 litre recycling containers (2 bins for paper, 2 bins for cardboard and 2 bins for mixed plastics) plus 8 x 360 litre recycling containers (6 bins for colour separated glass and 2 bins for mixed cans).*

The application would appear to provide the bins that I have suggested. However, the plans show that the bins are located in only two central sites. Given that the 204 residential units are spread throughout the whole development, I think this could create some problems. In particular the units at the Denton Street end (above the craft units) have no provision for household waste and I would question whether the residents of these units will use the bins that are located at the western end of the development.

For trade waste, I recommended the following:

*Regarding the development trade waste requirements, I would suggest that you plan for a minimum of 4 x 1,100 litre bins for the 40 craft units and 2 retail units (the exact number would be dependent on what service the trade waste collection contractor was able to provide (N.B. the Council will shortly be withdrawing from the provision of this service. There are a number of private trade waste collection firms operating in Carlisle).*

The application would appear to show only 2 trade bins which I think is inadequate.

In conclusion I think that the craft units and the residential units above them will require additional bins. They require 2 additional trade bins and they require their own household waste bins. The household waste bins could be additional to those provided in the two central stores (thus exceeding the minimum requirement) or they could move some of the household waste bins from the central store to the craft units. It may be best to 'play safe' and to provide some additional bins specifically for the residential units above the craft units;

**Cumbria County Council - (Highway Authority):** This site has been the subject of previous applications under ref:07/1362 & 06/1091. Both of these have been refused.

It is confirmed that the Highway Authority does not wish to object to this application.

The applicant's agent contacted this authority prior to submitting the application and agreed the scope and the content of the Transport Statement. It is however disappointing that the spirit of the discussions were not transferred into the application.

During the aforementioned discussions I made it clear that this development will be heavily reliant on non motorised modes of transport. In this case this is however acceptable as the site is located in close proximity to the city centre, within walking / cycling distance of the campuses and the accommodation is largely for the student community.

I can now comment on the Transport Statement as follows:

The proposed development site is located in the Denton Holme area of Carlisle. The site is bounded to the west by Blencowe Street, to the south by Collingwood Street, to the east by Denton Street and to the north by industrial buildings.

The development site access is proposed to be from Blencowe Street. The extent of the highway network assessed by Capita Symonds is Blencowe Street / Lorne Crescent, Collingwood Street and Denton Street in the vicinity of the proposed development site.

### Main Development

The development comprises student accommodation for 205 students, 40 start-up craft workshops, a convenience store, internet café and launderette.

The site is intended for use as student accommodation, with limited parking provision. The Transport Statement envisages that the majority of trips to and from the development will be by public transport, cycling or walking rather than by private motor vehicle.

*The proposed year of opening was not indicated.*

*It is pertinent to highlight that the layout of the proposed development should adhere to the relevant guidance provided in the Cumbria Design Guide Volume 1 (or its latest version). Specifically, adequate consideration should be given to Section 4.15 "Provision for Disabled People" of the guidance document.*

### Site Access

The proposed vehicular site access and egress would be provided from Blencowe Street at a similar location to the principal existing access to the site.

Pedestrian access to the site would also be provided from Collingwood Street in the vicinity of the existing vehicular access and Denton Street between the convenience store and internet café. .

*The proposed vehicle access should at least conform to the "Cumbria Design Guide Volume 1", and its sub-sections. Similarly, any proposed footway/cycleway should conform to Sections 4.2 and 4.3 of the Design Guide.*

### Parking Provision

It is intended to provide 14 car parking spaces associated with the proposed student accommodation. There would be 22 car parking spaces to serve the craft workshops. This provision will include 6 disabled parking bays.

It is intended to provide 27 cycle parking spaces. These will be located in the area around the central outdoor meeting space, close to the entrances of each of the accommodation blocks.

However, I have reservations about the adequacy of the number of cycle parking

spaces.

The TS indicates that the cycle parking provision will be secure, sheltered and in a convenient location. However, in order to encourage cycling as a sustainable mode of travel, the location of the cycle parking should be overlooked and most certainly, well secured.

Further, bearing in mind the lack of parking provision and the stated purpose of this development ( student accommodation) , it seems reasonable to expect that the majority of the students will be located at the Brampton Road or Fusehill Street campuses hence, the car and cycle parking provisions must be closely scrutinised by the Highway Authority/ Local Planning Authority.

The TS does not address the beginning and end of terms / academic year car use; It is normal practice that students travel by car during these periods in order to pick up / drop off their belongings. Bearing in mind the limited parking provision, and limited on street parking, the TS should have addressed this critical provision.

Consideration should be given to delivery vehicles, HGVs, refuse etc, and in particular, for the commercial element of the development.

### Public Transport

According to the TA, the nearest bus stop to the development site is within 100 metres, on Denton Road and approximately 300 meters on Charlotte Street.

Although the provision of public transport exists, a satisfactory frequency of the designated bus services (particularly 75, 75A and 69) does not provide a sustainable patronage and good level of service.

Further, there are no direct bus stops outside the Brampton Road, Fusehill or Paternoster Row Campuses that are served by the 62/62A/57/75A or 69 bus services.

This was particularly highlighted during a “mini” survey of students travelling across Nelson Bridge into Carlisle and onwards towards Brampton Road and Fusehill Street Campuses. The cost of travel by bus was also mentioned as an issue.

As will be discussed in the following sections, walk and cycle routes are in need of attention particularly to remote locations such as Brampton Road and Fusehill Street campuses. As such, contributions towards travel passes [subsidised] could be recommended to ensure that students do not resort to car use as an alternative mode of travel to walking and cycling

The Travel Plan should make recommendation to improve the frequency and level of service of all bus services in close proximity to the proposed development site.

### Cycling

The TS confirms that there are no dedicated cycle lanes in the vicinity of the development site apart from a short section of NR7 & 10.

The TS suggests that his network provides a combination of on and off-road routes which link into Carlisle city centre and the surrounding areas and that there is a network of quiet roads surrounding the development site which are not part of an official cycle route but present reasonable roads for cyclists to use. As such, the TS conclude that the surrounding road network is suitable for cyclists and provides good links to surrounding areas.

I disagree with the conclusions of the TS. The TS has focused on the roads network in the immediate vicinity of the proposed development which is not robust.

Site observations indicated that cyclists use Denton Street, Nelson Bridge and either through the pedestrianised Scotch Street towards Brampton Road or English Street / Botchergate towards Fusehill Street.

The development proposals should include proposals to provide a combination of on-line / off-line [shared use footway/cycleway] provide pedestrians and cyclists safe routes along the desire lines to and from the five university campus buildings.

Once the desire lines have been modeled, the TS should provide mitigation measures to ensure that the cycle routes are attractive, safe and provide continuity to cyclists without the risk of conflict with vehicles or pedestrians.

### Walking

As with cycling, the TS have focused on the roads network in the immediate vicinity of the proposed development site which is not robust. The TS does suggest that students will travel on foot to Carlisle City Centre and as far as 2km from the development site however, it does not consider the conditions and connectivity and safe crossings along desire lines within the suggested 2km range.

Site observations indicated that pedestrians use Denton Street, Nelson Bridge and either through the pedestrianised Scotch Street towards Brampton Road or English Street / Botchergate towards Fusehill Street.

There are numerous improvements that could need further consideration including dropped kerbs, tactile paving, pedestrian stages at signalised crossing, pedestrian islands, etc.

Once the desire lines have been modeled, the TS should provide mitigation measures to ensure that the walking routes are attractive, safe and provide continuity to pedestrians without the risk of conflict with vehicles or cyclists.

### Rail

The Institution of Highways and Transportation publication 'Guidelines for Planning for Public Transport in Development' recommends a walking distance of 800 metres or less to rail. The site is located approximately 850 metres distance, along the highway network, to Carlisle rail station.

*The TS suggests that rail is still considered to be a viable means of travel for users of the proposed development site. We do not consider this to be robust as day-to-day rail travel is of limited benefits to the proposed development site. Students also rely heavily on travel by car for the beginning and end of terms academic year due to the fact that personal belongings need to be transported.*

### Travel Plan

The TS is correct where it states that it has been agreed that a travel plan will be secured via planning conditions for the proposed development site which will outline measures to encourage sustainable travel to and from the site.

### Conclusions (the Transport Statement)

1. The Transport Statement has been carried out in accordance with the Department for Transport's Guidance on Transport Assessment, published March 2007.
2. The development proposal is in line the relevant national, regional and local transport policies.
3. The layout of the proposed development, when developed, should adhere to the relevant standards provided in the Cumbria Design Guide Volume 1 "Layout of New Residential Development"

4. The accident history for the local highway network, covering the 3-year period 20th July 2006 to 19th July 2009 was presented in the TS. A review of the accident data shows that three personal injuries were recorded during the 3 year period, one of which was SERIOUS. Within the review period, no fatal accident was recorded.
5. I disagree with the limitation of study area and findings of the TS. Since the TS suggests that the majority of trips to the five campuses will be by sustainable means, i.e. cycling or walking, we would have expected that the accident history review would have covered all routes (to the five campus sites) that pedestrians and cyclist will follow, for a period of at least 5 years. This would provide a more robust assessment of any highway safety issue(s). Further, I would have expected that visibility graph analysis which provides a model of the 'desire lines' for pedestrian movement within a street network would have been undertaken. The visibility analysis models what pedestrians can see and where they can go within street networks, hence, identifying areas of potential risk and need of improvement
6. Although the provision of public transport accessibility in close proximity to the development site exists, a satisfactory frequency of the designated bus services (particularly 75, 75A and 69) does not provide a sustainable patronage and good level of service. Further, there are no direct bus stops outside the Brampton Road, Fusehill or Paternoster Row Campuses that are served by the 62/62A/57/75A or 69 bus services.
7. All routes leading to the five campuses were visited and it is clear that mitigation measures to ensure that the cycle / pedestrian routes are attractive, safe and provide continuity without the risk of conflict with vehicles or each other are needed.
8. The trip rates obtained from TRICS and applied in the derivation of the development trips are considered acceptable for the TS.
9. Although I agree with some of the TS contents, as it should have addressed the issues raised by this review to ensure a robust Transport Statement submission is made to support the development proposal I am content this inadequacies can be addressed by conditions / contributions and therefore does not materially ( negatively) affect this application.

It is, therefore, confirmed that following on from the above that there is no objection to this application but it is recommended that the following conditions are included in any consent the City Council may grant:

I would therefore recommend that in addition to the conditions below that this application be required to contribute towards your Council's Connect2 network to the amount of £46000. The benefits of the links to Castle way, Bits Park, the Sands and the Learning Village Cycleway will make this application more sustainable and overcome most of the issues raised above

*The carriageway, footways, footpaths, cycleways etc shall be designed, constructed,*

*drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before any part of the development is occupied.*

*Reason: To ensure a minimum standard of construction in the interests of highway safety.*

*To support Local Transport Plan Policies: LD5, LD7, LD8*

*Note: the applicant can rely on the MfS on this aspect and the comment by the urban design officer (Carlisle City) can be taken on board.*

*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.*

*Reason: To ensure a minimum standard of access provision when the development is brought into use.*

*To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy: T32*

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

*Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.*

*To support Local Transport Plan Policies: LD7, LD8*

*Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.*

*Reason: In the interests of highway safety and environmental management.*

*To support Local Transport Plan Policies: LD7, LD8*

*There shall be minimum clearance of 2.44m between the surface of the highway and the lowest part of the building/structure where it overhangs the highway (including the footway, footpath or verge).*

*Reason: In the interests of highway safety and to minimise possible danger to other highway users.*

*To support Local Transport Plan Policies: LD7, LD8*

*Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby*

*approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.*

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

*To support Local Transport Policies: LD8*

*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.*

*Reason: To aid in the delivery of sustainable transport objectives.*

*To support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31*

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

*Reason: To aid in the delivery of sustainable transport objectives.*

*To support Local Transport Plan Policies: WS3, LD4 and Structure Plan Policy T31*

*Prior to the commencement of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times.*

*Reason: To aid in the delivery of sustainable transport objectives.*

*To support Local Transport Plan Policies: WS1, LD4 and Structure Plan Policy T31;*

**Environment Agency (N Area (+ Waste Disp)):** the Agency has considered the above proposal and wish to comment as follows:

### Development and Flood Risk

Environment Agency position

In the absence of evidence of the Sequential and Exception Test to support this application and in the absence an acceptable up to date Flood Risk Assessment (FRA) that can demonstrate that the development would be safe, we OBJECT to the granting of planning permission and recommend refusal on this basis for the following reasons:

Reason

The proposed development has changed significantly since we were consulted last (07/1362) and we consider that a Sequential Test and Exception Test are necessary. There is no evidence that you consider this application to have passed the

Sequential Test and we do not consider it to have passed part c of the Exception Test. To grant this permission without it passing a Sequential Test and Exception Test could result in people being put at a high risk of flooding.

The application does not comply with the requirements set out in Annexes D and E, of Planning Policy Statement 25: Development and Flood Risk (PPS 25). The submitted FRA does not comply with paragraph E3 of Annex E and does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA update fails to

- Consider the effect of a range of flooding events including extreme events on people and property.
- Take the impacts of climate change and modelling inaccuracies into account
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event (as advised by PPS25, paragraph G12 and the PPS25 Practice Guide, paragraph 7.23).
- Provide any drainage strategy details produced in line with current guidance and the recommendations made in the Faber Maunsell FRA (section 10).

#### Additional information

The site is located within Flood Zone 3 as defined in Table D.1 of PPS25 Development and Flood Risk. With reference to the Agency's Flood Zone Mapping the site is at high risk from fluvial flooding which shows the extent of floods with a 1% annual probability of occurrence. Table D.1 of PPS25 (Development and Flood Risk) recommends that for planning applications within a high risk flood zone, a Flood Risk Assessment (FRA) appropriate to the scale and nature of the development, should be provided by the applicant.

The Agency were consulted on the previously refused application 07/1362 and commented on a Flood Risk Assessment (FRA) Rev No 001A, dated December 2007 produced by Faber Maunsell.

The FRA recommended Finished Floor Levels no lower than 18.00m AOD and the inclusion of a Surface Water Drainage Condition based on the FRA recommendations for the inclusion of SUDS in the surface water drainage design.

The current application is not supported by a suitably detailed addendum/update to the Faber Maunsell FRA. The update to the FRA to support the current application in the form of a letter produced by Capita Symonds (dated 15th September 2009 and referenced CS034708-01-11/AL2), does not reflect the scale and nature of the development, which differs substantially to application 07/1362. The previous application did not include 'more vulnerable' type development with finished habitable floor levels at flood risk.

On completion of the Carlisle and Caldew Flood Alleviation Scheme, the site will lie in an area identified as benefiting from defences (as will be reflected on Flood Map). However, there still remains a residual risk of flooding from breach/overtopping of



defences which should be demonstrated in the FRA and reflected in the layout. It is incorrect to assume that because the site will be protected by a defence with a crest height of 18.00m AOD that this negates the need to provide primary means of flood mitigation. The 10 bed accommodation on Collingwood Street, which includes disabled bedrooms is proposed at 15.70 m AOD which is unacceptable.

The Agency will Object in principal to any 'more vulnerable' development on this site which does not take a precautionary approach in relation to setting habitable floor levels. The risk of flooding associated with breach/overtopping and potential depths must be taken into consideration when proposing finished floor levels. There should also be an additional allowance added for freeboard and climate change.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us as advised in PPS25 paragraph 26.

### Contaminated Land

Should the above objection be resolved the following condition related to contaminated land would still be necessary on any permission granted on this site:

#### Environment Agency position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

#### Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any

requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason- To protect Controlled Waters;

**Community Services - Drainage Engineer:** The applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable. The applicant indicates disposal of surface water to the mains (public) sewer. However, in the first instance the applicant should investigate the use of either a sustainable drainage system or soakaways for surface water disposal.

The proposed site is located within a flood risk area and as such the applicant should consult with the Environment Agency for advice;

**United Utilities - (for water & wastewater comment):** in line with PPS25, no surface water shall connection into the public sewer either directly or indirectly. This prevents foul flooding and pollution of the environment. The developer and local authority should seek opportunities to reduce the overall level of flood risk in the area and beyond, through the layout and form of the development and the appropriate application of sustainable drainage techniques.

The developer should formulate a Surface Water Management Plan using sustainable drainage systems and demonstrate how they propose to manage surface water.

I therefore request a condition to be attached to the application requiring the developer to contact the Local Authority confirming how surface water will be managed.

This site must be drained on a separate system, with only foul drainage connected into the foul/combined sewer.

Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.

The connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

A public sewer crosses this site near retail unit 36 and we will not permit building over it. We will require an access strip width of 6.0 metres, 3.0 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption". If a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Wastewater Adoptions Engineer Eric Keasberry (Tel No 0161 608 0527), as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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

A water supply can be made available to the proposed development. A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers;

**Cumbria County Council - (Archaeological Services):** does not wish to make any recommendations or comments;

**Cumbria County Council (Strategic Planning Authority) Wind Energy Consultations:** no comment received;

**Environmental Services - Green Spaces (see IECO for Countryside Officer):** a contribution for off-site public open space provision and maintenance is required for this development. However, the nature of the development means that it is not as clear cut as for a standard housing scheme; for example, a contribution towards play areas would not be appropriate as the accommodation is for single units specifically for students. Similarly, the provision of new public open space somewhere off-site is not anticipated so this element can also be discounted. However, it is anticipated that additional provision for sports activities would be needed and, in calculating the requirement both amenity green space and sports pitches have been considered as they would be under additional pressure as a result of this development. It is requested that a total financial contribution of £48584, to be secured under a S106 Agreement, is appropriate, that providing £12,915 for sports provision, £7,233 for sports maintenance and £28,436 for amenity area maintenance;

**Environmental Services - Environmental Quality:** There are no objections to the above application. It should be noted however that the site has had a desk study which recommends an intrusive investigation. It is therefore suggested the following conditions are applied:

#### 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*'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### 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. This contamination would need to be risk assessed and a remediation scheme prepared.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors;

**Development Services Planning & Housing Services - Access Officer:** no comments received;

**Cumbria Constabulary - Crime Prevention:** I wish to make the following observations regarding this application, which I have considered from a crime prevention perspective.

I am pleased to note Item 13 'Security' in the submitted Design and Access Statement, which demonstrates that community safety implications have been considered as part of the design. Consequently, I am satisfied that the application complies with Policy CP17 of the Local Plan.

Of particular note is the opening comment regarding student security. Statistics from research commissioned by the Home Office in 2004 showed that over 30% of students in the research group had been victims of crime. Approximately 10% had been victims of burglary. Students living in privately rented accommodation were

more than twice as likely to suffer from burglary as those living in halls of residence (Source: Research Development and Statistics Directorate – Development and Practice Report 21).

I therefore believe several issues need to be addressed, to reduce the opportunities of crime or disorder occurring.

### Perimeter Security and the Establishment of ‘Defensible Space’

The site has well defined boundaries with one vehicle and three pedestrian designated access points. I note the intention to close off the pedestrian access points each night (the service lane gates should be permanently closed until access is required).

These measures shall contribute to the perception that the site space is semi-public during the day, but becomes semi-private thereafter. Accordingly, short-cutting by non-residents shall be discouraged.

I seek further information on the specification of the proposed north-east perimeter treatment and the proposed gates and locking mechanisms. Although these items must incorporate security characteristics, they must be aesthetically appealing for this predominantly domestic environment.

### Building Design and Layout

I note the comments regarding high levels of visibility and the avoidance of recesses. Natural surveillance opportunities must be maximised so that all areas are open to view.

In this regard, I believe the design of the Blencowe Street Accommodation could be improved. In one respect, the complicated footprint creates numerous recesses along the rear of this building, terminating in an apparently unnecessary space behind the stairwell (Drawing 2471/003). This area could form an unwelcome gathering place, causing annoyance to residents directly above.

I also believe the undercroft parking spaces are susceptible to misuse, nuisance gathering and may increase the risk of damage to motor vehicles parked there. They could be easily approached via the designated access point via Blencowe Street. These spaces are only overlooked from upper floor accommodation from the Central Block – meaning the deeper spaces shall be concealed from view. It is not clear if these parking spaces shall be allocated to particular residents, or may be just utilised on a ‘first-come-first-served’ basis. One solution may be to upgrade these spaces to garages, with appropriate internal lighting.

### Car Parking

Generally, the remaining designated car parking spaces are well placed, benefiting from natural surveillance opportunities from the surrounding dwellings.

### Cycle Parking

I note the intention to provide cycle storage on the site. Cycle theft is still a persistent problem across the City, so parking facilities must be perceived to be safe and secure to encourage legitimate use. The deployment of ‘Sheffield’ type stands is

considered to represent best practice. Parking facilities require protection from the weather but must be placed in active locations to maximise surveillance opportunities. The stands placed underneath the Central Block Accommodation shall be partially obscured.

### Landscaping

The site shall be extensively landscaped. The choice and location of plant species must be considered in order that the elements do not

- Obstruct natural surveillance opportunities as they mature
- Create potential hiding places adjacent to footpaths or communal areas
- Impede the effects of security/street lighting causing unnecessary shadows
- Become climbing aids to negotiate security fencing or reach upper levels

### Security Lighting

Further information is required with regard to the security lighting proposals.

### CCTV

There is no indication if this measure has been considered.

### Studio/Workshop Units

As with any commercial environment, these facilities are at greater risk of crime, notably burglary. The most vulnerable area is via the service paths which provide access to the rear of each unit. The service paths must be well lit throughout darkness to maximise surveillance opportunities from dwellings on the upper floors.

### Bin/Refuse Stores

These facilities must be kept secure to prevent wheelie bins being dragged to other locations and exploited as climbing aids or set on fire. If possible, bin stores should be located away from building elevations to minimise the fire risk.

### Physical Security

To resist forced entry, I recommend the incorporation of security standard exterior door sets and ground floor windows. Doors should conform to BS PAS 24 and windows should conform to BS 7950. All glazing at ground floor and vulnerable levels should be a laminated type to at least 6.4mm thickness.

Each dwelling and workshop unit should be provided with a fused electrical spur to permit the future installation of an Intruder Alarm System.

### Retail Units

Without knowledge of the eventual occupiers, it is difficult to assess the crime risk. However, the premises must be protected from burglary and malicious damage (main frontages). I therefore recommend the incorporation of exterior door sets and windows compliant with LPS 1175 and fitted with laminated glazing to at least 7.5mm

thickness. Each unit should be provided with an Intruder Alarm System conforming to EN 50131 (Grade 2);

**Development Services Planning & Housing Services - Local Plans:** The Carlisle District Local Plan 2001-2016 policies DP1, CP5, CP6, CP9, CP14, CP15, CP16, CP17, EC1, EC3, LE27 and H4 are relevant considerations.

The 0.65 hectare/1.51 acre site was formerly occupied by the Porter Engineering Company and is therefore a brownfield site in the urban area which has been largely vacant for some time.

The mixed uses proposed are associated with the expansion of the University of Cumbria in Carlisle. The site is well located, less than half a mile from the main site on the Viaduct Estate adjacent to the River Caldew which is being considered for a new University campus. It is close to a regular bus service on Denton Street and is within easy cycling distance of the City Centre.

The site is allocated on the Local Plan as a Primary Employment Area. The supporting text to Policy EC1 for Primary Employment Areas states that in older industrial areas including parts of Denton Holme, often with housing and industry in close proximity, as is the case with this site, proposals for residential development will be considered along with their redevelopment for employment purposes. The proposals include 205 student bedrooms and 40 craft/art studio workshops intended for new graduates. This latter aspect provides employment and also the possibility of attracting tourists into Denton Holme to look at the products of the workshops which should also benefit the shops of the Denton Holme local centre. Policy EC1 allows for light industrial uses, research and development facilities and some offices.

Policy DP1 provides for development in sustainable locations and gives priority to the reuse of previously developed land with emphasis on the use of vacant and derelict sites.

Policies CP5 Design and CP9 Renewable Energy are relevant to this application. The Design and Access Statement shows that attention has been paid to the context of the site as it needs to relate well to residential development to the east, south and west. Traditional materials and detailing are proposed; however there is some render. For example, on the north east elevation of the main block 25 to 30 % of the material proposed is render. Brick is the predominant building material of Victorian housing in which this site is situated as is corroborated in the Denton Holme and Longsowerby Design Statement SPD.

The Design and Access Statement refers in paragraph 17 to energy efficiency but only in the context of insulation and quality construction. It would have been desirable for a new University to be seen to be promoting renewable energy technologies and integrating them into this new development. For instance, some indication that further energy efficiency measures had been considered such as the use of photovoltaic cells and solar hot water exchangers to reduce energy requirements might be expected. This would show that the developer was setting an example in aiming to reduce carbon dioxide emissions and reduce the impact of climate change. I would have expected a higher education institution with its own research facilities to erect flagship buildings that demonstrate new technologies.

A major concern is that the site is situated on the flood plain of the River Caldw in Flood Zone 3a. I have previously written about this concern in my memorandum of 29 October. The proposal shows habitable rooms at ground floor level on streets which have been known to flood in recent times. Policy LE27 of the Local Plan for developed land in floodplains requires a Flood Risk Assessment to be submitted and outlines eight criteria which must be addressed in the FRA. The supporting text mentions that design modifications may be required. The Environment Agency may require further design modifications to accommodate flood risk.

To summarise, the development proposed makes use of a long vacant brownfield site and is very suitable for this inner urban location. It will bring regeneration spin-offs to the neighbourhood. The principle of this development for the site is acceptable in planning policy terms. However, I do have a reservation about the proposal with regard to flood risk as I feel that not enough consideration has been given to this grave concern which needs to be addressed now, at the design stage;

**Development Services Planning & Housing Services - Local Plans (Trees):** For a proposal of this size I would expect the landscaping scheme to form part of the application so that full account can be given to providing a meaningful scheme, especially where space is at a premium.

Any scheme for this proposal should seek to break up the expanses of car parking, as well as providing stimulating and interesting meeting/socialising areas. The location of the barbecue area immediately adjacent the drying area needs to be reconsidered and the location of these two areas along with the seating area stuck behind the store sheds also needs to be reconsidered;

**Northern Gas Networks:** there is no objection although there may be apparatus in the area that may be at risk during construction works and, should the application be approved, NG will require the promoter of these works to contact the company direct to discuss its requirements in detail;

**Urban Designer (Carlisle Renaissance):** I am broadly supportive of this proposal and it is a significant improvement of previously tabled suggestions for this site. There are however a number of opportunities for enhancement. These and my further observations are as follows:

Blencowe Street: The unit to the southern flank of the Blencowe St Vehicle arch indicates stairs at ground floor but these are not expressed at first floor. This drafting error requires clarification.

The radius of the kerb indicated exiting from the site through the carriage arch is extremely generous. This puts the pedestrian at a disadvantage when walking along Blencowe St. The radius should not need to be so extreme and could be tightened significantly to reduce the visual and actual impact of the road. It is not clear why two-way traffic is required to pass through this arch. Similar developments highlighted as best practice on the CABE website indicate single carriageway only passing through carriage arches serving similarly scaled developments. The width of the arch could readily be reduced to single carriageway width.



I would strongly recommend that the lintel spanning this vehicle access is buttressed at either end by a substantial corbel or kneeler detail. This will transfer weight in a more visually plausible way to the flanking walls.

Internal layout: The corridors to the long block perpendicular to Blencowe St face into the development while bedrooms face the site to the north. I would suggest that these corridors would be better as buffers against the industrial uses to the north, with bedrooms on the better lit, southern wall. While this results in reduced separation distances between bedrooms, this is acceptable given the nature of the site.

External elevations: I welcome the external elevations to Denton St and Collingwood Street and consider that these are appropriate in scale, massing and detailed design.

The extreme north east of the site presents a blank gable that will be prominent from the Denton St approach. I would suggest that some fenestration is added to this gable.

The addition of a further storey and a re-elevation of the existing corner block at Denton Street is very welcome. The applicant should consider positioning a faceted corner detail to return the corner into Collingwood Street. A similar treatment is used on a neighbouring building the eastern side of Denton Street. This would articulate the corner of the roof with more decisiveness than is proposed at present.

The first floor elevation indicated on drawing 2471/106 to the south west elevation is excessively bleak. There is a separation distance of 20m between this blank facade and rear windows of the existing houses on Collingwood Street. I would strongly suggest that the aspect of the Collingwood St residences would be improved if some windows were added to this facade, ideally in alignment with the doors to the terrace directly above, and potentially obscure-glazed to protect the privacy of existing residents but providing some illumination to the Kitchens/WCs indicated. The flat roof to this elevation will also present a bleak aspect to existing residents. I would strongly suggest that a 'green roof' is substituted. This will have a triple benefit of rainwater amelioration, habitat creation and of softening the vista for existing residents. This detail should be repeated on the flat roof proposed to the rear of 56-36 Collingwood Street.

External Spaces: External space has broadly been put to good use following our discussions on the draft plan.

Additional External works: The applicant makes reference to the Denton Holme and Longsowerby Design guide. Further to this are the Council's adopted Residential Design Guide and Urban Design SDPs. To reflect local detail and to integrate the development into the surrounding street pattern the detail to the apron giving access to the Blencowe St carriage arch should be constructed in granite or basalt setts to reflect local detailing. The cast iron street nameplate at 1 Blencowe St should be removed and refurbished and any additional street nameplates e.g. at the Denton St/Collingwood Corner should be replaced/refurbished to match. Details of the relevant officers in the Highway managers Team can be provided on request. Any further signage within the scheme should be building mounted.

In conclusion I consider this to be an acceptable proposal for this site and would, subject to the minor changes indicated above, recommend this proposal for approval;

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

**Environmental Services - Food, Health & Safety:** no comments received;

**Development Services Planning & Housing Services - Housing Strategy:** This site is well located to the proposed new University Campus at Viaduct Estate, and convenient for shops, amenities, and entertainment/ recreation in the City Centre. Another positive is that the workshops may help with retaining graduates in the area, which has been a problem in the past.

Normally, there would be a requirement for a 30% affordable housing contribution, however this would not apply if all the units were for student accommodation at affordable rents.

However, before we could support this proposal, we would need further information and/ or clarification of the following points, which are not made explicit through the Design and Access Statement:

- i) How does this fit in with the University of Cumbria's plans for student accommodation? Is the University directly involved with/ or (at least) supportive of the proposals?
- ii) What evidence does the applicant have that there is sufficient demand for this no. of student places?
- iii) Assuming the proposal went ahead with no affordable housing contribution in place, what mechanism or guarantees would be in place to keep these units in place as student accommodation in perpetuity, or at least an extended period of time to be agreed with the Council?
- iv) What mechanisms would be in place to set rents at a price affordable to students for initial and successive occupants?

It is also recommended you consider the following:

- v) Comments from the Environmental Health Officer in respect of issues around HMO licensing; the City Councils Landlord Accreditation Scheme; Fire Safety assessment and regulation; and.
- vi) The 2004 Denton Holme Residents Survey: Your Future In Your Hands, was critical of the recent high levels of apartment provision, and called for more family housing;

**Planning & Housing Services - HMO Registration Officer:** see attached Memo- I tried to work out how many licence applications would be required for the buildings, but I couldn't make out the size of each unit in the blocks from the plans. Potentially I could see a total of 38 individual units of accommodation, which would attract 38 HMO applications and £330 for each application. Looking at a large bill for licensing

every 5 years. I have therefore just given an example, so the applicant is aware if this requirement.

Having taken into consideration the information supplied, the following comments are made on the application.

- The property owner or manager would be required to make an application to this Council for a Mandatory House in Multiple Occupation Licence under the Housing Act 2004. This would apply to each unit of accommodation in each property block, as the property meets the 5 or more persons and three or more storey criteria under the Act.
- Each individual block of accommodation, which contained 5 or more persons, would require an individual licence and application. So if a block of accommodation contained, 5 self contained units of accommodation, each with 5 or more persons in each flat, the landlord would be required to make an application for each self contained unit. A total of 5 applications in this example.
- The current licence fee for mandatory licensing is £330, based on 5 lets every additional let incurs an additional charge of £25, a maximum of £500, per application.
- A licence will be issued for a maximum of 5 years initially.
- The owner must pass a Fit and Proper Person check as part of the licence process.
- The owner would be required to comply with statutory instrument 373,2006 and 1903,2007 of the House in Multiple Occupation Regulations. The amenity standards in the property must also comply with Carlisle City Councils Amenity Standards in licensable Houses in Multiple Occupation document, available from [www.carlisle.gov.uk](http://www.carlisle.gov.uk)
- In order to advertise as a student accommodation provider with the University of Cumbria, the owner would be required to sign up to the Councils Landlord Accreditation Scheme. The applicant is currently not an accredited landlord.
- The Owner of the property would be required to undertake written risk assessment under the Regulatory Reform Fire Safety Order.
- All Fire Safety requirements in the property, should meet those as stated in the LACORS guidance for Fire Safety in Residential Accommodation, available from [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

### **3. Summary of Representations**

#### **Representations Received**

Initial:

Consulted:

Reply Type:

2 Collingwood Street	19/10/09	
4 Collingwood Street	19/10/09	
31 Collingwood Street	19/10/09	
33 Collingwood Street	19/10/09	
35 Collingwood Street	19/10/09	
37 Collingwood Street	19/10/09	
39 Collingwood Street	19/10/09	
41 Collingwood Street	19/10/09	
43 Collingwood Street	19/10/09	
45 Collingwood Street	19/10/09	
47 Collingwood Street	19/10/09	
49 Collingwood Street	19/10/09	
51 Collingwood Street	19/10/09	
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59 Collingwood Street	19/10/09	
61 Collingwood Street	19/10/09	
63 Collingwood Street	19/10/09	
65 Collingwood Street	19/10/09	
67 Collingwood Street	19/10/09	
69 Collingwood Street	19/10/09	
71 Collingwood Street	19/10/09	
73 Collingwood Street	19/10/09	
1 Blencowe Street	19/10/09	
3 Blencowe Street	19/10/09	Objection
5 Blencowe Street	19/10/09	
7 Blencowe Street	19/10/09	
9 Blencowe Street	19/10/09	
11 Blencowe Street	19/10/09	Undelivered
13 Blencowe Street	19/10/09	
15 Blencowe Street	19/10/09	
17 Blencowe Street	19/10/09	
19 Blencowe Street	19/10/09	
42 Denton Street	19/10/09	Support
65 Denton Street	19/10/09	
67 Denton Street	19/10/09	
69 Denton Street	19/10/09	Undelivered
71 Denton Street	19/10/09	Undelivered
73 Denton Street	19/10/09	Undelivered
75 Denton Street	19/10/09	Undelivered
77 Denton Street	19/10/09	
79 Denton Street	19/10/09	Undelivered
81 Denton Street	19/10/09	
83 Denton Street	19/10/09	Undelivered
85 Denton Street	19/10/09	
87 Denton Street	19/10/09	Support
89 Denton Street	19/10/09	
91 Denton Street	19/10/09	
93 Denton Street	19/10/09	
95 Denton Street	19/10/09	
Sandersons	19/10/09	
Mitchell Dryers Ltd	19/10/09	Objection
D.R. Engineering, Porters Yard	19/10/09	Undelivered
Lappet Manufacturing Company Ltd	19/10/09	
Cumbria Chamber of Commerce & Industry	19/10/09	
Mitchell Dryers Ltd, Denton Holme	19/10/09	
6 Collingwood Street	19/10/09	
8 Collingwood Street	19/10/09	
10 Collingwood Street	19/10/09	
12 Collingwood Street	19/10/09	
14 Collingwood Street	19/10/09	

16 Collingwood Street	19/10/09	
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76 Collingwood Street	19/10/09	
78 Collingwood Street	19/10/09	
1 Collingwood Street	19/10/09	
3 Collingwood Street	19/10/09	
5 Collingwood Street	19/10/09	
7 Collingwood Street	19/10/09	
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15 Collingwood Street	19/10/09	
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19 Collingwood Street	19/10/09	
21 Collingwood Street	19/10/09	
23 Collingwood Street	19/10/09	
25 Collingwood Street	19/10/09	
27 Collingwood Street	19/10/09	
29 Collingwood Street	19/10/09	Support
Carras		Objection
Eden Mount		Objection
National Landlords Association (Cumbria Branch),		Objection
61 Durdar Road		
JBS Properties, 4 Central Avenue		Objection
Coombs View		Objection
18 Chiswick Street		Objection
U Student		Support
54 Denton Street		Support
Cross Farm		Objection
Bay Tree Florist, 107 Denton Street		Support
Charme, 117 Denton Street		Support
Denton Street Cafe, Denton Business Park		Support
29 Etterby Street		Support
18 Sheffield Street		Objection
Cumbria Business for Business Ltd		Support
, Stainton Hill		Objection
67 South Street		Support

- 3.1 These proposals have been publicised through a combination of Site and Press Notices and direct notification by letters sent to over 50 adjacent or nearby occupiers. Twenty letters or e-mails have been received.
- 3.2 These consist of 10 letters of objection, 8 letters of support and 2 letters commenting on aspects of the proposals. There is a degree of duplication in several letters of objection which appear to have either been submitted by owners of private rented properties catering for students or are sent on behalf of organisations which represent those property owners. Similarly, several letters of support are from local businesses and reflect co-ordination in their contents, organisation and submission.
- 3.3 The reasons for objection by owners/representors of student accommodation are summarised as follows:
1. It would place too high a concentration of students in one place- resulting in "studentification" with resultant anti-social behaviour including noise, vandalism, drugs, parking problems and litter;
  2. There would be too much of a single use of the site whereas it is designated as "mixed use/light industrial/retail" Jobs are needed not accommodation and small artist workshops;
  3. There would be an impact on the rest of the town through formation of a student ghetto: if students are spread around the town they become part of the community as opposed to being isolated from it;
  4. There would be an adverse impact on Denton Holme- shops closed during summer time when students are away, more take-aways, increased taxi activity and early-morning noise;
  5. If students are heavily concentrated in one area local families face being forced out as amenities change to accommodate students;
  6. The application would mean too much control of a valuable city asset (students) in the hands of a private individual;
  7. The introduction of 200+ accommodation units in one go would cause too much of a step-change in Denton Holme (many more students) and other parts of the city (considerable reduction in students) in one go;
  8. The city already has an over-supply of student accommodation so why create more? The numbers of students at the University has not increased as rapidly as the University once expected- because of the recession many students are now choosing to live at home, hence a drop-off in the demand for student accommodation;
  9. Experience suggests around 20% of students have cars and a development of this size would require a minimum of 40 parking spaces for the students plus additional spaces for visitors. There is an existing

problem of parking in Denton Holme and existing businesses are refused parking permits for this reason;

10. The only advantage by allowing this development is that it would concentrate the anti-social behaviour and drink and drugs in one area and make it easier to control.
- 3.4 Two other letters of objection have been submitted by, respectively, a local resident and by a local business. The resident is concerned about the height of the development (part being 5 storeys) and its potential to impair light to properties on Blencowe Street and Collingwood Street and to cause overlooking from the development to back yards/gardens and back rooms; the limited availability of parking and delivery facilities; the internal layout and accommodation which it is contended is not suitable for a Hall of Residence and questions how much the University's Accommodation Service or Students have been involved in its design; the impact such a scale of development would have on the immediate community, notably through lack of proper management/security and behavioural support.
- 3.5 The objection from the occupiers of adjacent business premises is based upon their concern that residential accommodation may be adversely affected by the manufacturing activities which can be noisy and sometimes involves night shift-work. They are concerned that this might result in noise/nuisance complaints being made about the Company that might adversely affect the Company's operations and its future viability as a manufacturer. In that regard they draw attention to complaints made in recent years by occupiers of properties that are appreciably further away from the factory premises than the proposed development. The presence of balconies on some properties that are only a few metres away from the machine shop is highlighted as a particular likely source of complaint. The letter concludes by reiterating concern that development may be permitted which could adversely affect the operation and future of the Company, particularly in the current difficult economic climate.
- 3.6 Two other letters have been received that comment upon the proposals. One writer considers that the derelict site would be enhanced by new buildings but refers to the incorporation of features such as balconies, roof windows, and the proposed height and regards the proposals as not in accord with the Denton Holme and Longsowerby Design Statement. She also considers that slate roofs would be more appropriate and hopes that there will be plenty of trees and shrubs with suitable access for maintenance.
- 3.7 The second "commentator" [a resident of Collingwood Street so a very near neighbour] is in favour of the proposal to provide retail facilities, arts/crafts workshops and a performance area as this will encourage graduates and local residents to set up businesses and remain in the city while, at the same time, improving the look of the site. However, the writer goes on to express concern about the amount of student accommodation envisaged, and considers there is ample good quality accommodation in the city with a distinction between the kind of accommodation preferred by 1st year students compared to more mature students and post graduates. He does not believe

that there is adequate demand for this amount of accommodation at present and adds that, while future growth of the University might lead to increased demand for 1st year students, this would be best located at the proposed Caldey Campus. The different requirements for 2nd or 3rd year students can best be met by the existing stock of properties in the Denton Holme area.

3.8 Six of the letters of support have been submitted by proprietors of businesses in the Denton Holme area who welcome the benefits. The letters of support are summarised as follows:

1. The craft workshops would help to prevent graduates from leaving from the city;
2. Student accommodation would be a big improvement from the current private accommodation that is provided;
3. Excellent location only a few minutes away from the proposed site of the new university;
4. This is just what is needed to save Denton Holme;
5. Having 200+ students living in the area should benefit every shopkeeper;
6. This is just what is needed to start to rejuvenate Denton Holme;
7. Having so many young people coming to live here will benefit the whole community;
8. Hope everyone gets behind this scheme and gets it developed as quickly as possible, otherwise Denton Holme will continue to decline;
9. The site on which the development is taking place is currently an eyesore it is also one of the first things you see when you enter Denton Holme;
10. The student village will bring a massive boost to all local businesses;
11. Denton Holme mustn't be allowed to decline any further;
12. The loss of much of the industry and the recent closure of the post office has been devastating;
13. The whole of Denton Holme will benefit from this excellent development.

#### **4. Planning History**

- 4.1 In 1999, under application 99/0736, outline planning permission was given for social housing and industrial development.
- 4.2 In 2006 an application (06/1091) was refused for the redevelopment of the



entire site to provide 82 apartments and 1 no house with ancillary parking together with three storey commercial units. There were 5 key reasons for refusal. In summary, these centred on (1) the loss of a Primary Employment Area; (2) a shortfall of proposed affordable housing; (3) the lack of public open space or agreement to payment of a commuted sum; (4) the introduction of a noise-sensitive use immediately adjacent to existing industrial/commercial units; and finally (5) the proposed 'under-croft' parking would compromise security and increase the risk of crime and fear of crime.

- 4.3 Subsequently an Appeal was lodged against this decision but this was withdrawn prior to determination.
- 4.4 In December 2007 an application for "Change Of Use From Industrial (B2) To Residential Development (C3) Comprising 54 No. 2 And 3 Bedroom Apartments And Townhouses And 370m<sup>2</sup> Of Commercial Space (Class A1 & A2 Use)" was re-submitted. That application was refused in June 2008 for the following reasons:
1. The site is designated as a Primary Employment Area under the Carlisle District Local Plan and the Carlisle District Local Plan (2001-2016) (Redeposit Draft). The redevelopment of the site, inclusive of the erection of 54 dwellings and A1 and A2 units, is primarily for purposes which fall outside of Use Classes B1, B2 and B8 of the Town and Country Planning Use Classes (Amendment) Order 2005. The available evidence indicates that there is currently a shortfall of approximately 15 hectares of land for local employment purposes within the District. In addition, it has not been demonstrated that the site is unlikely to remain in employment use, or, that the commercial use of the site has materially adversely affected the living conditions of the adjacent residential properties. This is in the current context where there is no over-riding need for additional residential properties in the City. In such circumstances the proposal will not only result in the direct loss of land for employment purposes but is also likely to restrict the nature of any use of the neighbouring employment land. The proposal is therefore considered to be contrary to Policy EM14 of the Cumbria and Lake District Joint Structure Plan, criteria 1 and 2 of Policy EM2 of the Carlisle District Local Plan, and, criteria 1, 2 and 3 of Policy EC1 of the Carlisle District Local Plan (2001-2016) (Revised Redeposit Draft).
  2. The proposed development will introduce a noise sensitive development immediately adjacent to existing industrial/commercial units. The effectiveness of any mitigation measures cannot satisfactorily address the impact and disturbance that would occur in proposed domestic curtilages immediately adjacent to the northern site boundary. The noise assessment also unreasonably assumes that windows in the proposed dwellings would be closed at all times. It is therefore considered that the proposal will lead to unsatisfactory living conditions contrary to criterion 1 of Policy H4 of the Carlisle District Local Plan, and, criterion 5 of Policy CP4 of the Carlisle District Local Plan (2001-2016) (Revised Redeposit Draft).

3. The Phase 1 analysis report into the possibility of on-site contamination submitted alongside this application inadequately addresses the issues of contamination types and adequacy of remediation. The Phase 1 report identifies the need to carry out a Phase 2 assessment. In the absence of a Phase 2 assessment it has not been satisfactorily demonstrated that the contaminated condition of the land is understood and that an appropriate means of remediation can be achieved. The proposals are thereby contrary to the provisions of Planning Policy Statement 23 (PPS23) 'Planning and Pollution Control' and Policy LE30 of the Carlisle District Local Plan 2001 – 2016 (Revised Redeposit Draft).

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

### **Introduction**

- 5.1 This application seeks Full Planning Permission to develop, for the purposes described in the heading to this Report, a 0.64 hectare site extending from Denton Street to Blencowe Street and possessing a limited street frontage onto Collingwood Street. The submission is supported by a Design and Access Statement, Transport Assessment, Flood Risk Assessment, Air Quality Assessment, Noise and Vibration Assessment and a full range of plans, elevations, sections, and graphic "streetscape" views.
- 5.2 The land, which is bordered by employment uses to the north and residential to the south, is essentially a vacant, cleared site although there are existing buildings [fronting Collingwood Street and adjoining part of the northern boundary] that would be removed and re-developed as part of these proposals while a block on the Denton Street frontage [nos 36-40] would be refurbished. When originally submitted, the application proposed the formation of 205 residential units but this has now been revised downwards to 196 to accommodate the requirements of the Environment Agency.
- 5.3 The site's immediate neighbours consist of terrace housing on Collingwood Street to the south, employment uses to the north, and a mix of retail, residential and employment uses on Denton Street and Blencowe Street which, respectively, lie to the east and west of the site.

### **Background**

- 5.4 The submission proposes a mixed use development of crafts/art workshops and retail units with upper floor residential units at the Denton Street end of the site coupled with residential accommodation over several floors throughout the remainder of the site. It is proposed that a single vehicular entrance to serve the development would be provided from the Blencowe Street frontage, with pedestrian routes being formed from Denton Street and Collingwood Street as well as from Blencowe Street. The site would be generally subject to security control through the imposition of gates to the arch affording vehicle entry from Blencowe Street and through gates controlling access from the pedestrian approaches but with further internal controls where workshops/retail are surmounted or adjoin residential

accommodation. At this stage the applicants have not identified whether these would operate through swipe cards, key punch or some other specific security mechanism but the intention is to incorporate measures that would restrict entry to the entire site only to authorised persons and their guests/visitors.

5.5 The overall proposals comprise the development of 4 distinct "new build" blocks consisting of:

1. A two-storey "infill" block between numbers 24 and 36 Collingwood Street which would provide 17 residential studios, including four within the roof space, with attendant communal kitchen/lounge facilities. Most of the studios are designed for single-person occupation although there are 2 no. two-person units. Each studio would contain a bedspace, an en-suite shower room with wc and wash basin and study desk. Following advice from the Environment Agency, the proposals originally submitted have been modified to remove all sleeping accommodation from ground floor level (for flood risk reasons) with replacement by kitchen/ stores areas which are less vulnerable in the event of flood. It also allows the finished ground floor level to run through with those of existing properties on the street.

Access to these 17 studios is formed from the undercroft within the arch opening from Collingwood Street. That archway would be fitted with gates to the street facade to ensure secure entry and exit. The block will be finished in facing brickwork under a pitched slate roof with stone cills to windows and brick arch details to window heads, these being details expressed in adjacent residential properties. Since the block is deeper on plan than its neighbours it would incorporate a double pitched roof with valley guttering and the rear half of the block would have a slightly higher ridge line than the front half onto the street frontage. At street level, however, the building would line through in height with its neighbours to both sides;

2. A 3 storey block fronts Blencowe Street. It will incorporate a large carriage arch at ground floor level enabling vehicle access into the whole site. That street front section will contain two studio rooms at ground floor on its southern side with 2 similar studio rooms and a kitchen/lounge at ground floor on the northern side of the entrance arch. The floor level to that proposed ground floor accommodation is elevated above street level for flood protection purposes and necessitates both stair access [to both sides] with lift access to the northern side to also enable upper floor access to two floors of residential accommodation that spans the arch. Linked to the rear of that street front block, the building steps up to 5 storeys in height, the ground floor of which is a combination of garages and refuse storage areas and not domestic accommodation, for flood prevention purposes. The ground floor area of the wing will contain 14 garages and a refuse/re-cycling centre enabling waste separation by residents.

That 5-storey wing runs east-west, almost parallel with the northern site boundary. With the exception of the entrance serving the two ground floor

units on the south side of the street front, the overall L-shaped block is to be accessed from an entrance immediately behind the rear wall of the Blencowe Street block where it attaches to the east-west wing. That entrance leads to a lobby affording access to a stair well serving all of the upper 5 floors of the wing and to an adjacent lift lobby that will provide elevator access to the 3-storeys of the Blencowe Street frontage and the first 3 floors of the 5-storey block. Since the floor levels within the street front block and the rear wing vary, because the wing has non-habitable space at ground floor while the street front block has floor levels approximately 1 metre above street level, the design and use of the proposed lift has to accommodate lift doors opening on two sides with intermediate stops between the respective floor levels of the "street front" block and the rear "wing".

The Blencowe Street block, as all of this building is termed by the applicants, will provide 4no. single studio rooms and a kitchen/lounge at ground floor level; 21no. studio rooms and 4no. communal kitchen/lounge areas at 1st and 2nd floor levels; and 12no. studio rooms and 2 no. kitchen/lounge areas at 3rd and 4th floor levels (these are within the wing). This totals 70 studio rooms, all but 56 of these being for single person accommodation with the remainder (14) being for two persons.

The design approach adopted by the applicants is to express the street front 3-storey block as a brick faced building with a pitched slate roof. It also incorporates 3 no. gabled sections that slightly project from the main plane, to add some relief to the elevation. Windows are designed with sash-proportions and would have stone cills and lintels. Rooms in the upper floor are within the roof space and are fenestrated by dormer windows formed in render under pitch slated roofs or within the projecting gables.

The design and finishes to the rear "wing" are much more contemporary. They reflect the narrower footprint of that wing and its relationship to the large scale industrial buildings that neighbour this part of the site. The dominant material will continue to be facing brickwork but sections of grey curtain walling and grey composite cladding, coupled with extensive areas of glazing and glazed balustrading, are included while continuity is retained with the street front block by the use of stone cills and lintels, and stone copings to eaves. The shallow depth of the "wing" and use of composite cladding to its upper floor, to minimise the scale, are complemented by the use of a pitched grey composite clad roof finish. Glazing to the full height of the upper stair wells also enables the overall length of the block to be broken up visually while these intermediate breaks in the facade allow the pitched roofs to be similarly interrupted, again playing down the overall scale;

3. A further residential building, labelled the Central Block by the applicants, straddles the site from the rear boundary wall at the back of numbers 40-54 Collingwood Street to the south then cranks 45 degrees to bridge over the access road serving the site before returning to form a gable adjacent to the northern site boundary. As with the Blencowe Block, the ground

floor areas are intended to be used for "non flood vulnerable" purposes i.e. stores and refuse/re-cycling centre. The proposed upper floor accommodation is entirely residential and is served by stairs and lifts [in the latter case, one is provided within each of the northern and southern sections of accommodation i.e. each side of the site access road].

The ground and first floor plan of the accommodation forming the wing that runs to the rear of Collingwood Street is just under 13 metres deep. Within the upper of those floors it is intended to provide 12 studio rooms (all but one for single occupation with the other being a double occupancy room) with 3 kitchen/lounge areas to serve those units. These rooms are served by a central corridor so that 6 of the studio rooms and two of the kitchen/lounges have windows facing towards Collingwood Street with the other 6 rooms and kitchen/lounge facing north towards the rear wing of the Blencowe Block. The northern portion of that wing, stepping back 5.5 metres, rises a further floor and that will provide another 5 single person studio rooms and a kitchen/lounge. By stepping the block back in that manner, the height of development is minimised in relation to the rear walls of houses on Collingwood Street. The intervening land between the boundary wall to Collingwood Street and the nearest wall of the development will provide an external drying area, a seating area and barbecue area with associated tables/seats

The remainder of the Central Block, i.e. where it bridges over the access road and returns towards the northern site boundary, has studio rooms at first, second and third floor levels, again these being served by a central corridor running the full length of those areas. The first and second floor plans of this section will each contain 10 no. single occupancy studio rooms and 2 no. two-person rooms served by two kitchen/lounges. The third floor has one additional single person studio room giving a total of 13 rooms at that floor level.

The design idiom of the Central Block is contemporary whilst still taking its principal references from the surrounding properties so it again employs brick as the dominant facing material to walls though adds some sections of rendering to some elements coupled with glazed balustrading and glazing to stair towers. Again, taking its cue from surrounding development, windows are generally sash in proportion and will be grey coloured aluminium for ease of maintenance with appropriate use of stone cills, lintels and copings where the latter are employed. As with the rear wing to the Blencowe Block, grey composite cladding is used to face the upper storey walls and to form the pitched roofs where these are employed over part of those areas though generally, the roof of the Central Block is flat. The design takes the opportunity to incorporate glazed balustrading to step-out balconies [1m deep] on specific internal elevations and these add further design features that enhance the building;

4. The 4th, and final, distinct building is described as the "Denton Street Block". It will occupy the existing gap in the street frontage, connecting to the retained and adapted building at numbers 36-40 Denton Street but

also extends rearwards into the site. It is the largest building, in terms of footprint and floor area, and contains all of the proposed arts workshops/studios and retail areas, and exhibition area together with some upper floor residential accommodation.

The Denton Street Block is essentially a "quad" composed of, at ground floor level, the proposed retail units on the Denton Street facade [two of these being indicatively shown as possibly suitable for a launderette and a cyber cafe]; to the rear of those and accessed through an arcade leading centrally from Denton Street is a courtyard fronted on its northern and southern sides by 19no. arts/crafts studio/workshops; and, completing the quad at that level, security and janitor office accommodation, stores and public conveniences. At 1st floor level a further 21no. studio/workshops are proposed fronting onto the north, south and east side of the quad with, above the retail units, 6 no. single occupancy studio rooms, a store room and a shared kitchen area while a meeting room and exhibition area is proposed above the janitor/security accommodation. The 2nd floor would provide wholly residential accommodation, in the form of 30no. units with 4no. kitchen areas to serve them while a section of 3rd floor residential accommodation [providing 17no. units and 4no. kitchens, one very limited in size] is proposed fronting Denton Street and on the northern side of the quad.

The proposed residential accommodation within the Denton Street Block differs from the general provision elsewhere within this development in that most of the rooms are more spacious. They are served by stair well accesses positioned within the Denton Street frontage block and at the rear adjacent to the janitor/security area. Lifts are also to be provided at those two locations although only the Denton Street one will serve the third floor level.

The proposed 40 no. arts/crafts studio and workshop areas provide a range of units varying in size from just under 25 sq. m. floorspace up to almost 41.5 sq.m. although they are typically about 37 sq. m. in floor area. Four will have areas set aside for welding/flame work so will suit metal workers but all studio/workshops will be equipped with toilets/wash facilities, sinks and bench areas and some have dedicated storage areas.

The refurbishment and adaptation of numbers 36-40 Denton Street is also combined with these proposals. At present these comprise two storeys in height with offices, a hair salon and cafe occupying the ground floor with, at first floor, a flat spanning numbers 38-40 (stair access from the latter) and storage space occupying the upper floor above number 36. The applicants propose to add a second floor to the building by lifting the ridge line and providing accommodation partly within the roofspace. Three ground floor retail/office units would remain, with internal refurbishment, but 2no, 1 bed self-contained flats would be formed within each of the 1st and new 2nd floor areas. These would all be entered from a stair well formed towards the rear of the building that being reached through a passageway leading from the side of number 2 Collingwood Street [also owned by the applicants].

The design of the Denton Street "frontage" to this building endeavours to respond to the scale and character of this part of the street as a whole. Accordingly, the 3-storey block to be formed at 36-40 Denton Street will be finished in render, as is the case at present, under a pitched natural slate roof. The completely new "Denton Street Block" extending southwards up to number 36 Denton Street, will principally be 4 storeys in height but would be "book-ended" by 3 storey wings. Hence, the southern portion will continue the ridge line to numbers 36-40 Denton Street and incorporates identical dormer windows to serve the proposed accommodation within the roofspace. That detail is also employed at the northern 3 storey section and will, likewise, be replicated within the roofspace areas of the taller central section. All of that new build section will be faced in brick with stone cills and brick voussoir arches over windows and brick detailing to plinths, stallrisers to the shop units and columns. The central arcade opening, to lead through to the arts/crafts workshops and exhibition area, will be just under 4 metres wide and that entire central section will be expressed through the use of an exposed timber king-post trussed gable to the upper two floors and full-height glazed features. The Denton Street facade will have natural slate pitched roofs.

As described earlier, the bulk of the accommodation within the Denton Street Block will be within the quad formed to its rear. The design and finishes to that accommodation reverts to a more contemporary style, following the themes of the other new build sections within the site as a whole. Accordingly, the intention is to employ a combination of facing brickwork and render the latter mainly to projecting jetties although some elements are also expressed through the proposed use of limited areas of grey curtain walling. Consistent with the rest of the development, windows are sash-proportion, finished in grey aluminium with stone cills and brick arched lintels. Stone coping will also be utilised and there are further areas where glazed balustrading is incorporated. grey composite cladding is to be introduced to the upper floor walling and grey composite clad pitched roofs formed to some sections while a flat roof will cover more extensive areas. As with the Central Building, there are several occasions where the building steps back as it rises in height and other instances where windows are avoided to ensure no loss of privacy to adjacent occupiers.

The internal area of the quad will include an extensive central exhibition/display/performance space at ground floor overlooked from walkways at all upper floors. That whole courtyard area will have a curved space-framed roof;

- 5.6 In total, the development aims to be a managed, car-minimal development placing great reliance upon the site's location convenient to public transport, walking and cycling facilities and its' general proximity to wider amenities including those located within the city centre. As such, it provides for a maximum of 36 vehicle parking spaces, 14 within undercroft garages in the Blencowe Block, and all accessed from the internal road leading from

Blencowe Street. In addition, however, the development makes provision for several storage areas and bicycle parking spaces together with an initiative the applicants are providing for an on-site cycle service in tandem with the existing cycle maintenance service that the Denton Holme Community Association operates locally. To that end, the applicants are providing a free of charge area, tucked under the Central Block, into which the Community Association would transfer their service. The applicants will donate cycles to that service and provide and pay for electricity supply and charges to the space concerned. Effectively, residents of the development would have access to bicycles from the service and return it with all equipment being maintained and serviced by the Community Association. Coupled with this, the applicants would be required to financially contribute through a S106 Agreement towards the expansion of the wider city cycle network, notably the Connect2 scheme, which will as it is completed further incentivise the use of cycle transport from the development to other facilities including university and college campuses and the Infirmary.

- 5.7 The relevance of the latter is that the applicants perceive the residential accommodation that is proposed being attractive to students of the University of Cumbria, to other educational establishments such as Carlisle College and to persons undertaking training in key establishments in Carlisle such as nurses and other health professionals, including Doctors, at the Cumberland Infirmary. Although the applicants maintain the proposals have been developed in conjunction with the University, particularly to establish the arts and crafts studio/workspaces for graduates and former students so they remain in Carlisle but also to assist in providing extended choice of residential accommodation for current and future students, there is no actual "formal" endorsement of these proposals from the University. To provide re-assurance in this regard, the applicants have provided a statement explaining the general ethos of the proposals and the intended management and control of it in accord with a document entitled "Code of Standards For Larger Developments (for student accommodation not managed and controlled by educational establishments). That document is stated to enjoy the support of the National Union of Students, the Office of the Deputy Prime Minister, the Accreditation Network UK, the Association for Student Residential Accommodation, the Chartered Institute of Environmental Health Officers, the Conference of University Business Offices, and UniversitiesUK. The document contains a schedule of developments in England by non-Educational Establishments that are signed up to the Code at 1st August 2009, embracing 44 providers of accommodation with responsibility for almost 320 developments throughout England & Wales.
- 5.8 The development is intended to be phased with the initial priorities (Phases 1a and 1b) being the construction of the Denton Street Block, linking to the retained building at number 36-40 Denton Street and extending rearwards into the site, and the Collingwood Street Block. The Denton Street Block is most pressing as it would both provide the crafts/workshops areas, for which it is stated there is a large demand by graduates, recent graduates and others involved in the arts/crafts industries, and would also provide a significant number of residential units for potential use by either occupiers of the crafts workshops, students or others receiving educational/career training in



Carlisle. It also contains the administration base for both the workshops/studios and the residential accommodation and the retail/service uses within the street front units so has key accommodation within it that all of the development will ultimately depend upon. The applicants aim to complete Phases 1a and 1b by September 2010.

- 5.9 This will require the formation of the access road from Blencowe Street in order to both construct this initial phase of the development and to service it when it is completed, including waste collection services. The intention is that the road will be designed and built to adoptable standards but will not be adopted since the adoption process would preclude the development being gated and secure, as advised by Cumbria Constabulary and sought by local residents to ensure order is maintained within it. Similarly, as a phased development subsequent blocks [Phase 2 is the Central Block, Phase 3 the Blencowe Street Block and Phase 4 is the works to expand and adapt 36-40 Denton Street] will be provided progressively to respond to predicted growth in student numbers in Carlisle, with Phases 2 and 3 being completed for September 2011.
- 5.10 The wider external environment within the development comprises some areas of soft planting and related paving, largely within an open area between the rear of the Denton Street Block and the east facing section of the Central Block and which is also over- viewed from the rear of the Collingwood Street Block. That area includes an outdoor meeting space as a form of external "social" area while a further more discrete, "contemplation" area will be created between the Blencowe and Central Blocks. The overall layout incorporates raised tables of paving, reflecting pedestrian desire lines, crossing the carriageway of the access road and these will further assist in the objective of a low-speed vehicle and pedestrian friendly environment. Members will, however, also be aware from the consultation response from the Green Spaces Team that a contribution is sought, through the medium of a S106 Agreement, towards the provision/improvement of amenity green space and sports facilities. The applicants have confirmed their willingness to do so.
- 5.11 It is very apparent that a lot of thought has been given to creation of a welcoming and warm residential environment for the user groups that it is aimed to serve, using high quality design and finishes to the buildings and spaces between them. Similarly, the formation of the workshop/studios within the Denton Street Block will offer a form of accommodation in a "creative" arts/crafts environment unlike anything else in Carlisle. Members will be able to fully appreciate all of those aspects from the computer generated animation that the applicants have commissioned to provide better visualisation of the proposals. That will be displayed at the Committee meeting.

## **Assessment**

- 5.12 The application gives rise to several key planning issues:

### Location and Relationship to Policy

- 5.13 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise. As Members know, the Development Plan comprises the North West of England Plan- the Regional Spatial Strategy to 2021, saved and extended Joint Structure Plan Policies and the provisions of the Carlisle District Local Plan 2001-2016.
- 5.14 In essence, the Development Plan seeks to regulate the amount and location of development required within the District to meet the community's needs for housing, employment, social and community facilities, transport, leisure and recreation, retail and other land uses. It seeks to balance such requirements against (and/or reconcile them with) economic objectives, infrastructure capacities and environmental considerations. It is a process whereby the community is empowered to comment upon and influence the spatial disposition of land use allocations through statutory consultations and affords scrutiny of options through the formal Inquiry system prior to adoption of policies and proposals, including allocations of additional land for development.
- 5.15 The Cumbria and Lake District Joint Structure Plan has diminishing relevance due to the passage of time since its adoption (April 2006) and the fact that the majority of its policies and proposals have been superseded by the more up to date provisions of the Regional Spatial Strategy (RSS) and District Local Plan (both adopted September 2008). Nonetheless, "saved" Policy ST5 remains applicable in placing priority on new development being focussed on the County's key service centres, with Carlisle being particularly identified, in order to foster its regional role, as the location where major development should take place.
- 5.16 That emphasis upon Carlisle as the location where major development should be concentrated is manifested in the spatial Policies of both the RSS (Policies RDF1 and CNL1) and the District Local Plan Policy DP1 and (specifically with regard to housing and employment) Policies H1 and EC22. The recent (2008) Cumbria Strategic Partnerships' non-statutory (in Development Plan terms) "Cumbria Community Strategy 2008-2028" and its supporting "Cumbria Sub-Regional Spatial Strategy" (which covers the same period) further recognises Carlisle's status and, in pursuit of its objective *"to secure a sustainable level and pattern of development that creates balanced communities and meets need"* advocates that the city continues to be the focus for major development. The Sub-Regional Spatial Strategy recognises that private and public investment, in appropriate locations, will be required to bring about a change in the Cumbrian economy and that *"in the interests of sustainable development, housing is also necessary at a level to complement economic growth and ensure local housing needs are met through the achievement of balanced housing markets"*.
- 5.17 The application site's location near to the city centre "hub", clearly satisfies the broad spatial priorities to focus development within Carlisle's urban area.

It is a very sustainable location. The site itself is identified on the Proposals Maps that form part of the adopted Local Plan as situated within a Primary Employment Area where Policy EC1 applies. It has a general presumption in favour of the retention and re-use of existing employment sites for continued employment use, as have related Policies W4 of the RSS and JSP retained Policy EM 14. There are, however, circumstances where all policies accept consideration can be given to alternative uses as explained in the relevant supporting text/explanations of those policies.

- 5.18 It has, of course, to be said that the proposals are for a mixed use development wherein a key component is the "employment" associated with the 40 arts/crafts workshops and with related office use at 36-40 Denton Street. To that extent there is already a degree of compliance with Policy EC1 although, equally, in terms of a simple comparison of the quantum of proposed residential use in contrast with employment use, there is a substantial emphasis on the former in these proposals. However, the explanatory text to Policy EC1 makes it clear that exceptions to the policy (requiring re-cycling for employment purposes) may be appropriate and specifically refers to the older industrial areas of Denton Holme and areas to the south-east of the city centre where there is a tightly knit pattern of development, often with housing and industry in close proximity. It goes on to state that due to that inter-relationship between housing and business uses, where firms relocate or close and sites become vacant, proposals for residential or community development will be considered, along with the feasibility of their continued use for or redevelopment for employment purposes. The text further observes that some residential allocations have been made within the Local Plan on land that was formerly used for employment purposes.
- 5.19 Policy W4 of the RSS also recognises circumstances where the release of land reserved for employment may be justified; that also observes that sites should not be released where they might provide or have the potential to provide an important contribution to the economy of the local area. It is, however, arguable that rather than compromising that objective, the nature of these proposals will actually benefit the economy of the local area. That view is supported by the comments of the Local Plan's Officer in response to consultation [see Summary of Consultation responses in Section 2 of this Report].
- 5.20 Those latter observations also make reference to the application site's proximity and convenience in relation to the University of Cumbria's preferred location for its main Campus in the city, adjoining the River Caldew at Viaduct Estate Road. While there have yet to be firm proposals for that development, were the University to locate at or near to the Caldew corridor, the current proposals are well-related physically and in terms of choice of modes of travel.

#### Impact on Living Conditions of Local Residents

- 5.21 Some representations have been made by persons living around or close to the site concerning the suitability of the location for development clearly

aimed at the student accommodation market. That is entirely understandable as the city currently doesn't really have a "student core" as such and there is no particular concentration of accommodation of this scale. There is, perhaps, unease at how such a development would integrate within an area that is predominantly family housing and concern about possible noise, nuisance or other dis-order from such a concentration of residential accommodation probably occupied largely by persons aged under 25.

- 5.22 Those concerns have been anticipated from the outset and the layout and design of the accommodation has specifically sought to ensure that appropriate privacy distances are achieved between existing and the proposed accommodation- through setting back upper storeys, avoiding windows, terraces and balconies where they might directly over-view an existing property- and by endeavouring to make the residential elements of the scheme as "inward-looking" as possible. Similarly, despite all the best efforts that the design might seek to achieve, the behavioural aspects of future residents is also raised as a concern by near neighbours. In response to those concerns, and to clarify the intended support and management aspects in general, the applicants have been asked to furnish particulars of the regime they would adopt and apply to ensure that the possible adverse social and other impacts that might arise e.g. indiscriminate parking, would be addressed. Their response is copied as part of the supporting material to this Report and essentially places emphasis on the development being designed, operated and managed in line with the national "Code of Standards for Larger Developments" [for student accommodation] described under paragraph 5.7. The applicants have also stated that they would inform all residents living within a 200m radius of the development of a "hot-line" number directly reaching the janitor/warden accommodation where any incidents of noise, nuisance or other mis-behaviour could be reported and, hence, addressed by the on-site management presence.

### Design and Appearance

- 5.23 Some commentators, responding to consultation or other publicity measures, have made specific reference to the design style and approach to the architectural form of the development. The policy basis for evaluating this matter derives from Policy CP5 of the District Local Plan and, in line with his appointment to enhance the design quality of new development within the city, the Council's Urban Designer has featured in the pre-application discussions leading to the making of the application since these proposals will have a major transformational impact on this part of Carlisle.
- 5.24 It has been recognised from the earliest discussions about this project that there is a "streetscape style" that needs to be respected where the development interfaces with existing development on Denton Street, Blencowe Street and in a much more "domestic scale" sense, Collingwood Street. Accordingly all of the infill elements on those streets strongly feature brick [with appropriate detailing] and slate roofs to respect their neighbours and the street generally. It is considered that the treatment of these facades are well-mannered, and in context with their setting. The stepping up in height of the Denton Street frontage to 3 and 3.5 storeys (within the roofspace) is

appropriate and reflects its location at the "city centre" end of Denton Street where the greater scale of adjacent employment premises and the existing apartments at Denton Street/Charlotte Street provide appropriate design references.

- 5.25 The Collingwood Street Block has been designed as a sensitive infilling of the otherwise complete terrace of properties running along the north side of the street from Denton Street through to Blencowe Street. It will feature brickwork walling with appropriate stone and brick detailing to cills, lintels and eaves, incorporate "dummy" brick chimney stacks to match the rest of the terrace, and have pitched natural slate to its roof. Window proportions mirror those evident in the street and black ogee guttering will resemble existing rainwater goods.
- 5.26 The Blencowe Street facade has presented particular design challenges in that it has to accommodate the only vehicle entrance to the development and seeking to achieve avoidance of that dominating and bisecting the frontage is not easy. The aperture has to cater for largest vehicles likely to be using it, these being refuse collection/re-cycling vehicles, fire appliances and delivery or removal vehicles. The radius required to allow those vehicles to enter and leave the site, nominally allowing two to pass each other, imposes particular difficulties in achieving an acceptable overall design. The architects have thus approached the challenge by the creation of street frontage building incorporating a carriage arch spanned by upper floor accommodation, the building being faced in brickwork under a pitched slate roof in keeping with the materials evident in the locality. Its' scale [2.5 storeys rising from an elevated ground floor level for flood risk reasons] is higher than nearby residential properties but is not inordinate within the wider immediate area where factory and former factory premises are of this order in height or greater (Shaddon Mill being the most obvious example).
- 5.27 The architectural approach for the "interior" parts of the site, where the bulk of the accommodation is to be provided and the footplates of buildings are generally greater is much more contemporary but will employ strong design feature and use high quality finishes, textures and colours. The relationship between the buildings and the spaces between them has been carefully considered and, again, considerable thought has been devoted to providing an attractive, durable, safe and welcoming environment. It is considered that the objectives of Policies CP5 [Design] and CP17 [Planning Out Crime] are satisfied by the proposals.

#### Flood Risk

- 5.28 The consultation response initially received from the Local Plans Officer and the Environment Agency respectively [see Section 2] quite rightly highlight potential issues of flooding that might affect parts of the site and place property and persons at risk. Arising from those concerns, the applicants have been required to review their original proposals (for 204 residential units) and the development principles they had initially adopted. As a result, all "living" space has been removed from the ground floor area of the Collingwood Street Block, meaning the overall development reduces to 196 units, while elevated

ground floor levels have been set for the Blencowe Street Block

- 5.29 The Environment Agency has been fully consulted as these proposals have evolved to address the flood risk attached to the site and, has now indicated in e-mail correspondence that the changes encapsulated will now enable the Agency to formally remove its objections on flood risk grounds. That formal confirmation is awaited but is expected to be received prior to the Committee meeting.

#### Access and Transportation

- 5.30 The concept applied in this scheme is very much to have a pedestrian dominated environment with only essential and largely operational parking/garaging through a controlled system, probably permit based and supervised through the management of the development. The site is, unquestionably, situated in a highly sustainable location and has the immediate availability of public transport services with major inter-modal connections to the bus and train stations and is in relatively close walking distance to all major amenities and services. That has been fully recognised by the applicants but, in addition to those attributes, they also see the site's potential to be attractively located to existing and developing cycle networks and wish to provide, as part of the development, a dedicated on-site cycle service. That is a commendable initiative that the site seems ideally suited to offer that will hopefully encourage greater cycle use.
- 5.31 In addition, however, the site is in close proximity to the Connect2 scheme which, as Members know, is extending cycle facilities across a more expansive network in the city with particular emphasis on better connections radiating from the city centre. In line with other developments along its route, or in proximity to it, the applicants have been asked to contribute to the development of improved cycle facilities and have indicated their willingness to do so although this would need to be formally secured through a S106 Agreement.

#### Creation of A Student Ghetto

- 5.33 Members will note that there have been a number of representations made against the proposals from either individual property owners who would appear to cater for the private rented sector for student accommodation, or from organisations acting on their behalf. The gist of the concerns relate to the impacts that a concentration of circa 200 units for that user group would have both in the local area but, perhaps understandably, upon the existing providers of that accommodation elsewhere in the city. To some extent, however, the objections are based upon the effects of "competition" from this development upon the interests of other property owners in this sector of the housing market and that is not a planning consideration.
- 5.34 The issues of impact upon Denton Holme, notably it becoming something of a wilderness outside of term time, seems over stated and, from the responses of businesses already established in the area who welcome the application, seems unlikely to be a genuine consequence of this development being

permitted. Similarly, the references to adverse effects on family life due to the "studentification" as it is described of the area is perhaps unduly alarmist. any such social or other issues should be capable of control through the applicants own management and tenant obligations.

## **Conclusion**

- 5.34 In overall terms, this is an innovative and imaginative proposal which has the potential to offer a major asset that will hopefully enhance the city's ability to retain its graduate base from the creative industries; encourage the establishment of an arts/crafts "hub" with potential spin-offs to the local economy; and provide accommodation that will enhance the stock of specialist residential space for students and young persons undertaking training in Carlisle. Although there are objections it is not considered that these are of sufficient substance to warrant refusal of the application.
- 5.35 It is consequently recommended that the application is approved, subject to the prior attainment of a S106 Agreement that will deliver the developer contributions sought in relation to off-site open space provision and the funding towards the improvement of the cycle network.
- 5.36 Members are, therefore, requested to authorise Officers to issue the planning permission following the completion of the Agreement.

## **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";

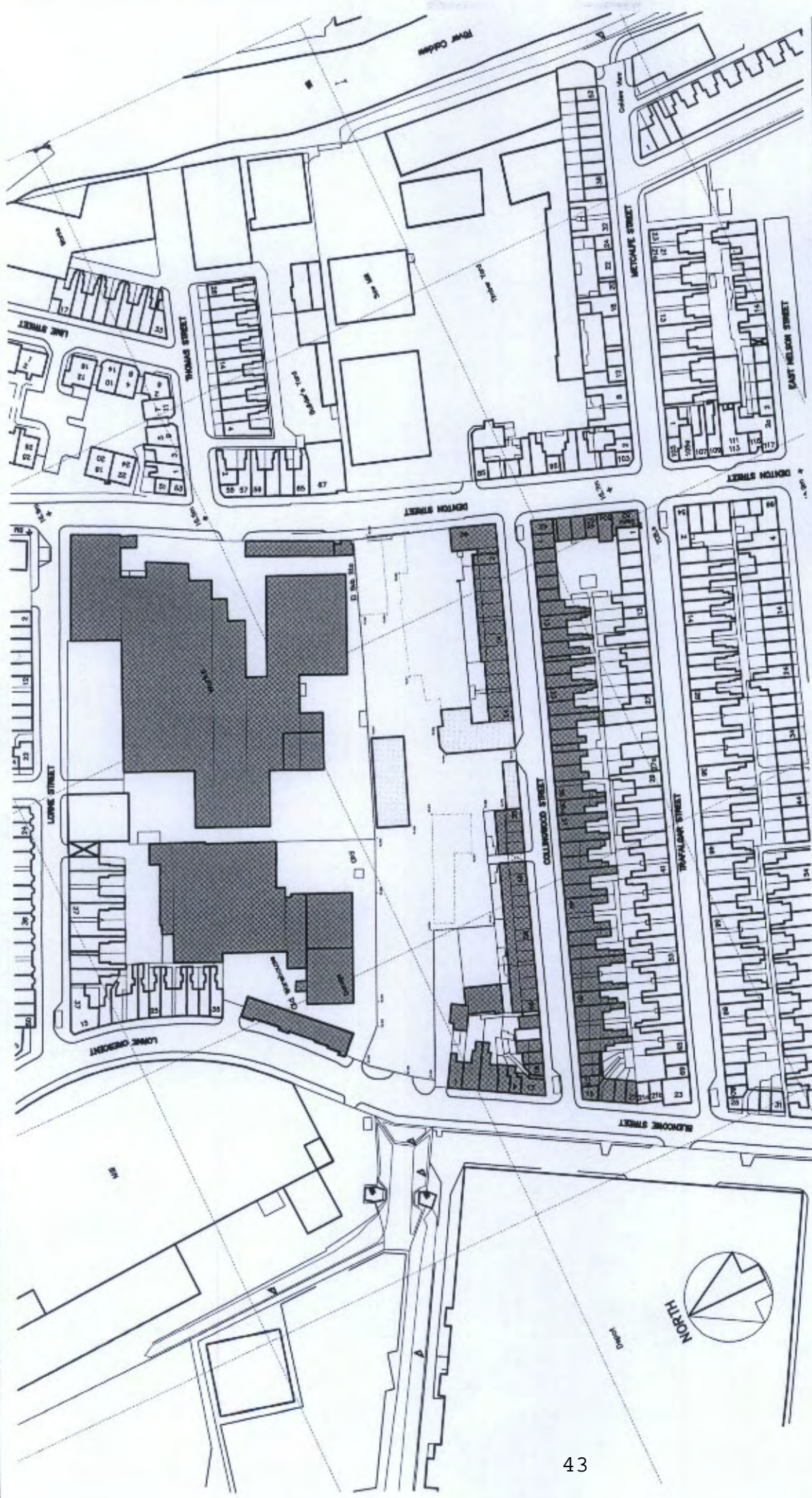
- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

- 6.3 The proposals are not considered to be prejudicial to the objectives of the Act.

- 7. Recommendation** - Grant Subject to S106 Agreement

1. Due to time constraints related to the Schedule deadline, a full list of recommended conditions is unable to be compiled for inclusion in this Report. It is anticipated that this will be completed in time to allow a draft Decision Notice to be included in the Supplementary Schedule.
-





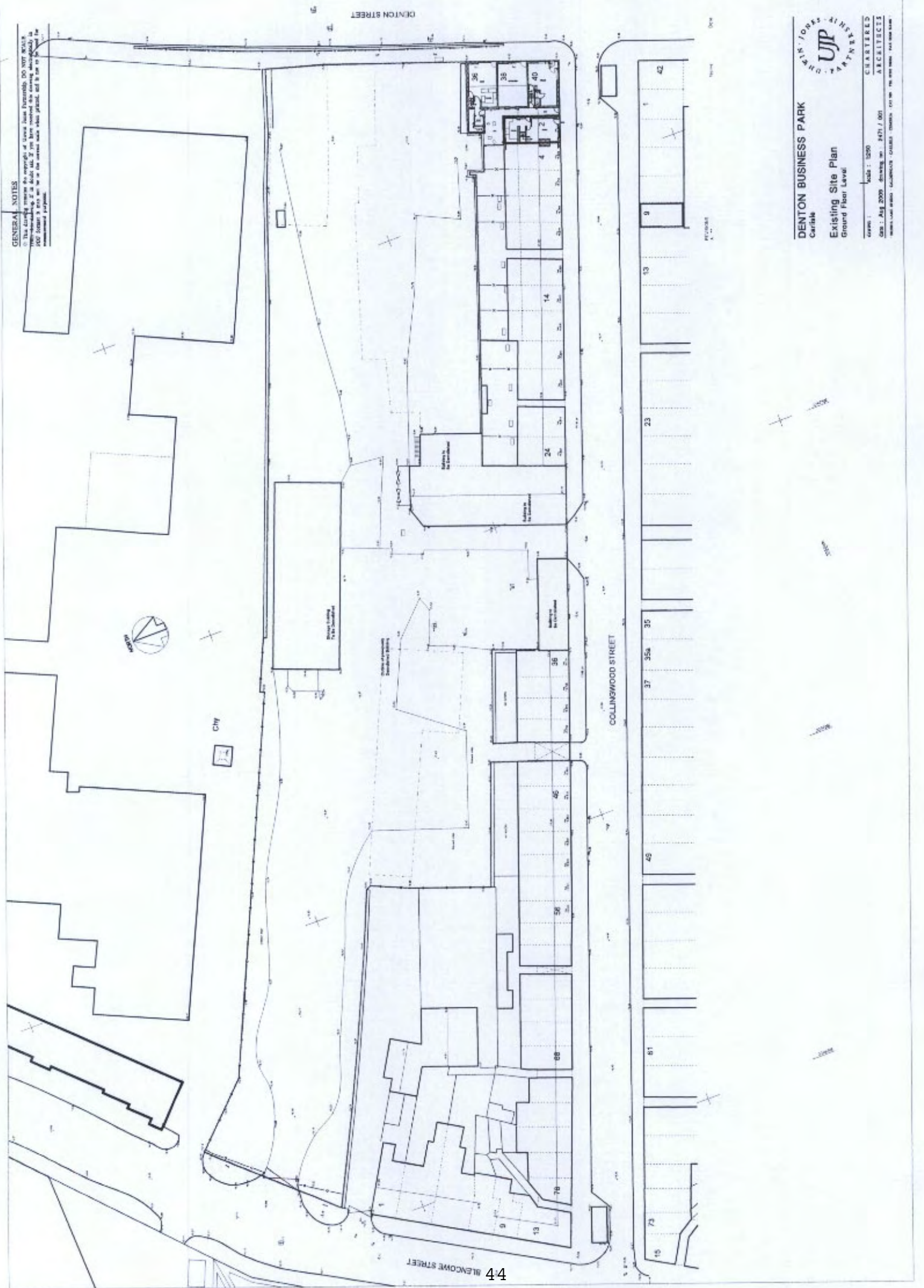
**DENTON BUSINESS PARK**  
Carlisle

**Existing Block Plan**



drawn : \_\_\_\_\_ scale : 1:1250  
 date : Aug 2009 drawing no : 2471 / 000  
 CHARTERED ARCHITECTS  
 MIDDLE LANE STUDIO · CALDWINGATE · CARLISLE · CUMBRIA · CA2 3SS · TEL 01276 526506 · FAX 01276 524409

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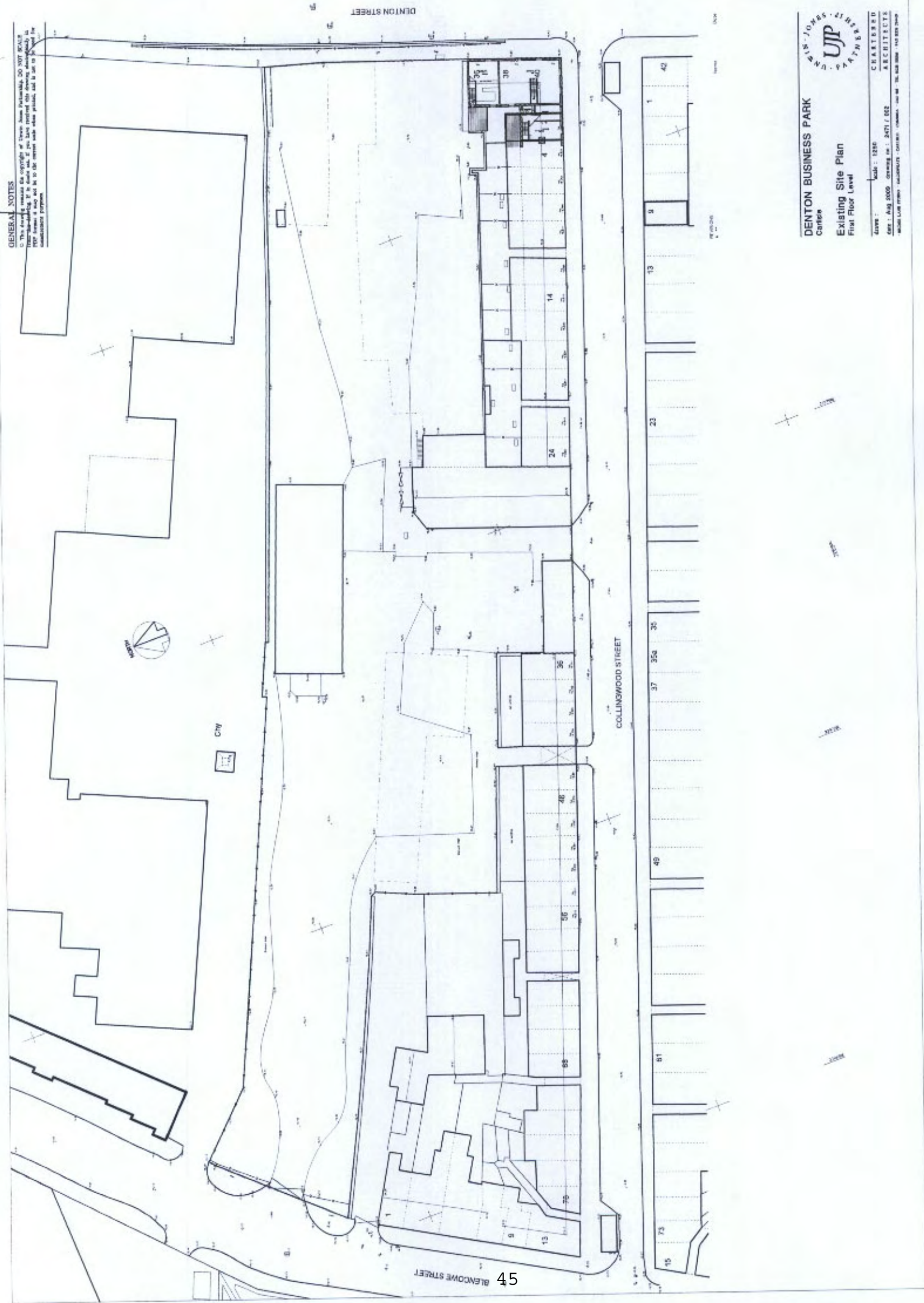
DENTON BUSINESS PARK  
 Carrick  
 Existing Site Plan  
 Ground Floor Level

Scale: 1" = 50'-0"

DATE: Aug 2009 DRAWING NO.: M71 / 001 ARCHITECTS: [Faint text]

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DENTON BUSINESS PARK  
Campus

Existing Site Plan  
First Floor Level

Scale: 1/8" = 1'-0"  
Date: Aug. 2005 Drawing No.: 2471.1.002  
Architects: JAMES JONES ARCHITECTS  
1400 WEST 80th Street, Suite 100, Denton, TX 76205-1400



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REVISIONS  
 \* Annotations to typical framing members  
 E.L.M.  
 8/1/09

**DENTON BUSINESS PARK**  
 Corridor  
**Ground Floor Plan Overall**



Drawn: 12/09  
 Checked: CRABTREE  
 Date: Aug 2009  
 Drawing No.: 2471 / 003 / A  
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 1000 LEE STREET - DALLAS, TEXAS 75208 - TEL: 972-242-1000 - FAX: 972-242-1001

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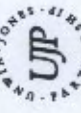
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8/20/2008  
 A. Measurements in layout. Missing. Please Contact. K-1000 1/4/09

**DENTON BUSINESS PARK**  
 Corridor  
**First Floor Plan Overall**

Drawn: \_\_\_\_\_ Scale: 1/8" = 1'-0"  
 Date: Aug 2008 Drawing No.: 0271 / 004 / A  
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DATE: 12/11/2009  
 PROJECT: Denton Business Park  
 DRAWING: Second Floor Overall  
 SCALE: 1/8" = 1'-0"

**DENTON BUSINESS PARK**  
 Cantile  
**Second Floor Overall**

UJPA  
 URBAN JOHNSON ARCHITECTS  
 1000 10th Street, Suite 1000, Denver, CO 80202  
 PHONE: 303.733.1000  
 FAX: 303.733.1001  
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REVISED  
A. REVISIONS TO REPORT, STUDY, PLANS, COMMENTS  
P. 1.00  
DATE

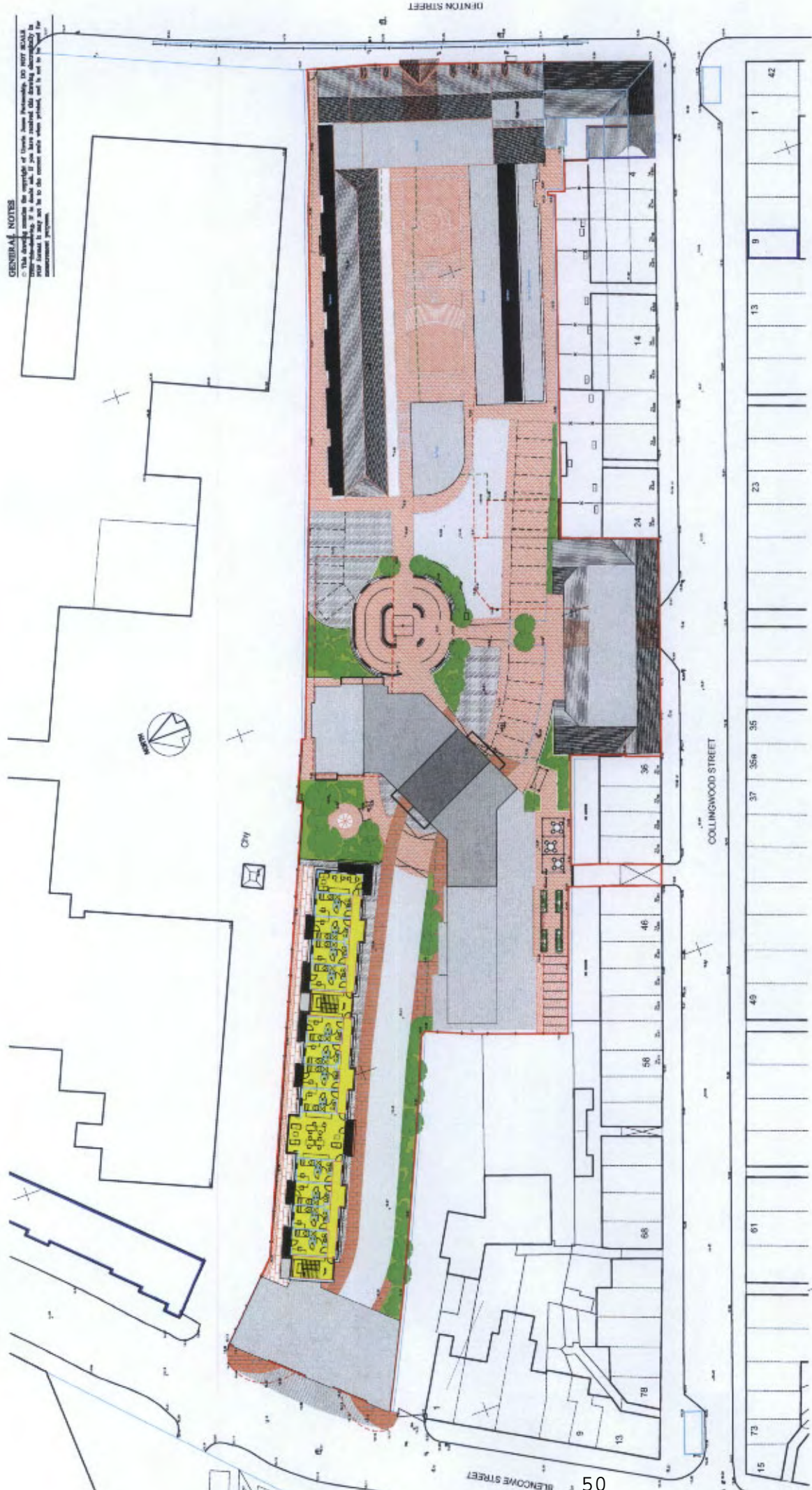
**DENTON BUSINESS PARK**  
Centre  
**Third Floor Plan Overall**

Scale: 1" = 12'-0"  
Date: Aug 2009  
Drawing no.: S471 / 009 / A  
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J.P. JONES & ASSOCIATES  
1000 WEST 10TH STREET - SUITE 100 - DENVER, CO 80202 - TEL: 303.733.8888



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REVISED  
 A. Amendments to layout. Furniture Placement. Complete. P. Allen. 14/08/08

**DENTON BUSINESS PARK**  
 Office  
**Fourth Floor Plan Overall**

**DENTON JONES PARTNERSHIP**  
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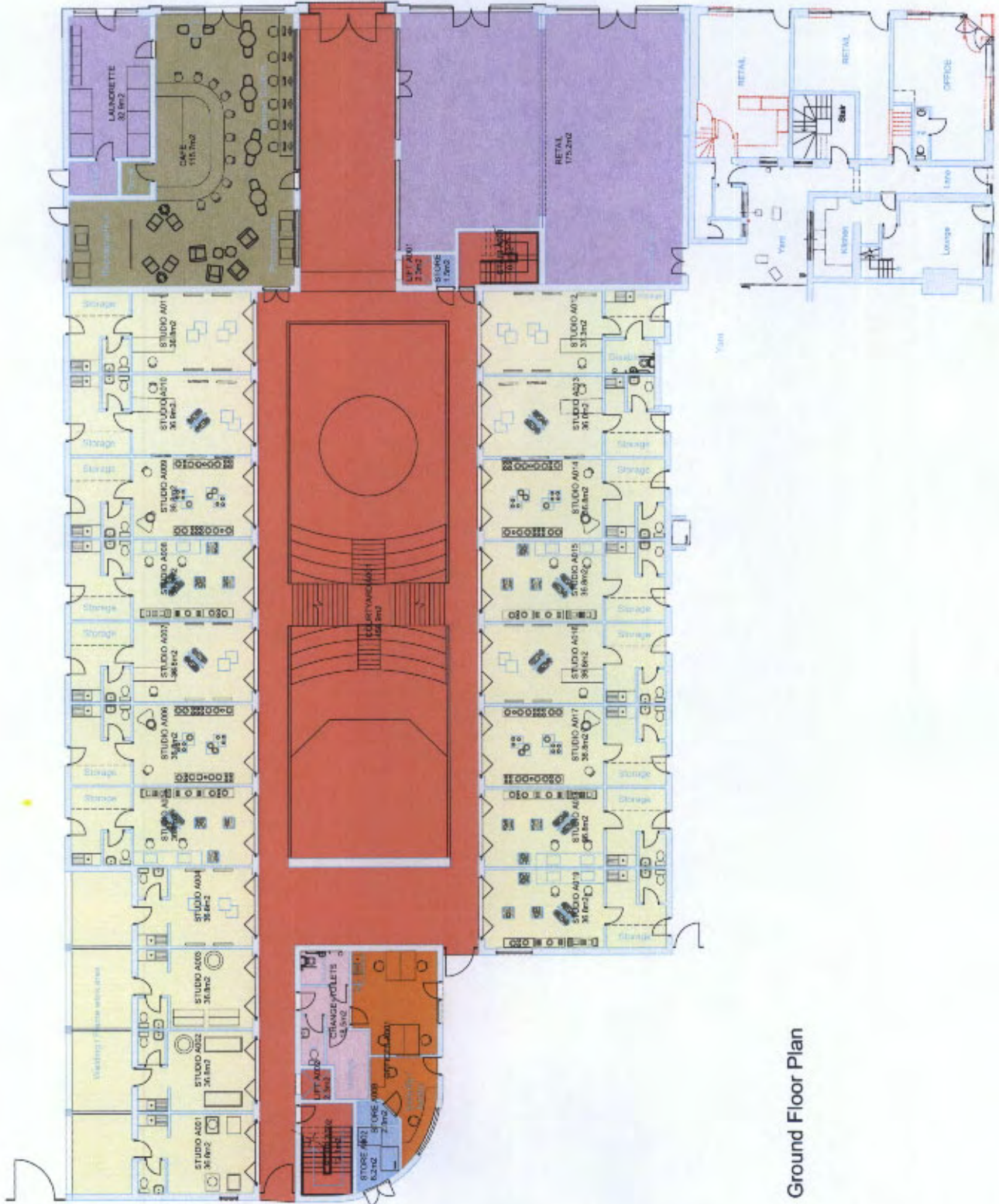
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Ground Floor Plan

Approved by Urry Jones Architects. E. Jones E. Jones

**DENTON BUSINESS PARK**  
 Certain

**Ground Floor Plan**

Denton Street Art : Retail : Accommodation

Drawn : [blank] Scale : 1:500

Date : Aug 2009 Drawing no : 2471 / 01 / A

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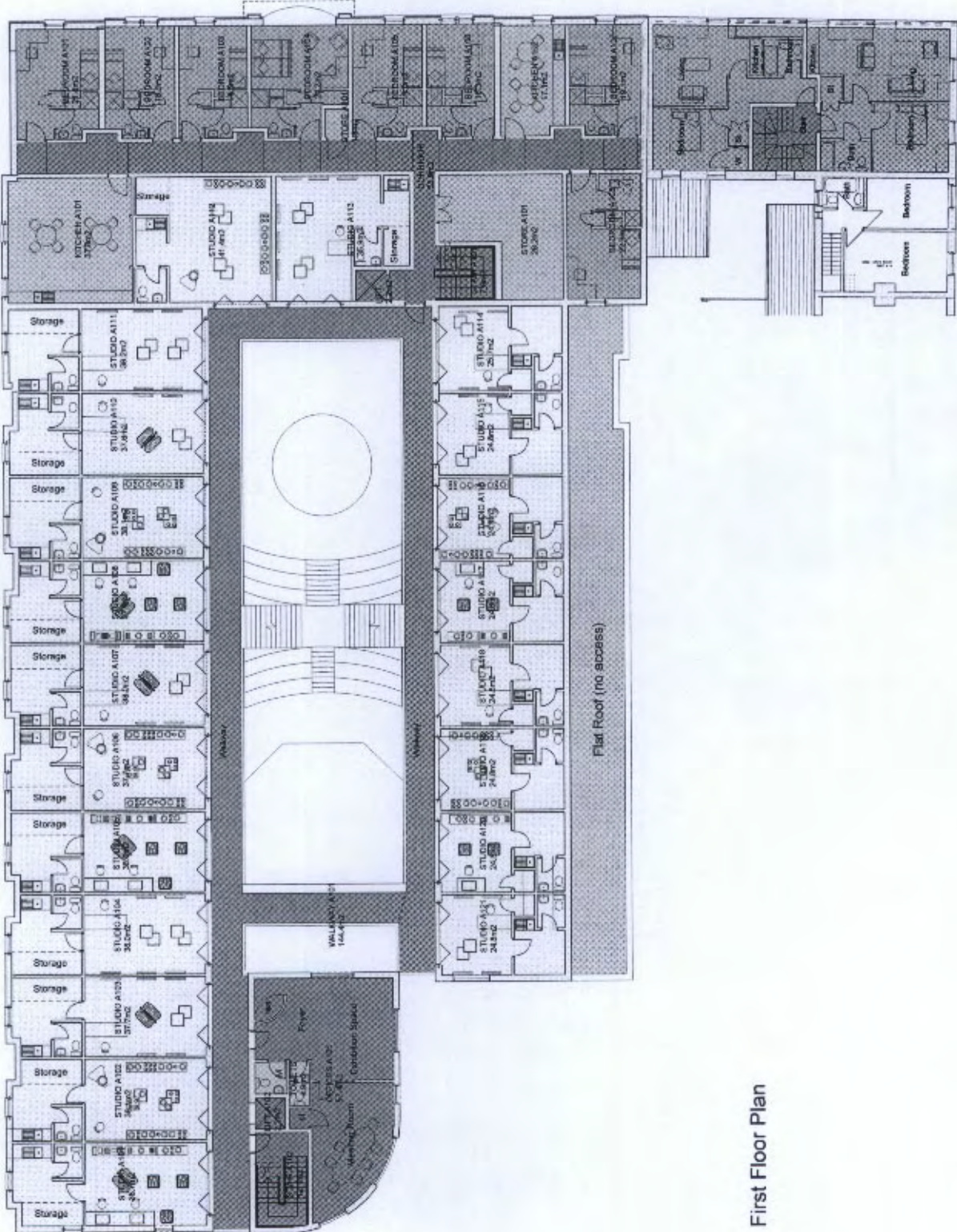
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**Room Area Schedule**

Room Name	Room Area (sq. ft.)	Total Area (sq. ft.)
RECEPTION	100	100
OFFICE	100	200
CONFERENCE	100	300
STORAGE	100	400
STUDIO A101	100	500
STUDIO A102	100	600
STUDIO A103	100	700
STUDIO A104	100	800
STUDIO A105	100	900
STUDIO A106	100	1000
STUDIO A107	100	1100
STUDIO A108	100	1200
STUDIO A109	100	1300
STUDIO A110	100	1400
STUDIO A111	100	1500
STUDIO A112	100	1600
STUDIO A113	100	1700
STUDIO A114	100	1800
STUDIO A115	100	1900
STUDIO A116	100	2000
STUDIO A117	100	2100
STUDIO A118	100	2200
STUDIO A119	100	2300
STUDIO A120	100	2400
STUDIO A121	100	2500
STUDIO A122	100	2600
STUDIO A123	100	2700
STUDIO A124	100	2800
STUDIO A125	100	2900
STUDIO A126	100	3000
STUDIO A127	100	3100
STUDIO A128	100	3200
STUDIO A129	100	3300
STUDIO A130	100	3400
STUDIO A131	100	3500
STUDIO A132	100	3600
STUDIO A133	100	3700
STUDIO A134	100	3800
STUDIO A135	100	3900
STUDIO A136	100	4000
STUDIO A137	100	4100
STUDIO A138	100	4200
STUDIO A139	100	4300
STUDIO A140	100	4400
STUDIO A141	100	4500
STUDIO A142	100	4600
STUDIO A143	100	4700
STUDIO A144	100	4800
STUDIO A145	100	4900
STUDIO A146	100	5000
STUDIO A147	100	5100
STUDIO A148	100	5200
STUDIO A149	100	5300
STUDIO A150	100	5400
STUDIO A151	100	5500
STUDIO A152	100	5600
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STUDIO A156	100	6000
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STUDIO A158	100	6200
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STUDIO A160	100	6400
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STUDIO A162	100	6600
STUDIO A163	100	6700
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STUDIO A167	100	7100
STUDIO A168	100	7200
STUDIO A169	100	7300
STUDIO A170	100	7400
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STUDIO A172	100	7600
STUDIO A173	100	7700
STUDIO A174	100	7800
STUDIO A175	100	7900
STUDIO A176	100	8000
STUDIO A177	100	8100
STUDIO A178	100	8200
STUDIO A179	100	8300
STUDIO A180	100	8400
STUDIO A181	100	8500
STUDIO A182	100	8600
STUDIO A183	100	8700
STUDIO A184	100	8800
STUDIO A185	100	8900
STUDIO A186	100	9000
STUDIO A187	100	9100
STUDIO A188	100	9200
STUDIO A189	100	9300
STUDIO A190	100	9400
STUDIO A191	100	9500
STUDIO A192	100	9600
STUDIO A193	100	9700
STUDIO A194	100	9800
STUDIO A195	100	9900
STUDIO A196	100	10000



First Floor Plan

**DENTON BUSINESS PARK**  
Carlisle

**First Floor Plan**

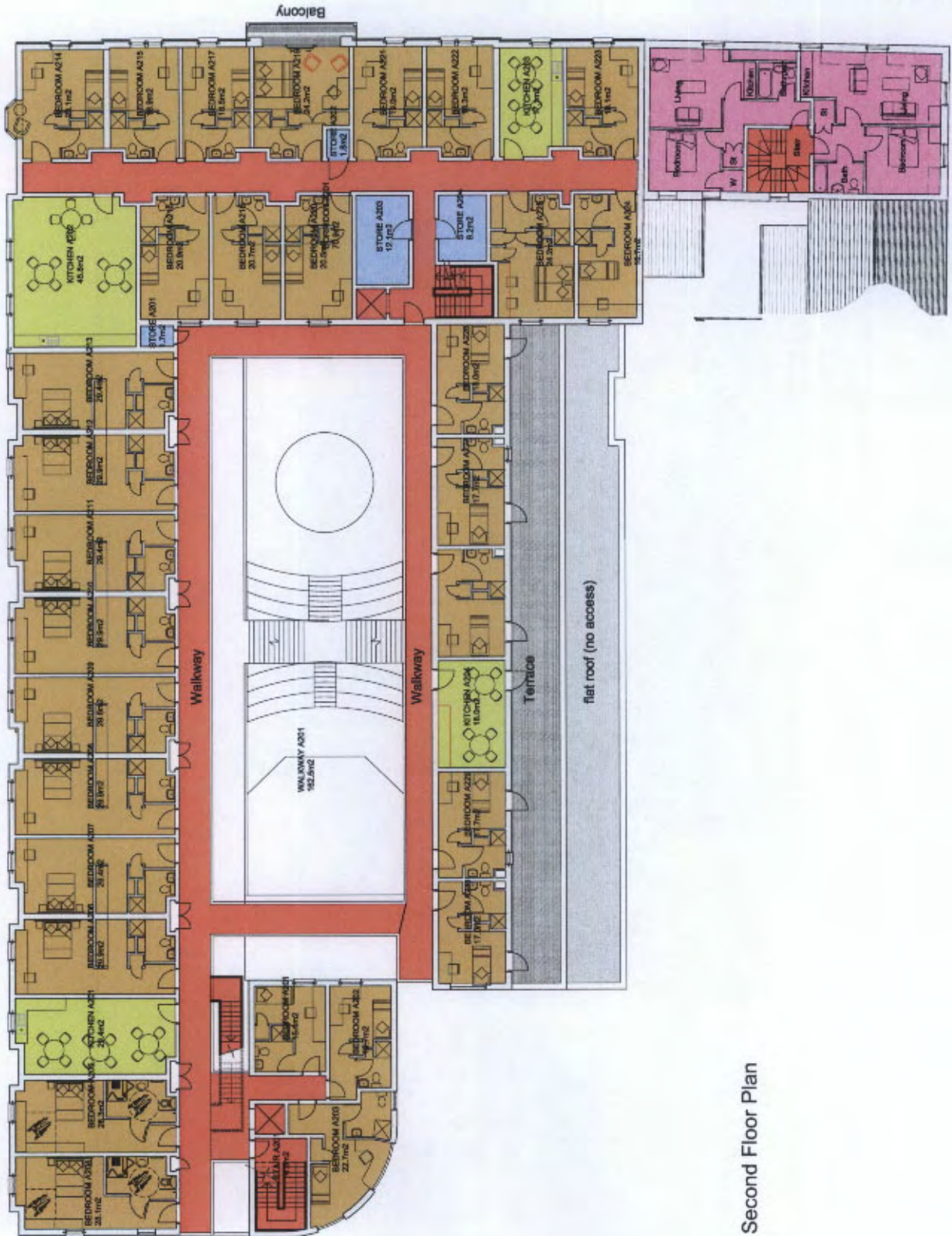
Denton Street, Act : Retail : Accommodation

Area : 1000  
Date : Aug 2023 Drawing No : 2471 / 02  
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URSULA JONES ARCHITECTURE



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Second Floor Plan

4. Arrangements to Special Planning Review Comments P-480 4/2/09

**DENTON BUSINESS PARK**  
 Curtille  
**Second Floor Plan**

Denton Street A11 : Retail : Accommodation  
 Area : 1100  
 Date : Aug 2008 Drawing no : D071 / 001A  
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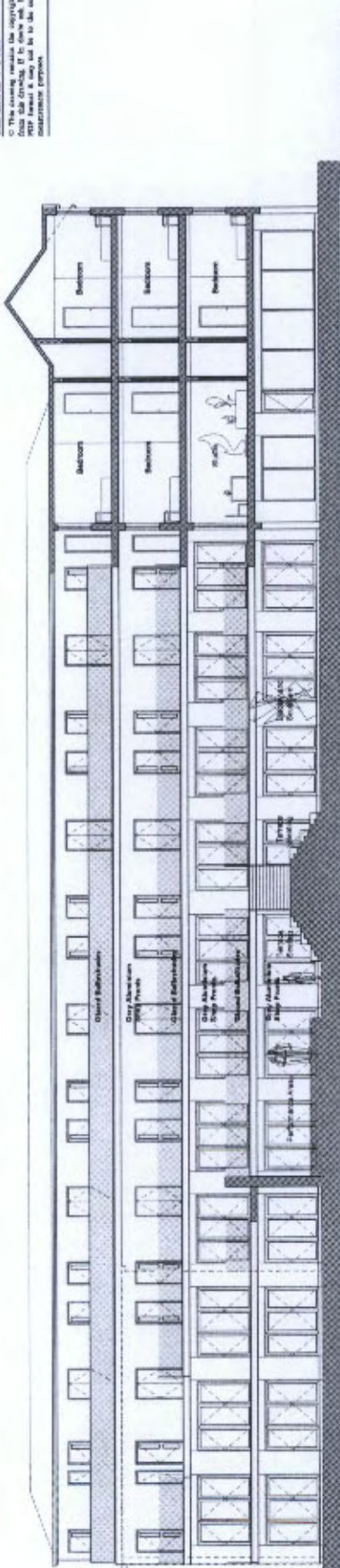




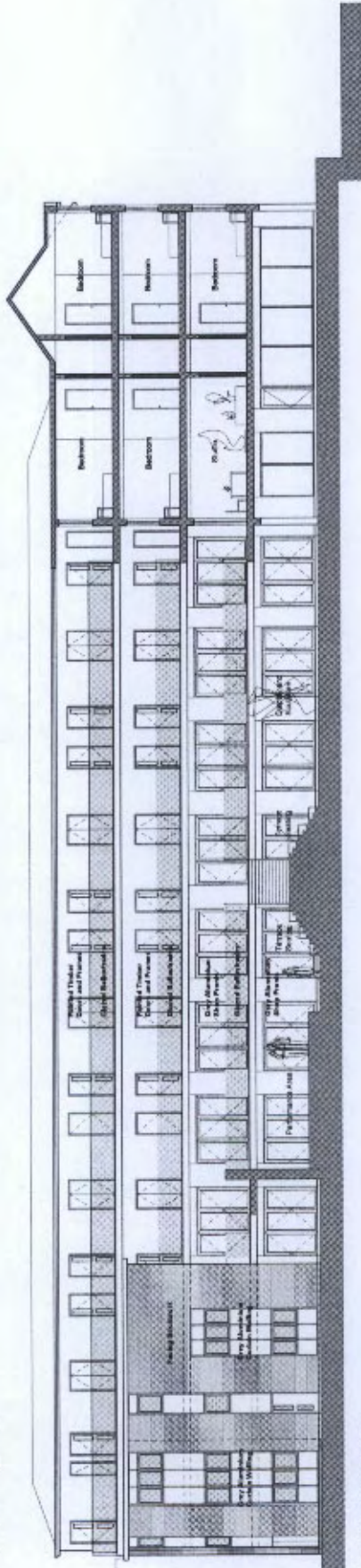


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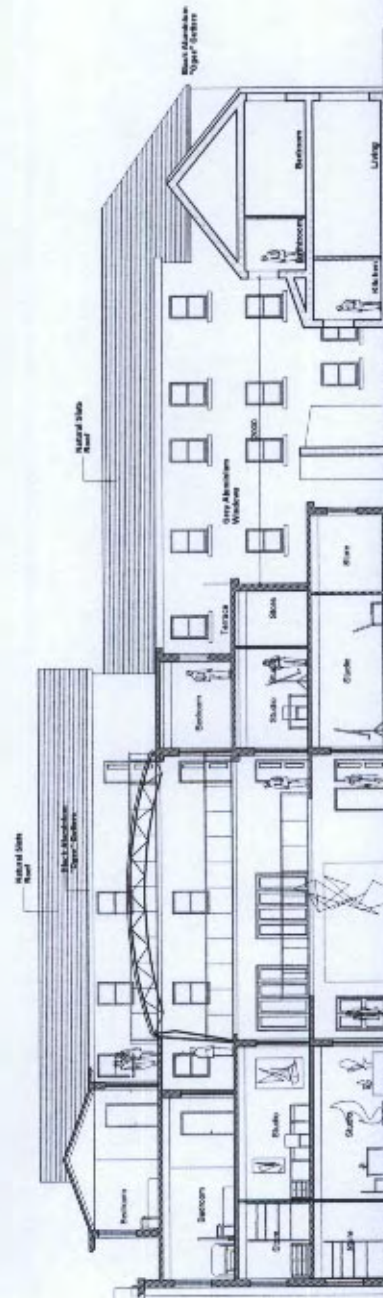
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**SECTION A-A**



**SECTION B-B**



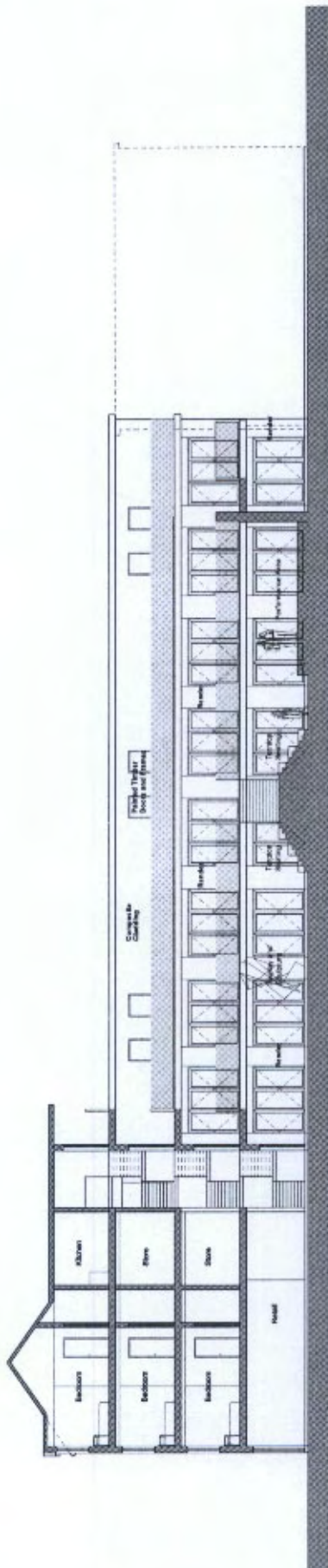
**SECTION C-C**

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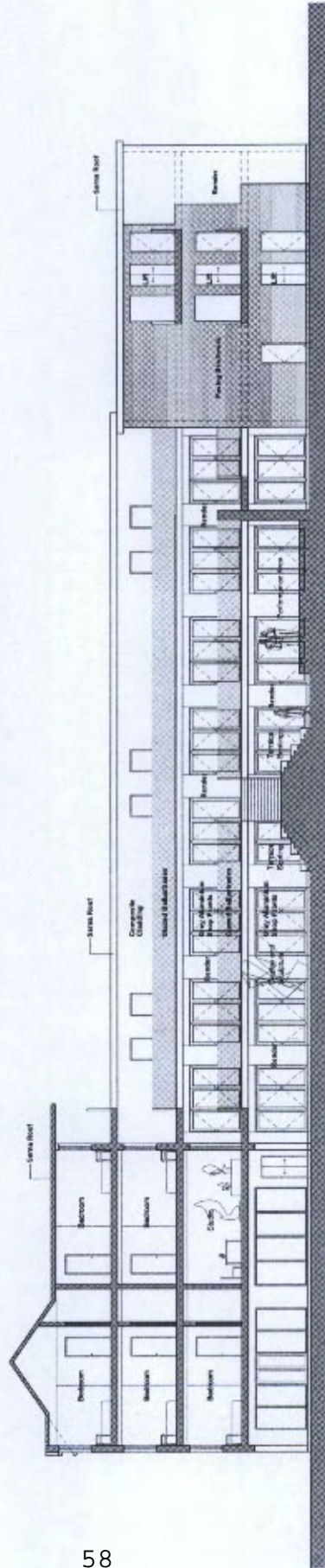
**DENTON BUSINESS PARK**  
 Sections A-A, B-B, C-C  
 Denton Street : A/C : Retail : Accommodation  
 UJP  
 URBAN JOBS  
 CHARTERED  
 DATE : JULY 25 2018  
 PROJECT : DENTON BUSINESS PARK  
 DRAWING : SECTION A-A, B-B, C-C

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**SECTION D-D**



**SECTION E-E**

**DENTON BUSINESS PARK**  
 Carlinville

Sections D-D and E-E

Denton Street : Art : Retail : Accommodation

Drawn : 1/2000

Date : Aug 2000

Project No : 2471 / 98

Scale : 1/8" = 1'-0"

Author : JJP

Client : JJP

Project : Denton Business Park



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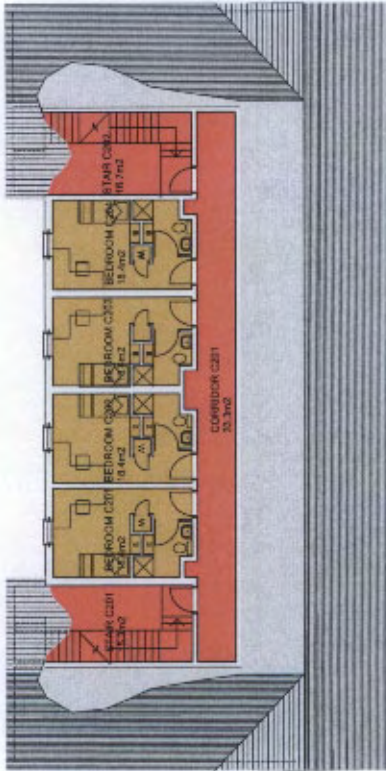
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100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

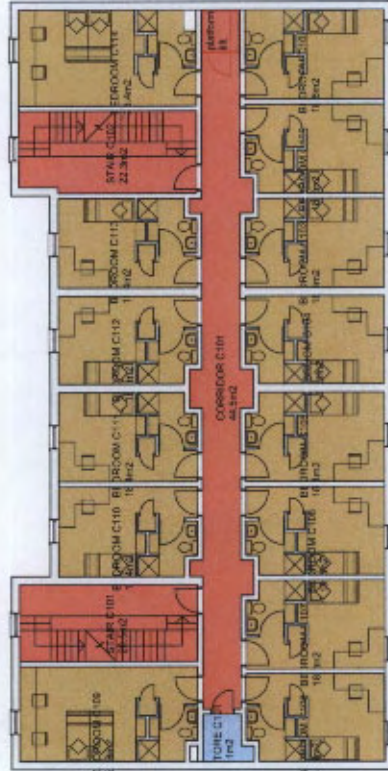


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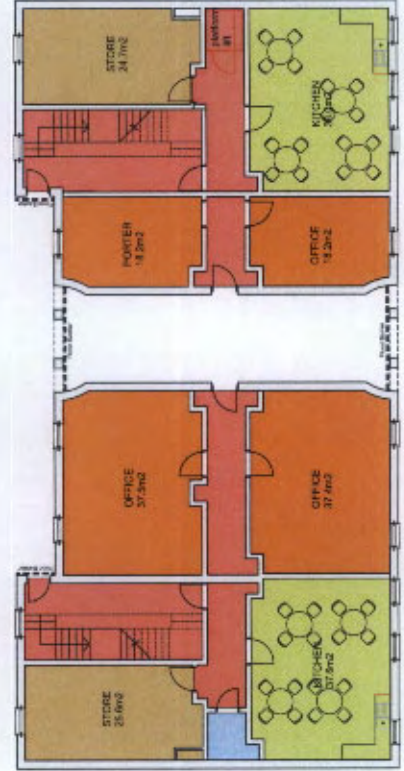
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Second Floor Plan



First Floor Plan



Ground Floor Plan

Plan 4 - Accommodation to layout for the proposed Planning Consents

1/2/09

1/2/09

**DENTON BUSINESS PARK**  
Carlisle

**Floor Plans**

Collingwood Street : Accommodation

Scale : 1/500

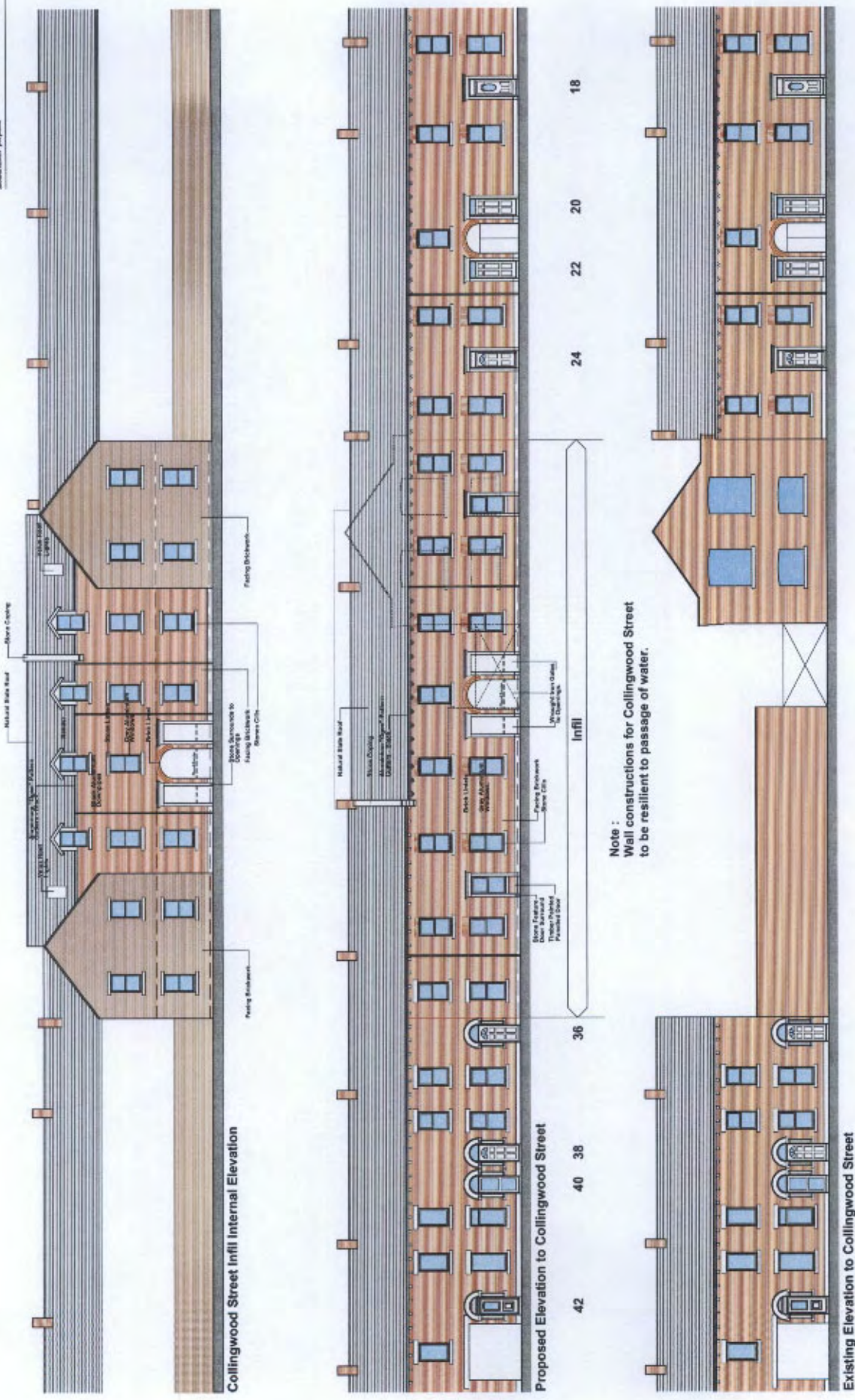
Date : Aug 2008, Drawing No : 2401 / 001 / A

Author : J. J. J. Architects

Checked : J. J. J. Architects

Drawn : J. J. J. Architects

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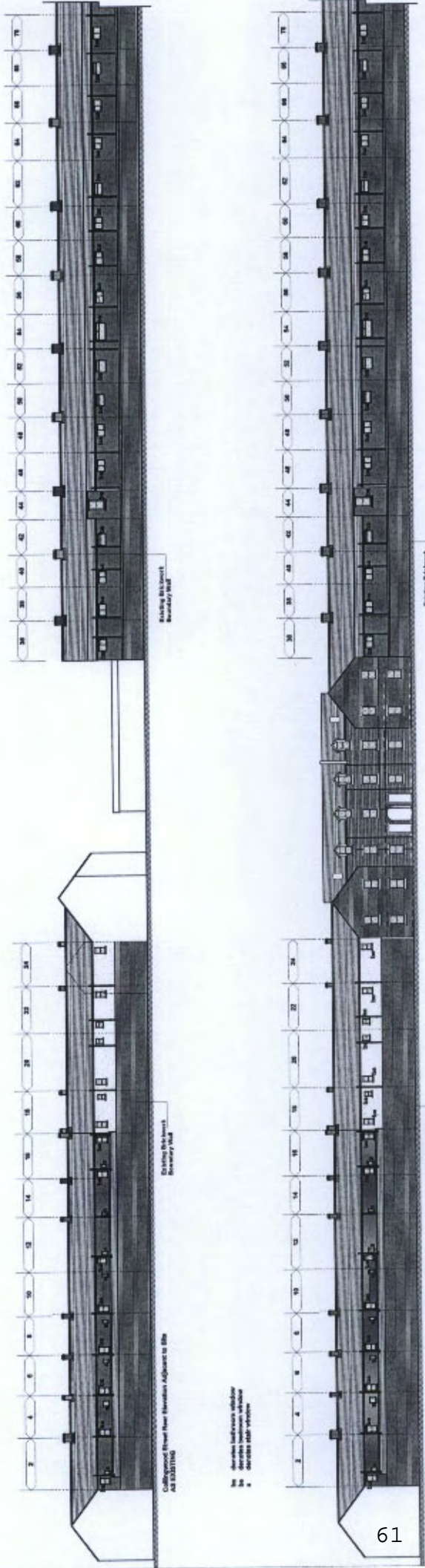
Note :  
 Wall constructions for Collingwood Street  
 to be resilient to passage of water.

Fig. 4 - Elevations to Street - Building Parameters Document  
 Scale: 1/8" = 1'-0"  
 Date: Aug 2009  
 Project: DENTON BUSINESS PARK  
 Location: COLLINGWOOD STREET - COLLINGWOOD, OHIO  
 Upreti Jones Architects

**DENTON BUSINESS PARK**  
 Certificate  
**Elevations**  
 Collingwood Street : Accommodation  
 Scale : 1/8" = 1'-0"  
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The elevation numbers within the drawing indicate window levels.

**DENTON BUSINESS PARK**  
Carbis

**Rear Elevations**

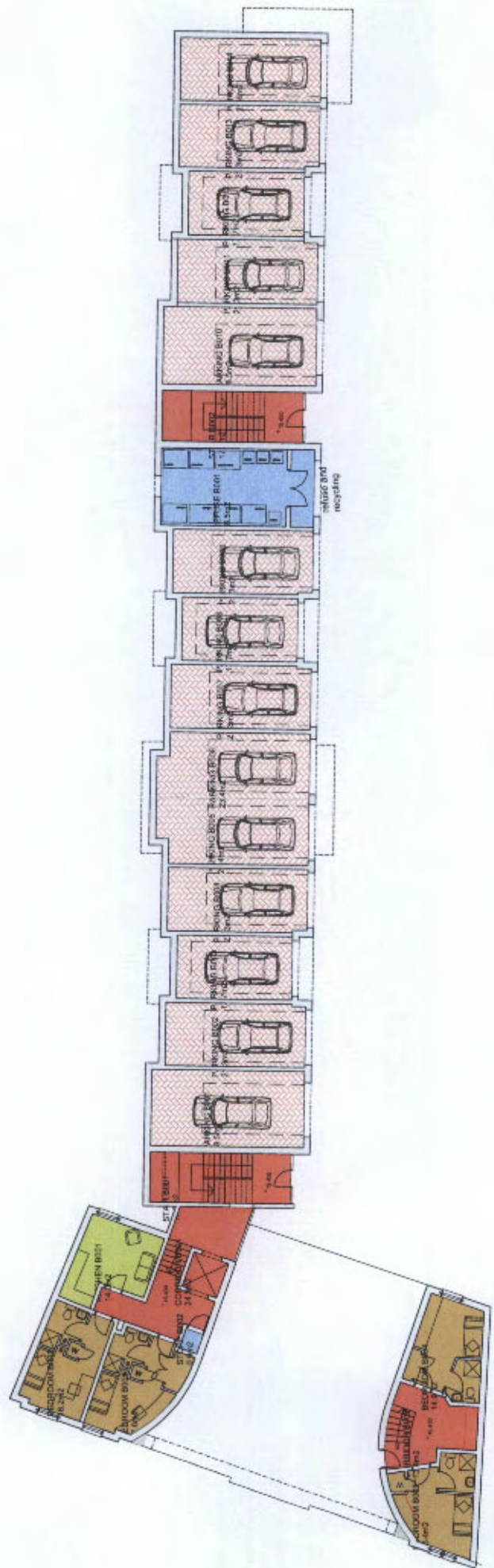
Collingwood Street - Accommodation

Scale: 1:250

DATE: AUG 2023 DRAWING NO.: DNT/123 ARCHITECTS

UJP  
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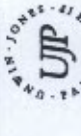
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Ground Floor Plan

Ben A. Jones & Associates, Inc. 4400 University Parkway, Charlotte, NC 28209

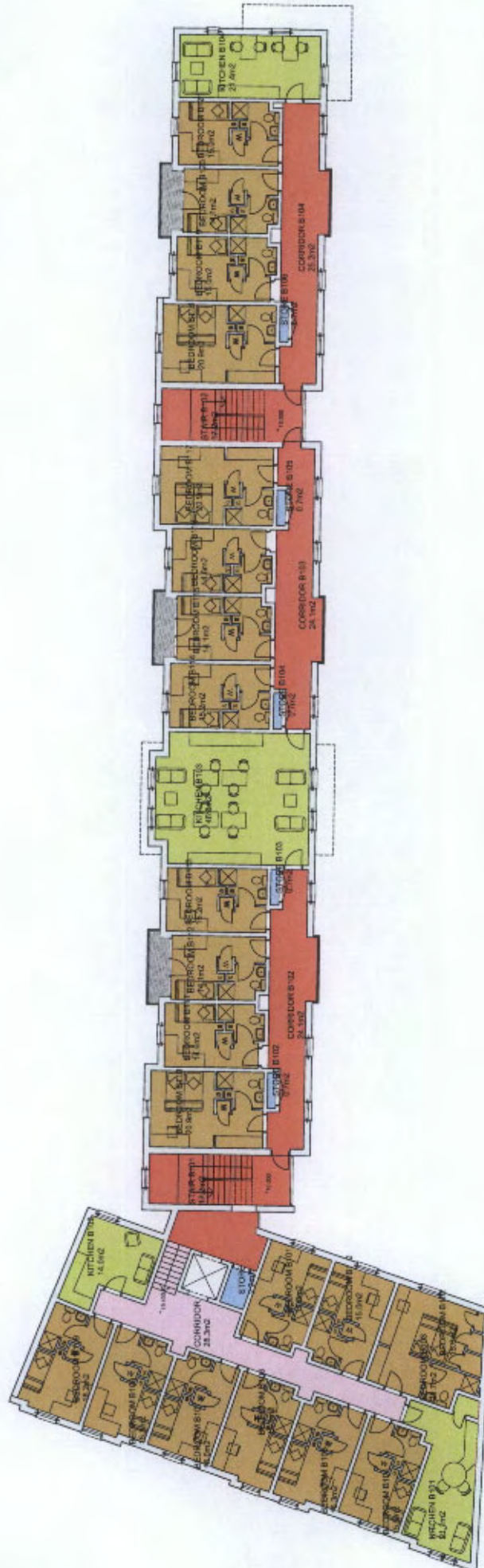
**DENTON BUSINESS PARK**  
 Carlisle  
**Ground Floor Plan**  
 Blencowe Street: Accommodation



Date: Aug 2008  
 Drawing no: 2471 / 001A  
**ARCHITECTS**  
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 125, The Square, Leamington Spa, Warwickshire, CV31 3DF

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First Floor Plan

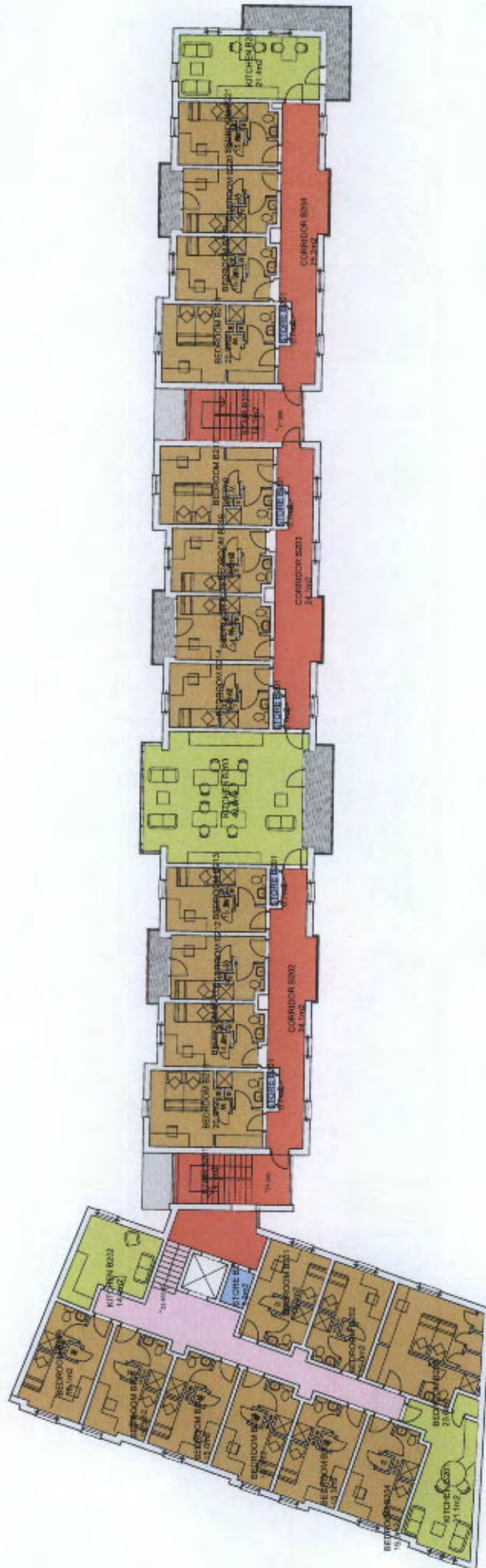
Rev A Approved for issue. Issued. Project Comments: C-1000 10/08

**DENTON BUSINESS PARK**  
 Certificate  
**First Floor Plan**  
 Blencowe Street: Accommodation  
 Units: 1000  
 Date: Aug 2008 Drawing no: 2471 / 002A  
 ARCHITECTS  
 CHARTERED

DENTON BUSINESS PARK  
 ARCHITECTS  
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Second Floor Plan

Rev. 4. Incorporates all agreed planning permissions. Comments: K. J. P. 10/09/09

**DENTON BUSINESS PARK**  
Carlisle

**Second Floor Plan**

Blantyre Street Accommodation

Drawn: 10/09/09

Date: Aug 2009 Drawing No: 2471 / 200/A

CREATED BY: UJP ARCHITECTS

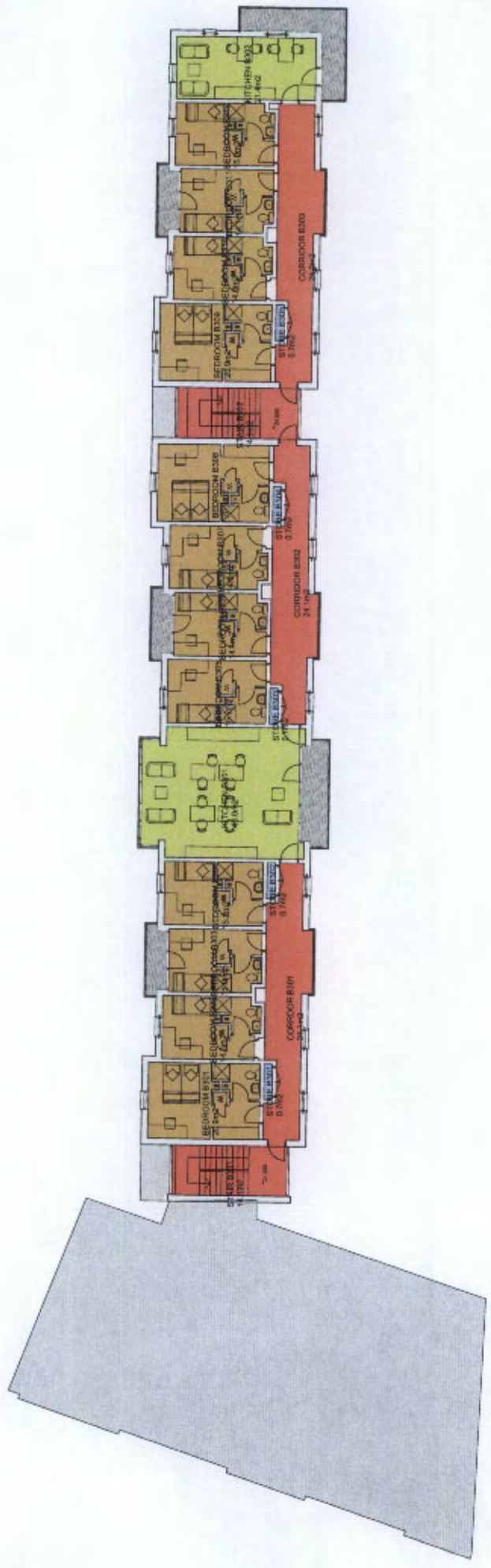


CREATED BY

ARCHITECTS

100-102 LANE STREET - CARLISLE - CUMBRIA - LA1 1YR - TEL: 01275 532000 - FAX: 01275 532001

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Third Floor Plan

Rev. A - Addendum to Local Building Permits Comments

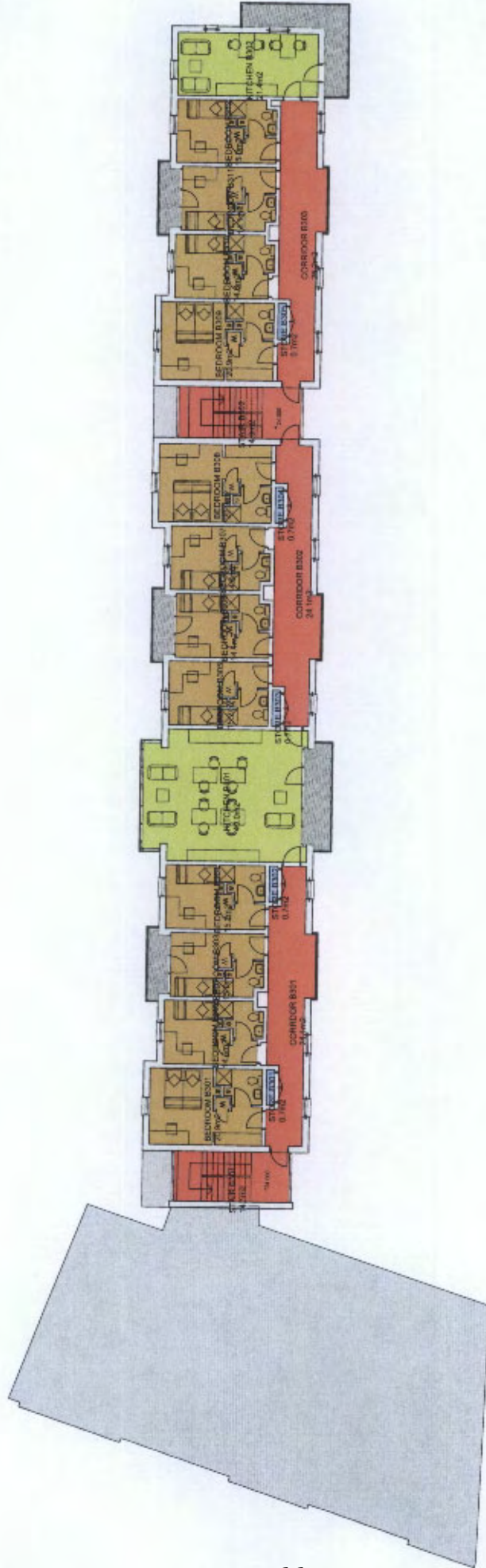
**DENTON BUSINESS PARK**  
 Carlele

**Third Floor Plan**  
 Blencowe Street: Accommodation

Area :            : 1100  
 Date : Aug 2008    : Rev 1 / 26/1A  
 Upreti Jones Architecture - Glasgow - Central - UK Tel : 0141 206 6000 - Fax : 0141 206 6001

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Fourth Floor Plan

Rev. A. Amendments to Client Issues & Design Comments K:JAM K:JAM

**DENTON BUSINESS PARK**  
 Corridor

**Fourth Floor Plan**  
 Blencowe Street: Accommodation

Drawn: [Name] 1/20  
 Date: Aug 2008 drawing no.: 2471 / 205

**CHARTEBD**  
 ARCHITECTS

100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150



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**Proposed Blencowe Street Elevation**

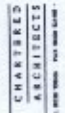


**Existing Blencowe Street Elevation**

**DENTON BUSINESS PARK**  
 Certificate

**Elevations**  
 Sheet 1 of 3  
 Blencowe Street : Accommodation

Drawn :  
 Date : Aug 2009  
 Checked :  
 Approved :  
 Job No : 0471.002  
 Project :  
 Client :  
 Date of Issue : 04.08.09

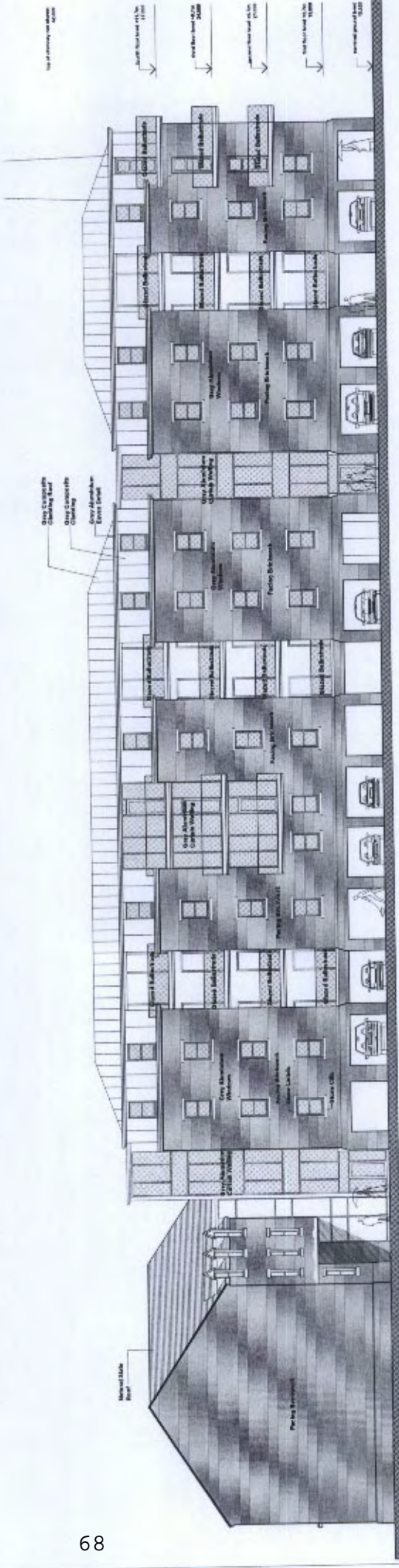


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North East Elevation



South West Elevation

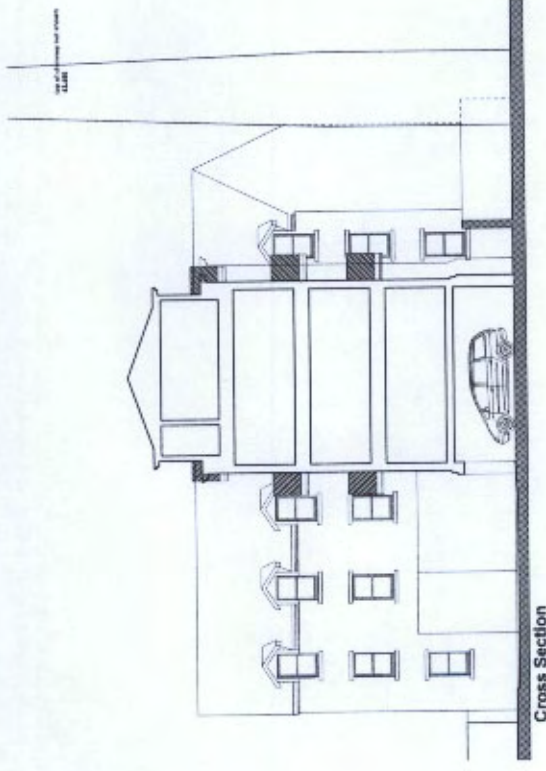
**DENTON BUSINESS PARK**  
 C2/1616

**Elevations**  
 Sheet 2 of 3  
 Bancroft Street : Accommodation

Scale : 1/80  
 Date : Aug 2009  
 DRAWN BY : J.P. JONES ARCHITECTS  
 CHECKED BY : J.P. JONES ARCHITECTS  
 PROJECT NO. : 100-100-100-100

GENERAL NOTES

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DENTON BUSINESS PARK  
C41816

Elevations  
Sheet 3 of 3

Blancome Street - Accommodation

Phase 1 - 1993

DATE - AUG 2009

DRAWN BY: J. J. [unreadable]

CHECKED BY: [unreadable]

DATE: 09/10/09

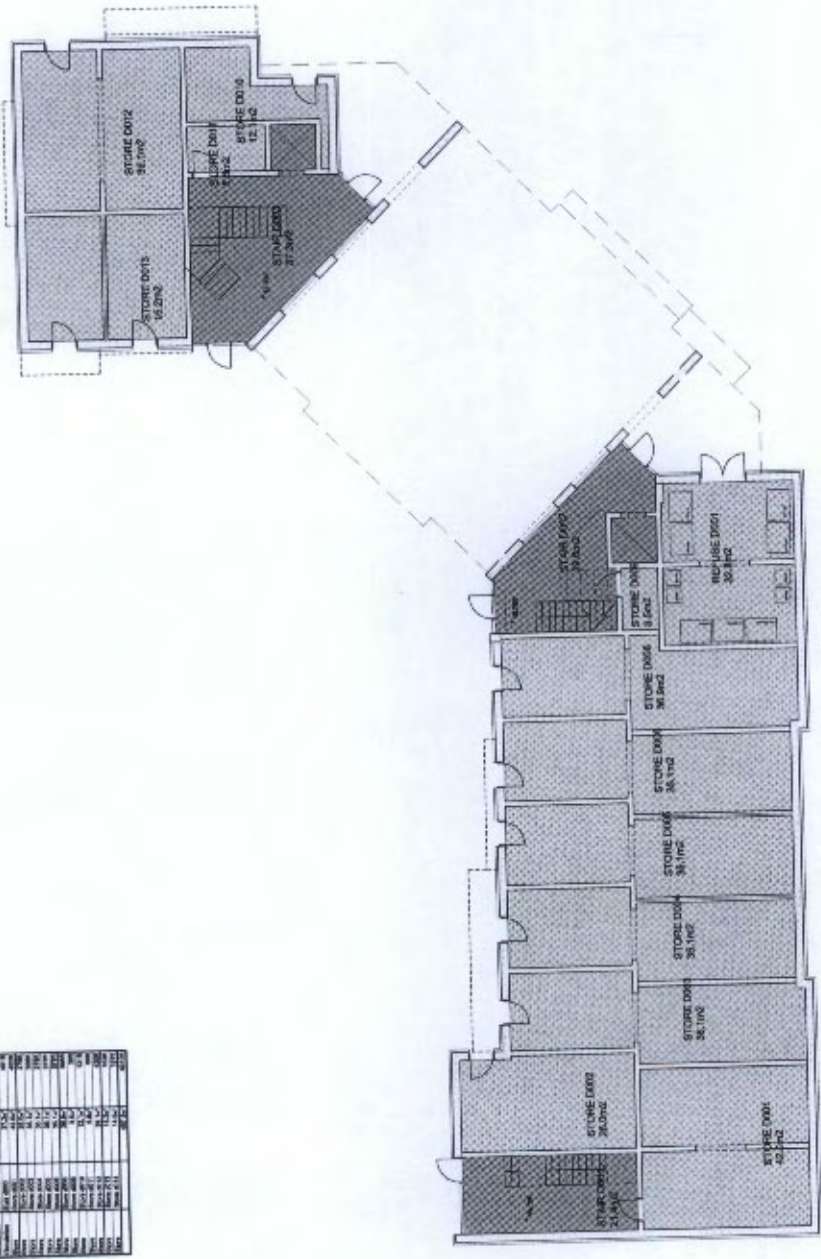


UJP  
ARCHITECTS

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1. ALL WORK SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS OF THE NATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

Room Area Schedule	Room No.	Area (sq. ft.)	Volume (cu. ft.)	Height (ft.)	Notes
STAIRS	101	12.00	12.00	10.00	
STAIRS	102	12.00	12.00	10.00	
STAIRS	103	12.00	12.00	10.00	
STAIRS	104	12.00	12.00	10.00	
STAIRS	105	12.00	12.00	10.00	
STAIRS	106	12.00	12.00	10.00	
STAIRS	107	12.00	12.00	10.00	
STAIRS	108	12.00	12.00	10.00	
STAIRS	109	12.00	12.00	10.00	
STAIRS	110	12.00	12.00	10.00	
STAIRS	111	12.00	12.00	10.00	
STAIRS	112	12.00	12.00	10.00	
STAIRS	113	12.00	12.00	10.00	
STAIRS	114	12.00	12.00	10.00	
STAIRS	115	12.00	12.00	10.00	
STAIRS	116	12.00	12.00	10.00	
STAIRS	117	12.00	12.00	10.00	
STAIRS	118	12.00	12.00	10.00	
STAIRS	119	12.00	12.00	10.00	
STAIRS	120	12.00	12.00	10.00	
STAIRS	121	12.00	12.00	10.00	
STAIRS	122	12.00	12.00	10.00	
STAIRS	123	12.00	12.00	10.00	
STAIRS	124	12.00	12.00	10.00	
STAIRS	125	12.00	12.00	10.00	
STAIRS	126	12.00	12.00	10.00	
STAIRS	127	12.00	12.00	10.00	
STAIRS	128	12.00	12.00	10.00	
STAIRS	129	12.00	12.00	10.00	
STAIRS	130	12.00	12.00	10.00	
STAIRS	131	12.00	12.00	10.00	
STAIRS	132	12.00	12.00	10.00	
STAIRS	133	12.00	12.00	10.00	
STAIRS	134	12.00	12.00	10.00	
STAIRS	135	12.00	12.00	10.00	
STAIRS	136	12.00	12.00	10.00	
STAIRS	137	12.00	12.00	10.00	
STAIRS	138	12.00	12.00	10.00	
STAIRS	139	12.00	12.00	10.00	
STAIRS	140	12.00	12.00	10.00	
STAIRS	141	12.00	12.00	10.00	
STAIRS	142	12.00	12.00	10.00	
STAIRS	143	12.00	12.00	10.00	
STAIRS	144	12.00	12.00	10.00	
STAIRS	145	12.00	12.00	10.00	
STAIRS	146	12.00	12.00	10.00	
STAIRS	147	12.00	12.00	10.00	
STAIRS	148	12.00	12.00	10.00	
STAIRS	149	12.00	12.00	10.00	
STAIRS	150	12.00	12.00	10.00	
STAIRS	151	12.00	12.00	10.00	
STAIRS	152	12.00	12.00	10.00	
STAIRS	153	12.00	12.00	10.00	
STAIRS	154	12.00	12.00	10.00	
STAIRS	155	12.00	12.00	10.00	
STAIRS	156	12.00	12.00	10.00	
STAIRS	157	12.00	12.00	10.00	
STAIRS	158	12.00	12.00	10.00	
STAIRS	159	12.00	12.00	10.00	
STAIRS	160	12.00	12.00	10.00	
STAIRS	161	12.00	12.00	10.00	
STAIRS	162	12.00	12.00	10.00	
STAIRS	163	12.00	12.00	10.00	
STAIRS	164	12.00	12.00	10.00	
STAIRS	165	12.00	12.00	10.00	
STAIRS	166	12.00	12.00	10.00	
STAIRS	167	12.00	12.00	10.00	
STAIRS	168	12.00	12.00	10.00	
STAIRS	169	12.00	12.00	10.00	
STAIRS	170	12.00	12.00	10.00	
STAIRS	171	12.00	12.00	10.00	
STAIRS	172	12.00	12.00	10.00	
STAIRS	173	12.00	12.00	10.00	
STAIRS	174	12.00	12.00	10.00	
STAIRS	175	12.00	12.00	10.00	
STAIRS	176	12.00	12.00	10.00	
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STAIRS	178	12.00	12.00	10.00	
STAIRS	179	12.00	12.00	10.00	
STAIRS	180	12.00	12.00	10.00	
STAIRS	181	12.00	12.00	10.00	
STAIRS	182	12.00	12.00	10.00	
STAIRS	183	12.00	12.00	10.00	
STAIRS	184	12.00	12.00	10.00	
STAIRS	185	12.00	12.00	10.00	
STAIRS	186	12.00	12.00	10.00	
STAIRS	187	12.00	12.00	10.00	
STAIRS	188	12.00	12.00	10.00	
STAIRS	189	12.00	12.00	10.00	
STAIRS	190	12.00	12.00	10.00	
STAIRS	191	12.00	12.00	10.00	
STAIRS	192	12.00	12.00	10.00	
STAIRS	193	12.00	12.00	10.00	
STAIRS	194	12.00	12.00	10.00	
STAIRS	195	12.00	12.00	10.00	
STAIRS	196	12.00	12.00	10.00	
STAIRS	197	12.00	12.00	10.00	
STAIRS	198	12.00	12.00	10.00	
STAIRS	199	12.00	12.00	10.00	
STAIRS	200	12.00	12.00	10.00	



Ground Floor Plan



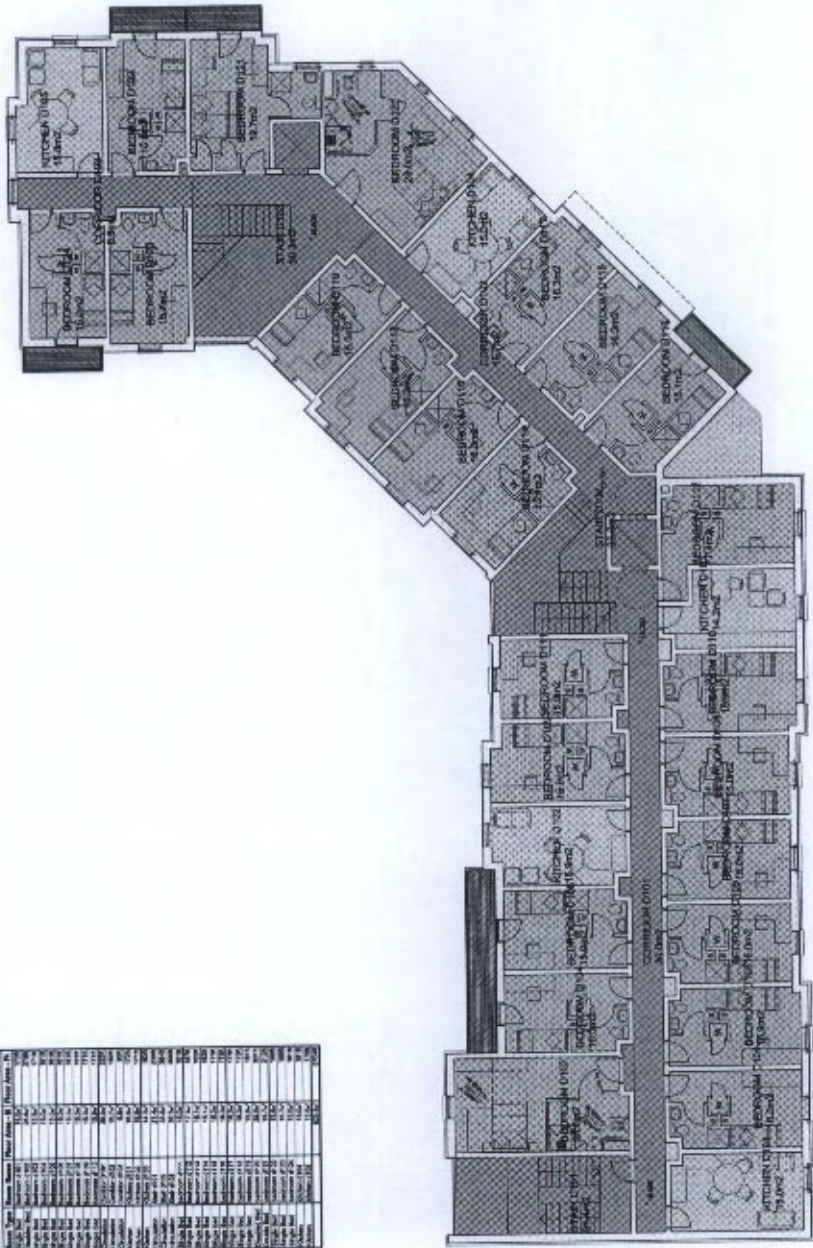
**DENTON BUSINESS PARK**  
 Carlsbad  
**Ground Floor Plan**  
 Central Block, Accommodation  
 Scale: 1/8" = 1'-0"  
 Date: Aug 2008  
 Drawn by: J.P. JOHNSON  
 Checked by: J.P. JOHNSON  
 Project No.: 08-001

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**Room Area Schedule**

Room No.	Room Name	Area (sq ft)	Total Area (sq ft)
001	RECEPTION	100	100
002	RECEPTION	100	200
003	RECEPTION	100	300
004	RECEPTION	100	400
005	RECEPTION	100	500
006	RECEPTION	100	600
007	RECEPTION	100	700
008	RECEPTION	100	800
009	RECEPTION	100	900
010	RECEPTION	100	1000
011	RECEPTION	100	1100
012	RECEPTION	100	1200
013	RECEPTION	100	1300
014	RECEPTION	100	1400
015	RECEPTION	100	1500
016	RECEPTION	100	1600
017	RECEPTION	100	1700
018	RECEPTION	100	1800
019	RECEPTION	100	1900
020	RECEPTION	100	2000
021	RECEPTION	100	2100
022	RECEPTION	100	2200
023	RECEPTION	100	2300
024	RECEPTION	100	2400
025	RECEPTION	100	2500
026	RECEPTION	100	2600
027	RECEPTION	100	2700
028	RECEPTION	100	2800
029	RECEPTION	100	2900
030	RECEPTION	100	3000
031	RECEPTION	100	3100
032	RECEPTION	100	3200
033	RECEPTION	100	3300
034	RECEPTION	100	3400
035	RECEPTION	100	3500
036	RECEPTION	100	3600
037	RECEPTION	100	3700
038	RECEPTION	100	3800
039	RECEPTION	100	3900
040	RECEPTION	100	4000
041	RECEPTION	100	4100
042	RECEPTION	100	4200
043	RECEPTION	100	4300
044	RECEPTION	100	4400
045	RECEPTION	100	4500
046	RECEPTION	100	4600
047	RECEPTION	100	4700
048	RECEPTION	100	4800
049	RECEPTION	100	4900
050	RECEPTION	100	5000
051	RECEPTION	100	5100
052	RECEPTION	100	5200
053	RECEPTION	100	5300
054	RECEPTION	100	5400
055	RECEPTION	100	5500
056	RECEPTION	100	5600
057	RECEPTION	100	5700
058	RECEPTION	100	5800
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070	RECEPTION	100	7000
071	RECEPTION	100	7100
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080	RECEPTION	100	8000
081	RECEPTION	100	8100
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083	RECEPTION	100	8300
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085	RECEPTION	100	8500
086	RECEPTION	100	8600
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091	RECEPTION	100	9100
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097	RECEPTION	100	9700
098	RECEPTION	100	9800
099	RECEPTION	100	9900
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First Floor Plan

**DENTON BUSINESS PARK**  
Certificate

**UJP**  
URSA JOHNS JENSEN

Central Block, Accommodation  
First Floor Plan

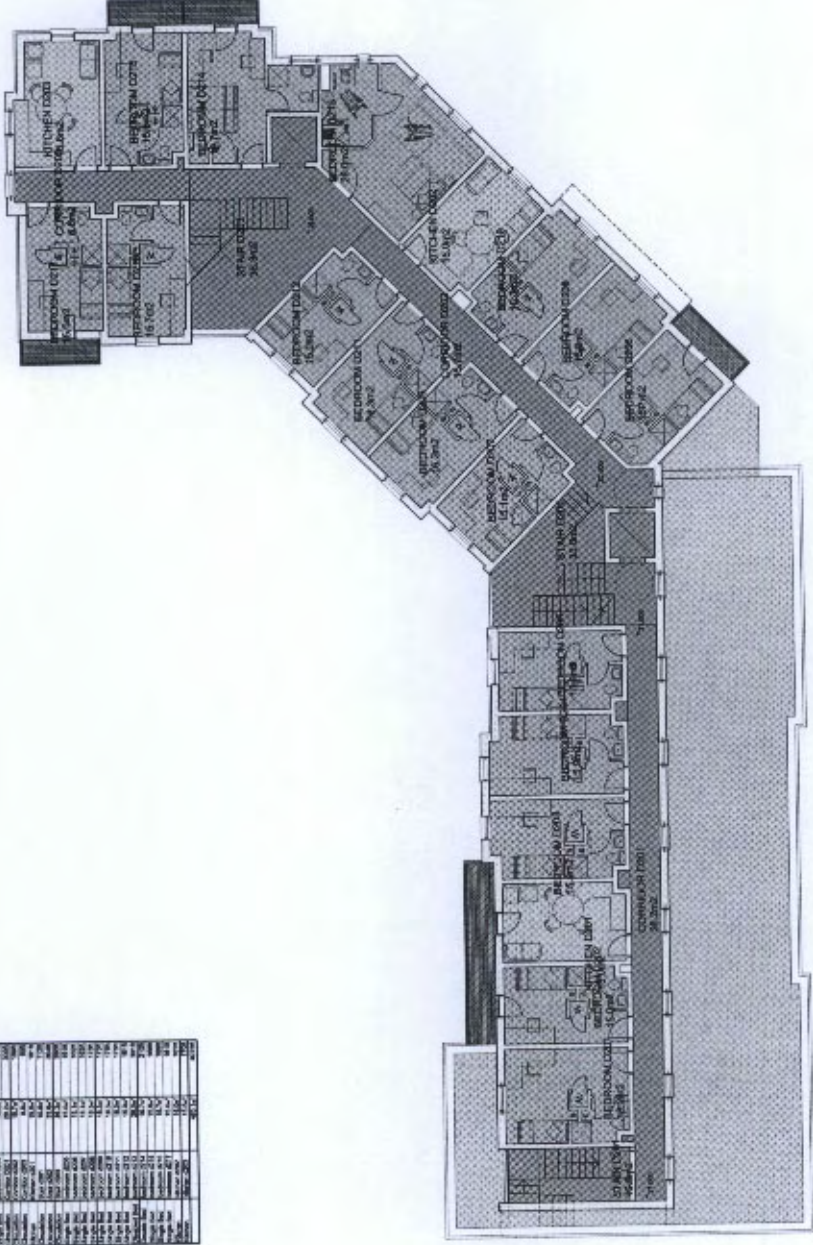
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Date: Aug 2008 Drawing No.: 2471 / 400  
ARCHITECTS  
URSA JOHNS JENSEN ARCHITECTS  
100 W. 10th Street, Suite 1000, Denver, CO 80202

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 2. Verify the accuracy of spaces from Permissible Use NOT SCALE  
 3. Verify the accuracy of spaces from Permissible Use NOT SCALE  
 4. Verify the accuracy of spaces from Permissible Use NOT SCALE  
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 8. Verify the accuracy of spaces from Permissible Use NOT SCALE  
 9. Verify the accuracy of spaces from Permissible Use NOT SCALE  
 10. Verify the accuracy of spaces from Permissible Use NOT SCALE

**Room Area Schedule**

Room No.	Description	Area (sq ft)	Volume (cu ft)
101	Office	150	150
102	Office	150	150
103	Office	150	150
104	Office	150	150
105	Office	150	150
106	Office	150	150
107	Office	150	150
108	Office	150	150
109	Office	150	150
110	Office	150	150
111	Office	150	150
112	Office	150	150
113	Office	150	150
114	Office	150	150
115	Office	150	150
116	Office	150	150
117	Office	150	150
118	Office	150	150
119	Office	150	150
120	Office	150	150
121	Office	150	150
122	Office	150	150
123	Office	150	150
124	Office	150	150
125	Office	150	150
126	Office	150	150
127	Office	150	150
128	Office	150	150
129	Office	150	150
130	Office	150	150
131	Office	150	150
132	Office	150	150
133	Office	150	150
134	Office	150	150
135	Office	150	150
136	Office	150	150
137	Office	150	150
138	Office	150	150
139	Office	150	150
140	Office	150	150
141	Office	150	150
142	Office	150	150
143	Office	150	150
144	Office	150	150
145	Office	150	150
146	Office	150	150
147	Office	150	150
148	Office	150	150
149	Office	150	150
150	Office	150	150



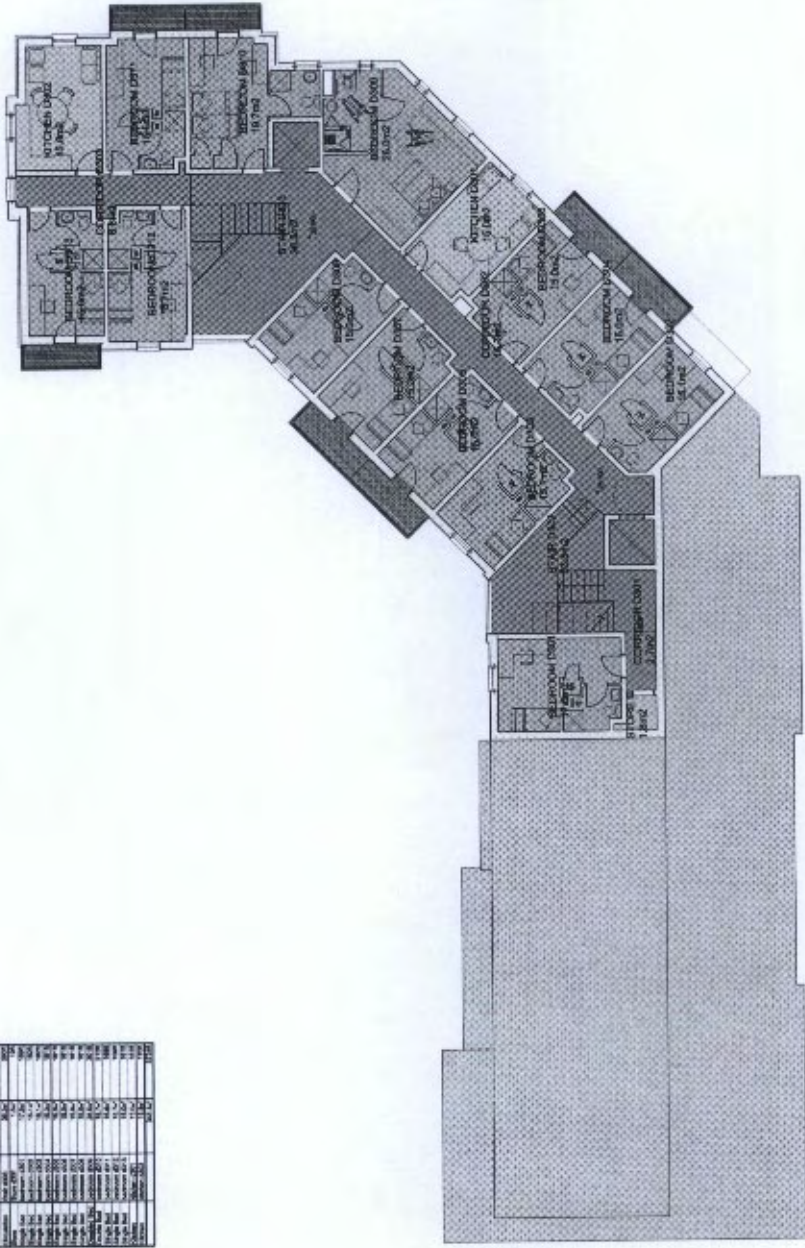
Second Floor Plan

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**Room Area Schedule**

Room No.	Room Name	Area (sq. ft.)	Total Area (sq. ft.)
101	RECEPTION	100	100
102	RECEPTION	100	200
103	RECEPTION	100	300
104	RECEPTION	100	400
105	RECEPTION	100	500
106	RECEPTION	100	600
107	RECEPTION	100	700
108	RECEPTION	100	800
109	RECEPTION	100	900
110	RECEPTION	100	1000
111	RECEPTION	100	1100
112	RECEPTION	100	1200
113	RECEPTION	100	1300
114	RECEPTION	100	1400
115	RECEPTION	100	1500
116	RECEPTION	100	1600
117	RECEPTION	100	1700
118	RECEPTION	100	1800
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121	RECEPTION	100	2100
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123	RECEPTION	100	2300
124	RECEPTION	100	2400
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134	RECEPTION	100	3400
135	RECEPTION	100	3500
136	RECEPTION	100	3600
137	RECEPTION	100	3700
138	RECEPTION	100	3800
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140	RECEPTION	100	4000
141	RECEPTION	100	4100
142	RECEPTION	100	4200
143	RECEPTION	100	4300
144	RECEPTION	100	4400
145	RECEPTION	100	4500
146	RECEPTION	100	4600
147	RECEPTION	100	4700
148	RECEPTION	100	4800
149	RECEPTION	100	4900
150	RECEPTION	100	5000



Third Floor Plan

**DENTON BUSINESS PARK**  
 Certificate

**Third Floor Plan**

Central Block, Accommodation

Scale: 1/320

DATE: AUG 2024 DRAWING NO: 2407-1424 ARCHITECTS: U|K|A

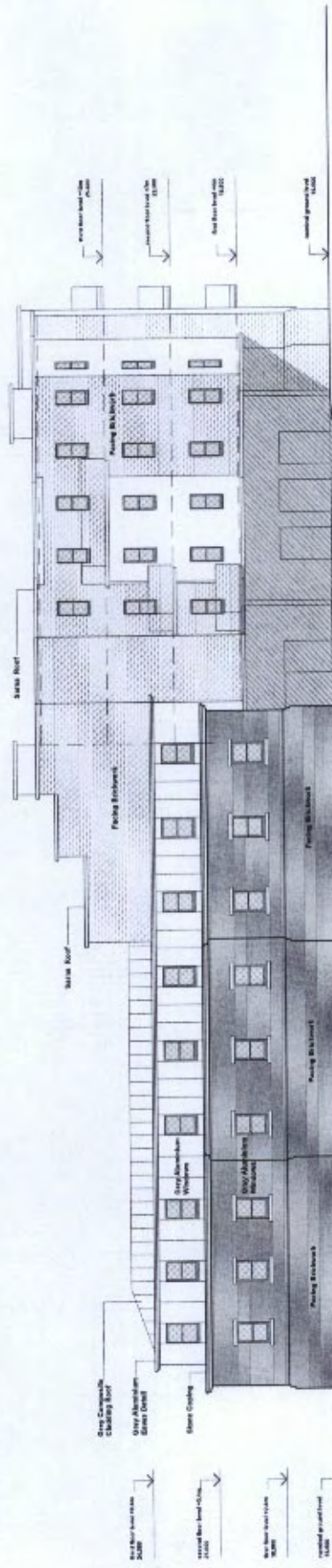
U|K|A PROJECT: DENTON BUSINESS PARK - PHASE 1 - 101-150

**GENERAL NOTES**

1. All work shall be in accordance with the approved plans. The contractor shall be responsible for obtaining all necessary permits. The contractor shall be responsible for obtaining all necessary permits. The contractor shall be responsible for obtaining all necessary permits.



**NORTH EAST ELEVATION**



**SOUTH WEST ELEVATION**

**DENTON BUSINESS PARK**  
Carlisle

**Elevations**  
Central Block - Accommodation

Drawn: 1/06  
Date: Aug 2009  
Scale: 1:200

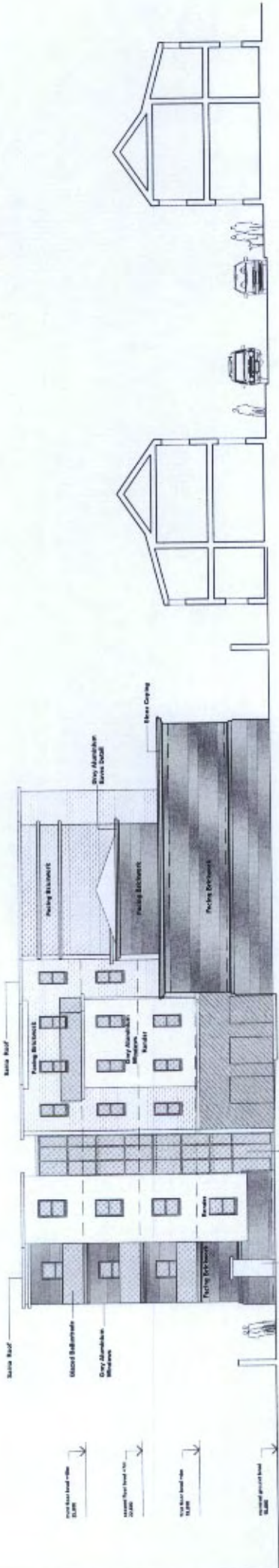
**UJP**  
UNIVERSITY OF JYLLAND ARCHITECTS

100 THE GREENS, YORK YO1 1PE  
01904 478888  
www.ujp.co.uk

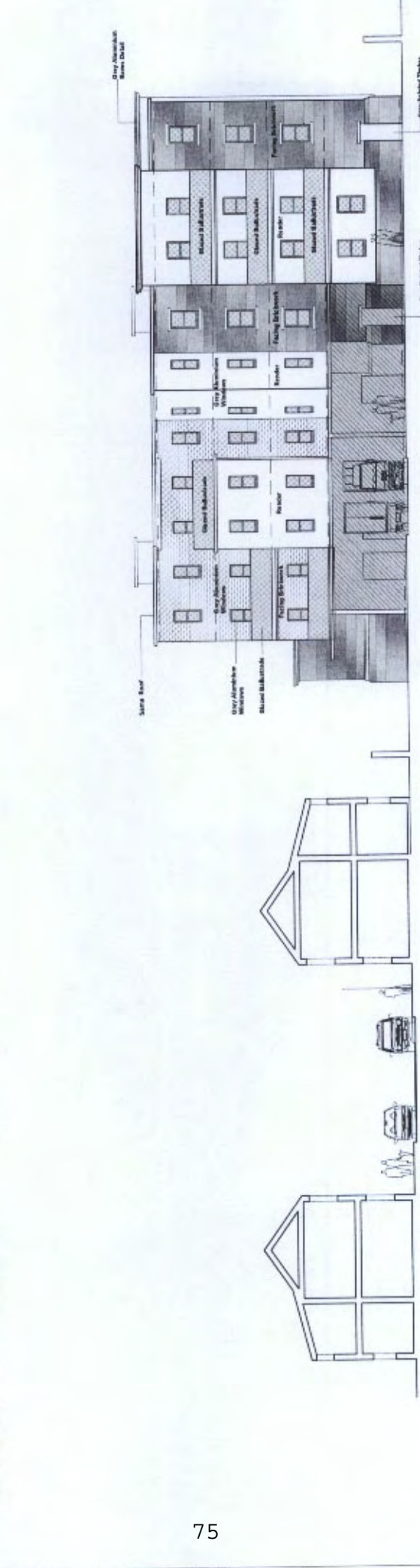


**GENERAL NOTES**

1. These drawings were prepared by the architect under the supervision of the engineer, and shall be used for the construction of the building only. It is the responsibility of the contractor to verify all dimensions and materials shown on these drawings. It is the responsibility of the contractor to obtain all necessary permits and approvals for the construction of the building. It is the responsibility of the contractor to coordinate with all other trades and utilities for the construction of the building.



**NORTH WEST ELEVATION**



**SOUTH EAST ELEVATION**

**DENTON BUSINESS PARK**  
 Curtille

**Elevations**

Central Block : Accommodation

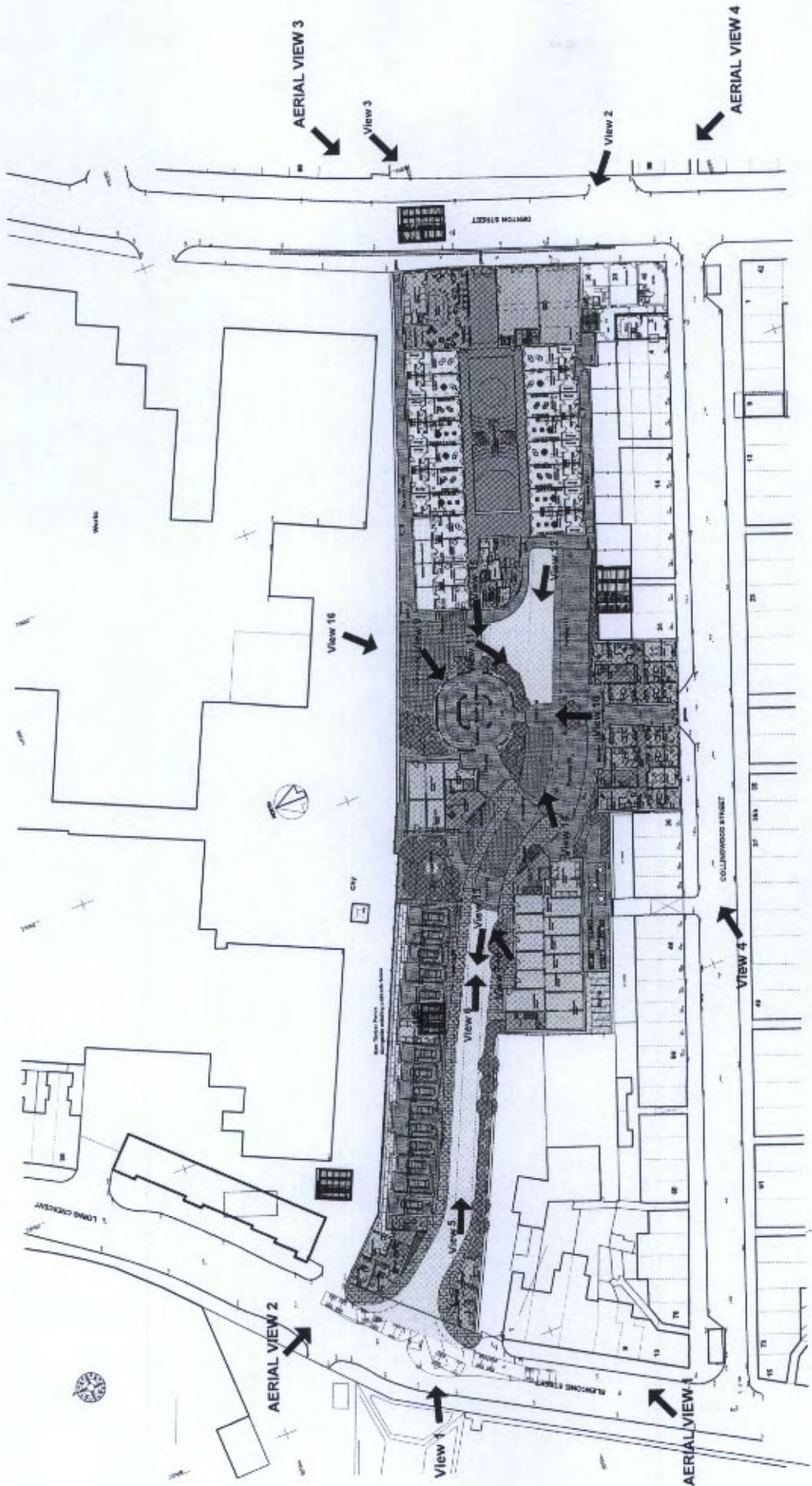
Drawn : [Name] Scale : 1:100

Date : Aug 2018 Drawing No : 2421 / 409 ARCHITECTS

www.architects.com.au 111 St Georges Road, Melbourne, VIC 3000

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DENTON BUSINESS PARK  
Carroll

Artists Impression  
Aerial Views  
KEY PLAN

Scale: NTS  
DATE: Sept 2003  
DRAWN BY: J. J. JONES  
CHECKED BY: J. J. JONES  
DATE: 10/10/03



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**Aerial View 1**



**Aerial View 2**



**Aerial View 3**



**Aerial View 4**

PROJECT  
A 10

NAME  
DATE

**DENTON BUSINESS PARK**

Corridor

Artists Impression

Aerial Views



Drawn: MFB  
 Date: 08/11/2010  
 Project: Denton Business Park  
 Location: Denton Business Park  
 Scale: 1:1000  
 Status: Final  
 Author: MFB

**GENERAL NOTES**

1. The model is for informational purposes only. It is not intended to be used for construction purposes. It is not intended to be used for construction purposes. It is not intended to be used for construction purposes.



**Blencowe Street Elevation  
View 1**



**Denton Street Elevation  
View 2**



**Denton Street Elevation View 2  
View 3**



**Collingwood Street Elevation  
View 4**

DATE: 11/11/2020  
TIME: 10:00 AM

SCALE: 1/8" = 1'-0"

**DENTON BUSINESS PARK**  
Certificate

**Artists Impression**  
Street Views



DATE: 11/11/2020  
TIME: 10:00 AM  
SCALE: 1/8" = 1'-0"  
PROJECT: DENTON BUSINESS PARK  
ARCHITECT: UJP ARCHITECTS  
ADDRESS: 1000 W. 10TH ST., SUITE 100, DENVER, CO 80202

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**View 5**



**View 6**



**View 7**



**View 8**

Architects  
J.P.R. Jones

Date: 2/24

**DENTON BUSINESS PARK**  
Curtille

Artists Impression  
Internal Site Views

Architects: J.P.R. Jones Architects, Inc.  
Address: 2401 J. Rd.  
City: Denton, TX 76201  
Phone: 940.386.8888



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**View 9**



**View 10**



**View 11**



**View 12**

10/20/2020

11/1/2020

11/1/2020

11/1/2020

11/1/2020

11/1/2020

**DENTON BUSINESS PARK**

Carrollton

Artists Impression  
Internal Site Views



Phase 1

Phase 2

Phase 3

Phase 4

Phase 5

Phase 6

Phase 7

Phase 8

11/1/2020

11/1/2020

11/1/2020

11/1/2020

11/1/2020

11/1/2020

11/1/2020

## **Demand for quality Student accommodation in Carlisle**

In the academic year 2008-09 the University of Cumbria was home to 761 full time first year students in Carlisle.

In their current Business Plan the university anticipates that by 2012-13 that there will be 1,082 first year students in Carlisle (an increase of 321).

At present there are 436 bed spaces in Halls of Residence (197 provided by the university at Fusehill Street and Brampton Road and 239 by the private sector at the Brewery and U Student both in Caldewgate). There are no firm plans in the pipeline at present to build any more.

Universities like to encourage as many first year students as possible to stay in halls. As can be seen from the above figures there was a shortfall of 325 bed spaces in halls in 2008-09 (761-436). This shortfall is currently being met by the private sector rented sector, with students in the main occupying terraced houses in the city.

By 2012 -2013 if no new halls are built the shortfall will be in the order of 646 (1,082-436).

In view of the changed economic circumstances the university is currently revising their business plan and they believe it would be realistic to base projected demand on 50% of the above figures for the new full time intake i.e. 323 not the 646 previously anticipated. This revised figure would also take into account students who live at home

The proposal from Denton Business Park Ltd is to provide accommodation for 205 students in ensuite rooms will go some way to meeting this demand.

The accommodation being provided with this development, however, is not purely for first year students but will also be available for second and third year undergraduates. At present the demand for accommodation for these students is being met only by private sector housing, again primarily in terraced housing. The university anticipate that by 2012-13 there will be 3,285 FTE students in Carlisle, i.e. 1,298 more than in 2008-09, even if the actual numbers turn out to be 50% less as a result of the economic climate there will still be a demand for more than 205 units of accommodation. It is interesting to note that as of November 18<sup>th</sup> 2009 the University informed us that applications for 2010/11 are up 35% on applications from this time last year

As well as the demand from undergraduates for quality accommodation the Denton Business Park Ltd is aware of a small but not insignificant demand for accommodation from Carlisle College and from the hospital (doctors and nurses).

It is contended therefore that both the existing and growing demand for good quality ensuite student accommodation close to the city centre, the university the college and the hospital more than justifies the proposal for 205 spaces in Denton Holme.

This note has been prepared by Denton Business Park Ltd in collaboration with the University of Cumbria.



PLANNING & HOUSING SERVICES	
REF	09/0815
25 NOV 2009	
MH	
RECORDED	
INDEXED	
PAID TO	ENVY
ACTION	

25/11/2009

Planning Application No. 09/0815  
The Development of Craft Workshops & Student Accommodation

Dear Alan,

Denton Business Park Ltd are committed to providing a quality development on this site. We believe the plans and drawings we have submitted will lead to a top quality development that will enhance not only Denton Holme but the whole of Carlisle.

We realise that the management of the development once completed is as important as the design which is why we have accepted the nationally recognised 'Code of Standards for Larger Developments for Student Accommodation not managed and Controlled by Educational Establishments'. We believe that this will safeguard our tenants and the residents living in the area as well as ourselves as owners and managers of the development. This code has been adopted for several years now and covers over 125,000 bed spaces in the UK. I have attached a copy of the Code of Standards for the committees benefit.

I also attach a copy of our Management Strategy outlining how we will manage the development and point out that it will be finalised and adopted once planning approval has been obtained so that we can take account of all the details in the approval. I draw your attention in particular to the paragraph 'Other Management Issues'. By providing 24/7 on site management with a telephone hotline available for residents and neighbours to use together with CCTV and all the other security measures we will be putting in place I believe we should satisfy the concerns of all the neighbours.

I turn my attention now to the question of demand for student accommodation and the involvement of the University of Cumbria. We have worked very closely from the very beginning with the university on both the student accommodation and the craft workshops having had numerous meetings in both Carlisle and Lancaster. Since we began these discussions the university has undergone numerous changes and the economic climate has also changed considerably. We explored with the university a number of options for the provision of the accommodation and it became apparent that the best option for both parties was for Denton Business Park to build, own and manage the development and provide the university with top quality student accommodation to meet the growing numbers of students coming to Carlisle. Both parties accept it is impossible to be precise as to how many new students will be arriving in any one year. What the university has told us though is that by November 18<sup>th</sup> 2009 interest was up 35% on this time last year. The university is redoing its business plan in view of the changed circumstances and we have taken this into account as can be seen in the attached note entitled 'Demand for Quality Student Accommodation in Carlisle.'

DENTON BUSINESS PARK LTD  
17 SPINNERS YARD, FISHER STREET, CARLISLE, CA3 8RE  
TELEPHONE: 01228 527333  
FAX: 01228 520915  
EMAIL: INFO@CUMBRIABUSINESSFORBUSINESS.CO.UK  
REGISTRATION # 6977658



As long as we provide the accommodation to the standard that we are proposing the university will include information we provide them among their own marketing material. We have developed a very good working relationship with the university's Commercial Services Manager in Carlisle and will continue working with her and her team throughout both the development phase of our scheme and once the development is fully operational. We are providing both paper and web based information that will be available for would be tenants.

We are also aware of a demand for student accommodation from both the hospital and the college.

In conclusion Denton Business Park Ltd are confident that there is the demand for such a development. We believe that the number of students proposed will greatly assist in the social and economic revival of Denton Holme and benefit the whole community. Denton Business Park Ltd are committed to ensuring the full integration of this scheme, its residents and businesses into the community of Denton Holme.

Turning now to the requirements for a licence for this development under the housing act 2004 Denton Business Park Ltd will be applying for a licence and agree to conform to any issues involved as set out in the request dated 22<sup>nd</sup> October and signed by Amelia Mandle. I confirm we have had a meeting with her and informed her of this fact.

Yours Sincerely



Viv Dodd  
Director  
Denton Business Park Ltd=

# Denton Business Park Ltd: Management Strategy

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Denton Business Park Ltd is committed to creating 'Carlisle's Premier Student Accommodation' with their development in Denton Holme. This is reflected in both the quality of the physical development proposed and in the subsequent management of the development.

Denton Business Park Ltd is a private company that will develop, own and manage the complex. The residential accommodation will be let to students primarily from the University of Cumbria but will also be available for students from Carlisle College, the hospital and other 'professional' bodies.

Denton Business Park Ltd is committed to managing the accommodation in accordance with the national code of standards for student accommodation NOT managed and controlled by educational establishments.

The criteria in this code have been chosen 'to reflect a balance of common sense, obligations and responsibilities between the managers of student accommodation buildings and tenants and set bench mark standards which are achievable without significant expenditure of time and money and without prejudice to their respective legal rights'. Compliance with the code will ensure that;

- Both managers and tenants enjoy the benefit of good standards of housing management and practice.
- Misunderstandings and disputes are reduced.
- Where problems do occur they are promptly resolved.

The code was drawn up by the Accreditation Network UK and the Unipol National Code of Standards and the Committee of Management. It enjoys the support of Universities UK, the Association for Student Residential Accommodation, the Chartered Institute of Environmental Health Officers, the Conference of University Business Officers and the National Union of Students amongst others.

The Code of Standards now covers over 125,000 bed spaces managed by private sector companies in the UK. It covers everything from;

- Marketing prior to letting to tenants.
- During the tenancy.
  - Access
  - Repairs and maintenance
  - Cleaning
  - Furniture and storing space
  - Kitchen facilities
  - Toilet and personal washing spaces
  - Laundry facilities
  - Mail deliveries
- Health and Safety

- Gas appliances and supply (not applicable to the Denton Street scheme)
- Electrical installations and appliances
- Energy efficiency
- Fire safety
- Security measures
- The environment
- Communal lighting
- At the end of the tenancy
  - Inspections
  - Return of deposits
- Disputes and complaints
  - This section of the code covers both disputes and complaints from tenants but also from neighbours. The code specifically states that neighbouring residents have access to and are eligible to use the complaints procedure. A neighbour in this context is defined as a resident within the same or adjacent street within 200 metres of the property.

## **Other Management Issues**

The day to day management of the complex Denton Business Park Ltd will provide 24/7 on site management with telephone hotline for residents and neighbours.

Security is very important and at evenings and nights the only access will be key or fob.

Full close circuit television will be installed.

The entrances on Denton Street and Collingwood Street will be pedestrian only.

The only vehicular access will be from Blencowe Street which will have lockable gates again with key or fob access for residents and accredited users only.

The access road from Blencowe Street will be built to adoption standards.

The on site management will be responsible for the cleanliness and maintenance of all outdoor and communal areas.

Refuse provision will be made in accordance with Council requirements.

The company is committed to encouraging walking and cycling and is providing cycle hire/sale and servicing facilities to meet the demand

## **Conclusion**

The final management statement will be prepared once planning approval has been obtained taking into account all the details in the approval. It will be made available on our website together with paper copies. An executive summary will be available to all tenants and other interested parties.

The full national code of standard is available on [www.anuk.org.uk](http://www.anuk.org.uk)

# Code of Standards for Larger Developments

for student  
accommodation not  
managed and controlled  
by educational  
establishments

# CODE OF STANDARDS FOR LARGER DEVELOPMENTS



*Finalised for approval on 20<sup>th</sup> February 2006*

# **The National Code of Standards for Larger Developments**

**for student accommodation NOT managed and controlled by educational establishments**

**2009**

This Code establishes a set of specific standards with particular relevance to larger developments tenanted by students. The definition of "larger development" is a development where in excess of 15 students live in one building in rooms off a central corridor, in cluster flats, or in self contained flats.

Larger developments have particular needs and procedures relating to their ongoing management and this Code reflects their specialist status as an important part of the student accommodation supply.

**The purpose of the National Code is to enable property owners, managers and tenants to agree a set of undertakings about how they wish to do business with one another.**

This Code relates specifically to accommodation providers excluding educational establishments. In situations where accommodation is provided in partnership with an educational establishment, the determination of whether the accommodation is managed and controlled by the educational establishment is decided by the outcome of the calculations to be found in Annex 1 of the Code.

The criteria in the Code have been chosen to reflect a balance of common sense obligations and responsibilities between the managers of larger student accommodation buildings and tenants and set benchmark standards which are achievable by managers without significant expenditure of time and money and without prejudice to their respective legal rights.

**Compliance with the Code will ensure that:**

- Both managers and tenants enjoy the benefit of good standards of housing management and practice.
- Misunderstandings and disputes are reduced.
- Where problems do occur they are promptly resolved.

In all cases the fact that a supplier has agreed to comply with the Code will be made explicit on property advertisements and tenant

information and the Code will be actively and positively promoted amongst students searching for housing.

The Code enjoys the support of the National Union of Students (NUS), Office of the Deputy Prime Minister, The Accreditation Network UK (ANUK), The Association for Student Residential Accommodation (ASRA), Chartered Institute of Environmental Health Officers (CIEH), Conference of University Business Officers (CUBO), UniversitiesUK, its secretariat is based at Unipol Student Homes. The business and service reputation of those that maintain compliance will be enhanced in contrast to those that either, choose not to operate within the Code or, fail to honour their agreement to work within it.

Adoption of the Code by an accommodation provider is **voluntary**. Making a commitment to abide by the Code is a serious matter and a failure to meet such a commitment is a breach of faith. The National Code Committee of Management undertakes a number of compliance tests for the purpose of ascertaining compliance with the Code and tenants can complain where they feel a breach has occurred. Information showing that owners are not complying with the Code is in the public domain and will remain accessible for three years, even if the owners leaves, or is removed, from the Code.

---

The secretariat for the ANUK/Unipol National Code of Standards and the Committee of Management is based at Unipol Student Homes, 155-157 Woodhouse Lane, Leeds LS2 3ED and the National Code Administrator can be contacted there.  
Telephone 0113 243 0169  
Fax 0113 234 3549  
Info@unipol.leeds.ac.uk  
www.unipol.leeds.ac.uk or www.anuk.org.uk

Registered Charity No 1063492

## **THE CODE OF STANDARDS FOR LARGER DEVELOPMENTS**

---

### **EQUAL OPPORTUNITIES**

- 1.0 Managers will ensure that all accommodation allocation procedures comply with any existent equal opportunities policies that apply to their organisation. Where these do not exist, owners will ensure that no person or group of persons applying for accommodation will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, gender, disability, appearance, age, marital status, sexual orientation or social status.
- 1.01 As part of its commitment to assist those with disabilities, it is agreed that charges for rooms adapted for use by students with disabilities do not exceed the normal room rate for that development.

### **MARKETING PRIOR TO LETTING PROPERTY TO TENANTS**

Managers will ensure that:

- 2.00 All property details are reported accurately without misrepresentation to prospective tenants. This will include details provided in prospectuses, brochures and Websites. Where a development is being promoted in a University prospectus then the details will make clear if the operator of the scheme is not the University and will state clearly the management organisation charged with both tenant and building responsibilities;
- 2.01 All prospective tenants are informed about any contractual terms under which the property is offered, including those relating to any fees payable in addition to rent, such as booking fees, utility charges, deposits, insurance, Web or telephone costs;
- 2.02 Where a booking fee is charged that fee is a standard published fee for all tenants and information will be provided on: the cost of the fee, the nature of the reservation being made, arrangements for cancelling the booking and returning the fee, the point at which the fee would not be returned if a tenancy was not entered into, the manner in which the booking fee will be returned to the tenant when a tenancy is entered into. In all cases a receipt will be given to a tenant for the booking fee and the conditions of levying and returning, or not returning, that fee will be stated on that receipt;
- 2.03 No other monies for deposits or rent are demanded prior to the signing and exchange of any letting agreement;
- 2.04 All tenants are provided with a written copy of the letting agreement at the time they sign that agreement or at the time that they pay any booking fee or deposit. For tenancies entered into on line the tenants should be able to download the full terms and conditions of the agreement at the time they make the application and this option

should be made clear to them. Paper copies of any agreement would be provided to these tenants should they request them in writing;

- 2.05 Any contracts used do not include terms that are in breach of the Unfair Terms in Contracts Regulations 1999;
- 2.06 Where a building is new, or undergoing refurbishment and the building programme is running late and where this may result in pre-let rooms not being ready for occupancy, the manager informs the future tenant at the earliest possibility of this likelihood and its consequences for them.
- 2.07 In the event that a room is not ready for occupation on the date that the tenancy begins then a suitable alternative room is provided, by the same supplier, in an adjacent building or, in any event, in a building within half a mile of the original development. The replacement facility must provide an equivalent level of services and amenities previously contracted for. If an alternative bed is not available on the terms above then a hotel room will be secured and any amount paid for rent during the period of temporary occupancy will be refunded to the tenant by the supplier with whom the customer signed the tenancy. If no self-catering facilities are provided in any accommodation offered then breakfast and one other meal will be provided, or arrangements for receiving these meals will be provided.

#### **Rent Liability**

Managers will ensure that:

- 2.08 Prospective tenants are issued with a clear statement of the rent due to be paid, including the dates, amounts and methods of payments due to be made during the contract;
- 2.09 Prospective tenants are issued with written receipts for all monies received, whether in payment for rent, deposit, utility or service charges. Where any transactions are undertaken in cash a written receipt will always be provided by the manager.

#### **Contact Details for Staff**

Managers will ensure that:

- 2.10 The owner of the building, their registered office and the name, address and any email address of those responsible for the management function of the building, together with a standard notice affirming membership of this Code (supplied at the time of signing) will be clearly displayed on a fixed noticeboard located either in the entrance lobby or a common facility in the development. If there is no main lobby then this will be affixed to the wall at the bottom of the main stairwell to the building;
- 2.11 The name and contact details of all staff involved in the management of the development will be provided to tenants at the commencement



of their tenancy, including the times that they will be available and specifying their duties.

**State of Repair**

Managers will ensure that:

- 2.12 All tenants are provided with an up-to-date inventory of their room/flat that indicates the state of repair of fixtures and fittings at the time their tenancy commenced. If no inventory is issued, no deductions from deposits will be made at the end of the tenancy in respect of the condition of the furniture and fittings. Where a standard furniture kit is available in all rooms in a development, a list of fixtures and fittings can be provided which would allow for deposit deductions in respect of items that are found to be missing from the room at the end of the tenancy period.

**DURING THE TENANCY**

**Ensuring Possession**

Managers will ensure that:

- 3.00 Statutory notices requiring possession are served on existing tenants in order to mitigate any delay or hardship that may be caused to the manager or incoming tenants.

**Access**

Managers will ensure that:

- 3.01 Where access is required for routine inspections, each affected tenant receives notification of the date, time and purpose of the visit not less than 24 hours in advance, except in circumstances where issuance of such notice is impractical; and that tenant privacy and entitlement to quiet enjoyment is respected. Where a regular cleaning service is provided this notice is inapplicable so long as cleaning staff access the tenant's premises in line with information given at the commencement of the tenancy regarding the provision of cleaning services;
- 3.02 Where a building is under snagging and defects procedures being undertaken by the builder and work needs to be carried out on a regular basis tenants are informed of this and the timescale for the programme of works, in advance of those works. Where practical, the contractors and their subcontractors will be escorted by a representative of the owner to ensure that access is properly ordered and that work being undertaken is not unduly disruptive of occupants. Contractors should not enter against tenants wishes unless required to do so by the owner because of an emergency;
- 3.03 Business is pursued in a professional, courteous and diligent manner at all times.

## **Fines**

Managers will ensure that:

- 3.04 Tenants are not subject to an internal fining system within their tenancy arrangements. Costs of any damage caused by tenants will be deducted from any deposit held or by other means sanctioned by law.

## **Repairs and Maintenance**

Managers will ensure that:

- 3.05 Tenants are provided with information about how to report any repair/maintenance issues and to whom these should be addressed;
- 3.06 The development is maintained in a way that complies with all statutory and local authority regulations relating to HMOs and/or purpose built developments;
- 3.07 Any repair or defect works that are required meet with the following performance standards  
*Priority One – Emergency Repairs* – are completed within 24 hours of a report of a defect. These would be any repairs required to avoid a danger to health, a risk to the safety of residents or serious damage to buildings or residents belongings;  
*Priority Two – Urgent Repairs* – are completed within five working days of report of the defect. These would be any repairs which materially affect the comfort or convenience of the residents;  
*Priority Three – Non-Urgent Repairs* – are completed within 28 days of a report of a defect. These would be any repairs not falling within the above categories;
- 3.08 Maintenance and servicing programmes, such as gas appliance servicing, window and guttering cleaning, exterior and interior painting, are carried out in a planned and cyclical manner and with due regard to the convenience of tenants;
- 3.09 In a building with more than three floors, notice of external window cleaning and painting is given not less than 24 hours before those activities commence;
- 3.10 Where a dispute arises between the manager and tenant/s as to when a repair has been reported then the date on which the repair was reported to the manager in writing will be the accepted date;
- 3.11 Contractors will remove all redundant materials and debris from site on completion of works in a reasonable time and will behave in a professional and courteous manner at all times.

### **Cleaning and Maintenance of Communal Areas**

Managers will ensure that:

- 3.12 Full details of the times for cleaning and maintaining communal areas will be provided to tenants in writing or displayed on appropriate notice boards within the development.

### **Furniture and Storage Space**

Managers will ensure that:

- 3.13 All study bedrooms contain a bed, adequate clothes storage space, a desk, chair, and curtains which are hung properly;
- 3.14 All furnishings and furniture are clean and in reasonable condition at the commencement of the tenancy and comply with the relevant fire safety legislative requirements relating to furniture and furnishings - Furniture and Furnishings (Fire) (Safety) Regulations 1988

### **Kitchen Facilities**

Managers will ensure that:

- 3.15 All kitchen facilities are designed and installed having regard to safety;
- 3.16 Food storage and preparation facilities comply with levels of provision laid down by the Local Authority for developments of this type;
- 3.17 Kitchens contain an adequate number of appropriately positioned plug sockets;
- 3.18 Kitchens are sited on the same level as the sleeping accommodation or have an adjacent dining or communal space where eating at a table can take place.

### **Toilet and Personal Washing Facilities**

Managers will ensure that:

- 3.19 WC, bath and/or shower facilities comply with the levels of provision laid down by the Local Authority for developments of this type;
- 3.20 All WCs situated in tenants' rooms are properly compartmentalised, with adequate provision of natural or mechanical ventilation;
- 3.21 When a room is described as en suite this means that it has a bath/shower, wash basin and toilet which form a self contained amenity for the exclusive use of the tenant occupying that room and that this amenity is accessible without recourse to any corridor or passageway used by other occupants.

### **Laundry Facilities**

Managers will ensure that:

- 3.22 Facilities are provided for the washing and drying of clothes. Where a laundrette is provided the ratio of Washer/driers to tenants should be no greater than 1:75 and consideration should be given to the possibility of machine malfunction.
- 3.23 Where a laundrette is provided within a development and that facility is provided as an amenity in the particulars of the letting at the point of establishing a tenancy, details of the organisation responsible for the management and ownership of the laundrette are displayed and information on how to report repairs supplied to the tenants. If the facility is not accessible 24 hours a day then tenants will be informed about opening times.

### **Mail deliveries**

Managers will ensure that:

- 3.24 Tenants are informed of procedures for the distribution of incoming mail and where it can be collected from. Tenants must be able to access their mailbox from a secure area, preferably accessible from within the building.
- 3.25 Where mail is not delivered through a letterbox into the room or flat of occupancy, then mail is delivered in conveniently located, lockable, secure, mailboxes;
- 3.26 Where the manager of the building is responsible for the distribution of mail, this is delivered on all normal Monday to Friday working days, not more than 24 hours from the time of the mail being delivered at the building. Mail received over public holidays and weekends shall be delivered not later than 24 hours after a normal working day occurs. The manager is not required to take delivery of parcels and larger items of mail, but in these circumstances notification that such items can be collected from a central depository must be given within the timescale above. Where a manager accepts parcels then notification of these items must be given to tenants within the timescale above;
- 3.27 Tenants are informed of any mail forwarding arrangements not less than 14 days before the end of any tenancy. It is not necessary for managers to agree to forward mail but this must be made clear to tenants, in advance. Where no forwarding service is offered, undelivered mail must be returned to the sender with the notification "gone away" on each item.

## **HEALTH AND SAFETY**

### **Housing Health and Safety Rating System**

Managers will ensure that:

4.00 In consultation with the Local Authority, buildings are maintained in compliance with the requirements of Part I of the Housing Act 2004 (see appendix 3 dealing with the Housing Health and Safety Rating System).

### **Gas Appliances and Supply**

Managers will ensure that:

4.01 All means of use and supply of mains gas and alterations and repairs to gas installations must comply with the current Gas Safety (Installation and Use) Regulations;

4.02 All gas appliances are serviced annually by a Council of Registered Gas Installers (CORGI) engineer and verification of this servicing within the development/flat is provided to each tenant;

4.03 Clear written instructions for the safe use of all central heating and hot water systems are provided to the tenants.

### **Electrical Installations and Appliances**

Managers will ensure that:

4.04 They possess a current Periodic Inspection Report (based on Appendix 6 of BS 7671) showing that all electrical installations are in satisfactory condition. The inspection must be carried out by a competent electrical engineer (preferably National Inspection Council for Electrical Installation Contracting or Electrical Contractors Association) to show that the installation is safe and satisfactory and had been tested within the last 5 years;

4.05 All repairs and improvements to electrical installations comply with the current edition of the Institute of Electrical Engineers Wiring Regulations and meet with BS 7671;

4.06 Reasonable steps are taken to ensure that all electrical appliances provided by them are functioning effectively, in accordance with manufacturers' operational instructions and in a safe manner. Portable Appliance Testing (PAT) would be one satisfactory method of ensuring this, another would be to install circuit breakers. Appliances must be regularly visually inspected for wear and tear by the managers and any defects remedied. Tenants are provided with information about how, and to whom, any defects should be reported;

4.07 Instructions for the safe use of all electrical appliances are provided to the tenants and isolator switches properly labelled;

4.08 When a room is described as having central heating, this comprises of a heater that can be controlled within the room or flat, and adjustable by

a timer that allows control over a minimum 24 hour period. An electric panel heater with an on/off or booster switch that allows a preset period of use may be regarded as electric heating.

### **Energy Efficiency**

Managers will ensure that:

- 4.09 All Developments built before 2002 are provided with a reasonable level of energy efficiency installations;
- 4.10 Tenants are given, on request, advice on how best to heat the accommodation and use hot water in an energy efficient way when using the facilities provided.

### **Fire Safety**

Managers will ensure that:

- 4.11 All developments are provided with properly maintained fire safety installations, and instructions on their use, necessary to enable the tenants to safely evacuate the building in event of a fire where this is required. These will be provided with fire safety measures in accordance with current legislation and may include by way of example:
  - a fire escape route with a minimum of 30 minutes fire resistance
  - an automatic fire alarm system
  - an emergency lighting system sited to protect the route of escape

The design and detail of the measures are determined in accordance with a fire safety risk assessment and in consideration of the local authority's HMO standards;

- 4.12 Fire alarm and detection systems are maintained in proper working order, systems are tested regularly, and an annual inspection and test of the entire system is carried out by a suitably qualified engineer;
- 4.13 A log book or certificate is kept containing information on when the testing and inspection of the fire alarm system was carried out and by whom;
- 4.14 Documentation is available to certify that the fire alarm and emergency lighting systems have received annual checks and are in proper working condition;
- 4.15 Tenants are provided with clear written guidelines on the fire safety procedures, including details of the safety measures installed, why they are there, how they operate and what to do in the event of a fire;
- 4.16 Notices containing this information is displayed in all rooms and communal areas;
- 4.17 All exit routes within the building, such as hallways, landings and staircases, so far as they are under the control of the landlord and as far

as reasonably practical, are maintained safe and unobstructed to enable evacuation of the dwelling in the event of fire.

#### **Security Measures**

Managers will ensure that:

- 4.18 External doors to the building are of strong, solid, safe construction and fitted with a secure locking system capable of being opened from the inside without use of a key (if an electronic system is installed then it will be programmed to open in event of a power failure). Door frames should be of a strong construction and well secured;
- 4.19 Any intercom entry systems should not allow access to the building without the tenant being able to establish the identity of the caller;
- 4.20 Ground floor and upper storey windows accessible from ground level are of sound construction and fitted with a lockable system capable of being opened from the inside without the use of a key. Occupants of ground floor rooms should be provided with specific security information;
- 4.21 The building has a security plan detailing an appropriate level of management to maintain security standards and this plan can, on request, be shown to tenants. The plan should also stipulate what security information will be supplied to tenants.

#### **The Environment**

Managers will ensure that:

- 4.22 All developments are provided with adequate refuse disposal facilities for the number of occupants;
- 4.23 Where waste facilities are used by more than 10 tenants then a waste disposal plan exists for the building which can be consulted by tenants, on request. Tenants must be informed, not later than 24 hours of moving into the building, of waste collection arrangements. Where the local authority operates a recycling scheme, the waste disposal plan will conform to the relevant standards for recycling refuse.
- 4.24 The perimeter of all developments and any surrounding grounds are maintained in good order and are free of waste and litter as far as is reasonably practicable;
- 4.25 Where a garden area exists this is properly maintained and not be allowed to become overgrown. The path to and from all external doors will be kept in good repair and free from obstruction;
- 4.26 Where a garden or gardens exist these are retained as soft planted areas (this includes low maintenance gravelled with planting), although paths may be added. Plants and shrubs will be properly maintained and not be allowed to obstruct the pavements or other public areas surrounding the property;

4.27 Hedges and bushes are kept trimmed low wherever practical to avoid providing screening for criminal activities;

4.28 Neighbouring residents have access to and be eligible to use the complaints procedure (7.00 and 7.01). A neighbour is defined as a resident within the same or adjacent street within 200 metres of the property.

#### **Communal Lighting**

Managers will ensure that:

4.29 All internal and external communal areas are provided with adequate safe lighting;

4.30 Where light switches are fitted with automatic timers they allow sufficient time for tenants to reach their rooms or to exit the building;

4.31 No more than five lamps fail on external lighting before those lamps are replaced and no more than three lamps fail on stairwells and corridors before those lamps should have been replaced.

#### **AT THE END OF THE TENANCY**

##### **Deposits**

Managers will ensure that:

5.00 Deposits, where required, are administered efficiently and reasonably and are not withheld for any purpose other than for which they are levied;

5.01 Tenants are issued with clear written guidelines regarding the standard of cleaning and other arrangements that will be expected when the tenancy comes to an end;

5.02 Subject to paragraph 5.03, deposits are returned to former tenants within four weeks of the end of the tenancy;

5.03 Where monies from deposits have been retained to offset costs incurred, any remaining balance is returned within the timescale set out in paragraph 5.02 together with a written statement of account providing details of all and any deductions that have been made.

##### **References**

Managers will ensure that:

5.04 Following a written request from a former tenant, a reference will be provided.

5.05 Letters of reference are based on the performance of the named individual during the period of the tenancy only, or in the case of a joint tenancy those within the tenancy.



## **DISPUTES**

Where disputes arise with tenants, managers will ensure that:

- 6.00 They respond reasonably and promptly to tenants or their representatives. Where a parent of a tenant is making a complaint then the tenant will confirm in writing that this constitutes their representative;
- 6.01 They make written response to any correspondence from tenants or their representatives within three weeks of its receipt;
- 6.02 Any settlements or agreements reached are honoured within three weeks of the settlement being agreed;
- 6.03 They maintain courteous professional relations with tenants during any dispute.

## **Complaints**

Managers will ensure that:

- 7.00 Within four weeks of receipt of any written complaint from a tenant (or their representative) they rectify any breach of this Code of Standards or, where any allegations are contested, enter into correspondence with the tenants or their representative; (Appendix 2 describes the complaint resolution procedure)
- 7.01 Where such a breach is contested, or where rectification is not made in accordance with 7.00 above, they recognise the authority of a Tribunal which will determine whether or not a breach of the code has occurred and make recommendations accordingly. In the event that such recommendations are not followed by the manager then they will be deemed to be in breach of the Code and this fact will be made public to prospective tenants. The Tribunal will have the authority to exclude any owner from the Code.

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## **Data Protection**

All information concerning owners/managers of developments displayed on the website in relation to complaints received under this code will comply with the principles of good practice for the handling of personal data. It will be fairly and lawfully processed, contain only adequate and relevant information about the complaint, accurately reflect the details of the complaint, remain on the website for no longer than three years, be processed in accordance with the data subject's rights, and will be held securely.

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The ANUK/Unipol National Code of Standards for Larger Developments is administered by Unipol Student Homes on behalf of the Code Consortium and the Committee of Management. Telephone 0113 243 0169 and ask for The National Code Administrator for further information or general enquiries. For financial enquiries please select option 3 on 0113 243 0169 for the finance section.  
155-157 Woodhouse Lane, Leeds LS2 3ED  
www.unipol.leeds.ac.uk  
Registered Charity No 1063492  
VAT Registration No 69884549

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## ANNEX 1

### **National Code of Standards for Larger Developments**

#### **For student accommodation not managed and controlled by educational establishments**

#### **Determination of Whether a Development is Managed and Controlled by an Educational establishment**

Many larger student accommodation developments are undertaken in partnership between a provider of services and an educational establishment. As a result of this it can be difficult to determine whether a building is being managed and controlled by the educational establishment or by the private provider. In order to discover who the building is managed and controlled by, a framework of test questions has been developed.

12 questions are asked: the answer can be yes, responsible, no, not responsible or both are responsible. The answer to each question attracts the number of points, as follows:

Marketing -	1 point
Rent Collection -	1 point
Tenancy -	6 points
Hard FM -	2 points
Soft FM	
Cleaning -	1 point
Security -	1 point
Repairs -	1 point
Health and Safety Routines -	1 point
Out of Hours Services -	1 point
Tenancy Relations -	2 points
Residential Cover -	1 point

The points are loaded to reflect the importance of each item as determining control and management.

There are a total of 18 points in all. The headings are scored according to an educational establishment or another provider. Whoever has the higher score determines who has control and management of the building.

**For a worked example of the method of determination see below.**

#### **Guidelines on Questions**

*The term "educational establishment" means just that and "provider" means an organisation other than the educational establishment providing the duties and services.*

*Marketing - reflects who is responsible for promoting and letting the building. If the development is an underwritten or formal nominations arrangement this would clearly be the educational establishment. Informal arrangements*

between educational establishments and a private supplier, where the supplier is also marketing the building directly would result in marketing being undertaken by the provider.

*Rent Collection* - reflects who collects the rent.

*Tenancy* - This reflects who the student tenant signs their tenancy with, the educational establishment or another provider. This is an important matter since it sets the legal framework for the whole letting.

*HardFM* - means the maintenance and replacement of the infrastructure of the building and its associated plant/equipment and buildings systems and can extend to the estate where the building is situated (including grounds and gardens).

*Soft FM* - means the services that are provided to the students occupying the building. There are seven questions related to aspects of those services:

*Cleaning* - who undertakes the cleaning, either of the residences or the communal areas

*Security* - who undertakes the security, particularly out of hours security. Often this work is shared between a provider and an educational establishment, in which case points would be awarded to both

*Repairs* - who undertakes any day to day repairs within the building

*Health and Safety Routines* - who is responsible for health and safety routines: testing fire alarms, servicing safety equipment, undertaking a risk analysis of the building

*Out of Hours Services* - who would deal with out of hours emergencies in respect of the building, for example, a power outage, a plumbing leak. This does not cover out of hours services to students offered under tenancy relations or residential cover

*Tenancy Relations* - who would deal with tenant issues and support, for example, students wishing to leave, inter-tenant friction, noise and anti social behaviour, mental health problems

*Residential Cover* - who provides over night residential cover to deal with tenant issues that occur overnight. This excludes security related matters dealt with above.

Further guidance can be obtained from the Code Administrator at any time before applying the test questions above.

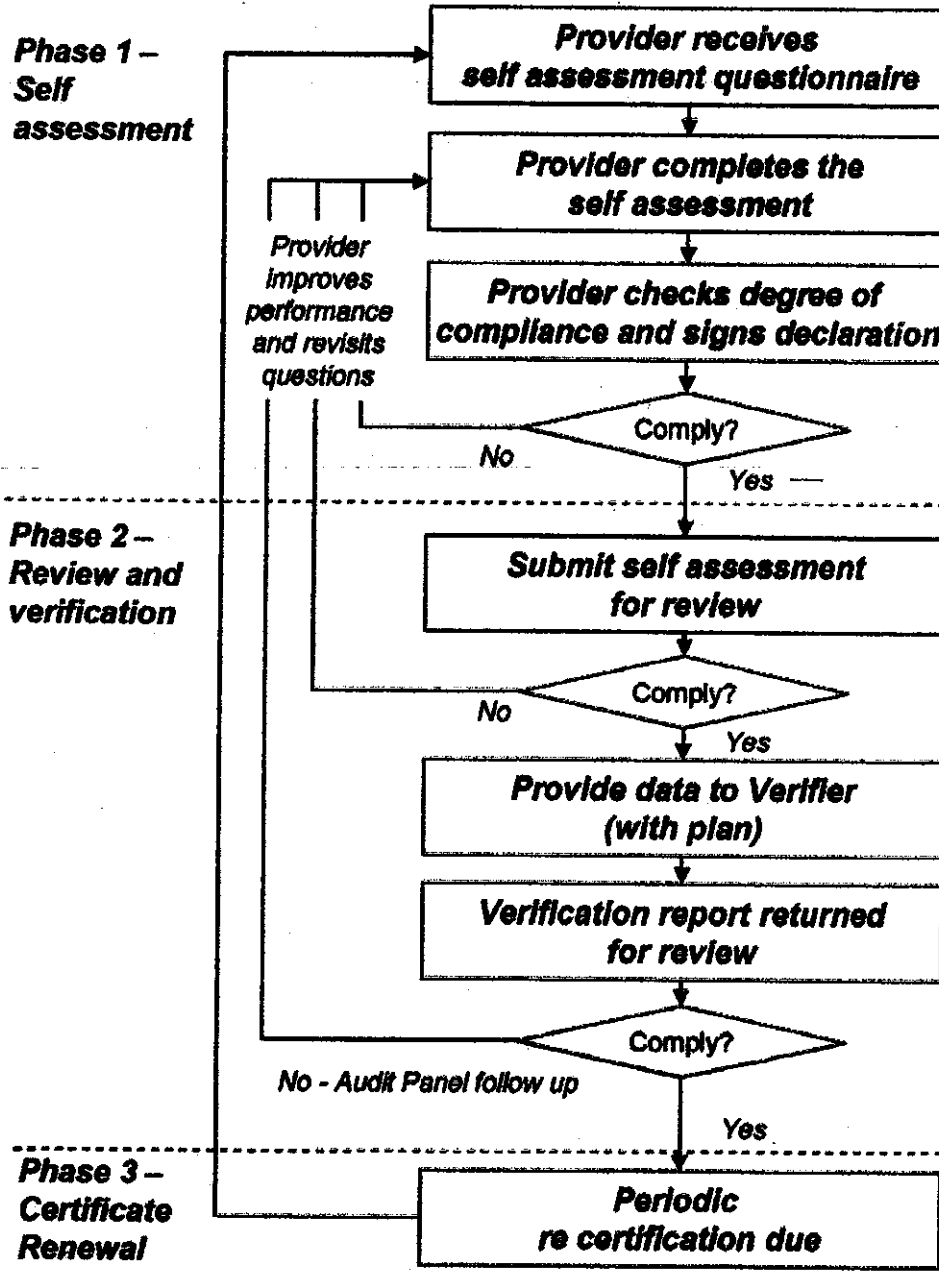
**Determination of Whether Development is Managed and Controlled by an Educational Establishment**

Name of Development/Area: Blank

	Available	Who	Provider	Points	Educational Establishment	Points
Marketing	1	Both	yes	1	yes	1
Rent Collection	1	Both	yes	1	yes	1
Tenancy	6	Both	yes	6	yes	6
Hard FM	2	Both	yes	2	yes	2
Soft FM						
Cleaning	1	Both	yes	1	yes	1
Security	1	Both	yes	1	yes	1
Repairs	1	Both	yes	1	yes	1
Health and Safety						
Routines	1	Both	yes	1	yes	1
Out of Hours Services	1	Both	yes	1	yes	1
Tenancy Relations	2	Both	yes	2	yes	2
Residential Cover	1	Both	yes	1	yes	1
<b>Total Points</b>				<b>18</b>		<b>18</b>

The educational establishment manages and controls a development only if it scores the most points

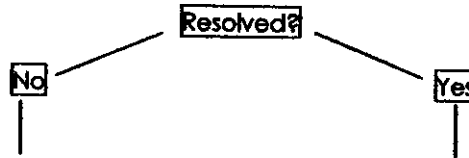
**Appendix 1 - Audit and Compliance Framework**



## **Appendix 2 – Complaints Procedure**

A. Breach of Code alleged

B. Matter raised with accommodation provider



C. Formal Complaint submitted to National Code Administrator

No further action

D. NCA contacts provider outlining the complaint and requesting a response



E. Matter referred to Chair of Tribunal

No further action

F. Chair considers the complaint and has two possible courses of action:

**Chairs Ruling - Chair decides, in consultation with Vice chairs, if case is serious enough to be referred to the full tribunal. If not the Chair makes the ruling and details appear on the website**

**Full Tribunal - Complaint is heard by panel consisting of a maximum of nine people - Chair, two members of the consortium (at least one from NUS), three owner representatives, one person from the local authority, one person from the local student union, one person from the educational establishment (where appropriate). Owner and tenant/s will attend to state their case. Tribunal's decision will be posted on the website and remain in the public domain for three years**

### Appendix 3 – Housing Health and Safety Rating System

The condition of all housing is now catered for by Part 1 of the Housing Act 2004 and the evidence based risk assessment process of the Housing Health and Safety Rating System (HHSRS), on which local authorities must now base enforcement decisions. This applies to all types of residential premises, whether or not any amenities are shared.

Following a complaint, or for any other reason, a local authority may arrange to inspect premises to determine whether a category 1 or 2 hazard exists.

HHSRS assesses twenty-nine categories of housing hazard. Technical assessment is a two-stage process, addressing first the likelihood of an occurrence and then the range of probable harm outcomes. These two factors are combined using a standard method to give a score in respect of each hazard. HHSRS does not provide a single score for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.

The scores from different hazards cannot be meaningfully aggregated. There is no strong evidential basis for aggregating hazard scores, and to attempt to do this would make far more difficult the assessment of likelihood and spread of harm of hazards. However, the presence of a number of individual category 2 hazards may be a factor in an authority's decision to take action.

Hazards are scored in bands, from band A, the most severe, to band J. The relationship between these bands and category 1 and category 2 is prescribed in the Regulations. Category 1 hazards are those rated in bands A-C. Category 2 hazards are those rated band D and lower. Category 1 hazards trigger a local authority's duty under section 5 to take the appropriate enforcement action. Category 2 hazards can be dealt with under the authority's discretionary powers, which are set out in section 7.

The 2004 Act gives local authorities powers to intervene where they consider housing conditions to be unacceptable, on the basis of the impact of health and safety hazards on the most vulnerable potential occupant. The 2004 Act puts authorities under a general duty to take appropriate action in relation to a category 1 hazard. Where they have a general duty to act, they must take the most appropriate of the following courses of action:

- serve an improvement notice in accordance with section 11
- make a prohibition order in accordance with section 20
- serve a hazard awareness notice in accordance with section 28
- take emergency remedial action under section 40 or make an emergency prohibition order under section 43
- make a demolition order under section 265 of the Housing Act 1985 as amended
- declare a clearance area by virtue of section 289 of the 1985 Act as amended.

**Schedule 1: Developments in England Signed-Up to the ANUK/Unipol National Code for non-Educational Establishments as of 1<sup>st</sup> August 2009**

<b>Name of Provider</b>	<b>Name of Development</b>
<b>A2 Dominion Housing Group</b>	Deans Court, Bristol
	Woodland Court, Bristol
	Champneys Court, Oxford
	Edna Rose Court, Oxford
	Sinnet Court, Oxford
<b>CAMCAT Housing Association</b>	Sedley Court, Cambridge
<b>Campus Living Villages UK. Ltd</b>	Bramell Court, Salford
	Eddie Colman Court, Salford
	John Lister Court, Salford
	Matthias Court, Salford
<b>Carlton (North Wales) Ltd</b>	Liverpool Development, Liverpool
	Optima, Loughborough
	Rockingham House, Sheffield
	Chambers, Wolverhampton
<b>Cass and Claredale</b>	Claredale House, Tower Hamlets, London
	Sir John Cass Hall, Hackney, London
<b>Charlotte House Ltd</b>	94a Fenkle Street, Newcastle
<b>Clubeasy Group PLC</b>	Molly Hayes, Exeter
	Cathedral Street Apartments, Lincoln
	Hayes Wharf, Lincoln
	Hayes Apartments, Loughborough
<b>Cosmopolitan Student Homes</b>	Wardley House, Bradford
<b>Cotton Mills</b>	Cotton Mills, Nottingham
<b>CRM Students</b>	Laisteridge Lane, Bradford
	Masters House, Cambridge
	Purbeck House, Cambridge
	Tripos Court, Cambridge
	Varsity House, Cambridge
	Isca Lofts, Exeter
	IQ Wave, Kingston upon Thames
	The Priory, Leeds
	Brayford Quay, Lincoln
	Hive Bethnal Green, London
	Hive Hoxton, London
	Bower Terrace, Maidstone
	The Glasshouse, Nottingham
	Leighton Hall, Preston
	IQ Student Quarter, Salford
	IQ Brocco, Sheffield
	IQ Steel, Sheffield
<b>D&amp;B Property Management</b>	Carr Mills, Leeds
<b>Derwent Living</b>	Canalside, Birmingham
	Lyden, Coventry
	Brookside, Derby
	Benjamin Russell Court, Leicester
	Waterway Gardens, Leicester
	Forest Court, Loughborough
	Byron Court, Nottingham
	Chatterley Court, Nottingham
	Madison Court, Nottingham



	Roddice Court, Nottingham
	Sillitoe Court, Nottingham
	Trinity Square, Nottingham
	The Cube, Sheffield
	The Trigon, Sheffield
<b>Downing Developments</b>	Broadcasting Tower, Leeds
<b>Garden House Developments Ltd</b>	Garden House, Leeds
<b>Groeneboom &amp; Vatal</b>	Devon Court, London
<b>Guinness Northern Counties Housing Association</b>	Phoenix Court, Sheffield
<b>Headingley Halls Ltd</b>	Headingley Halls, Leeds
<b>IQ Letting Property Partnership</b>	IQ Five, Birmingham
	IQ Bristol, Bristol
	IQ Leeds, Leeds
	IQ Exchange, Nottingham
	IQ Kopa, Preston
<b>Kexgill (Nottingham) Ltd</b>	Royal Albert Court, Nottingham
	Royal Albert Mill, Nottingham
<b>Leicester Newark Housing Association</b>	Leslie Holes Court, Leicester
	Millstone Court, Leicester
	Pennine Place, Leicester
<b>Liberty Living</b>	Liberty Park, Bedford
	The Beeches, Birmingham
	Hunter Court, Birmingham
	Queen's Hospital Close, Birmingham
	Liberty Park, Coventry
	Trinity Point, Coventry
	Liberty Quays, Gillingham
	Liberty Park, Leeds
	Liberty Park, Leicester
	Atlantic Point, Liverpool
	Liberty Park, Liverpool
	Prospect Point, Liverpool
	Francis Rowley Court, London
	Liberty Fields, London
	Liberty House (St John St), London
	Liberty House (Sebastian St), London
	Walter Sickerl Hall, London
	Liberty Court, Manchester
	Liberty House, Manchester
	Mill Point, Manchester
	Sir Charles Groves Hall, Manchester
	Liberty Court, Newcastle
	Liberty House, Newcastle
	Quay Point, Newcastle
	Liberty Square, Nottingham
	Foundry Court, Preston
	Trinity Student Village, Preston
	Liberty Court, Sheffield
	Liberty House, Sheffield
	Liberty Works, Sheffield
	Mercury Point, Southampton
	Orions Point, Southampton
	College Court, Stoke on Trent

<b>Lutheran Council of GB</b>	International Lutheran Student Centre, London
<b>Magnus Properties UK Ltd</b>	Delph Court, Leeds
<b>Mainslay Group Ltd</b>	Jennens Court, Birmingham
	Studios 51, Birmingham
	Studios 58, Bristol
	Forster Halls, Bradford
	The Junxon, Lincoln
	The Pavilions, Lincoln
	Asha House, Loughborough
	The Foundry, Loughborough
	Waterways, Loughborough
	The Exchange, Nottingham
	The Pinnacles, Sheffield
	Rialto Court, Stockton on Tees
<b>Manor Villages Ltd</b>	Bernard Russell House, Nottingham
	The Village, Nottingham
<b>Mary Morris International Residences</b>	Cliff Road, Leeds
	Roundhay Flats, Leeds
	Shire Oak Road, Leeds
<b>Mansion Property Management Ltd</b>	Fitzharding House, Bristol
	Avon Way House, Colchester
	66 Mount Pleasant, Liverpool
	Beechwood House and Gardens, Manchester
	Weston Court, Manchester
<b>Nido Student Living</b>	200 Pentonville Rd, London
<b>Opal Property Group</b>	Opal One, Birmingham
	Arkwright Hall, Bradford
	Aspley Hall, Huddersfield
	Little Aspley Hall, Huddersfield
	Opal 3, Leeds
	Grosvenor House, Leicester
	Great Newton Hall, Liverpool
	Opal Court, Liverpool
	Opal 2, Greenwich, London
	Opal 4, Islington, London
	Sutton Bonington, Loughborough
	Wilmslow Park, Manchester
	Opal 1, Nottingham
	Opal 1, Sheffield
	Opal 2, Sheffield
	Opal 3, Sheffield
	Fiveways Hall, Wolverhampton
<b>Operon</b>	Aston Student Village, Birmingham
	Chiltern Student Village, High Wycombe
	EC1 Residences, London
<b>Parklane Triangle</b>	The Triangle, Leeds
<b>Parish Court Developments</b>	Parish Court, Newcastle
<b>Sanctuary Management Services</b>	Alliance House, Islington, London
	Coopers Court, Tower Hamlets, London
	Dirwiddy House, Islington, London
	Don Gratton House, Tower Hamlets, London

	Lilian Knowles House, Tower Hamlets, London
	Manna Ash House, Southwark, London
	Paul Robeson House, Islington, London
<b>Servite Houses</b>	Welkin Residences, Eastbourne
	Platt Hall, London
	Robbins Road, London
	Usher Hall, London
	Wood Green Hall, London
	Writtle Hall, London
	Lucia Foster Welch Hall, Southampton
<b>Signpost Homes Ltd</b>	Okeford House, Bournemouth
	Point Exe, Exeter
	Coocestone House, Plymouth
	Valletart House, Plymouth
<b>Student Facilities Management</b>	Q3 Apartments, Manchester
	The Warehouse, Preston
	Aspect 3, Sheffield
<b>Student Living</b>	Aston Court, Nottingham
<b>Suvama Ltd</b>	Haria House, Bradford
	Haria Tower, Bradford
<b>Touareg Trust</b>	Paragon Site, London
<b>Unipol Student Homes</b>	Alexander Court, Leeds
	Carlton Hill, Leeds
	262-280 Cardigan Rd, Leeds
	Grayson Heights, Leeds
	Mill Street, Leeds
	New York Street, Leeds
	Royal Park Flats, Leeds
	St Marks Court, Leeds
	Westfield Court, Leeds
<b>UNITE</b>	Charlton Court, Bath
	Waterside Court, Bath
	Curzon Gateway, Birmingham
	Londonderry House, Birmingham
	The Heights, Birmingham
	Purbeck House, Bournemouth
	Blenheim Court, Bristol
	Chantry Court, Bristol
	Cherry Court, Bristol
	Culver House, Bristol
	Favell House, Bristol
	Hotwells House, Bristol
	Marketgate, Bristol
	Phoenix Court, Bristol
	The Hollies, Bristol
	The Rackhay, Bristol
	Transome House, Bristol
	UNITE House, Bristol
	Waverley House, Bristol
	Callice Court, Coventry
	Paradise House, Coventry
	Raglan House, Coventry
	Sherbourne House, Coventry

	Exeter Trusts House, Exeter
	Northernhay House, Exeter
	Northfields, Exeter
	Firth Point, Huddersfield
	Snow island, Huddersfield
	Concept House, Leeds
	James Baillie Park, Leeds
	Joseph Stones House, Leeds
	Plaza Sky, Leeds
	The Plaza, Leeds
	The Tannery, Leeds
	Filbert Village, Leicester
	Newarke Point, Leicester
	St Martins House, Leicester
	The Grange, Leicester
	Apollo Court, Liverpool
	Arrad House, Liverpool
	Cambridge Court, Liverpool
	Capital Gate, Liverpool
	Cedar House, Liverpool
	Grand Central, Liverpool
	Larch House, Liverpool
	Lennon Studios, Liverpool
	Myrtle Court, Liverpool
	The Railway, Liverpool
	Bartholomew Road, London
	Beaumont Court, London
	Bernard Myers House, London
	Blythale Court, London
	Camden Road, London
	Canto Court, London
	Charles Morton Ct, London
	Devonshire Street, London
	Donald Hunter House, London
	East Central House, London
	Emily Bowes Court, London
	Ewan Henderson Court, London
	949/958 Fulham Road, London
	301/315 Holloway Road, London
	Julian Markham House, London
	Kirkby Street, London
	Mary Branker House, London
	Newington Court, London
	Orient House, London
	Pacific Court, London
	Piccadilly Court, London
	Poland House, London
	Quantum Court, London
	Rahere Court, London
	Sherren House, London
	Somerset Court, London
	Station Court, Haringay, London
	Sunlight Apartments, London
	Winchester Place, Islington

	Woburn Place, London
	Harry French Halls, Loughborough
	The Holt, Loughborough
	William Morris Halls, Loughborough
	William Morris Villas, Loughborough
	Daisybank Villas, Manchester
	Heald Court, Manchester
	Kincardine Court, Manchester
	New Medlock House, Manchester
	Oxney Gardens, Manchester
	Park View, Manchester
	Parkway Gate, Manchester
	Piccadilly Point, Manchester
	Camden Court, Newcastle
	Fellsdyke Court, Newcastle
	Magnet Court, Newcastle
	Stephenson House, Newcastle
	Riverside Point, Nottingham
	St Peters Court, Nottingham
	Alexandra House, Plymouth
	Central Point, Plymouth
	Discovery Heights, Plymouth
	St Teresa House, Plymouth
	St Thomas Court, Plymouth
	Corfe House, Poole
	James Watson Hall, Portsmouth
	Margaret Rule Hall, Portsmouth
	Trafalgar Hall, Portsmouth
	Crown House, Reading
	Archways, Sheffield
	Central Quay, Sheffield
	Devonshire Courtyard, Sheffield
	Exchange Works, Sheffield
	Leadmill Point, Sheffield
	The Anvil, Sheffield
	The Forge 1 & 2, Sheffield
	Downsview House, Swindon
<b>UPP Projects Ltd</b>	Blenheim Hall, Nottingham
	Broadgate Park, Nottingham
	Gill Street, Nottingham
	The Maltings, Nottingham
	Meridian Court, Nottingham
	Norton Court, Nottingham
	Peverell Hall, Nottingham
	Sandby Complex, Nottingham
	Simpson's Hall, Nottingham
<b>Victoria Hall Ltd</b>	Grange Rd, Birmingham
	Castle St, Leicester
	Hatton Gardens, Liverpool
	Higher Cambridge St, Manchester
	Upper Brook St, Manchester
	Byron Street, Newcastle
	Curzon St, Nottingham
	Eldon St, Sheffield

	Lock Street, Wolverhampton
<b>Vine Student Living</b>	Park Court, Lincoln
	Therese House, London
	Goldsmith Court, Nottingham

## **National Code of Standards for Larger Developments**

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### **DECLARATION**

We (name of company/owner/)

of (Company Address)

Telephone contact number:

Website:

E-mail Address:

declare that:

I/we wish to join the Code of Standards for Larger Developments from January 1st 2009 - 31st December 2009 and that we agree to meet all the terms and conditions of the Code and abide by the regulatory mechanisms and complaints procedure as stated in the Code.

I/we wish to declare that our developments listed on the attached schedule meet with the terms and conditions of the Code

I/we agree to meet the cost of joining the Code at 0.90p (plus VAT) per bed space (NB the minimum fee for membership is £450, inc VAT), and accept that my registration covers from the period below (as dated) to 31st December 2009 (cheques should be made payable to Unipol Student Homes).

I/we wish to declare that our developments (as listed on the attached schedule) meet with the terms and conditions of the Code.

I/we accept that it is an important part of the Code to inform tenants of our membership and each tenant will be provided with either an A5 leaflet on collecting their keys (or before) or an A3 poster will be displayed at the foot of any relevant stairwell or foyer (both are available from the National Code Administrator).

Signed:

Dated:

Name (please print):

Position in Company:

Telephone contact number:

Website:

E-mail Address:

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**National Code of Standards for Larger Developments**

**DECLARATION – SCHEDULE OF PROPERTIES**

Name of development	Address (including postal code)	Description of Development (number of bed spaces and number of separate buildings)	Contact information for the Development (name, telephone number, E-mail address Website)

Signed:  
(please print):

Name

Position in Company:

Telephone contact number:

Website:  
Address

E-mail

For more than three developments please copy this sheet as required. Each separate sheet should be signed.



## **SCHEDULE B: Reports Requiring Further Information**

09/0998

**Item No: 02**

Date of Committee 18/12/2009

**Appn Ref No:**  
09/0998

**Applicant:**  
Riverside Carlisle

**Parish:**  
Farlam

**Date of Receipt:**  
09/11/2009

**Agent:**  
HTGL Architects Ltd

**Ward:**  
Irthing

**Location:**  
Land at Crossgates Road, Hallbankgate, Cumbria

**Grid Reference:**  
358254 559321

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**Proposal:** Erection Of 10no. Low Cost Dwellings

**Amendment:**

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### **REPORT**

**Case Officer:** Angus Hutchinson

#### **Reason for Determination by Committee:**

This is a Major application of local interest based upon which residents wish to exercise their Right to Speak.

#### **1. Constraints and Planning Policies**

**Area Of Outstanding Natural Beauty**

**Airport Safeguarding Area**

**RSS Pol DP 1 - Spatial Principles**

**RSS Pol DP 2 - Promote Sustainable Communities**

**RSS Pol DP 7 - Promote Environmental Quality**

**RSS Pol DP 8 - Mainstreaming Rural Issues**

**RSS Pol RDF 2 - Rural Areas**

**RSS Pol L 5 - Affordable Housing**

**Joint St. Plan Pol E34: Areas&feat. nat. & int.conservation**

**Joint St. Plan Pol E37: Landscape character**

**Joint St. Plan Pol H19: Affordable housing outside Lake Dist.**

**Joint St. Plan Pol ST1: A Sustainable Vision for Cumbria**

**Joint St. Plan Pol ST3: Principles applying to all new devel.**

**Joint Str. Plan Pol ST7: Dev. to sustain rural communities**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP4 - Agricultural Land**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP7 - Use of Traditional Materials**

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

**Local Plan Pol CP10 - Sustainable Drainage Systems**

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol DP9 - Areas of Outstanding Natural Beauty**

**Local Plan Pol H1 - Location of New Housing Develop.**

**Local Plan Pol H6 - Rural Exception Sites**

**Local Plan Pol LE26 - Undeveloped Land in Floodplains**

**Local Plan Pol LE29 - Land Affected by Contamination**

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

**Local Plan Pol T1- Parking Guidelines for Development**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** the site is located within walking distance of 2 bus routes (route 94 along Crossgates Road and 680 on the A698). The provision of a 2m wide footway along the frontage of the site is noted and

welcomed. It is suggested that the applicant contacts this Authority to agree the appropriate mechanism to enable these works to be done in the highway.

Each dwelling in this application takes access directly off the U1217 (Crossgates Road). Due to the classification of the road and the speed limit in place there is no need for turning and manoeuvring within the site. During construction however this has to be provided off the highway.

Visibility from each access and the provision of 2 parking spaces per dwelling is acceptable but the applicant will need to state (and show) the surface water drainage provision for this site.

Therefore this Authority has no objection to this application but would recommend that the following conditions are included in any consent you may grant:

**Details of proposed footway shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the development shall not be occupied until the footway has been constructed.**

**Reason:** To ensure a suitable standard of crossing for pedestrian safety.

To support Local Transport Plan Policies: LD5, LD7, LD8.

**The whole of each of the access areas 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.

To support Local Transport Plan Policies: LD5, LD7, LD8

**Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.**

**Reason:** In the interests of highway safety and environmental management.

To support Local Transport Plan Policies: LD7, LD8

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

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

To support Local Transport Policies: LD8

**Community Services - Drainage Engineer:** comments awaited.

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** comments awaited.

**Cumbria Constabulary - Crime Prevention:** The submitted Design and Access Statement makes reference to some of the intended security measures - as required in DCLG Circular 1/2006. The information supplied demonstrates that crime prevention has been considered as part of the design. I am therefore satisfied that this application complies with Policy CP17 of the Local Plan, Designing Out Crime.

**Planning & Housing Services - Housing Strategy:** the Housing Strategy Officer originally responded in November stating the following:

The March 2004 parish survey identified 11 households in need of affordable housing in Farlam parish. The survey is probably just past its shelf life now, as it was a five year assessment (which is standard), but this at least gives an indication. The survey received a response rate of around 25% - this type of survey is only based on those people who actually returned the questionnaire, so can significantly underestimate the need, which is why we haven't kept up a rolling programme of parish surveys. For instance, a survey in Burgh carried out around the same time, with a similar response rate, identified only 7 households in need of affordable housing, but an 8 unit scheme developed by Two Castles on the back of that research in 2007 was well oversubscribed. Even if you have a parish survey with a clearly identified need, the specific location of a site can still be contentious.

The Housing Market Assessments use weighted data, which should provide a more accurate assessment of the actual need over the HMA, but does not allow you to drill that need down to parish level. The HMA identified a need of 106 households per annum across Rural Carlisle East (a figure that we could never deliver through the planning system). The reasons the affordability problem is much more acute than in urban Carlisle is because there is a major shortage of existing affordable housing, coupled with entry level house prices being so much higher, particularly affecting young people. At the time of the District Survey in 2007, 97% of newly forming households could not afford to buy a home, based on entry level (lower quartile) house prices of £125k, in accordance with the Government's recommendations on responsible borrowing (3.5x single income; 2.9x joint income). For the CA8 2 postcode area average prices from the Land Registry in the Q/E Dec 2007 were £218,407 (7.8x average local incomes, based on an median household income for Irthing ward, per CACI Paycheck, April 2008). The reason we have no more recent house price data is that the Land Registry only record averages where there are a minimum of 3 sales by each property type (detached; semi; terraced; apartments) in a particular quarter, and in subsequent quarters there have been insufficient sales, as transactions have reduced by around half due to the impact of the credit crunch. Property prices have fallen slightly since but much less in our rural areas than the national average.

There is a current shortage of affordable housing in Hallbankgate. Figures from our Electoral Registration section indicate there are 168 households registered to vote in Hallbankgate, but the no. of social rented homes is only 14 – which are very difficult to come by as the tenancy turnover is negligible. Riverside Carlisle

has 4 – they were unable to advise on the no. of waiting list applicants, as they have now moved to a Choice Based Lettings System, whereby vacancies are advertised, however they have not had a vacancy since 1997. Brampton Rural Housing Society has 10 properties – there are currently 10 households on the waiting list, and the manager has confirmed that they have not had a vacancy in the 3 and a half years she has worked there.

Finally, we noticed this rather poignant quote in the 2004 parish survey.

“Family had to move away as no affordable houses in village. Many young people have had to move away for this reason but unfortunately this will not appear in this survey”.

The Housing Strategy Officer has subsequently responded in December to the concerns raised by local residents by explaining, amongst other things, that:

Thank you for forwarding the letter from the ‘Save our Field’ residents group, dated 25<sup>th</sup> November 2009, objecting to “inaccuracies” and “unsupported and sweeping claims” in my response to the above application. I have detailed recent good policy and practice guidance relating to rural affordable housing in the second part of this response, but will first respond directly to the points in the letter as follows:-

1. I must admit that there is an “inaccuracy” as stated in the letter regarding the no. of households in need of affordable housing in the 2004 Parish survey. The error occurred, because I have just discovered there are two versions of the Farlam parish survey report, dated March 2004 (featuring different covers and a slightly different response rate)? I apologize for the error, but I was unaware of this situation until this afternoon. As acknowledged by ‘Save our Field’ and my previous comments – this survey (in which 79% of respondents: “would not object to a small number of new homes in the parish which would help to meet the needs of local people”) is now slightly out of date.
2. There is a query over whether a comment I included that a 25% response is likely to underestimate the actual level of need: “Is this a statistical fact or one way of making any survey fit the case?” I have included an example of a scheme at Burgh which was well over subscribed compared to the supposed level of need, based on a survey using the same methodology. There was no intention to criticize the work of Cumbria Rural Housing Trust (which seems to be inferred here), as they provide an important service, and in some areas, such as the Lake District National Park, development can not go ahead without this sort of finer grain analysis.
3. I am criticized for using the word “poignant” to describe a comment from a local resident. Perhaps in hindsight this isn’t the best advised choice of adjective - although I’m not sure one word constitutes “unsupported and sweeping claims”? There is no reason qualitative data shouldn’t be incorporated into a planning response. The only other comment quoted at the end of the survey supports this opinion: “Becoming a commuter parish for Carlisle and Newcastle.”
4. There is a suggestion that Brampton would be a better location for the

development. We tendered a small site in City Council ownership adjacent to Gelt Rise, Brampton, for affordable housing development, and our housing partner, Two Castles Housing Association, are currently working up proposals for a scheme on this site to meet local need. Carlisle Parish Councils Association raised concerns in a report for a joint Parish Council/ City Council meeting on Monday 30<sup>th</sup> November expressing concerns about the majority of rural affordable housing being developed in the key service centres of Brampton and Longtown.

Similarly, the Local Development Framework will be moving away from this approach. In planning policy terms, the Carlisle District Local Plan 2001-16 enables implementation of the vision for the Community Strategy which includes a high quality of life for rural communities. This is developed into a sustainable strategy including the requirement “to meet local housing needs” which through action includes affordable housing. Having established this in the Spatial Strategy of the plan, the plan lists a number of local service centres which contribute to the sustainable strategy. Hallbankgate is one of those settlements listed as a sustainable development location in Policy DP1. The key service centres cannot meet all housing needs and therefore the plan includes policy H6 to help address affordable housing needs. This policy focuses development for affordable housing to address local needs and ensure that it is well related to the settlement. A site at Hallbankgate is clearly in line with the plan strategy in terms of location and addressing affordable housing.

Based on the policy detailed above, a site of around 10 housing units, such as the Riverside proposal, would meet the considerable need for 106 units p.a. across Rural Carlisle East – the high level of need can be attributed to much higher entry level house prices than in Carlisle, and a shortage of existing affordable rural housing – most of the family houses in our rural district have now been sold under the Right to Buy policy.

5. I can confirm that the details provided by Brampton Rural Housing Society do relate specifically to people who had their name down on the waiting list for Hallbankgate. At the risk of being accused of making another “unsupported and sweeping claim”, it is my informed opinion (based on 5 years experience as an Allocations Officer in the social housing sector and the same length of time again administering the Council’s Low Cost Home Ownership Register) that it is likely the waiting list would be higher if not for the fact vacancies were so infrequent. Based on my own experience as well as speaking to Housing colleagues in other organizations, and the Cumbria Rural Housing Trust, people tend not to put their name on a waiting list for properties that seldom become vacant, or have to move away as they are not able to wait that length of time for accommodation to become available.

Relevant planning policy from our Local Plan has already been quoted above; however, in the light of the objection to the site from ‘Save our Field’, it seems worth elaborating upon recent good practice and policy guidance from the Government, as well as the opinion of our Parish Councils Association.

The Government commissioned Matthew Taylor MP to write a substantial report on rural affordable housing and the rural economy in 2008 – most of the recommendations in the Taylor Review have been accepted by the Government. The following extracts are from the report, in which the MP for Truro is insistent that maintaining the status quo is not an option:

... villages “protected” from development, face becoming increasingly exclusive communities of the retired and of wealthy commuters travelling over longer distances to work, losing their services like schools and shops, and with local jobs either lost, or serviced by people commuting in from larger towns.

(From the Introduction to ‘Living Working Countryside – The Taylor Review of Rural Economy and Affordable Housing, 2008).

8. ... smaller villages and hamlets outside the market towns and particularly in comparison to urban areas, face a consistent set of pressures affecting their sustainability:

- A low supply of housing (particularly affordable housing) to meet local needs
- Lower local wages and unfulfilled economic potential, and
- A strong trend for in-migration – which have led to
- Very high house prices, unaffordable in relation to local wages.

9. These pressures undermine the opportunities for rural communities to be economically vibrant, environmentally sustainable, socially mixed and inclusive. The price of property in rural areas has increased to a level which is on average significantly greater than for a comparable property in a more urban setting. Local employment opportunities are limited, particularly in more highly skilled and higher paid work.

10. As a result, increasingly those working locally can no longer afford to live in these communities, and those living there have limited opportunities to work locally. The situation is undesirable from a perspective of fairness and social equity, but also runs contrary to the aims of creating and maintaining sustainable communities. In time, such communities will become increasingly unsustainable in every sense. The effects include:

Less economically sustainable

- Lack of affordable housing undermines the labour market supply as employees are unable to afford to live locally, and so increasingly unable to work locally which may impact on the viability of shops, services and businesses.
- The changing demographic balance of communities (more wealthy and older people and fewer poorer and younger people) impacts on demand for local services, particularly schools, Post Offices and public transport, and so their overall viability.
- Constraints on economic development can restrict enterprise, leave rural communities more reliant on traditional usually low paid

employment, and can result in disguised under employment (higher skilled people working in lower skilled jobs) and skilled workers moving elsewhere for work.

#### Less socially sustainable

- Social and economic polarisation – where small rural communities are increasingly the preserve of the wealthy or retired, excluding poorer and younger people.
- The loss of rural enterprise, shops and services can compound pressure on vulnerable groups (lower income, immobile, elderly) to move out.
- An erosion of family and community ties as younger family members move away for housing and jobs.
- A change to the demographic balance undermining social networks often vital for providing support for vulnerable people such as older relatives, childcare for working parents and people with disabilities.

#### Less environmentally sustainable

- A greater degree of reverse commuting by workers employed in rural enterprises who are forced to live elsewhere as a result of their inability to buy or rent locally, whilst those who live in the village commute into town for better paid work.
- Increased need to travel for services, as these decline for the reasons set out above.

11. in summary, dormitory and retired communities with few local services or employment opportunities cannot provide a sustainable future for the countryside. Beyond the borders of these communities, their unfulfilled potential will also hold back the national economy as a whole.

(‘Living Working Countryside – The Taylor Review of Rural Economy and Affordable Housing’ 2008, page 27-28).

Locally, the Parish Councils Association has issued a strong endorsement of the Taylor Review:

... there has been a growing acceptance by all three tiers of Government that the shortage of affordable housing in rural areas is becoming acute. There needs to be a united approach in reversing this trend and the words of Matthew Taylor must be listened to before rural communities become merely residential clusters of commuters and the elderly, whilst the young and the less well-off are forced to live in the urban area.

(Jocelyn Holland, Carlisle Parish Councils Association, November 2009)



Communities and Local Government have just released a consultation document, which similarly endorses these principles:

5. The Government's response (to the Matthew Taylor Review) explains that local authorities need to be active housing enablers, to be proactive in identifying suitable sites for development, even in very small villages, and that "doing nothing is not initially an option". The need for local authorities to work with landowners in identifying suitable land on exception sites is crucial.

6. It is vital that landowners and communities understand the need for affordable housing for local people, and the vital role that it will play in sustaining their community locally.

('Guidance for local authorities on incentivising landowners to bring forward additional land for rural affordable housing on rural exception sites', CLG, November 2009, page 8).

**Farlam Parish Council:** comments awaited.

**Carlisle Airport:** comments awaited.

**North Pennines AONB Partnership:** comments awaited.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
1 Crossgates Road	17/11/09	Objection
Andros	17/11/09	Objection
1 The Via	17/11/09	Objection
2 The Via	17/11/09	Objection
Wood House	17/11/09	Objection
Clement Leazes	17/11/09	
The Firs	17/11/09	Objection
Galdana	17/11/09	
Oaklea Bungalow	17/11/09	
Fell View	17/11/09	Objection
Hall Cottage	17/11/09	
Norwood	17/11/09	
Chapel Cottage	17/11/09	
The Chapel	17/11/09	
Hallbankgate Farm	17/11/09	
2 Crossgates Road	17/11/09	
3 Crossgates Road	17/11/09	
4 Crossgates Road	17/11/09	
5 Crossgates Road	17/11/09	
6 Crossgates Road	17/11/09	
7 Crossgates Road	17/11/09	
8 Crossgates Road	17/11/09	
9 Crossgates Road	17/11/09	
10 Crossgates Road	17/11/09	
11 Crossgates Road	17/11/09	
12 Crossgates Road	17/11/09	

13 Crossgates Road	17/11/09	Undelivered
14 Crossgates Road	17/11/09	
15 Crossgates Road	17/11/09	Undelivered
16 Crossgates Road	17/11/09	
17 Crossgates Road	17/11/09	Undelivered
18 Crossgates Road	17/11/09	
19 Crossgates Road	17/11/09	Undelivered
20 Crossgates Road	17/11/09	
Hallbankgate Residents Group, Pallion House	17/11/09	Comment Only
Stanwix Rural		Objection
Beechwood		Objection
2 Park Terrace		Objection
Close Ghyll Cottage		Objection
Close Ghyll Cottage		Objection
1 Hanover Street		Objection
Andros		Objection
1 Crossgates Road		Petition
Pallion House		Objection
15 Breck Bank Crescent		Objection
2 The Via		Objection
Wood House		Objection
8 Green Croft		Objection
8 Green Croft		Objection
Clemen Leazes		Objection
Redsike		Objection
50 Bakers lane		Objection
Windsor Mount		Objection
Burnside		Objection
The Clesketts		Objection
The Old School House		Objection
4 James Terrace		Objection
Andros		Objection
Stockmoss Farm		Objection
Stockmoss Farm		Objection
The Larches		Objection
4 New Terrace		Objection
Broadwath Villa		Objection
5 Milton Terrace		Objection
6 Walkmill Crescent		Objection

- 3.1 This application has been advertised by means of a site notice, press notice as well as notification letters sent to 35 neighbouring properties. During the consultation period one petition, 27 formal objections, and one letter of comment have been received.
- 3.2 The submitted petition has been signed by 111 people opposing to the proposed development. The petition states that the proposal is to build a large number of housing units on a greenfield site in Hallbankgate which would set a precedent for ribbon development in the area.
- 3.3 The letters of objection have been summarised as follows:
1. Too many houses for a small village;
  2. There is properties standing empty in Hallbankgate, Riverside should buy and rent these houses;

3. Impact of the proposal on the Area of Outstanding Natural Beauty;
4. Limited employment opportunities in the area and limited public transport service;
5. The site is subject to regular flooding;
6. The two properties opposite the site would be in serious danger of flooding if the field was prevented from flooding;
7. Impact of the proposal on Highway Safety;
8. Parking issues as a childrens playground is opposite the site;
9. A previous planning application for five houses on this site was refused and was also refused on appeal by the Secretary of State;
10. Existing properties will be overlooked;
11. Existing properties will suffer from loss of light and privacy;
12. The housing should be for purchase not rent;
13. The development is not inkeeping with the village and is too near the road;
14. The site is greenfield;
15. No need for the development;
16. The land could be needed for future food production;
17. If the development goes ahead should the bungalows not be together as older residents may enjoy the quietness and support of being side by side rather than next to a family;
18. There is a need for low cost bungalows in the village;
19. Affordable houses have been for sale in the village for over two years and others on the market for a year without a sale;
20. No point spoiling the village if it is for a transient population who would not contribute to the village community;
21. The development would detract from the nature and view of existing buildings;
22. The development would set a precedent for future applications;
23. Traffic calming measures will be needed;

24. Impact of the character of the village;
25. The ribbon development is more in keeping with a city;
26. The grounds for refusal for a similar application for 5 houses were 1) the site would not constitute acceptable infill, but ribbon development, and create a precedent for further building, 2) an increase of 5 houses would be a significant and contrary to the Council's Settlement Policy, 3) building on this site would close off open and important rural views for people approaching or leaving the village;
27. Riverside are quoting unreliable information from an outdated and not well subscribed survey;
28. There are in excess of 1500 vacant houses in Carlisle, why can this property not be updated/renovated at a lesser cost than building?
29. There are numerous Brownfield sites in Carlisle and surrounding area that are more suitable than building on Greenfield sites;
30. The distance between the front of the proposed development and "Andros" will be approximate 21 metres this is less than that of housing estates;
31. This will result in an increase of housing by 10%;
32. Detrimental impact on the surrounding countryside
33. The site is outwith the settlement area and will increase the boundary;
34. Development will imbalance the relationship of buildings;
35. Loss of views;
36. Development will be regarded as infill or ribbon development.
37. Desire to see integrity and consistency in decision-making with the need for the application to be dealt with in an open and transparent way.

#### **4. Planning History**

- 4.1 In 1986, under application reference number 86/0918, planning permission was refused for the erection of five dwellings. The subsequent appeal was dismissed.

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

##### **Introduction**

- 5.1 This application relates to approximately 0.34ha of grazing land located on the southern side of Crossgates Road to the immediate west of the property known as Pallion House and to the east of a stream, a public footpath leading to Highfell and the access/driveway serving Clement Leazes Farm. Further east of the site there are a series of houses and the Village Hall. Directly opposite the application site, on the northern side of Crossgates Road, there are two semi-detached houses (1 and 2 The Via), a bungalow (Andros), and an open field the eastern section of which has been used to create a children's playground. To the east of Pallion House there are semi-detached houses on both sides of Crossgates Road. A public footpath leading to The Park runs along the eastern boundary of 11 Crossgates Road.
- 5.2 The site measures approximately 123m by 28m the boundaries of which are generally delineated by post and wire fencing apart from the road frontage that has a natural stone wall varying in height from 1.0m to 1.5m. Notable other features of the site and its immediate surroundings include a telegraph line, a street light, a field gate in the south-eastern corner, and the gradual incline by approximately 5m from the west to the east. The application site falls within a 30mph speed limit.
- 5.3 Hallbankgate is a settlement of approximately 70 dwellings with a primary school, a Co-op convenience store, The Belted Will Inn, two commercial garages, and village hall. There are bus services to Brampton, Carlisle, and Alston.
- 5.4 That section of the Village on the northern side of the A689 is within a designated Landscape of County Importance whilst that to the south (inclusive of Crossgates Road and the application site) falls within the North Pennines AONB. Crossgates Road leads to Geltsdale RSPB Nature Reserve.

## **Background**

- 5.5 The current application seeks full planning permission for the erection of ten low cost dwellings in the form of three 2 bed houses; five 3 bed houses; one 2 bed bungalow; and one 3 bed bungalow. The accompanying Design and Access Statement, and submitted plans highlight that the proposed dwellings would be constructed externally with slate on the roofs; red sandstone and white painted rendered walls on brick plinths; and painted timber window frames and doors. The layout plan shows the provision of a tarmac pavement along the whole frontage of the site; the reconstruction of the existing stone boundary wall; the use of timber fencing within and between plots but the "side" and "rear" boundaries consisting of stock proof fencing and new hedgerows; and each plot to have a specimen tree to be agreed.
- 5.6 The submitted Design and Access Statement also confirms that the proposed dwellings have been designed to accord with Part M of the Building Regulations and Level 3 of the Code for Sustainable Homes; sheds will be provided within the scheme for the secure storage of bicycles and gardening equipment; and application will be made for "Secured by Design" status.

- 5.7 The applicant has carried out neighbour and community consultation in the form of a one week display in the Village Hall commencing the 14<sup>th</sup> September with a presentation on the 17<sup>th</sup> September; and attended Parish Council Meetings on the 8<sup>th</sup> July, 4<sup>th</sup> November and 1<sup>st</sup> December. The applicant has indicated that in response to the involvement by the community, the scheme has changed from the initial proposal for 14 houses.
- 5.8 At the time of preparing the report the results of a flood risk assessment and ground contamination report are awaited.

## **Assessment**

- 5.9 On the information so far available it is considered that an assessment of the proposal is based upon whether the advantages outweigh the disadvantages concerning six principle issues.
1. Whether the proposal represents a sustainable form of development in terms of its location in the context of PPS1: Delivering Sustainable Development inclusive of its Supplement: Planning and Climate Change, PPS3: Housing, PPS7 Sustainable Development in Rural Areas, and PPG13: Transport.
  2. Whether the scale of the proposal is well related to the existing village (e.g. criterion 2 of Policy H1 and criterion 3 of Policy H6 of the Local Plan).
  3. Whether there is an identified need for the proposed low cost dwellings in this location (e.g. criterion 1 of Policy H6 of the Local Plan).
  4. Whether the proposal safeguards the character of Hallbankgate and/or will cause harm to the North Pennines AONB (e.g. Policies DP9, CP1, CP5, CP7, and criterion 3 of Policy H6).
  5. Whether the application has fully taken into consideration the requirements of PPS25: Development and Flood Risk and Policy LE26 of the Local Plan.
  6. Whether the application safeguards the living conditions of neighbouring residents (criterion 4 of Policy H1 of the Local Plan).
- 5.10 As identified, items 1 to 6 are tied up with an overall assessment of whether the proposed development accords with the Development Plan (in this instance the RSS for the North West, the “saved” policies of the Cumbria and Lake District Joint Structure Plan, and the Carlisle District Local Plan 2001-2016), having regard to the provisions of Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

- 5.11 When considering 1. the relevant question revolves around sustainability in the sense of the appropriateness of the proposed use to the location. A Key Principle identified in paragraph 13 of PPS 1, and re-iterated in paragraphs 30-32, is that a spatial planning approach should be at the heart of planning for sustainable development. This is also reiterated in PPS 7 with the emphasis on good quality development within existing towns and villages. It is an approach which underpins Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016 that seek to encourage development (inclusive of residential schemes) within identified sustainable locations.
- 5.12 In the case of the current proposal Policy H1 of the Carlisle and District Local Plan (2001-2016) identifies Hallbankgate as a Local Service Centre. The application site is not within the recognised settlement boundary representing a gap but with existing development to the immediate west and east. The site is therefore considered to be well related and readily accessible to those services within the Village.
- 5.13 In effect, it is considered that the applicant has sought to comply with the underlying objectives on sustainability of Policies DP1 and H1, and in part criterion 3 of Policy H6.
- 5.14 Whether the scale can be considered appropriate is dependent upon the size of the settlement and the cumulative impact of development taking place in Hallbankgate. In relation to these matters, Hallbankgate currently comprises approximately 70 dwellings. As a form of comparison Members may recollect that in the case of 'Sid's Field' at Castle Carrock an Inspector when considering an Appeal in October 2003, application reference number 02/0196, indicated that an increase in the number of dwellings in the village by 20 per cent would be significant.
- 5.15 On this basis it is considered that the current proposal can individually and cumulatively not be considered significant albeit it would be a material consideration when assessing any other applications for residential development in the near future.
- 5.16 When considering the issue of affordable housing, PPS3 explains in para. 30 that such provision should be within market towns and villages but also within small rural communities as rural exception sites. Paragraph 8 of PPS7 stating that:
- “...the focus for most additional housing in rural areas should be on existing towns and identified service centres. But it will also be necessary to provide for some new housing to meet identified local need in other villages.”
- 5.17 This situation is reflected in Policies H5 and H6 of the Carlisle District Local Plan 2001-2016. Policy H5 sets thresholds for the provision of affordable housing; whilst H6 acknowledges that residential development may be permitted in locations where such development would not usually be permitted provided that it meets certain criteria. The criteria of Policy H6 include that the proposal is for low cost affordable housing to meet an identified need.

- 5.18 The City Council's Housing Strategy Officer has explained that the Carlisle Parish Councils Association has recently raised concerns in a report for a joint Parish Council/ City Council meeting on Monday 30<sup>th</sup> November about the majority of rural affordable housing appearing to be developed in the key service centres of Brampton and Longtown. The aforementioned Officer concludes that based on the relevant policies, and in such a context, a site of around 10 housing units would represent an attempt to meet the current need (in a sustainable location) for 106 units p.a. across Rural Carlisle East.
- 5.19 When assessing the proposal in terms of its impact on the character of the area, it needs to be appreciated that the site can be viewed not only from Crossgates Road and the public footpaths within the immediate vicinity but is also the subject of more distant views such as from the road leading to Forest Head and the A689 to Alston. The proposal also represents a consolidation of ribbon development into what is now an open field affording views of the fells. A previous appeal in 1987 relating to the proposed erection of five dwellings on part of this field, application reference number 86/0918, was dismissed with the Inspector concluding that it was contrary to the policies at the time; led to the incremental consolidation of the looser-knit parts of the village; and that this would lead to demonstrable harm to its character and appearance.
- 5.20 In relation to the current proposal the applicant has sought to mitigate any harm by the use of traditional materials and detailing, the retention, as far as possible, of a feature in the form of the stone boundary wall, and have a layout that recognises the topography of the site. It is also evident that the more distant views of the site are generally seen in the context of the neighbouring development and backdrop of surrounding countryside.
- 5.21 In regard to flooding, the relevant report is awaited.
- 5.22 Finally, when considering whether the application safeguards the living conditions of neighbouring residents the plot closest to Pallion House comprises a bungalow with an eaves height of 2.4m; ridge height that ranges from 4.3m to 5m; and is located such that the distance between facing walls is approximately 22m. In relation to 2 The Via and the bungalow known as Andros, the respective distances across Crossgates Road between facing walls is 19m and 23-26m. As such it is considered that the proposal cannot be resisted on the basis of losses in light or privacy.
- 5.23 In the context of the existing use of and residential development along Crossgates Road, the proposal is also not considered to be excessive with regard to any potential problems associated with noise and disturbance. Any impact associated with such matters is not considered to be of sufficient weight to refuse permission.

### **Other Matters**

- 5.23 An employee of the City Council has written objecting to the proposal and wishes to exercise his Right to Speak. Nevertheless, the employee has not been involved in the determination of this application.



5.24 On the basis of the size of the site and existence of the playground on the opposite side of the road, it is considered that either the loss of agricultural land or provision of play equipment are not determining considerations.

## **Conclusion**

5.25 In conclusion, it is considered that the main disadvantage with the proposal is caused by having residential development outside the designated boundary of the Village. The advantages are that Hallbankgate is a Local Service Centre; the application site is considered to be well related to the Village; the scale is not considered to be untoward; the proposal is part of on-going attempts to meet the current need for 106 units p.a. across Rural Carlisle East; any impact on the living conditions of neighbouring residents is not considered to be of sufficient scale to merit refusal; and the impact on the character of the area has been mitigated because of the design, form and relationship to existing development.

5.26 An updated report will be presented to Members following receipt of the awaited Flood Risk Assessment and ground contamination report.

## **6. Human Rights Act 1998**

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

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

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

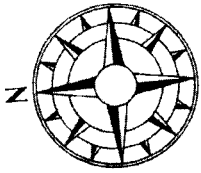
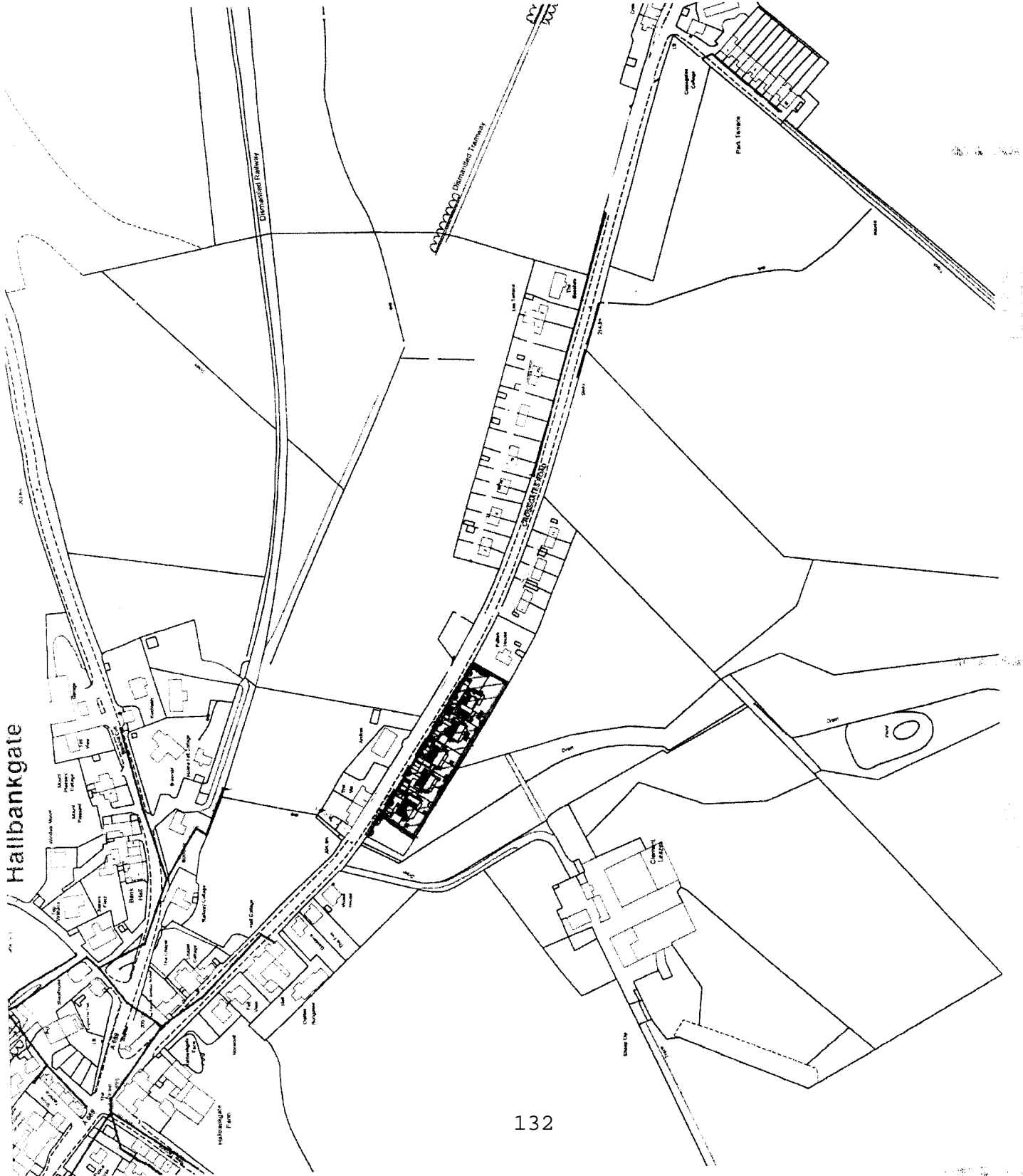
**Article 8** recognises the "Right To Respect for Private and Family Life";

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

## **7. Recommendation**

### **Reason For Including Report In Schedule B**

At the time of preparing the report a Flood Risk Assessment and contamination report are awaited from the applicant.



01228 818582  
2009/0998

**HTGL**  
**ARCHITECTS**

l i m i t e d

15 Brunswick Street  
Carlisle CA1 1PB  
Tel: 01228 521887  
Fax: 01228 818582  
mail@htgl.demon.co.uk



Client: The Riverside Group Ltd

Project: Proposed New Housing  
Crossgate Road  
Hallbankgate

Title: Location Plan

Drawn: JEC

Date: 1/10/09

Scale: 1:2500

DRAWING No.

1950/27

**HTGL**  
ARCHITECTS  
limited

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mail@htgl.com



Client: The Riverside Group Ltd

Project: Proposed New Housing  
Crossgates Road  
Carlisle

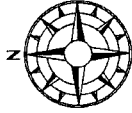
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Drawn: JJC

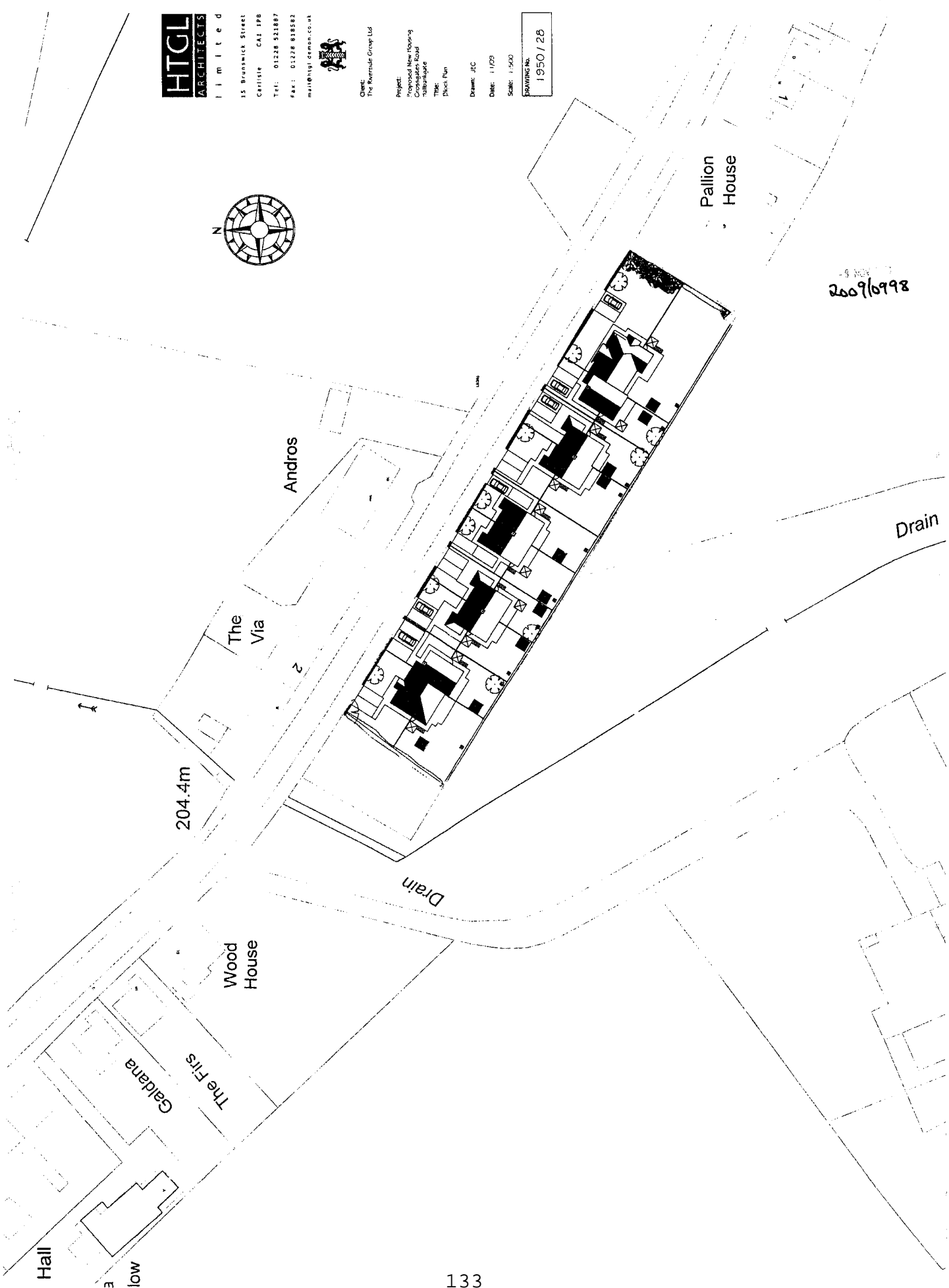
Date: 1/02

Scale: 1:500

DRAWING No.  
1950/28



2009/0998





Landscaping / Planting Schedule

- Side & Rear Boundaries To Be Stockproof Sheep Netting & Planted To Form New Hedgerow as Follows:  
 Beech Fagus  
 Hawthorn Crataegus Monogyna  
 Dog Rose Rosa Damascena  
 Blackthorn Sloe Prunus Spinosa  
 Honeysuckle Lonicera Periclymenum  
 \*Species to be planted in groups according to natural form & habit at 250mm offset centers.
- Specimen Trees One per Plot Type to be Agreed.

External Works Finishes Schedule

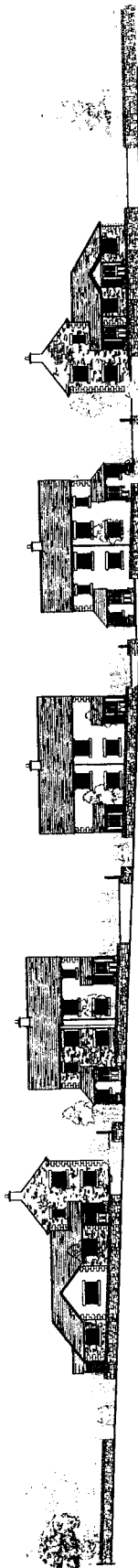
- Paved Paths / Patios
- Block Paving To Car Parking Hard Standings
- Front & Rear Lawned Areas
- 1800mm High Close Boarded Timber Security Fencing To Rear Patio Areas
- 1800mm High Privacy Fencing To Rear Patio Areas
- 900mm High Timber Palisade Boundary Fences Front & Rear Gardens
- Existing Dry Stone Wall To Front Boundary Reconstructed
- Side & Rear Boundaries See Planting Schedule

Construction Finishes Schedule

- Roof - Slate
- Walls - Red Sandstone  
 - White Render  
 - Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick

Accommodation Schedule

- 5No' 3Bed 5Person Houses
- 3No' 2Bed 4Person Houses
- 1No' 3Bed 5/6Person Bungalow
- 1No' 2Bed 3Person Bungalow



Crossgates Road Elevation  
13 ( North East )  
134

1 MAY 2002  
**HTGL**  
 ARCHITECTS  
 Limited  
 15 Brunswick Street  
 Carlisle CA1 1PB  
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 Fax: 01228 818582  
 mail@htgl.demon.co.uk



Client:  
 The Riverside Group Ltd

Project:  
 Proposed New Housing  
 Crossgates Road  
 Carlisle

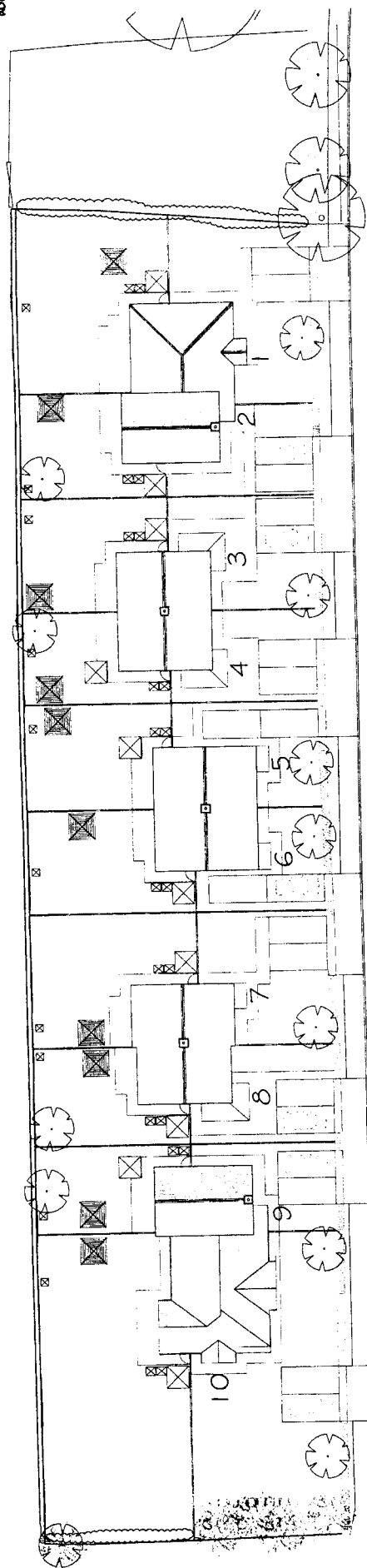
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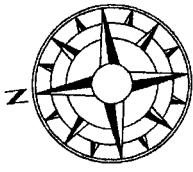
Drawing No:

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Crossgates Road

Site Layout Plan



9 NOV 2009

2009/0998  
**HTGL**  
ARCHITECTS

l i m i t e d

15 Brunswick Street  
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Tel: 01228 521887  
Fax: 01228 818582  
mail@htgl.demon.co.uk



Client:  
The Riverside Group Ltd

Project:  
Proposed New Housing  
Crossgates Road  
Hailbankgate

Title:  
Mains Sewer Drainage

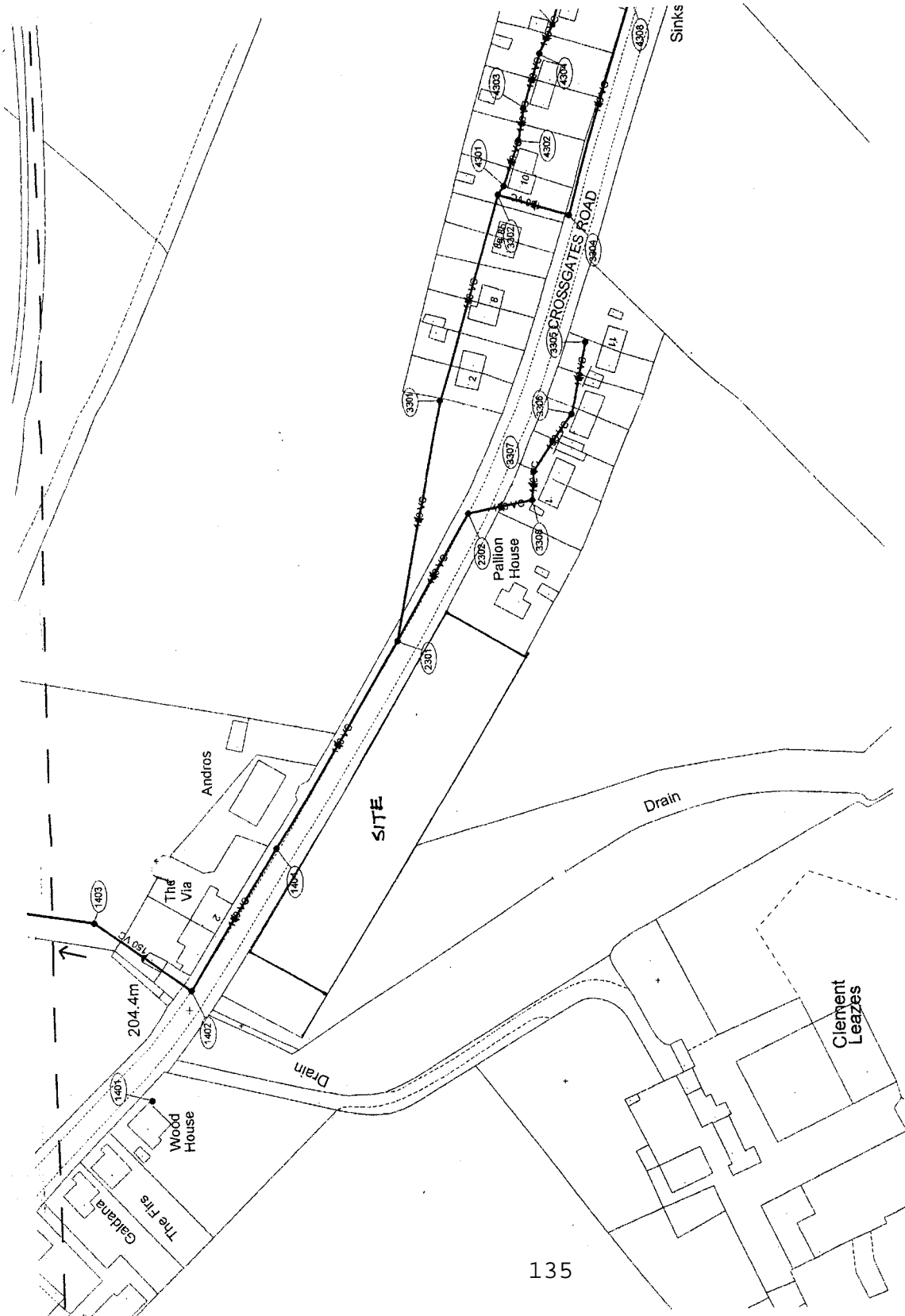
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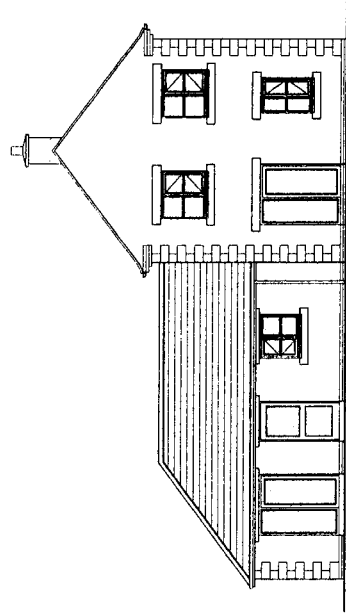
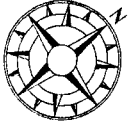
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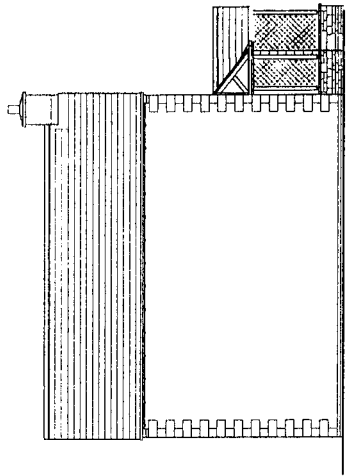
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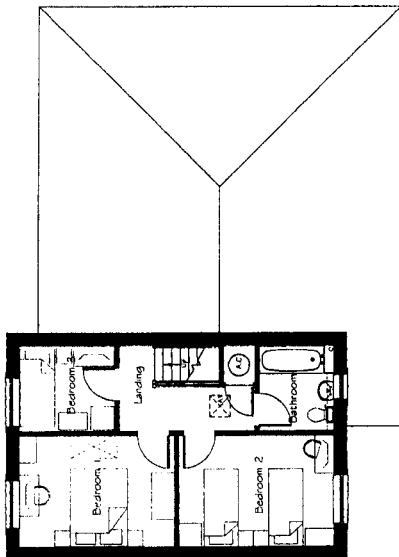




South West Elevation



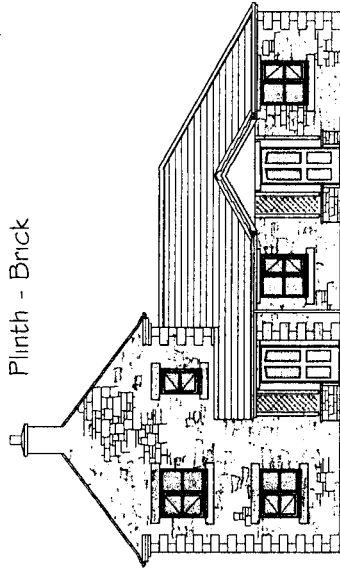
South East Elevation



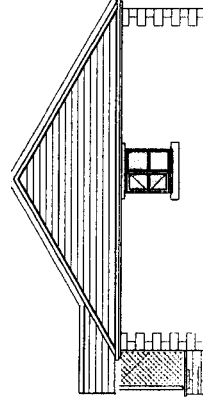
First Floor

Construction Finishes Schedule

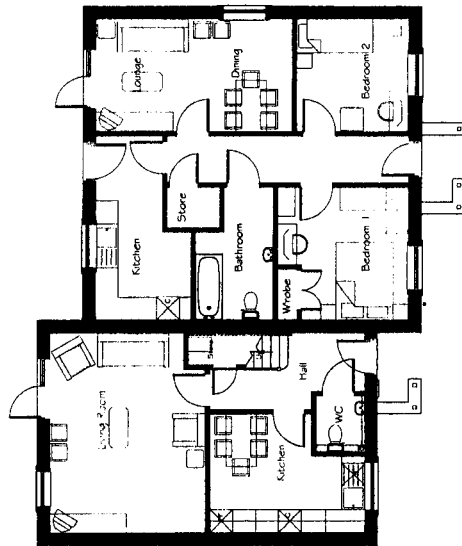
- Roof - Slate
- Walls - Red Sandstone
- White Render
- Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick



North East Elevation



North West Elevation



Ground Floor

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mail@htgl.demon.co.uk



Client:  
The Rumbold Estate Ltd

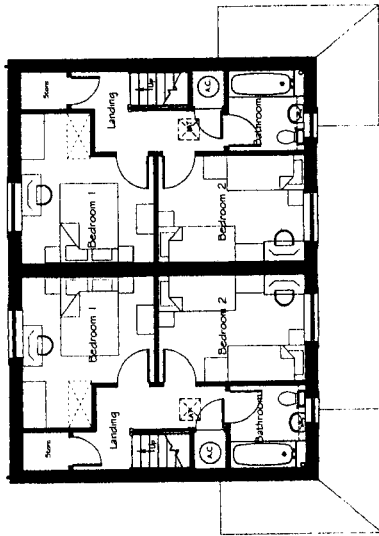
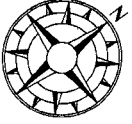
Project:  
Proposed New Housing  
Crossroads Road  
Haltwhistle  
Title:  
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( Plans 1 & 2 )

Drawn: JEC  
Date: 1/02/09  
Scale: 1/50

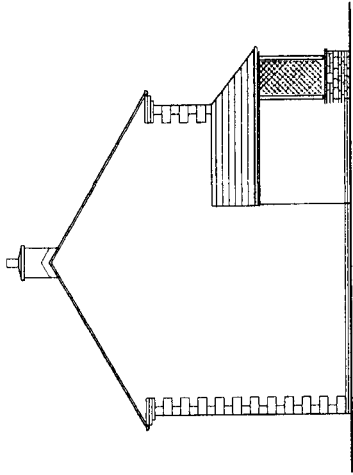
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2009/10998

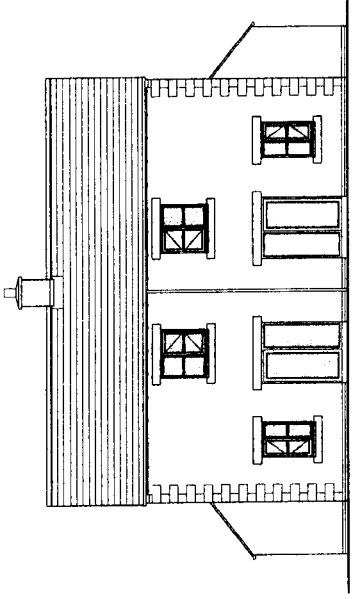
19 NOV 2009



First Floor



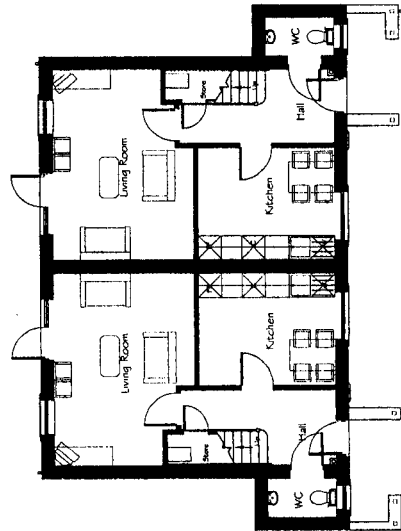
South East Elevation



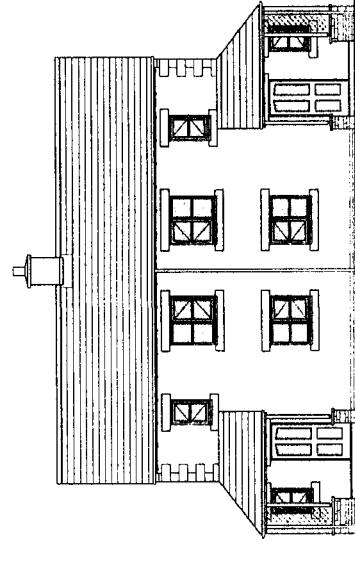
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Construction Finishes Schedule

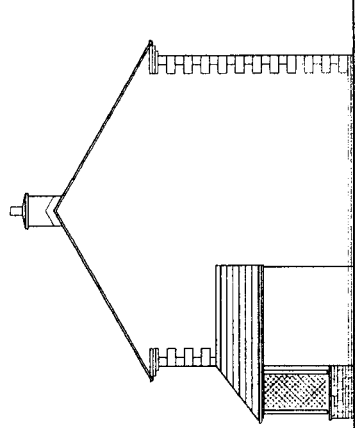
- Roof - Slate
- Walls - Red Sandstone
- White Render
- Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick



Ground Floor



North East Elevation



North West Elevation

2007/0998



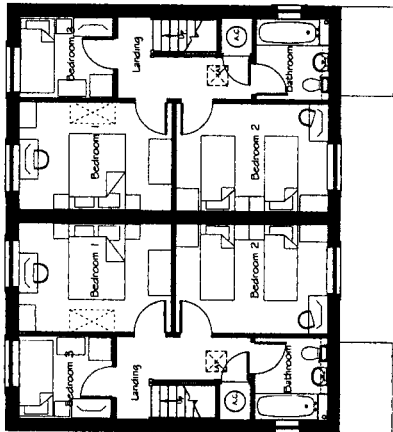
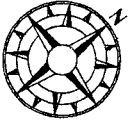
15 Brunswick Street  
 Carlisle CA1 1PB  
 TEL: 01228 521887  
 FAX: 01228 818582  
 mail@htgl.demon.co.uk



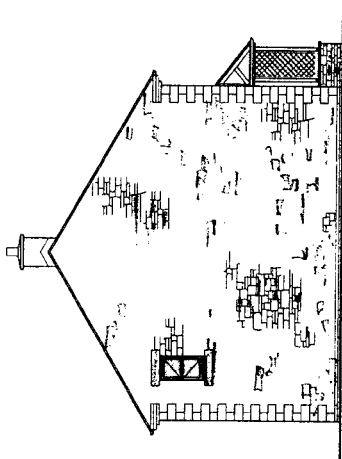
Client: The Riverside Group Ltd

Project: Riverside New Property  
 235-237, 239-241  
 - Millbank Rd  
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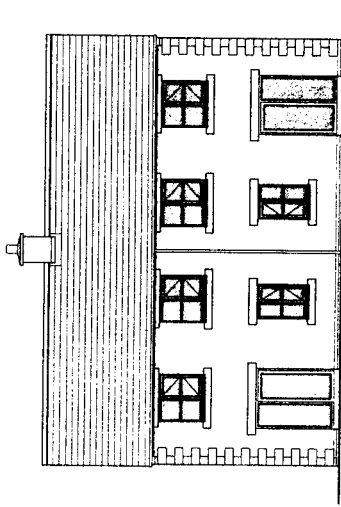
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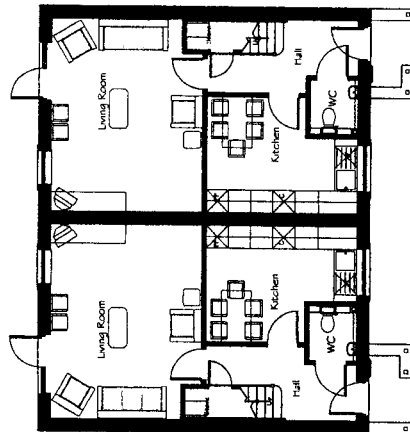
First Floor



South East Elevation



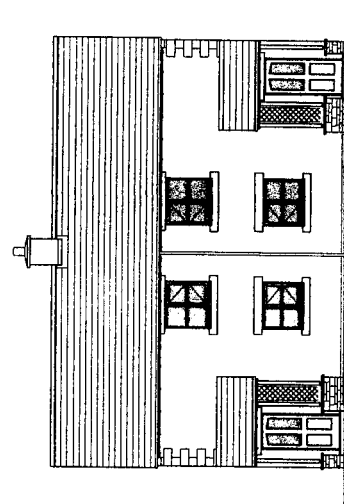
South West Elevation



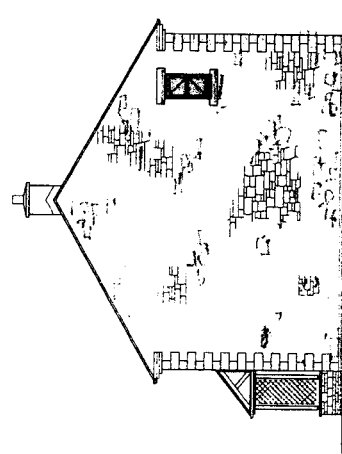
Ground Floor

Construction Finishes Schedule

- Roof - Slate
- Walls - Red Sandstone
- White Render
- Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick



North East Elevation



North West Elevation

2009/10998

**HTGL**  
limited

15 Brunswick Street  
Carlisle CA1 1PB  
Tel: 01228 521887  
Fax: 01228 816582  
mail@htgl.demon.co.uk



Client:  
The Rowmude Group Ltd

Project:  
Proposed New Extension  
Crossgates Road  
Hallaingdale  
Tel:  
2No 3 Bed Houses  
( Plans S 4 & )

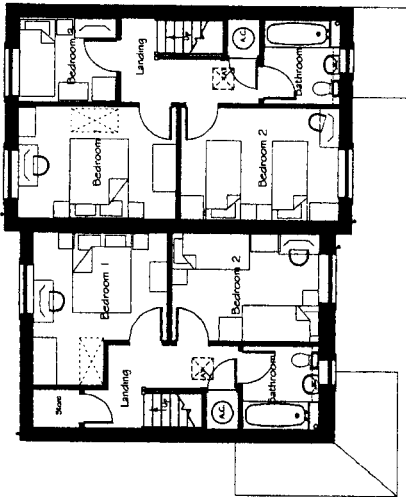
Drawn: JEC

Date: 10/09

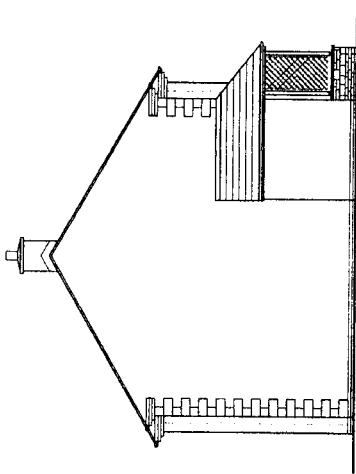
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1950 / 23B

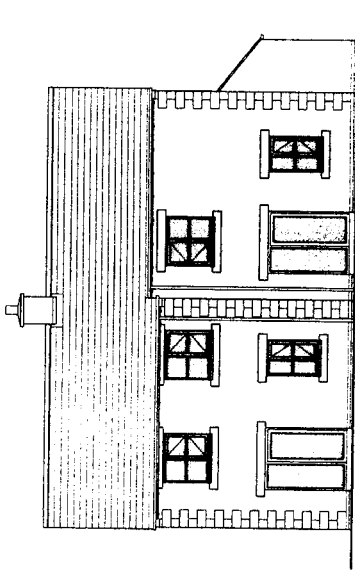




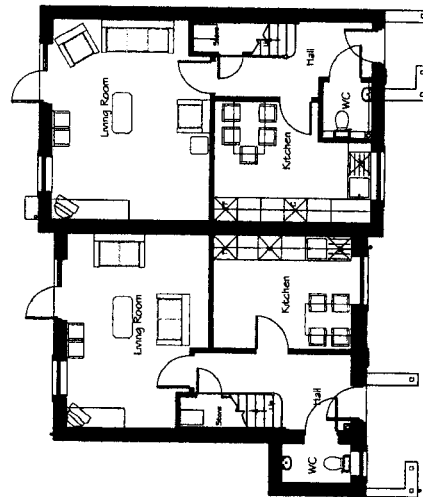
First Floor



South East Elevation



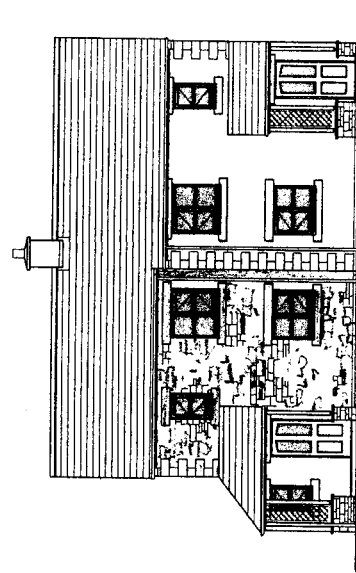
South West Elevation



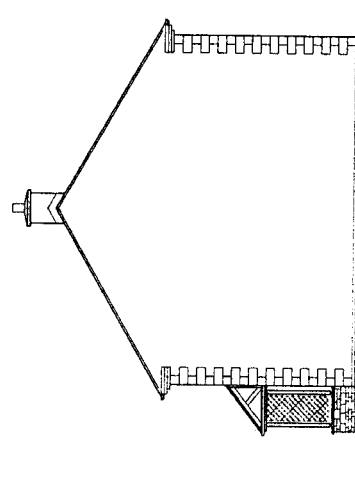
Ground Floor

Construction Finishes Schedule

- Roof - Slate
- Walls - Red Sandstone
- White Render
- Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick



North East Elevation



North West Elevation



limited  
 15 Brunswick Street  
 Carristie CA1 1PB  
 Tel: 01228 521887  
 Fax: 01228 818382  
 mail@htgl.demon.co.uk



Client: The Rosebank Group Ltd

Project: Proposed New Property  
 15 Brunswick Street  
 Carristie

Title: 3 Bed House 1, 2 Bed House  
 (Plots 7 & 8)

Drawn: AC

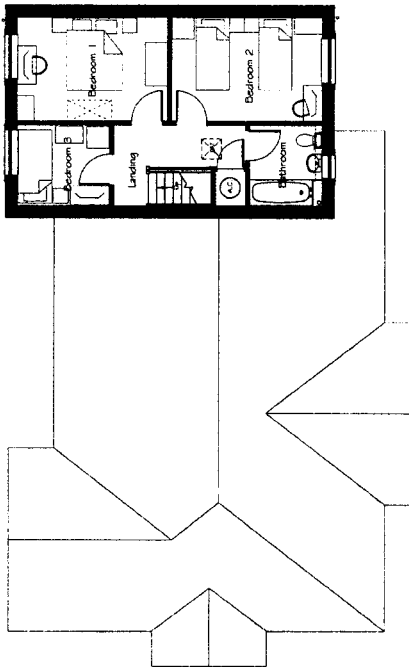
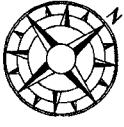
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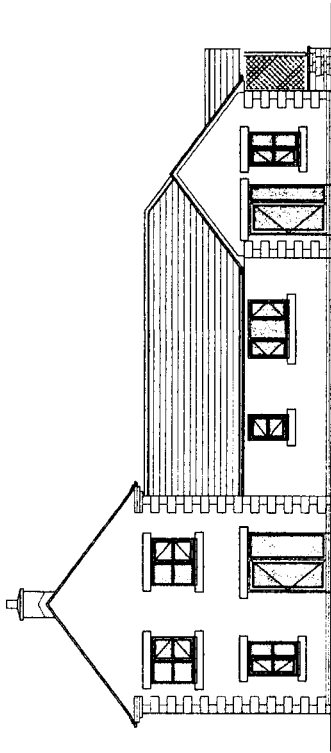
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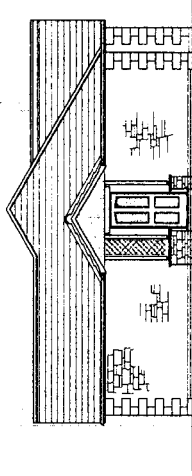
15 NOV 2001  
 2009/0998



First Floor



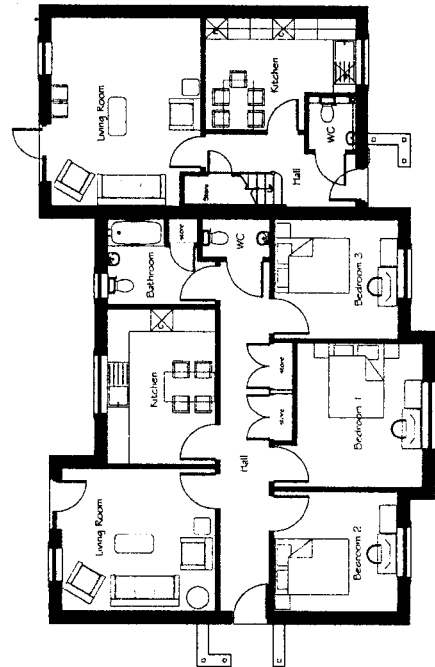
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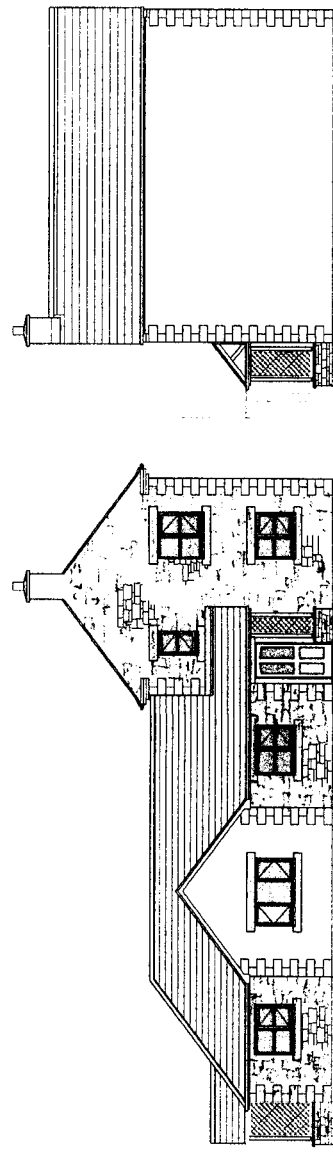
South East Elevation

Construction Finishes Schedule

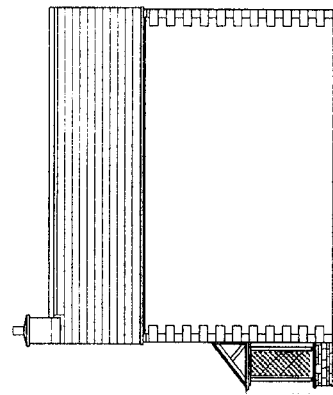
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- Walls - Red Sandstone
- White Render
- Sandstone Quoins
- Cills / Lintels - Sandstone
- Windows / Doors - Timber ( Painted )
- Plinth - Brick



Ground Floor



North East Elevation



North West Elevation

**HTGL**  
ARCHITECTS

l i m i t e d

15 Brunswick Street  
Carlisle CA1 1PB  
Tel: 01228 521887  
Fax: 01228 818582  
mail@htgl-demon.co.uk



Client:  
The Sovereign Group Ltd

Project:  
Proposed New Housing  
Crossgates Road  
Hallowgate  
Title:  
2 Bed Detached 4 3 Bed Home  
( Plans 3 & 10 )

Drawn: JFC

Date: 10/09

Scale: 1:100

Drawing No:

1950 / 25B

-9 NOV 2007  
2009/0998

## SCHEDULE A: Applications with Recommendation

09/0802

Item No: 03

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0802

**Applicant:**  
Crown Hotel Ltd

**Parish:**

**Date of Receipt:**  
21/09/2009

**Agent:**  
Johnston & Wright

**Ward:**  
Wetheral

**Location:**  
Crown Hotel, Wetheral, Carlisle, Cumbria, CA4 8ES

**Grid Reference:**  
346690 554607

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**Proposal:** Demolition Of A Former Pair Of Semi Detached Houses (Castle View And Green Lane)

---

Erection Of 9no Two Bedroom Hotel Apartments Including Additional Parking Spaces (Revised Application)

### **Amendment:**

1. Alterations to the car parking layout to provide a further parking space to serve the proposed apartments, resulting in six spaces in total.

---

## **REPORT**

**Case Officer:** Sam Greig

### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as more than three letters of objection have been received from separate households and as Cllr Earp has requested a "right to speak" against the proposed development.

### **1. Constraints and Planning Policies**

#### **Gas Pipeline Safeguarding Area**

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

#### **Listed Building**

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

#### **Affecting The Setting Of A Listed Building**

## **Conservation Area**

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

## **Listed Building In A Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Wetheral Conservation Area.

## **Local Plan Pol DP1 - Sustainable Development Location**

## **Local Plan Pol CP3 - Trees and Hedges on Development Sites**

## **Local Plan Pol CP5 - Design**

## **Local Plan Pol CP5 - Design**

## **Local Plan Pol CP17 - Planning Out Crime**

## **Local Plan Pol EC13-Sustaining Rural Facilities&Services**

## **Local Plan Pol LE12 - Proposals Affecting Listed Buildings**

## **Local Plan Pol LE17-Dev.Involving Dem.Unlisted Bldgs CA**

## **Local Plan Pol LE19 - Conservation Areas**

## **Local Plan Pol LC1 - Leisure Development**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** no objections to the amended plans submitted subject to the imposition of three planning conditions;

**Community Services - Drainage Engineer:** the applicant indicates disposal of foul sewage to the mains (public) sewer, which is acceptable.

The applicant indicates disposal of surface water to the mains (public) sewer; however, in the first instance the applicant should investigate the use of soakaways for surface water disposal rather than to an existing drain, as this is the most sustainable method.

There are no knowledge of flooding issues at this site;

**Development Services Planning & Housing Services - Access Officer:** no comments received;

**Cumbria Constabulary - Crime Prevention:** no objections;

**Development Services Planning & Housing Services - Local Plans (Trees):** no comments/observations to make on the above proposals except to say that tree protection will be required for any trees that are proposed to be retained;

**Development Services Planning & Housing Services - Conservation Section:** no objections;

**Conservation Area Advisory Committee:** although the general form of the proposal was accepted it was considered that the two storey bay windows were very heavy and it was suggested that the first floor element should be reduced or set back slightly in order to relieve this impression;

**Northern Gas Networks:** no objections;

**Wetheral Parish Council:** no comments received.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Willow Cottage	29/09/09	Undelivered
Rose Cottage	29/09/09	
Garth House	29/09/09	Objection
Woodside	29/09/09	
Inglewood Cottage	29/09/09	Undelivered
Grange Bank	15/10/09	
Eden Grange	15/10/09	
Crown Cottage	15/10/09	
Thornleigh	11/11/09	
Mayfield Cottage.	11/11/09	
Wood Grange	11/11/09	
Eden Mount	11/11/09	
3 Jennet Croft	11/11/09	
Wetheral	11/11/09	Objection
Eden Holme	29/09/09	Objection
Green Bank	29/09/09	Objection
The Barn	29/09/09	Objection
The Grange	29/09/09	Objection
Fairways	29/09/09	Objection
St Martins	29/09/09	Objection
Green Farm	29/09/09	Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty one neighbouring properties. In response nine letters of objection have been received. The grounds of objection are summarised as;

1. The properties are not in disrepair and there is no justification for their removal;

2. The demolition of these properties will harm the appearance of the Conservation Area;
  3. The size and nature of the proposal is out of keeping with the location and the village;
  4. The car park is inadequately sized to serve the existing and proposed development; and
  5. The proposal will exacerbate parking problems in the locality.
  6. The combined public sewerage system in this part of Wetheral is subject to flooding if surface water is not kept out of the system; and
  7. The existing building's could be sympathetically refurbished as opposed to demolished.
- 3.2 Cllr Earp has also requested that a "right to speak" against the proposed development on the basis that it contradicts Policy T1 (Parking Guidelines for Development); Policy T2 (Parking in Conservation Areas); Policy LE17 (Development Involving the Demolition of Unlisted Buildings in Conservation Areas) and Policy LE19 (Conservation Areas) of the Carlisle District Local Plan.

#### **4. Planning History**

- 4.1 In 2008 "Full" planning permission and "Conservation Area Consent" was sought for the demolition of the existing semi-detached dwellings and the erection of nine hotel apartments (Applications 08/1033 and 08/0134 respectively). The applications were withdrawn prior to determination.

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

##### **Introduction**

- 5.1 This application seeks "Full" planning permission for the demolition of a pair of semi-detached houses, which are situated adjacent to The Crown Hotel in Wetheral, and the erection of nine holiday apartments. The properties, which are known as Castle View and Green Lane, are situated approximately 100 metres north east of the village green, on the road that leads to Wetheral railway station.
- 5.2 The application site belongs to the hotel and leisure complex, which offers guest accommodation, conference facilities, wedding packages, a restaurant and fully equipped leisure club, featuring an indoor pool, sauna, steam room and squash courts.
- 5.3 The site is situated within the Wetheral Conservation Area and the Crown

Hotel, which located 40 metres to the northeast of the site, is a Grade II Listed Building. The surroundings to the application site are predominantly residential, although the remainder of the hotel complex is located immediately to the north of the site.

## **The Proposal**

- 5.4 It is proposed to demolish the semi-detached properties to accommodate the proposed development, which would form an extension to the hotel complex. The nine holiday apartments would provide self-contained hotel accommodation, which is not presently available at the premises.
- 5.5 The applicant's agent has advised that the existing properties are used by the hotel to provide residential accommodation for up to nine members of staff. Castle View comprises two two-bed flats and Green Lane is a single property with five bedrooms. There is no parking to serve Castle View, although there is sufficient space within the curtilage of Green Lane to accommodate two vehicles. It is understood that the occupants of the accommodation are able to park within the hotel car park.
- 5.6 The existing dwellings, which are traditional in appearance, are constructed from facing brick with a natural slate roof. Both properties incorporate traditional detailing such as bay windows, arched brick lintels, stone sills, chimney stacks, ornate barge boards and corbelled gutter supports. The properties are not obtrusive nor are they dominant in the street scene.
- 5.7 The front gardens of the two dwellings are enclosed by a low stone wall within which are three Yew bushes and two Holly bushes. The rear and side boundaries of the property are enclosed by hedges. There are three significant mature Copper Beech trees located within the gardens of the domestic properties on the opposite side of the road to the application site.
- 5.8 The proposed apartment building would provide accommodation over three floors, the upper in the roof space. Each comprises three self contained two-bed apartments. The layout of the each floor is identical and the upper floors are accessible by stairs or by lift.
- 5.9 The building occupies a footprint measuring approximately 335 sq. m. and is set back from the road frontage by between 10.2 metres and 5.4 metres, which reflects the building line of the semi-detached dwellings. The proposed building is predominantly two and a half storeys in height with the holiday accommodation to the second floor being provided within the roof void.
- 5.10 To the front elevation are three symmetrically positioned feature gables, each of which contains a projecting two storey bay window. The side and rear elevations also incorporate gables to the roof, principally to break up the mass of the building and reduce its overall height. Although the building incorporates a flat roof it would not be visible as a flat roof because of the way that it has been designed. All the elevations include a series of projections and recesses to provide shadow lines and give the building more character.

- 5.11 The front and side elevations of the building would largely finished using a red/brown facing brick, with the bay windows, lintels and door surrounds constructed from natural stone. The rear elevation would be finished with a smooth self-coloured cream render, which would wrap around part of the side elevations. The principal feature of the rear elevation is its glazed entrance lobby, which extends to the full height of the building and provides natural light to the stairwell. All new windows are to be of a composite aluminium/timber construction with a powder-coated white finish.
- 5.12 It is proposed to extend the existing car park to provide six additional spaces, which would increase the number of spaces from fifty three to fifty nine. In order to accommodate three of the additional car parking spaces the hedge that defines the rear boundary of the existing properties would be removed; however, the majority of the hedgerow that segregates the site from the hotel driveway would be retained, as would three of the five bushes located within the front garden of the properties.
- 5.13 It is proposed to discharge surface water and foul drainage to the public sewer.

### **Assessment**

- 5.14 The relevant planning policies against which the application is required to be assessed are Policies DP1, CP3, CP5, CP6, CP17, EC13, LE12, LE17, LE19 and LC1 of the Carlisle District Local Plan 2001-2016.
- 5.15 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.16 The application site lies within the settlement boundary of Wetheral, which is identified as a Local Service Centre by Policy DP1 of the Local Plan. As such the principle of hotel accommodation is acceptable, subject to compliance with the criteria identified in Policy DP1 and other relevant policies contained within the adopted Local Plan.
2. Whether The Scale, Layout And Design Of The Development Is Acceptable.
- 5.17 To assist Officers' and Members in considering the scale and appearance of the development in respect of its setting the architects have produced a streetscene elevation which shows the context of the building in respect of the neighbouring properties to the west and east.
- 5.18 This elevation shows that the eaves and ridge height of the proposed building is approximately 1 metre higher than that of the property located immediately to the east. The design of the proposed building incorporates a more traditional floor to ceiling height to ensure that the position of the windows are complementary to the adjacent property, which will assist in the development to sit more comfortably within the street scene. The external appearance from



the front elevation also utilises design features of the adjacent property, such as its projecting bay window, its chimney stack design and dormer window detail. Although the building would occupy a significant width (20.6 metres) and depth (16.4 metres) the various recesses and projections, as well as the gables to the roof, will reduce the building's overall mass and make it appear proportionate to the existing buildings.

- 5.19 On balance, the design of the building would not adversely affect the character or appearance of the Wetheral Conservation Area, a view that is supported by the Council's Conservation Officer. It is recommended that a condition is imposed that requires samples of the external materials to be used to be agreed prior to work commencing to ensure the design is not compromised through the use of inappropriate external finishes.

### 3. Whether The Demolition Of The Semi-Detached Dwellings Is Acceptable.

- 5.20 Policy LE17 of the Carlisle District Plan provides policy guidance on proposals that seek to demolish unlisted buildings in Conservation Areas and it identifies a series of criteria against which such applications will be assessed.
- 5.21 In addition to the content of the above policy Members should also have regard to paragraph 6.72 of the policy's supporting text. It states that *"in assessing applications for planning permission involving proposals that involve the demolition of an unlisted building in a conservation area, the Council will have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building is situated, and the wider effects of demolition on the building's surroundings and on the conservation area as a whole"*.
- 5.22 Paragraph 6.73 states that *"planning permission for redevelopment proposals involving the demolition of an unlisted building in a conservation area will only be given if the proposals for redevelopment are in detail and acceptable"*.
- 5.23 Whilst the existing buildings are inoffensive and do not detract from the character of the Conservation Area, the issue that Members must consider is whether they are worthy of retention in their own right and whether the redevelopment proposals are acceptable. In respect of the former, the Council's Conservation Officer has advised that the building are not worthy of being listed and that the loss of the buildings would not result in any significant harm to the Conservation Area provided that they are replaced with an appropriately designed building. For the reasons identified in paragraphs 5.17 and 5.19 of this report the proposed replacement building is acceptable and, therefore, there is no planning policy justification for the retention of the existing properties.

### 4. Highway Matters

- 5.24 One of the principal concerns raised by the local residents relates to the inadequacy of the existing hotel car park and the perception that this development will exacerbate existing highway problems, particularly in respect of increased on-street car parking.

- 5.25 The existing accommodation within the semi-detached houses caters for up to nine members of staff, all of whom are eligible to park in the hotel car park. The proposal to provide nine holiday apartments will, in effect, substitute the use of nine car parking spaces by members of staff for those persons occupying the holiday units. Some of those “displaced” members of staff, who currently reside at Castle View and Green Lane, may consequently have to travel to work by car. The additional pressure this places on car parking provision will be accommodated for through the provision of six additional car parking spaces within the hotel car park. The applicant had originally intended to provide five additional spaces; however, this number was increased following concerns being raised by the Highway Authority.
- 5.27 To address the concerns of the residents and the Highway Authority the applicant’s agent has also submitted a “Travel Plan”, which identifies the measures undertaken to discourage the use of the private car in respect of both guests and staff.
- 5.28 The Travel Plan identifies that there are bus and rail links within two minutes walk of the hotel which provide reasonable access to the surrounding area. A complimentary drop off and collection service is available to guests, which is also used to provide links to other local attractions, such as Carlisle Racecourse. Guests also have access to a range of taxi companies and coach services are available for larger functions.
- 5.29 Members of staff have the same access to a choice of alternative modes of transport. Those staff that are unable to use public transport due to their shift patterns have access to a collection and drop off service via the hotel minibus. Members of staff who drive to work are encouraged to car share and staff living in the immediate vicinity can walk or cycle. The Travel Plan states that where possible staff parking is discouraged in order to give priority to hotel guests.
- 5.30 Whilst the residents have strong concerns regarding the level of parking provision, these views are not shared by the Highway Authority which has raised no objections to the amended proposal to provide six parking spaces and the means to reduce reliance on the private car, as outlined in the Travel Plan. The Highway Authority has recommended that three planning conditions are imposed, which relate to the use of the existing access, the height of the proposed boundary walls and the provision of parking and turning facilities for construction traffic.
- 5.31 It is also necessary to impose a condition to clarify that the use of the residential accommodation is restricted to holiday use only. Without the imposition of such a condition the applicant could potentially use the accommodation as permanent residential accommodation. This would probably worsen the existing parking situation, given that the occupants of unfettered residential units may have more than one vehicle, which is unlikely to be the case if the accommodation is restricted to holiday use. The condition is also necessary as had this been a proposal for residential development, which would be acceptable in principle, the applicant would be required to provide

an element of affordable housing.

- 5.32 Members will have noted that Cllr Earp has objected to the proposal on the basis that the development contravenes a series of planning policies within the Local Plan, one of which is Policy T2 (Parking in Conservation Areas). This policy discourages the provision of large scale car parks within Conservation Areas, but accepts that small scale car parks (usually less than twenty spaces) may be acceptable. Members are advised that it is Policy T1 (Parking Guidelines for Development) of the Local Plan that is more relevant in respect of this proposal; however, for the reasons identified above it is the Officer's and the Highway Authority's view that the proposal is not contrary to this policy.

#### 5. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.

- 5.33 The majority of the neighbouring properties are positioned sufficient distance away or orientated in such a way not to be directly affected as a result of loss of loss, loss of privacy or overdominance.
- 5.34 The property that is most likely to be affected is Eden Holme, which is located to the west of the site, on the opposite side of the access that serves the hotel. There are several windows in the side elevation of Eden Holme that serve habitable rooms. These windows face towards the side elevation of the apartment building which also includes windows serving habitable rooms. The distance between the two buildings is 18.5 metres, albeit this distance increases to 22 metres because of the position of the buildings in relation to one another. Although, in parts, the distance between the two buildings is less than the widely accepted 21 metre minimum separation distance, the potential impact is not sufficient to justify the refusal of the application. This is principally because of the position of the opposing windows and the fact that there are trees within the side garden of Eden Holme which would lessen the potential impact of the building.

#### 6. Landscaping.

- 5.35 The Council's Landscape Architect has raised no objections to the proposed development; however, it is recommended that a condition is imposed to safeguard those trees/bushes and hedges that are identified for retention.

### **Conclusion**

- 5.36 In overall terms, the principle of the proposed development is acceptable. The proposed apartment building could be accommodated on the site without detriment to the living conditions of the neighbouring properties or the character/setting of the Wetheral Conservation Area. The Highway Authority has advised that the proposal is acceptable subject to the imposition of three planning conditions as outlined in paragraph 5.30.
- 5.38 In all aspects the proposal is compliant with the objectives of the Carlisle District Local Plan.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

## **7. Recommendation - Grant Permission**

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

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

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

**Reason:** To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

3. Details shall be submitted of the proposed hard surface finishes within the proposed scheme and approved, in writing, by the Local Planning Authority before any site works commence.

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

4. Details of the heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling and access/parking areas shall be submitted to and approved, in writing, by the Local Planning Authority before any site works commence.

**Reason:** To ensure that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policies CP5 of the Carlisle District Local Plan 2001-2016.

5. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the trees/hedges to be retained, in accordance with B.S. 5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. No works shall be carried out within the fenced off area unless a method statement, detailing how those works shall be undertaken, has been submitted to and approved, in writing, by the Local Planning Authority. The protective fencing shall thereafter be retained at all times during construction works on the site.

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

6. No services trenches shall be positioned within the root protection area of those trees to be retained, unless otherwise agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure that the root systems of the neighbouring trees are safeguarded in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To ensure that the design and materials to be used are appropriate and to ensure compliance with Policy LE19 of the Carlisle District Local Plan 2001-2016.

8. The apartments hereby approved shall be occupied as self-catering holiday accommodation and shall not be occupied as permanent residential accommodation either independently or in association with The Crown Hotel.

**Reason:** There is insufficient parking provision available to enable the apartments to be occupied as independent residential accommodation in accordance with Policy T1 of the Carlisle District Local Plan.

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

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

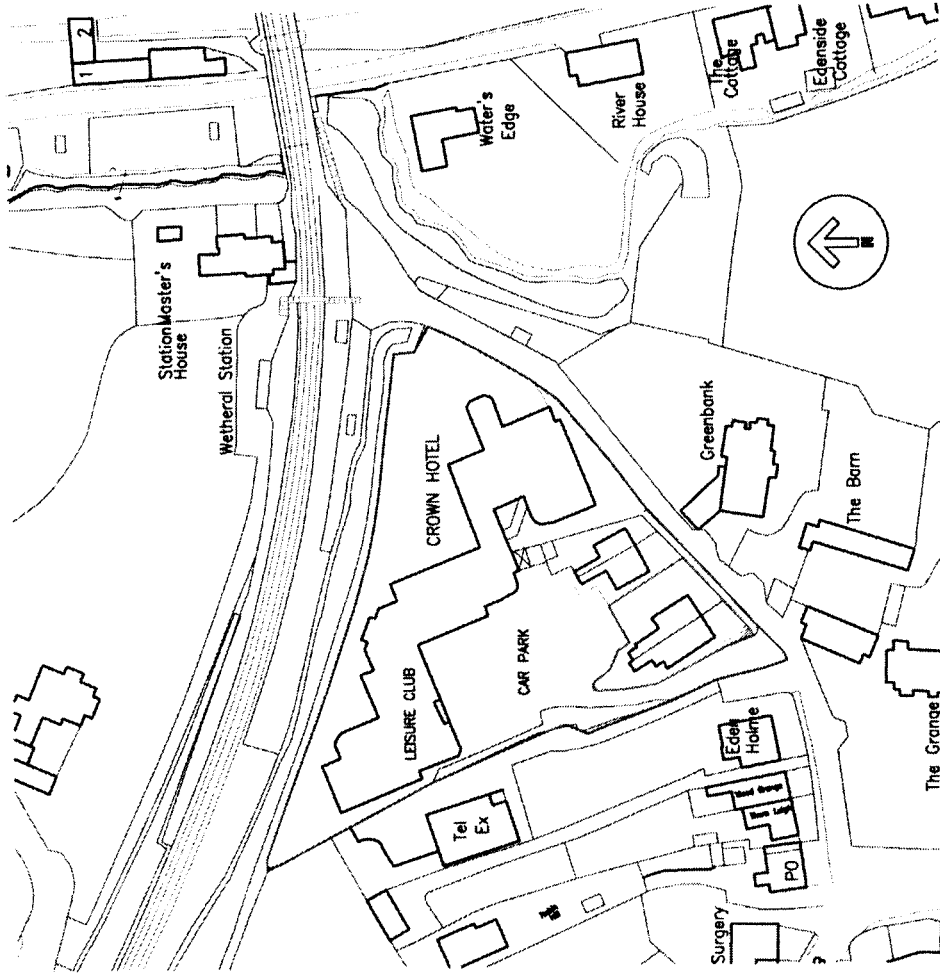
10. Any existing/ proposed highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved before development commences and shall not be raised to a height exceeding 1m thereafter.

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

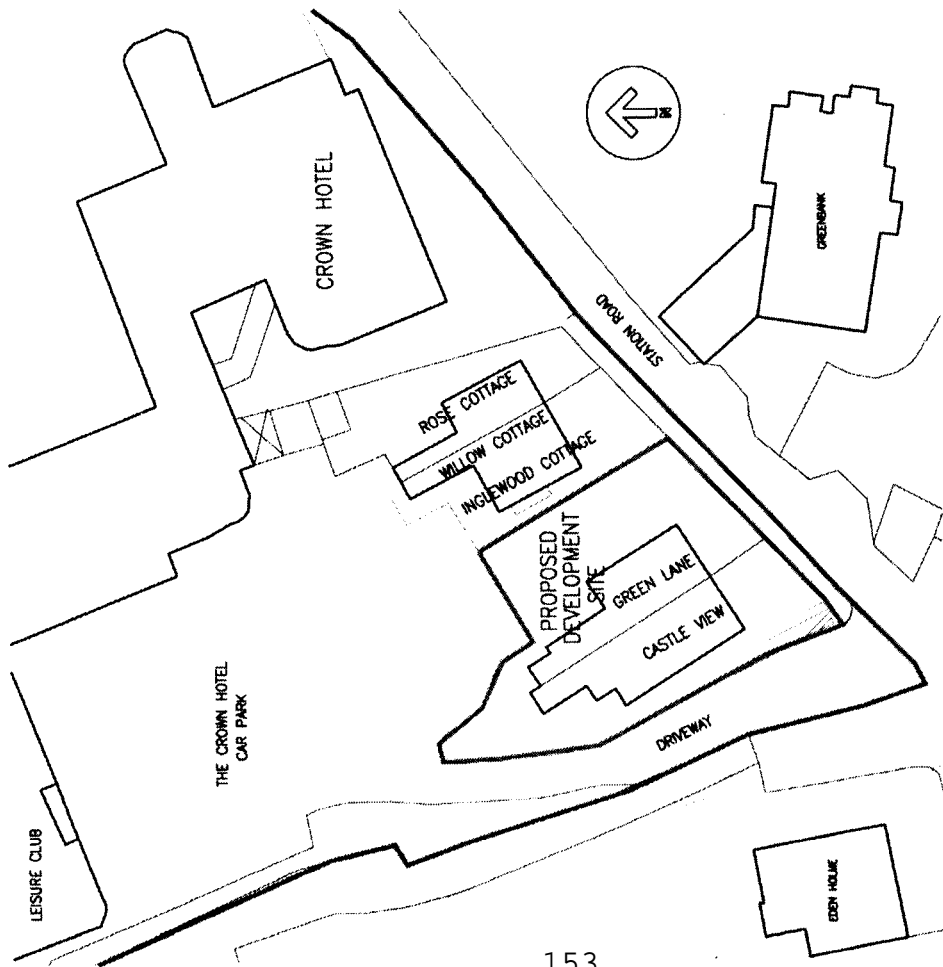
11. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto,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

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

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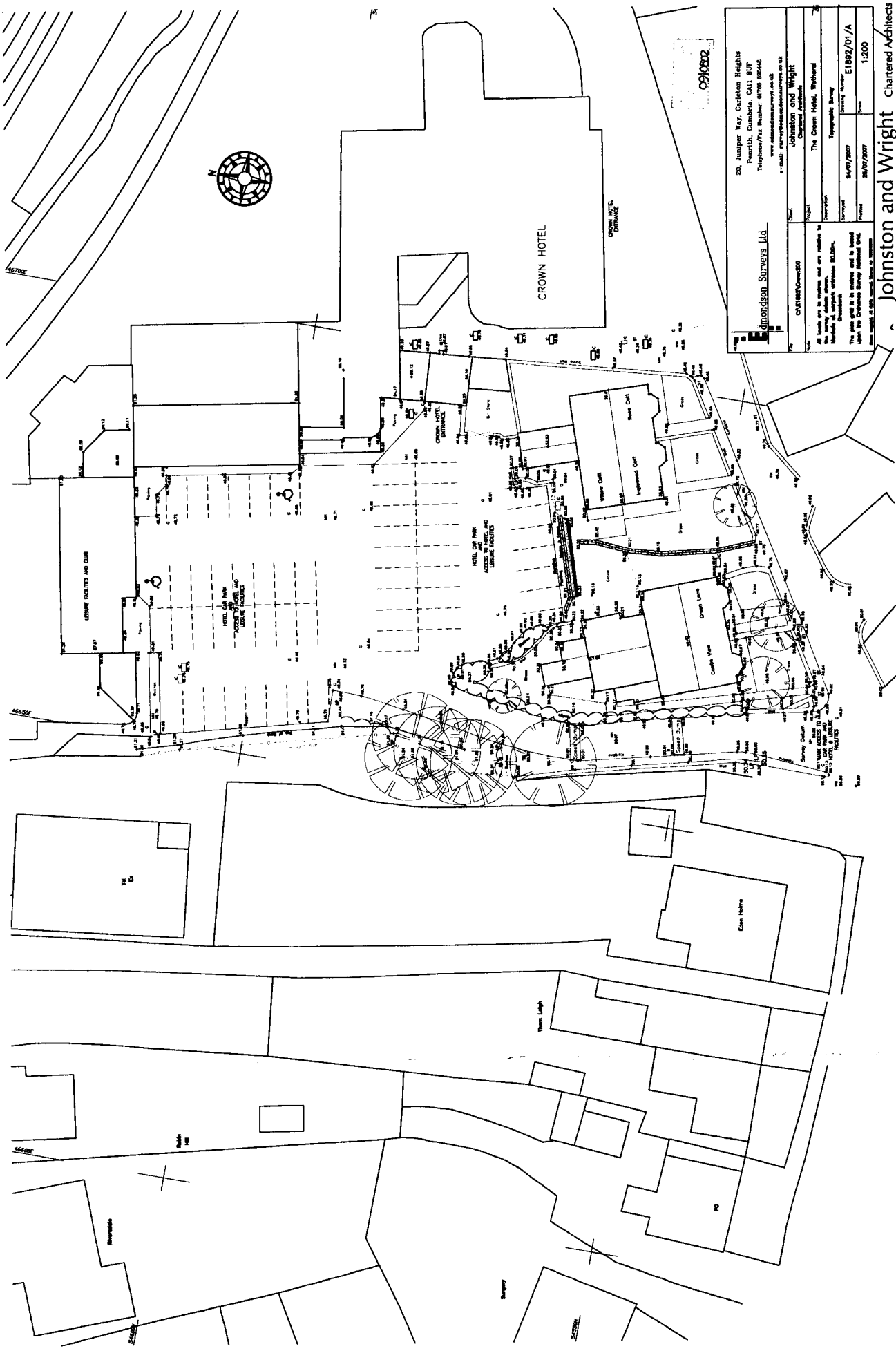
LOCATION PLAN  
scale 1:1250



BLOCK PLAN  
scale 1:500

**Johnston and Wright** Chartered Architects  
 15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515599 email [jw@jwarchitects.co.uk](mailto:jw@jwarchitects.co.uk)

Project **PROPOSED HOTEL APARTMENTS AT THE CROWN HOTEL, WETHERAL, CARLISLE**  
 Scale **as shown** Date **18-08-08** Drawn **bfc...** Number **11367-01A**  
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09/0802

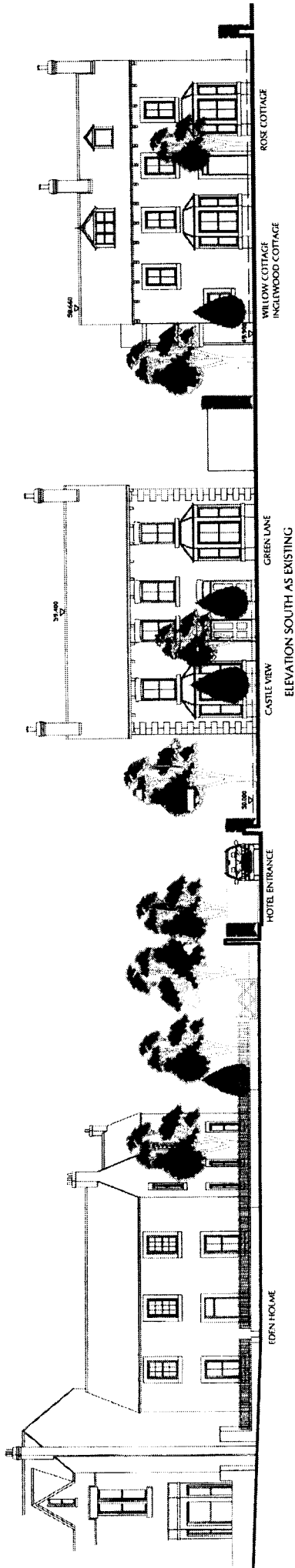
<b>Johnston and Wright</b> 20, Juniper Way, Curlews Heights Peartree, Cumbria, CA11 8DF Telephone/Fax Number: 01768 88444 www.johnstonandwright.co.uk e-mail: info@johnstonandwright.co.uk	
Client	Johnston and Wright
Project	The Crown Hotel, Wetherol
Description	Topographic Survey
Surveyed	28/07/2007
Drawn	28/07/2007
Project	E1862/01/A
Scale	1:200

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 email: info@johnstonandwright.co.uk

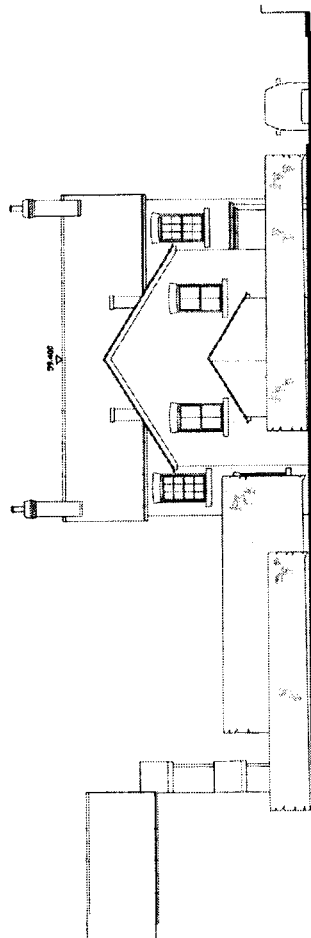
Project: PROPOSED HOTEL APARTMENTS  
 Drawing: Crown Hotel, Wetherol, Carlisle  
 Scale: 1:200  
 Date: 21/06/08  
 Drawn: mw/AJC... Number: 11367-06A  
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Revisions:  
 A 09/05/09 EXISTING HOUSE NAMES CORRECTED.

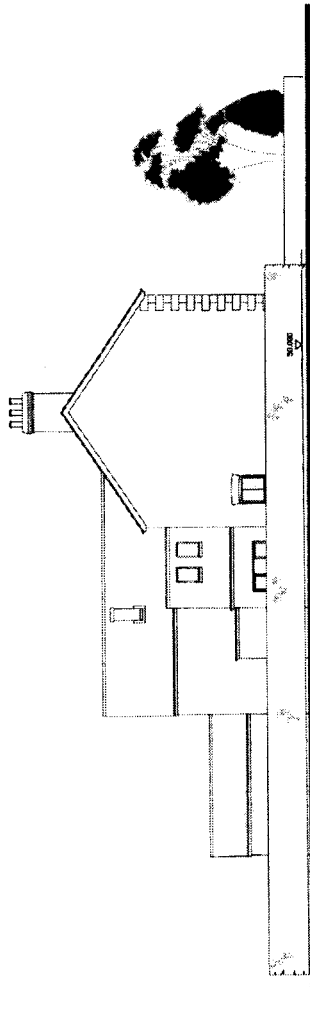




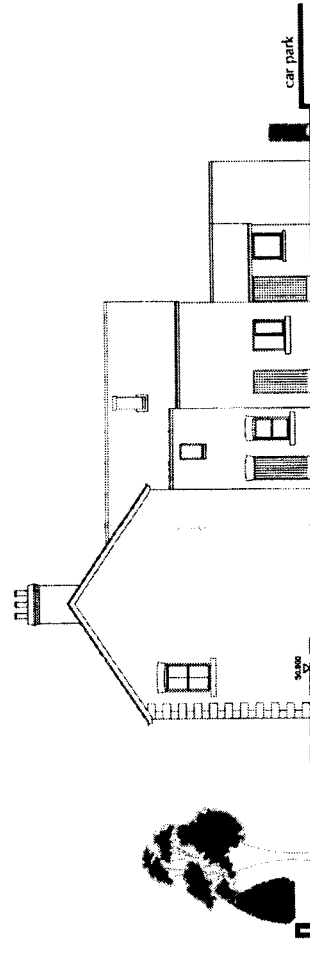
ELEVATION SOUTH AS EXISTING



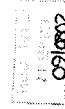
NORTH ELEVATION AS EXISTING



ELEVATION WEST AS EXISTING



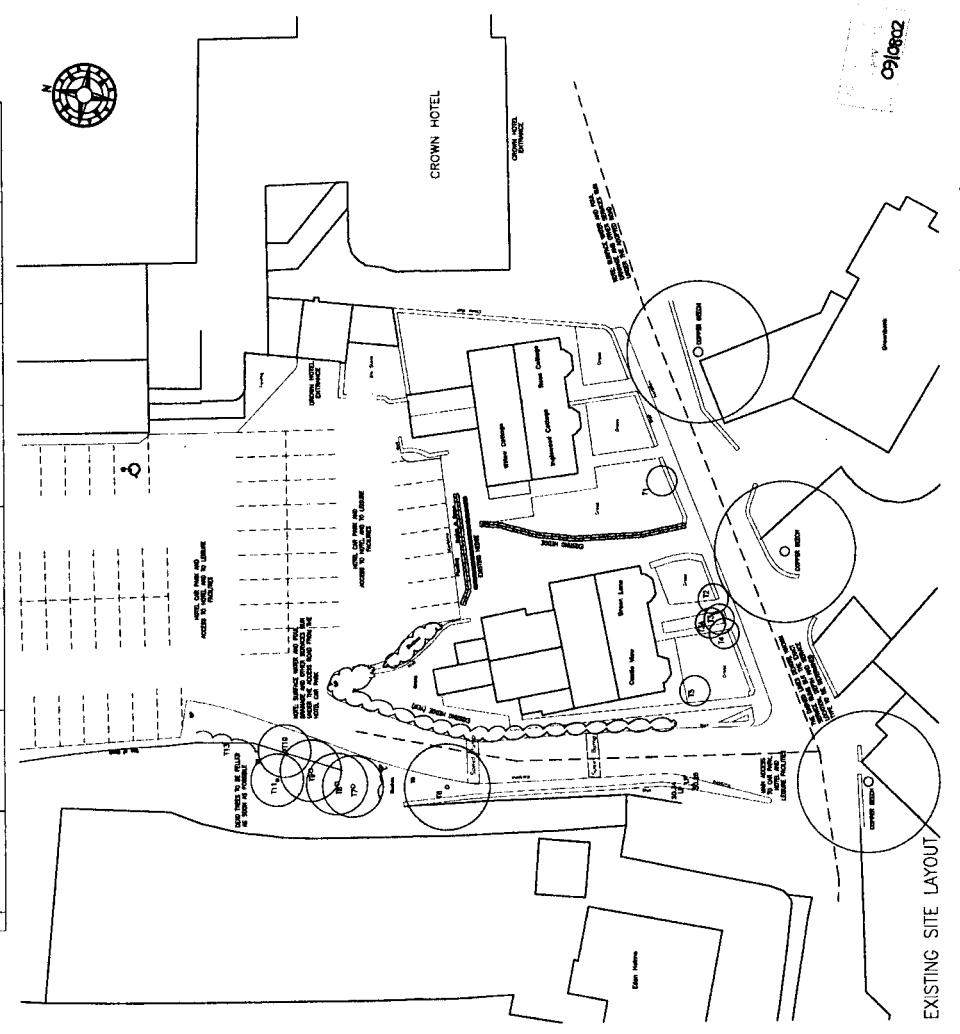
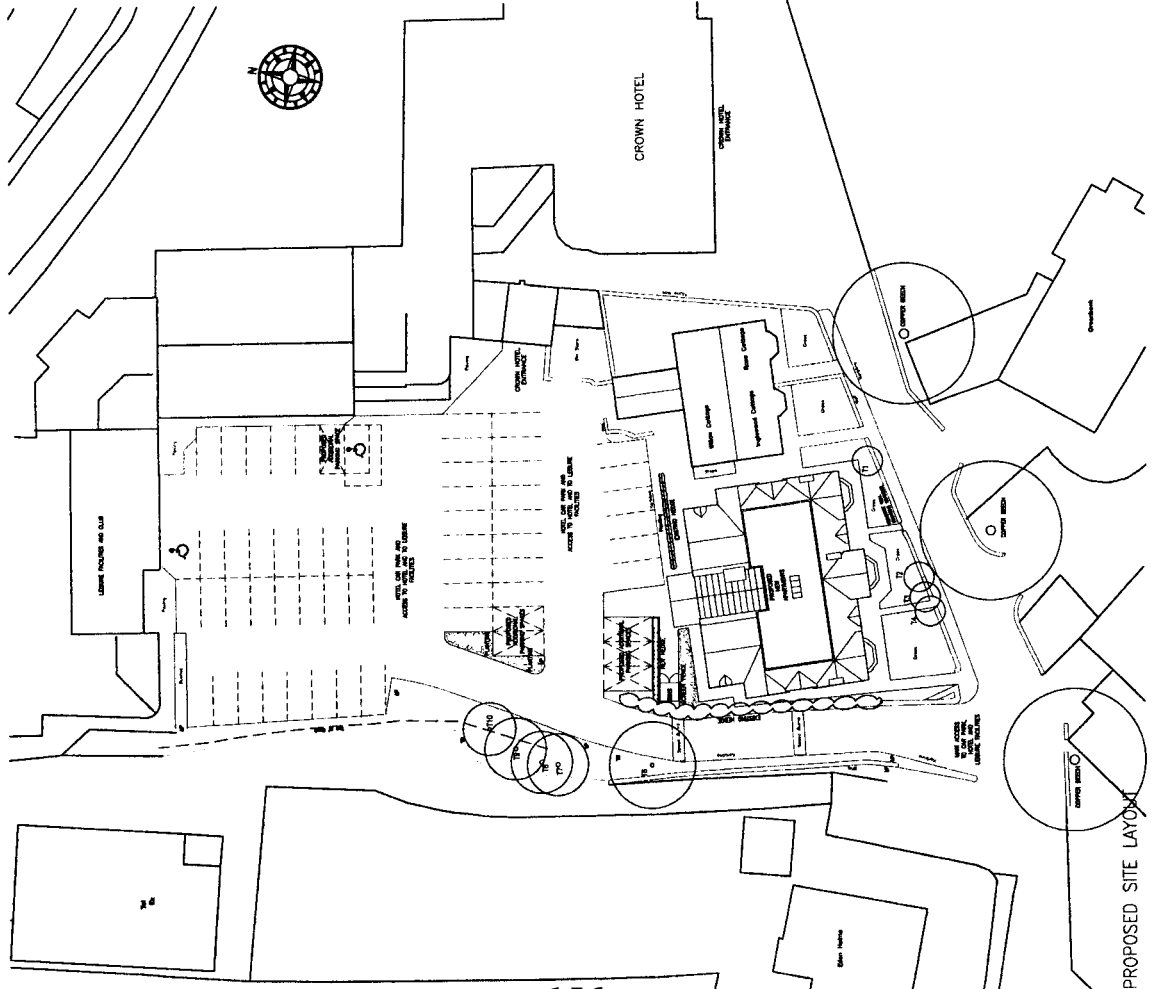
ELEVATION EAST AS EXISTING



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 15 Castle Street, Cuffield, Cambridge CB3 8TD. Tel: +44 (0) 1223 525163. Fax: +44 (0) 1223 515559  
 Project: **PROPOSED HOTEL APARTMENTS**  
 Drawing: **AT THE CROWN HOTEL, WETHERAL**  
 ELEVATIONS AS EXISTING

Scale: 1:1000A1 Date: 06.09.09 Drawn: AJC Number: J1367-SK17  
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TREE SCHEDULE						
REF	SPECIES	HEIGHT	STEM DIAMETER	BRANCH SPREAD	HEALTH & CROWN CLEARANCE	RECOMMENDATION / COMMENTS
T1	HOLLY	4M	125	2M	GOOD	TO BE RETAINED
T2	YEW (BUSH)	4M	MULTI STEM	2.5	GOOD	TO BE RETAINED
T3	YEW (BUSH)	4M	MULTI STEM	2.5	GOOD	TO BE RETAINED
T4	HOLLY	3.5M	125	1.1M	GOOD	TO BE FILLED
T5	HOLLY	4M	MULTI STEM	2.5	GOOD	TO BE RETAINED
T6	HOLLY	4M	125	1.1M	POOR	TO BE FILLED
T7	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T8	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T9	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T10	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
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T12	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T13	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T14	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T15	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
T16	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED
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T100	HOLLY	4M	125	1.1M	POOR	TO BE RETAINED



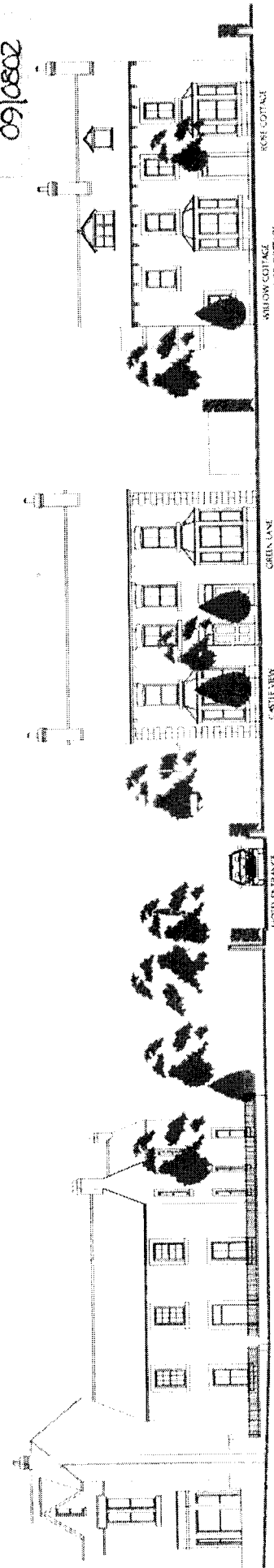
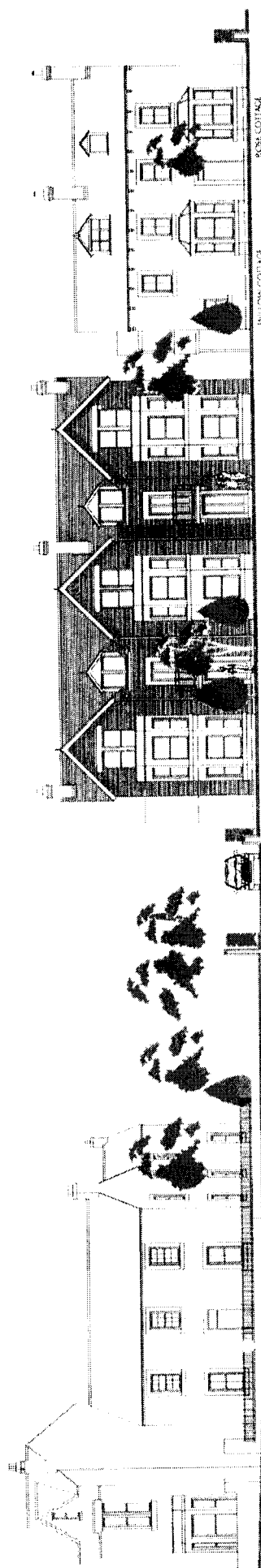
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 15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559  
 email jw@jwright.co.uk

Project **PROPOSED HOTEL APARTMENTS**  
 Crown Hotel, Wetheral, Carlisle

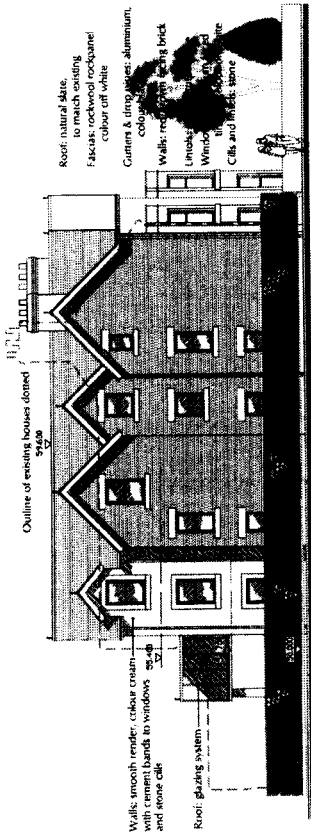
Drawing  
**Tree survey and Notes**  
 Scale 1:2500 A1 Date 21/10/08 Drawn M.C. Number 11367-07B

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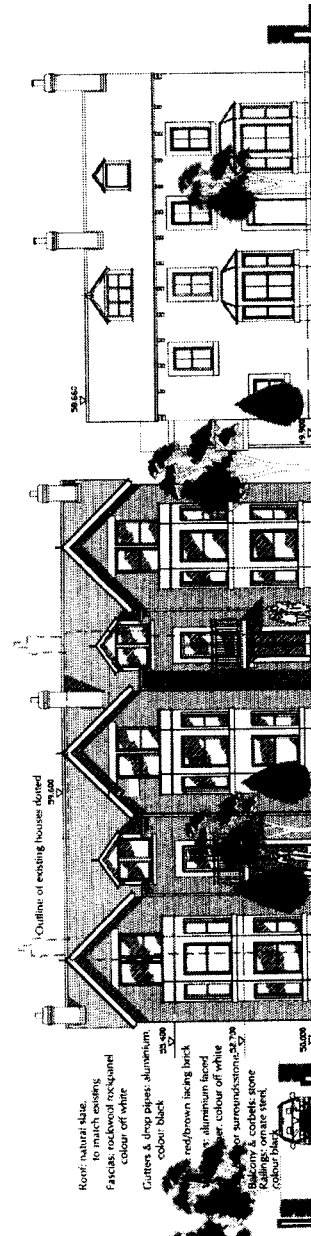
Revisions:  
 08.09.09 PROPOSED LAYOUT UPDATED, EXISTING HOUSE NAMES CORRECTED.  
 03.11.05 ADDITIONAL PARKING SPACE ADDED.



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 Tel: 644.601.2208 Fax: 644.601.2209  
 www.johnstonandwright.com  
 Project: [illegible]  
 Drawing: [illegible]  
 Date: [illegible]  
 Scale: [illegible]  
 Number: [illegible]



ELEVATION WEST AS PROPOSED

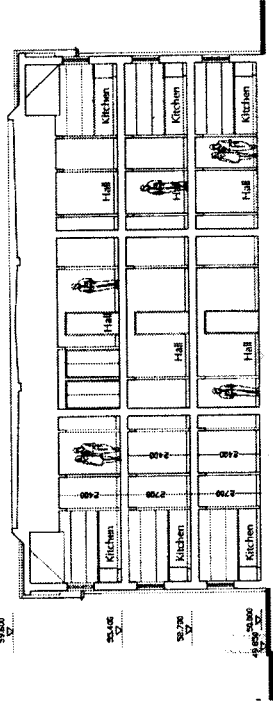


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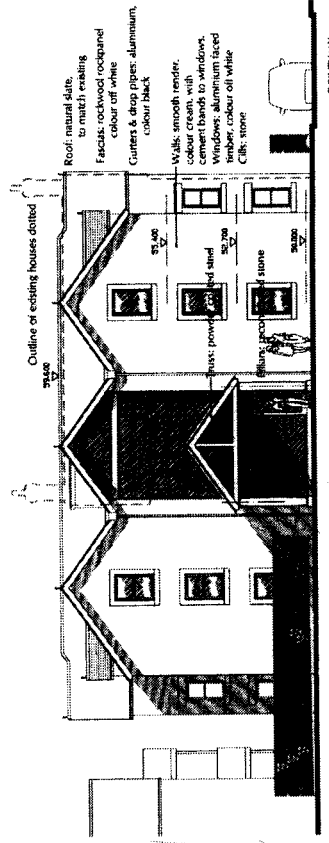
ELEVATION NORTH AS PROPOSED



ELEVATION EAST AS PROPOSED



SECTION A-A



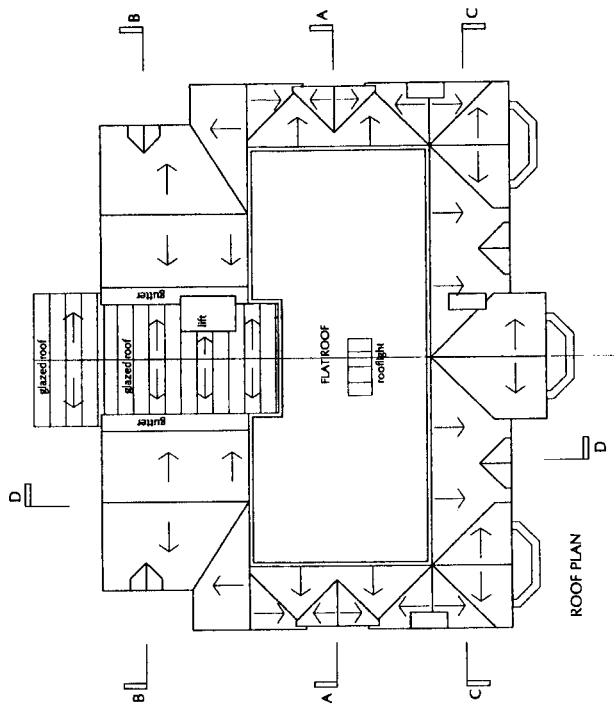
ELEVATION NORTH AS PROPOSED

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 email: info@jrwarchitects.co.uk

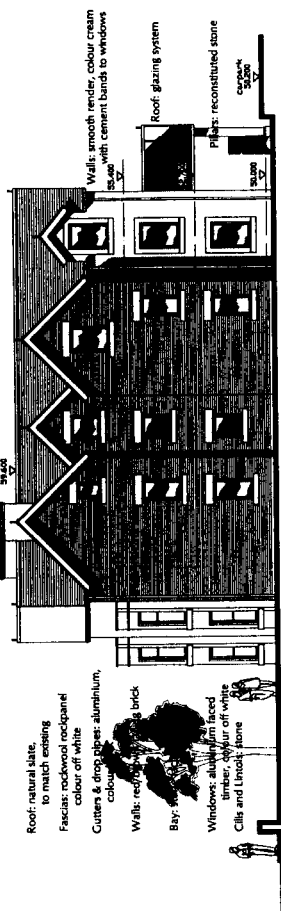
Project: **PROPOSED HOTEL APARTMENTS AT THE CROWN HOTEL, WETHERAL**  
 Drawing: **PLAN & ELEVATIONS AS PROPOSED**  
 Scale: 1:100 @ A1 Date: 08.09 Drawn: AC Number: 11367-SK1-3D

GROUND FLOOR PLAN AS PROPOSED

Revisions:  
 A 01.02.09 REVISIONS FOR PERMITS AS ISSUED  
 B 01.02.09 REVISIONS FOR PERMITS AS ISSUED  
 C 14.07.09 REVISIONS FOR PERMITS AS ISSUED  
 D 14.07.09 REVISIONS FOR PERMITS AS ISSUED  
 E 14.07.09 REVISIONS FOR PERMITS AS ISSUED



ROOF PLAN



ELEVATION EAST AS PROPOSED

- Roof: natural slate, to match existing
- Fascias: redwood red-paired colour off white
- Cutties & frog pipes: aluminium, colour off white
- Walls: reconstituted stone
- Bay: reconstituted stone
- Windows: aluminium faced, fascias off white
- Cills and lintels: stone

Walls: smooth render, colour cream  
 25,400 with cement bands to windows

Roof glazing system

Pillars: reconstituted stone  
 25,400

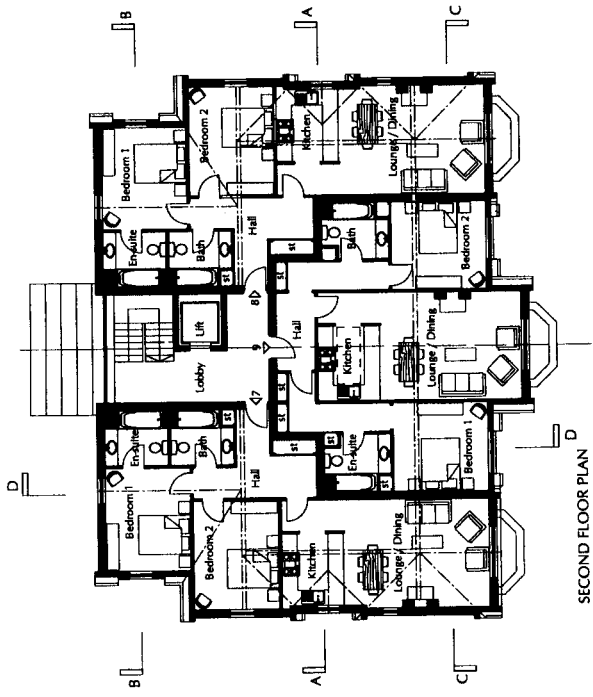
09/08/02

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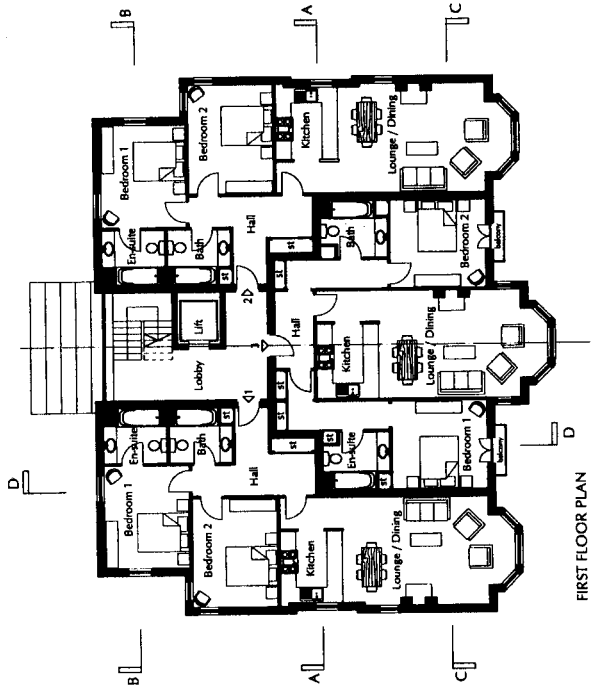
Project: **PROPOSED HOTEL APARTMENTS**  
 AT THE **CROWN HOTEL, WETHERAL**

Drawing: **PLAN & ELEVATIONS AS PROPOSED**

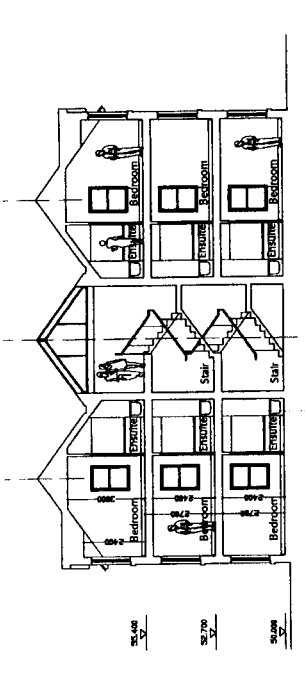
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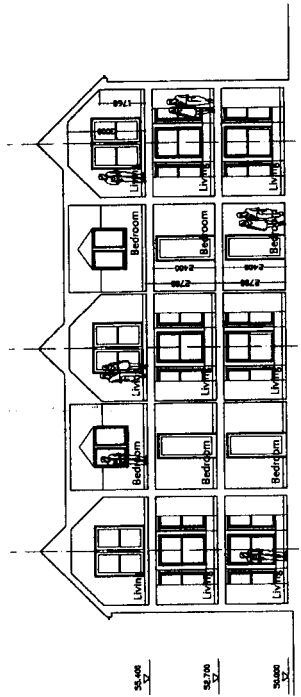
SECOND FLOOR PLAN



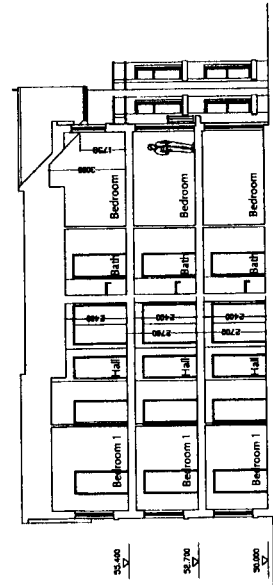
FIRST FLOOR PLAN



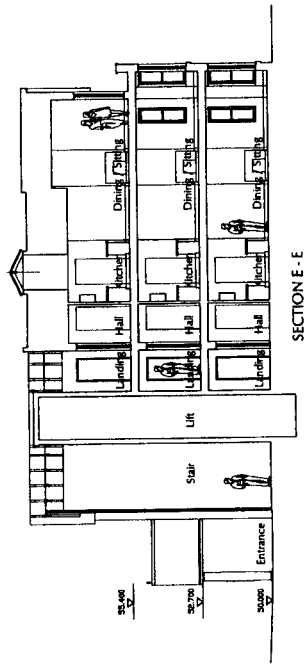
SECTION B - B



SECTION C - C



SECTION D - D



SECTION E - E

09/08/02

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 Project **PROPOSED HOTEL APARTMENTS**  
**AT THE CROWN HOTEL, WETHERAL**  
 Drawing **PLANS & SECTIONS AS PROPOSED**

Scale 1:1000/A1 Date 06.09 Drawn A/C Number 11367-SK15B  
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Revisions:  
 A 14/02/09 SECTIONS ADDED, ROOF SLOPES INDICATED ON ROOF PLAN.  
 CHIMNEYS ADDED TO ROOF PLAN.  
 B 28/06/09 UNDERGROUND CAR PARK DELETED, SECTION EE ADDED.

SCANNED  
29 SEP 2013



11367 Proposed Apartments, The Crown Hotel, Wetheral  
Sketch Design  
Three Dimensional Model View A

RECEIVED  
21 SEP 2013  
09/0802



11367 Proposed Apartments, The Crown Hotel, Wetheral  
Sketch Design  
Three Dimensional Model View B

RECEIVED  
21 SEP 2013  
09/08/12





11367 Proposed Apartments, The Crown Hotel, Weitheral  
Sketch Design  
Three Dimensional Model View C

RECEIVED  
21 SEP 2019  
0910502

## SCHEDULE A: Applications with Recommendation

09/0803

**Item No: 04**

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0803

**Applicant:**  
Crown Hotel Ltd

**Parish:**

**Date of Receipt:**  
21/09/2009

**Agent:**  
Johnston & Wright

**Ward:**  
Wetheral

**Location:**  
Crown Hotel, Wetheral, Carlisle, Cumbria, CA4 8ES

**Grid Reference:**  
346690 554607

---

**Proposal:** Demolition Of A Former Pair Of Semi Detached Houses (Castle View And Green Lane) Erection Of 9no Two Bedroom Hotel Apartments Including Additional Parking Spaces (Revised Application) (Conservation Area Consent For Demolition)

**Amendment:**

---

**REPORT**

**Case Officer:** Sam Greig

### **Reason for Determination by Committee:**

This application is brought before the Development Control Committee for determination as more than three letters of objection have been received from separate households.

### **1. Constraints and Planning Policies**

#### **Gas Pipeline Safeguarding Area**

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

#### **Listed Building**

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

#### **Affecting The Setting Of A Listed Building**

#### **Conservation Area**

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

Area.

### Listed Building In A Conservation Area

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the Wetheral Conservation Area.

### Local Plan Pol LE17-Dev.Involving Dem.Unlisted Bldgs CA

### Local Plan Pol LE19 - Conservation Areas

## 2. Summary of Consultation Responses

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

**Community Services - Drainage Engineer:** no comments received;

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

**Development Services Planning & Housing Services - Access Officer:** no comments received;

**Cumbria Constabulary, Northern Community Safety Unit:** no objections;

**Local Plans (Tree Preservation), Development Services:** no comments/observations to make on the above proposals save to say that tree protection will be required for any trees that are proposed to be retained;

**Development Services Planning & Housing Services - Conservation Section:** no objections;

**Conservation Area Advisory Committee:** no comments received;

**Wetheral Parish Council:** no comments received;

**Northern Gas Networks:** no objection.

## 3. Summary of Representations

### Representations Received

Initial:	Consulted:	Reply Type:
Willow Cottage	05/10/09	Undelivered
Rose Cottage	05/10/09	
Inglewood Cottage	05/10/09	Undelivered
Wetheral	05/10/09	
Eden Holme	05/10/09	
Green Bank	05/10/09	Objection

The Barn	05/10/09	Objection
The Grange	05/10/09	
Thornleigh	05/10/09	Objection
The Grange	05/10/09	
Grange Bank	05/10/09	
Eden Grange	05/10/09	
Crown Cottage	05/10/09	Undelivered
Mayfield Cottage.	05/10/09	
Wood Grange	05/10/09	Objection
Eden Mount	05/10/09	
Fairways	05/10/09	
St Martins	05/10/09	Objection
Green Farm	05/10/09	Objection
3 Jennet Croft	05/10/09	
Woodside	05/10/09	Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty one neighbouring properties. In response seven letters of objection have been received. The grounds of objection are summarised as;

1. The properties are not in disrepair and there is no justification for their removal;
2. The demolition of these properties will harm the appearance of the Conservation Area;
3. The size and nature of the proposal is out of keeping with the location and the village;
4. The car park is inadequately sized to serve the existing and proposed development; and
5. The proposal will exacerbate parking problems in the locality.

3.2 Members are advised that ,as this application seeks Conservation Area Consent for the demolition of the existing properties, only the issues highlighted in points 1 and 2 are material to this application. The issues raised in respect of points 3 to 5 are relevant to the planning application to redevelop the site, which precedes this report in the Schedule.

#### **4. Planning History**

4.1 In 2008 "Full" planning permission and "Conservation Area Consent" was sought for the demolition of the existing semi-detached dwellings and the erection of nine hotel apartments (Applications 08/1033 and 08/0134 respectively). The applications were withdrawn prior to determination.

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

## **Introduction**

- 5.1 This application seeks “Conservation Area Consent” for the demolition of a pair of semi-detached houses, which are situated adjacent to The Crown Hotel in Wetheral. The properties, which are known as Castle View and Green Lane, are situated approximately 100 metres north east of the village green, on the road that leads to Wetheral railway station.
- 5.2 The application site belongs to the hotel and leisure complex, which offers guest accommodation, conference facilities, wedding packages, a restaurant and fully equipped leisure club, featuring an indoor pool, sauna, steam room and squash courts.
- 5.3 The site is situated within the Wetheral Conservation Area and the Crown Hotel, which located 40 metres to the northeast of the site, is a Grade II Listed Building. The surroundings to the application site are predominantly residential, although the remainder of the hotel complex is located immediately to the north of the site. The properties are used by the hotel to provide residential accommodation for up to nine members of staff.

## **The Proposal**

- 5.4 The applicant proposes to demolish the building with a view to redeveloping the site for to provide apartment accommodation to be occupied in conjunction with The Crown Hotel. The application, reference 09/0802, which precedes this report in the Schedule, seeks approval for the erection of nine apartments on the site.

## **Assessment**

- 5.5 The relevant planning policies against which the application is required to be assessed are Policies LE17 and LE19 of the Carlisle District Local Plan 2001-2016.
- 5.6 The proposal raises the following planning issues:
1. Whether The Demolition Of The Semi-Detached Dwellings Is Acceptable.
- 5.7 The justification for the removal of these properties is provided in paragraphs 5.20 and 5.23 of the preceding report in the Schedule. In summary, although the appearance of the existing properties does not harm the character or setting of the Wetheral Conservation Area, given that there is an acceptable proposal to replace these buildings there is no policy justification for their retention.
- 5.8 In the light of this, the proposal to demolish the properties with a view to redeveloping the site is acceptable. It is, however, recommended that a condition is imposed that prevents the demolition of these buildings prior to a contract being agreed for the redevelopment of the site. That contract would have to relate to an “approved” scheme to redevelop the site.

- 5.9 Members are advised that if they were minded not to approve the application to redevelop the site (09/0802), which precedes this report in the Schedule, it would not be appropriate to approve this application. To do so may increase the likelihood of the site being cleared and left undeveloped, which would detract from the Conservation Area. In the absence of an approved scheme to redevelop the site, the approval of this application would be premature.

## **Conclusion**

- 5.10 In conclusion, it is recommended that Members approve this application, but only if permission has been granted for the redevelopment of the site in accordance with application 09/0802. If that application is refused this application should also be refused on the grounds of prematurity and the potential adverse impact on the setting and appearance of the Wetheral Conservation Area.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

## **7. Recommendation - Grant Permission**

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

**Reason:** In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The building shall not be demolished before a contract for the carrying out of works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

**Reason:** To safeguard against premature demolition in accord with Policy LE17 of the Carlisle District Local Plan 2001-2016.

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## SCHEDULE A: Applications with Recommendation

09/0949

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**Item No: 05**

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0949

**Applicant:**  
William Highton

**Parish:**  
Beaumont

**Date of Receipt:**  
29/10/2009

**Agent:**

**Ward:**  
Burgh

**Location:**  
Field 4818, Beaumont, Carlisle

**Grid Reference:**  
335477 560177

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**Proposal:** Temporary Siting Of Residential Caravan During Building Works  
(Retrospective)

**Amendment:**

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**REPORT**

**Case Officer:** Stephen Daniel

### **Reason for Determination by Committee:**

An objection has been received from Beaumont Parish Council and Cllr John Collier has objected to the application and requested a Right to Speak at Committee.

### **1. Constraints and Planning Policies**

**Area Of Outstanding Natural Beauty**

**Ancient Monument**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol DP9 - Areas of Outstanding Natural Beauty**

**Local Plan Pol H1 - Location of New Housing Develop.**

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

**Local Plan Pol CP5 - Design**

### **2. Summary of Consultation Responses**



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

**Beaumont Parish Council:** the caravan was not in the original application, although it appeared relatively quickly after the permission was granted - believe it would have been refused had it been in the original application.

Every attempt has been made to hide the caravan - the entrance to the field has been boarded up for many months so the caravan could not be seen and it was only the Parish that alerted Enforcement Officers. The obscuring of the field gate is out of character with the area and the use of a generator 7 days a week is not in keeping with the environment.

The development has been in progress for the past 2 years. The project is still to show any signs of achieving its original objectives and the site needs to be closely monitored. Since permission was only granted based on the scheme's green credentials, a continuous test of compliance should be required.

Object to the application as the conditions attached to the original application do not seem to have been adhered to;

**English Heritage - North West Region:** no comments;

**Hadrians Wall Heritage Limited:** comments awaited;

**Solway Coast AONB Unit:** no comments, provided it is removed by the stated time.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Burgh by Sands		Objection

3.1 This application has been advertised by means of a site notice. No verbal or written representations have been made during the consultation period.

### **4. Planning History**

4.1 In April 2007, planning permission was granted for the erection of an agricultural building (07/0035).

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

#### **Introduction**

- 5.1 The proposal is seeking planning permission for the temporary siting (for 2 years) of a residential caravan at Field 4818, Beaumont. The site, which extends to 1.4 hectares, is located 970 metres north east of Beaumont Village, within the Solway Coast Area of Outstanding Beauty and the Hadrian's Wall Military Zone World Heritage Site Buffer Zone. The site is bounded on all sides by hedging and is accessed by an unmade track.
- 5.2 An agricultural building, which was granted planning permission in April 2007, is currently under construction on the site. The site contains a caravan which is used for storage, a residential caravan (which is the subject of this application), a storage container and various vehicles. A solid timber gate has been erected across the entrance to the site.

## **Background**

- 5.3 In April 2007, planning permission was granted for the erection of an agricultural building at this site. The site is being used to establish whether sustainable farming can be achieved and the applicant intends to grow fruit, vegetables and some varieties of plants on the site. The intention is for the process to be self sustainable with no external influences required in the growing process. The agricultural building will enable the applicants to produce renewable energy through various means (solar, waste, compost), to produce fertiliser and compost and to re-use rainwater.

## **The Proposal**

- 5.4 The proposal is to site a residential caravan for a temporary two year period, whilst the agricultural building is completed. The caravan (which is two caravans joined together) has a floor area of 60 sq m. One of the caravans measures 9.5m by 3.8m, with the other measuring 7.9m by 3m and both have a maximum height of 2.8m. The caravan has a cassette toilet, which the applicant takes off-site to be emptied.
- 5.5 The applicant has submitted some supporting information, which seeks to justify why a residential caravan is needed on the site for a two year period. The applicant states that the caravan is needed for security purposes, whilst the agricultural building is under construction. In September 2007, steel for the building was removed from the site within 24 hours of delivery and two trailers have been stolen from the site, one in the summer of 2007 and one at the end of 2007. There have also been instances of trespass, ill treatment of animals and vandalism.
- 5.6 The project is privately funded and the applicant estimates that it will cost in the region of £200,000 to test all the projects involved. The grants that were originally available have dried up and obtaining funding from the bank has become more difficult. The applicant is hoping to have funding in place and the building completed within two years, at which point the caravan would be removed from the site.

## **Assessment**

- 5.7 The relevant policies against which the application is required to be assessed include Policies DP1, DP9, H1, H7 and CP5 of the Carlisle District Local Plan 2001-2016.

The proposal raised the following planning issues:

1. The Principle Of The Development

- 5.8 The proposal is seeking planning permission for a two year period for a residential caravan, whilst the agricultural building, which is currently under construction on the site, is completed. Whilst a permanent dwelling in this location would be contrary to planning policy, a temporary permission is considered to be acceptable, given the need for a security presence on the site whilst the building is under construction. The completion of the building should improve the appearance of the site and would allow some of the sustainable farm projects to be started.

- 5.9 The request for a residential caravan for a two-year period does, however, seem to be excessive. The frame of the building is already in place and part of the building has been clad in green profile sheeting. A temporary permission for a 12 month period would give the applicants sufficient time to complete the building works and remove the caravan from the site.

2. The Impact Of The Proposal On The Character Of The Solway Coast AONB And On The World Heritage Site

- 5.10 The caravan would be located in close proximity to a hedge which runs around the periphery of the site and would not be readily visible from outside the site. The Solway Coast AONB Unit has raised no objections to the caravan, provided that it is removed from the site at the end of the 2 year period and English Heritage has no objections. In light of the above, the proposal would not have an adverse impact on the AONB or on the World Heritage Site

## **Conclusion**

- 5.11 A permanent residential dwelling on the site would be contrary to planning policy. However, a temporary planning permission for a 12 month period would give the applicants a security presence on the site whilst the building work is completed. The caravan would not have an adverse impact on the character of the Solway Coast AONB or on the World Heritage Site. In all aspects, the proposal is compliant with the relevant policies contained within the adopted Local Plan.

## **6. Human Rights Act 1998**

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

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

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

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

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

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

## **7. Recommendation - Grant Permission**

1. The mobile home hereby permitted shall solely be occupied by the applicant and his family and shall be removed from the site before 31 December 2010 or when the accommodation is no longer required by the applicant for occupation, whichever is the sooner.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality, in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.

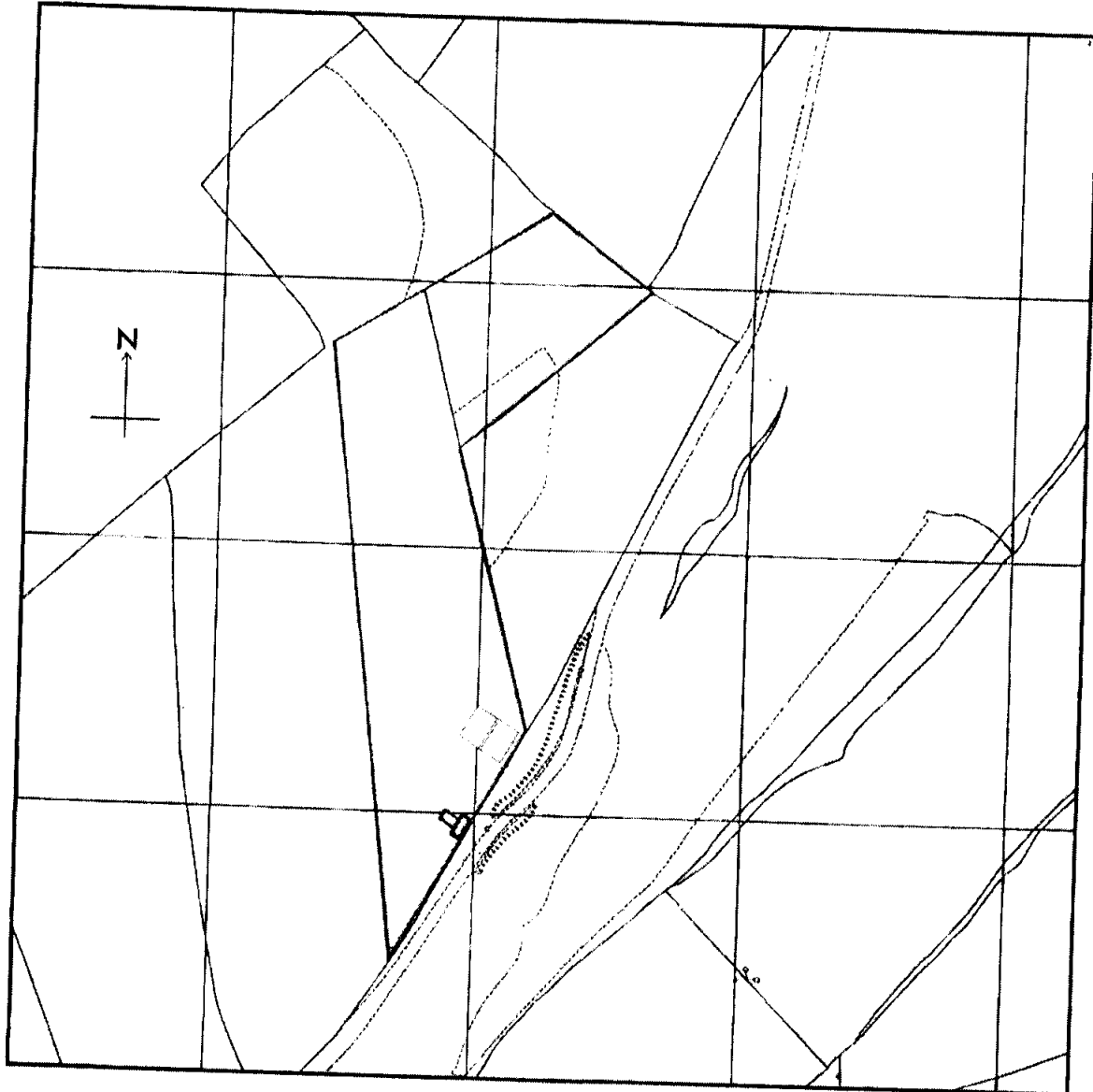
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# Beaumont Sustainable Development Farm Project

1:2500 Scale

Using natural resources and alternative energy for sustainable development.

Project Aim:  
To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use.



29 OCT 2009  
2009/10949

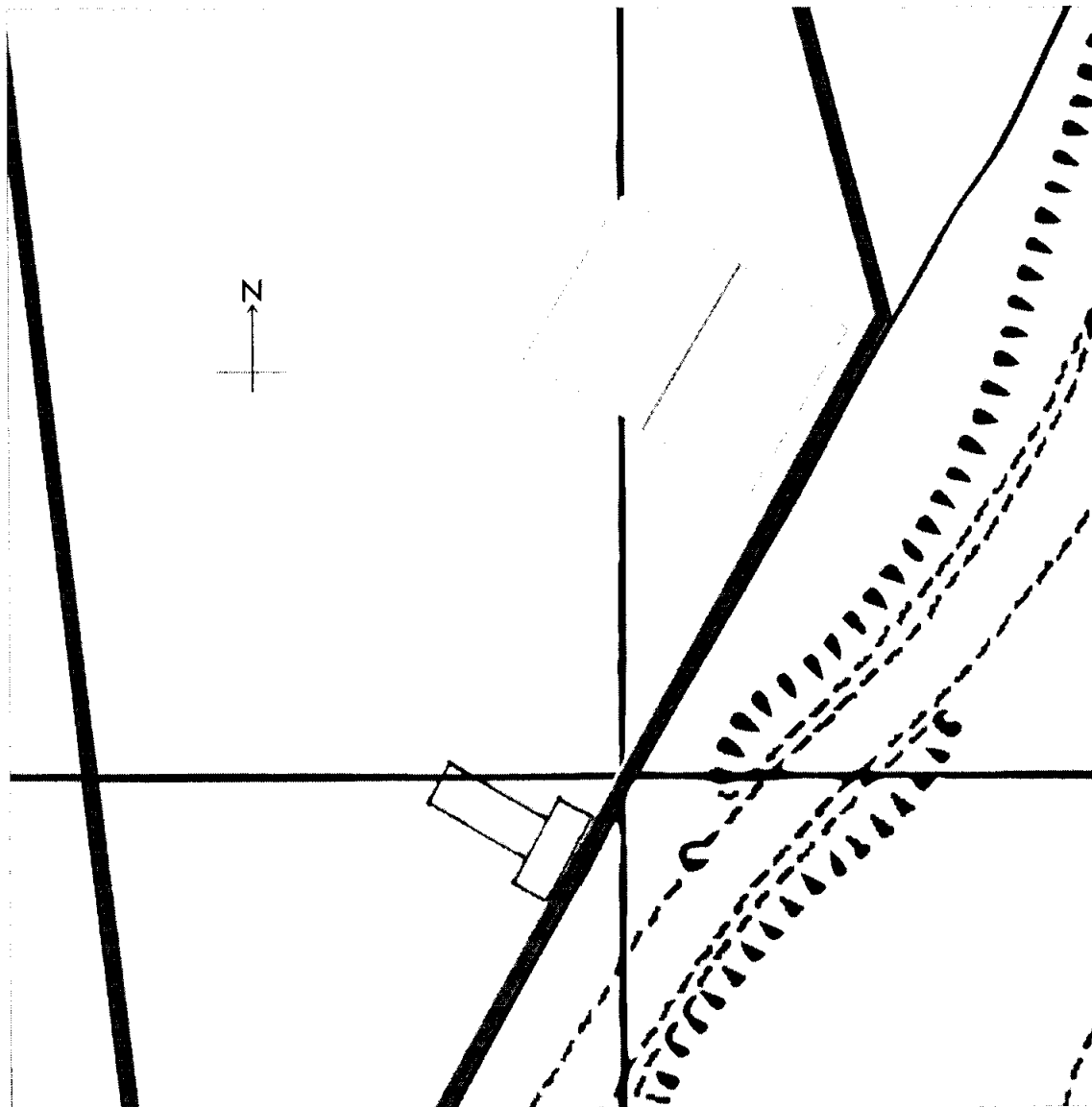
# Beaumont Sustainable Development Farm Project

1:500 Scale

Using natural resources and alternative energy for sustainable development.

Project Aim:

To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use.



29 OCT 2009  
2009/10949

# Beaumont Sustainable Development Farm Project

1:100 Scale

Using natural resources and alternative energy for sustainable development.

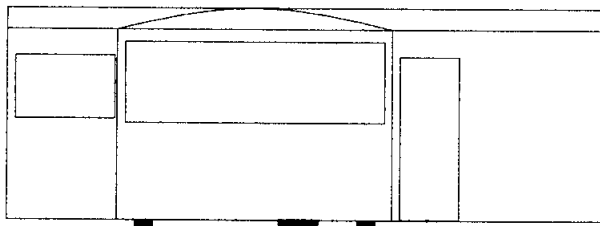
Project Aim:

To prove that Self Sustainable Development is possible and effective by the use of natural resources with alternative energy for Agricultural use.

Front Elevation

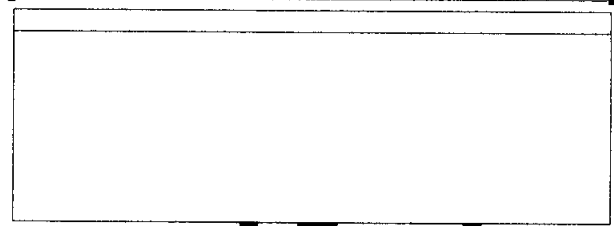
7930mm

2880  
mm



Rear Elevation

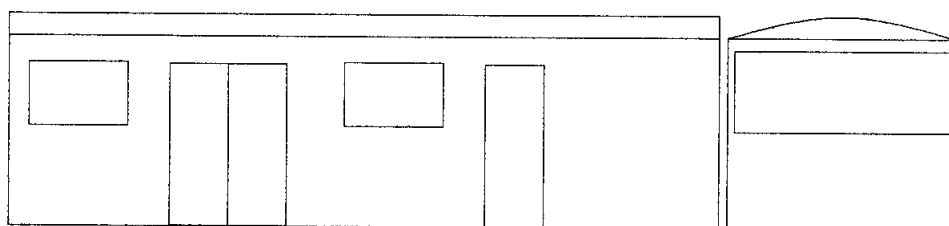
7930mm



RH Side Elevation

12600mm

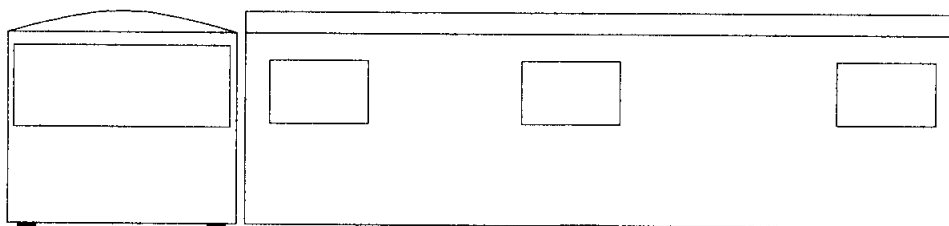
2880  
mm



LH Side Elevation

12600mm

2880  
mm



2009/0949

# FIELD 4818 BSDFP (BEAUMONT)

## DESIGN & ACCESS STATEMENT

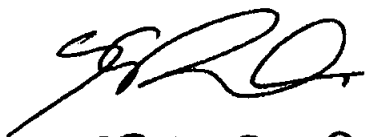
THE LAND FOR THE CARAVAN TO BE SITUATED IS AT FIELD 4818 BEAUMONT RELATING TO THE BEAUMONT SUSTAINABLE DEVELOPMENT FARM PROJECT.

IT IS TO BE USE FOR TEMPORARY ACCOMMODATION WHILST BUILDING WORKS ARE TAKING PLACE.

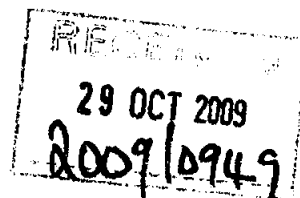
THE EXTERNAL WALLS AND ROOF ARE MADE FROM TIMBER AND ALUMINIUM WITH GLAZED WINDOWS IN ALUMINIUM FRAMES.

PARKING IS ALREADY AVAILABLE FOR SEVERAL VEHICLES WITH ACCESS FROM THE LANE LEADING FROM BEAUMONT. ACCESS TO THE SITE OF A WIDTH SUITABLE FOR THE DISABLED.

STUART PALMER & WILLIAM HIGHTON.



29-10-2009.





## SCHEDULE A: Applications with Recommendation

09/0964

Item No: 06

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0964

**Applicant:**  
Hayton Reading Room  
Chairman

**Parish:**  
Hayton

**Date of Receipt:**  
04/11/2009 08:00:47

**Agent:**  
SPACE Designed Solutions  
Ltd

**Ward:**

**Location:**  
Reading Room, Hayton, Brampton, CA8 9HT

**Grid Reference:**  
351012 557752

**Proposal:** Single Storey Side Extension To Provide Function Room, WC Facilities  
And Disabled Access (Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

### Reason for Determination by Committee:

In the light of the number of objections received.

### 1. Constraints and Planning Policies

#### Tree Preservation Order

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

#### Airport Safeguarding Area

#### Local Plan Pol EC13-Sustaining Rural Facilities&Services

#### Local Plan Pol CP2 - Biodiversity

#### Local Plan Pol CP3 - Trees and Hedges on Development Sites

#### Local Plan Pol CP5 - Design

#### Local Plan Pol CP6 - Residential Amenity

**Local Plan CP15 - Access, Mobility and Inclusion**

**Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists**

**Local Plan Pol CP17 - Planning Out Crime**

**Local Plan Pol T1- Parking Guidelines for Development**

**Local Plan Pol DP1 - Sustainable Development Location**

## **2. Summary of Consultation Responses**

**Environmental Services:** no observations on the above application.

**Hayton Parish Council:** unanimously agreed and supported by the Parish Council.

**Carlisle Airport:** no objection to this proposal.

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

**Development Services Planning & Housing Services - Local Plans (Trees):** a tree protected by Tree Preservation Order 241 stands within the footprint of the proposed extension. Further trees and hedges surround the site the most prominent being on the western boundary in close proximity to the proposed extension. Whilst information has been supplied regarding the protected tree, no information regarding the remaining trees and hedges that will be retained post development has been supplied. These trees and hedges will be affected due to the proximity of the development and this information should be forthcoming to advise on how the proposal can be achieved without unduly affecting the character of the area due to unacceptable tree and hedge loss/pruning and ensure that there is adequate spacing between existing trees and the proposed extension in compliance with Policy CP3 of the Local Plan.

If the application were to prove successful the loss of the protected tree and management/pruning of the remaining trees and hedgerow could have a detrimental effect on the visual amenity of the location. To offset this loss of amenity, landscaping should be provided. I consider it important that the details of any such landscaping scheme are agreed prior to the granting of consent. The site itself is rather tight and appropriate landscaping/tree replacement may be considered off site but within Hayton.

Options for the proposed landscaping are set out in the Design and Access Statement, but there is no detailed scheme/drawings showing the location of the proposed planting and a specification for the species, or the size of tree to be

planted, and for clarification this needs to be addressed.

**Development Services Planning & Housing Services - Access Officer:**  
handrails should be provided to either side of the stepped access to assist ambulant disabled people. This is a requirement for Building Regulations and it has an impact on visual of the building which will impact on a planning application.

**Cumbria Constabulary - Crime Prevention:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Skiddaw Building & Maintenance, 26 Skiddaw Road		
Skiddaw Building & Maintenance, 26 Skiddaw Road	23/11/09	
The Nurses Cottage		
The Nurses Cottage	23/11/09	
The Nurses Cottage		Objection
The Nurses Cottage	23/11/09	Objection
Croft View		Objection
Croft View	23/11/09	Objection
East View Cottage	13/11/09	Objection
The Old Post Office		Objection
The Old Post Office	23/11/09	Objection
Millbrook		Objection
Millbrook	23/11/09	Objection
Applegarth	13/11/09	Objection
The Nurses Cottage		
Holly House		Objection
Hayton Womens Institute, Townhead Cottage		Support
MHard Bank Croft		Support
Townhead Cottage		Support
The Conifers		Support
Little Acorns Nursery, The Reading Rooms		Support
Arthur's Old Barn		Support
How Cottage		Support
Ashness		Support
Davaar		Support
1 Cairn Wood		Support
1 The Orchard		Support
Bunkers Hill		Support
Bunkers Hill		Support
Wellfield		Support
Geltside Lodge		Support
Two Hoots		Support
Inwood		Support
Ling Dene		Support
South View Cottage		Support
Hom Green		Support
Orchard Bank		Support
Old Vicarage		Support
East View		Objection
Ring Gate Lodge		Support

66 Hurley Rd	Support
Geltside	Support
Aikrigg	Support
Little Garth	Support
4 Stonehouse Cottages	Objection
The Orchard	Objection
Bothy Cottage	Objection
Croft Cottage	Objection
Friars Garth	Objection
Kinrara	Objection
Low Moor Lodge	Support
Toppin Castle	Support
Low Moor Lodge	Support
Jesmond Cottage	Objection
The Vicarage	Comment Only
Underwood	Support
Ferndale	Support
Rose Cottage	Objection
Blacksmiths Cottage	Comment Only
Sutcliffe House	Support
Pump Cottage	Objection
Town Foot Farm	Support
6 Castle View	Support

3.1 This application has been advertised by means of notification letters sent to 9 neighbouring properties. At the time of writing this report 16 letters of objection and 33 letters of support have been received.

3.2 The letters of objection raise the following:

1. Increase in noise, nuisance and disturbance that would have an adverse impact on the living conditions of nearby residential properties contrary to criterion 5 of policy CP5 and policy CP6 of the Carlisle District Local Plan 2001-2016

2. The proposal will exacerbate the existing incidence of car parking and congestion on the immediate public highway

3. There will be an increase in vehicular movements

4. A tree covered by a TPO will need to be removed contrary to Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016

5. This application does not fundamentally change or affect the three reasons that the planning committee cited for refusing the first application

6. Concerns about highway safety

7. It will be decades before the proposed new trees attain the stature of the present one

8. The village school has a large hall should there be a need for a function venue in Hayton

9. The building is described as single storey however it is in fact 7 metres high on an already elevated site
10. The proposal is too imposing for the position almost doubling the size of the existing building and exceeding it in height
11. There is a disabled access already available in the form of a door with a path leading to it to the west of the existing main building
12. Planning consent has been granted for an addition 11 dwellings at Stonehouse Far, has the impact of this future intensification been taken into account by the Highway Authority?
13. The application appears to have totally ignored or provided solutions to deal with the major issues i.e. the detrimental impact to the local highways network and neighbouring properties
14. The tree in question is in excellent health and will have a life expectancy in excess of forty years
15. There is no evidence to suggest that the tree has or ever will affect the structure of the existing building
16. The current proposals should not be given planning approval on the grounds that as a community facility for Hayton they are not fit for the purpose

3.2 The letters of support raise the following:

1. Extension is a much needed facility
2. Room will be a useful amenity for the village
3. As the reading room committee already lets the premises out to the WI for meetings once a month no extra parking or activities should take place as the plans will restrict opening hours to 23:00 hours on weekdays and 22:00 hours on sundays
4. The number of users will not be increasing dramatically
5. The benefits of an extension would be something for generations to come
6. The village needs a facility with a bigger hall to hold community events
7. Rural communities are loosing many facilities now therefore we need to provide them ourselves
8. It will improve the reading room facilities without interfering with the

local village

9. It will enable existing users to be more comfortable
10. It will allow minor functions such as coffee mornings and funeral teas to take place during term time
11. It will benefit Little Acorns Nursery
12. It will enhance the facilities and provide a much needed meeting room
13. There will be no change of use and no increase in the present level of traffic at the Reading Room
14. It is unfortunate that because of objections, mainly from adjoining property owners who have no off road parking facilities that the original development plan which included off road parking spaces is no longer viable
15. The biggest car parking problems in the village are associated with the school
16. Loss of the WI Hall and increased use of the Reading Room by the pre-school group has meant there is no daytime facilities in the village for minor functions
17. The reading room at present is far from ideal for the needs of the WI
18. The Parish Council support this application
19. It would be a travesty to deny the application and therefore the subsequent benefit to the wider parish community because of a tree
20. To offer to plant trees around Hayton village is a very reasonable compromise
21. Proposal will provide a facility from the tiny tots to the aged
22. The WI are not a nosy organisation
23. If the proposal is a village amenity a lot of users will hopefully walk to the venue
24. The Copper Beech Tree is a fine tree but eventually will outgrow its location and will have to be cut down
25. The room will be far too small for discos, parties and wild nights
26. At present there is only one adult toilet which is inadequate on occasions such as the WI meeting where there may be more than 20 adults present

27. The cost of the proposal to the community will be nothing
28. The closing time will provide no disturbance to nearby homes
29. The reading room was built by the Lamb Family in memory of their son who was killed in the first world war
30. The building is not only used by the people of Hayton Village but also by people from surrounding hamlets
32. If this application is not taken up the funds will be not available at a later date

#### **4. Planning History**

- 4.1 In 1993, under application 93/0293, planning permission was given for alteration and extension to the existing outbuildings to provide sanitary facilities and storage.
- 4.2 In August 2009, under application 09/0517, planning permission was refused for the erection of a single storey side extension to provide a function room etc.

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

##### **Introduction**

- 5.1 Hayton Reading Room is located on the southern side of the Hayton/Townhead Road, opposite the junction of the highway leading to The Woodlands, and provides the eastern approach to the Village. To the immediate east and south there are open fields with a field access and the garden serving Croft Cottage to the west. On the opposite side of the road there are domestic properties in the form of the Nurses Cottage, East View, The Old Post Office, East View Cottage and Croft View. Parking restrictions are not in place along this part of the Hayton/Townhead Road which is part of the National Cycle Route. The road and pavement are respectively just over 5 metres and less than a metre in width.
- 5.2 The Reading Room is constructed externally from sandstone with slate roofing and has an overall floor space of 145 sq. metres. The other notable features relate to the way the existing building has been cut into the site as it rises in a southerly direction away from the road; the presence of a copper beech tree subject of a Tree Preservation Order; mature ash and sycamore trees along the western boundary with the field access; a stone boundary wall with wire fencing above fronting the road; and a metal rail fence delineating the eastern and southern boundaries. A notice board identifies use of the Reading Room by Hayton Pre-School Group.

- 5.3 The Woodlands currently serves a total of 10 dwellings although Members should also be aware that under application 07/0088 authority has been given to issue approval for the conversion of farm buildings to create an additional 11 dwellings at Stonehouse Farm.

## **Background**

- 5.4 In August of this year, under application 09/0517, planning permission was refused for a single storey side extension to provide a function room on the following grounds:

“The addition of the proposed function room catering for up to 60-70 persons, coupled with the proposed use of the accommodation late into the evening, notably up to 0300 hours on Sundays, would be likely to result in an inappropriate and unacceptable increase in noise, nuisance and disturbance that would seriously and detrimentally detract from the living conditions of adjacent and nearby residential properties, contrary to criterion 5 of Policy CP5 and Policy CP6 of the Carlisle District Local Plan 2001-2016.”

“The additional accommodation and the intensification of the use of the premises that would ensue would, in the absence of any off-site parking provision, exacerbate the existing incidence of car parking and congestion on the immediate public highway. This would, particularly during use of the extended facilities at evening and early morning times, be to the detriment of the living conditions of adjacent and nearby occupiers through increased vehicle movements, and associated noise and activity, contrary to Policy CP6 of the Carlisle District Local Plan 2001-2016, and increase potential road safety risks to pedestrians and vehicles.”

“The siting of the proposed function room would necessitate the removal of a fine specimen of Copper Beech tree that is a prominent feature in the street scene in this part of Hayton and has justified its protection through imposition of a Tree Preservation Order. The removal of the tree would be contrary to the provisions of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.”

- 5.5 The current revised application has been submitted on the basis that the proposed operating hours have been reduced to 23.00 hrs on weekdays and 22.00 hrs on Sundays; the nature of the use has been clarified such that the County Highway Engineer no longer wishes to object to the proposal; and the loss of the copper beech tree subject of the TPO is to be mitigated by the planting of three trees at two separate locations, namely in the field adjacent to the Church and on the Village Green. The proposed "function room" extension measures 7 metres by 11.6 metres with a new glazed entrance lobby and reconfigured internal layout including provision of new w.c. facilities. Externally the proposed extension is to be constructed with red sandstone and a wet dash render. The ridge height of the existing building is 6.6 metres in comparison to the proposed of 7.6 metres.
- 5.6 The application is accompanied by a Design and Access Statement that explains amongst other things:



1. The Reading Room Management Committee have identified that due to long standing commitments/lettings from the nursery group and their use of the kitchen and adjacent space as a dining area, booking opportunities are severely limited - demand exceeds supply. The proposed extension seeks to provide a base for village functions and meetings without disturbance to the nursery including separate entrances, improved sanitary and catering facilities and full disabled access to the whole building;
  2. The proposed extension is in proportion with the Reading Room but somewhat taller. This is to provide adequate means of providing sufficient replenishment air to 60-70 occupants, as well as offering opportunities for acoustic absorption;
  3. It is alleged that the beech tree subject of the TPO has now reached a size that it is beginning to invade the foundations of the existing building and thus it's eventual demise is inevitable;
  4. The Committee are in the fortunate position of having sufficient financial resources gifted to them to allow them to contemplate building an extension to this already successful facility at the necessary expense of the tree - an application to take down the tree will be presented to the Council in due course;
  5. There is no provision on the site either as existing or under the new proposal as there is not enough land available in the ownership of the Reading Room Committee. Currently disabled access is possible from the road level to the door of the Reading Room but a step into the property precludes full disabled access. This situation will be resolved in the proposal with a continuation of the existing ramped path to a level access threshold giving level access internally to all rooms;
  6. The extension to the Reading Room is proposed as a timber frame structure that will be heavily insulated. This will give a low energy usage building that will be heated by Air Source Heat Pumps, thus reducing the building's reliance on fossil fuels.
- 5.7 The applicant's agent has confirmed that the alternative options considered were either a building to the "rear", "front" or do nothing. In the case of the "rear" this was abandoned on cost grounds, and the "front" discounted because of concerns re. overlooking/overbearing impact on the dwelling opposite. The do nothing option was not considered to be appropriate because there is strong demand through the week for a village facility.
- 5.8 The applicant has also confirmed that there are no plans for the Reading Room to become licensed premises; it will be used for Use Class D1 purposes; and the nature of the unmet demand referred to is adhoc events such as a coffee morning and Bring and Buy sale to raise money for the Cockermonth Mountain Rescue Team.

## Assessment

- 5.9 When assessing this application it is considered that the main issue revolves around whether the advantages of the proposal outweigh the disadvantages with regard to the possible adverse effects on the living conditions of neighbouring residents; highway safety/parking; and the loss of the beech tree subject of the TPO.
- 5.10 In relation to the living conditions of neighbouring residents it is appreciated that the operation of the existing long established use is not subject to a planning condition, and the application has been submitted on the basis of enabling the more efficient use by Hayton Pre-School Group. This aside, the proposed hours of use and the nature of the use are now considered more appropriate to its context.
- 5.11 On the basis of the revised details the Highway Authority does not wish to raise any objections to the proposal.
- 5.12 Finally, when considering the loss the beech tree and impact on the character of the area the City Council's Landscape Officer has not raised a fundamental objection presumably in the acknowledgement that there is an existing row of mature hedge trees that will still be retained by the proposal. The aforementioned Landscape Officer has raised a number of matter concerning the trees to be retained and the submission of a landscaping scheme. However, it is considered that these matters can be satisfactorily addressed by the imposition of suitable conditions.

## Other Matters

- 5.13 It is appreciated that concerns have been raised on the grounds that the proposal may not be "fit for purpose" but this is considered to be a matter of more relevance to the applicant.

## Conclusion

- 5.14 On the basis of the foregoing the proposal is considered acceptable and therefore recommended for approval.

## 6. Human Rights Act 1998

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

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

**Article 7** provides that there shall be "No Punishment Without Law" and

may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

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

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

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

## **7. Recommendation** - Grant Permission

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

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

2. This permission relates to the use of the hereby permitted premises for purposes falling within Use Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class(es) in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

3. The premises hereby permitted shall not be in use before 08.30 hours or after 23.00 hours on weekdays and Saturdays; or before 08.30 hours and after 22.00 hours on Sundays or statutory holidays.

**Reason:** To prevent disturbance to neighbouring residents.

4. Prior to the commencement of development details of the design, height and finish of any external handrails shall be submitted to and approved in writing by the local planning authority.

**Reason:** To safeguard the character of the area.

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

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

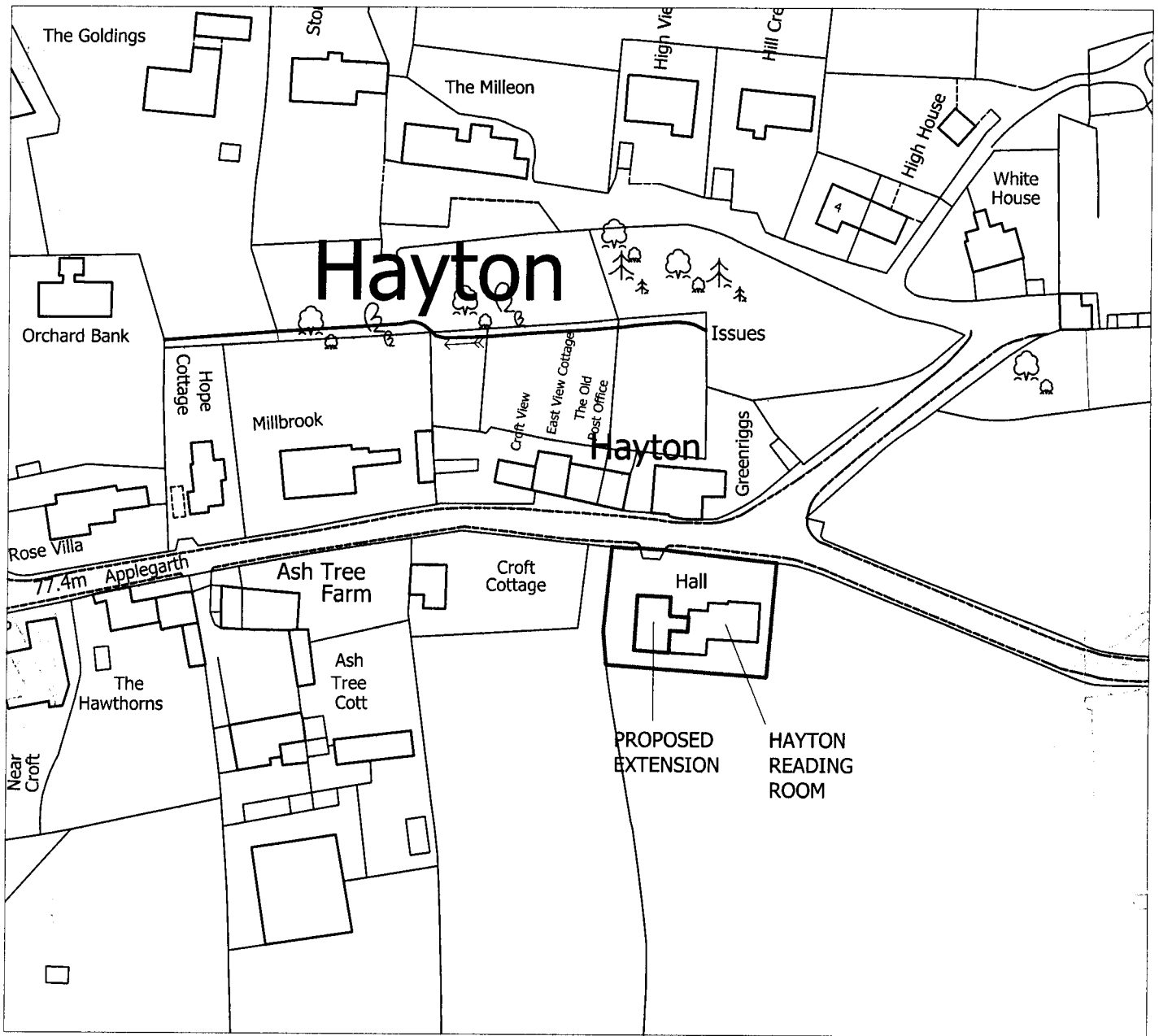
6. Other than the copper beech tree identified for removal on the approved plan, no tree or hedgerow existing on the site shall be felled, lopped, uprooted or layered without the prior consent in writing of the local planning authority and the protection of all such trees and hedgerows during construction shall be ensured by a detailed scheme to be agreed with the local planning authority.

**Reason:** The local planning authority wishes to see existing hedgerows/trees incorporated into the new development where possible and to ensure compliance with Policy CP3 of the Carlisle District Local Plan (2001-2016).

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

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

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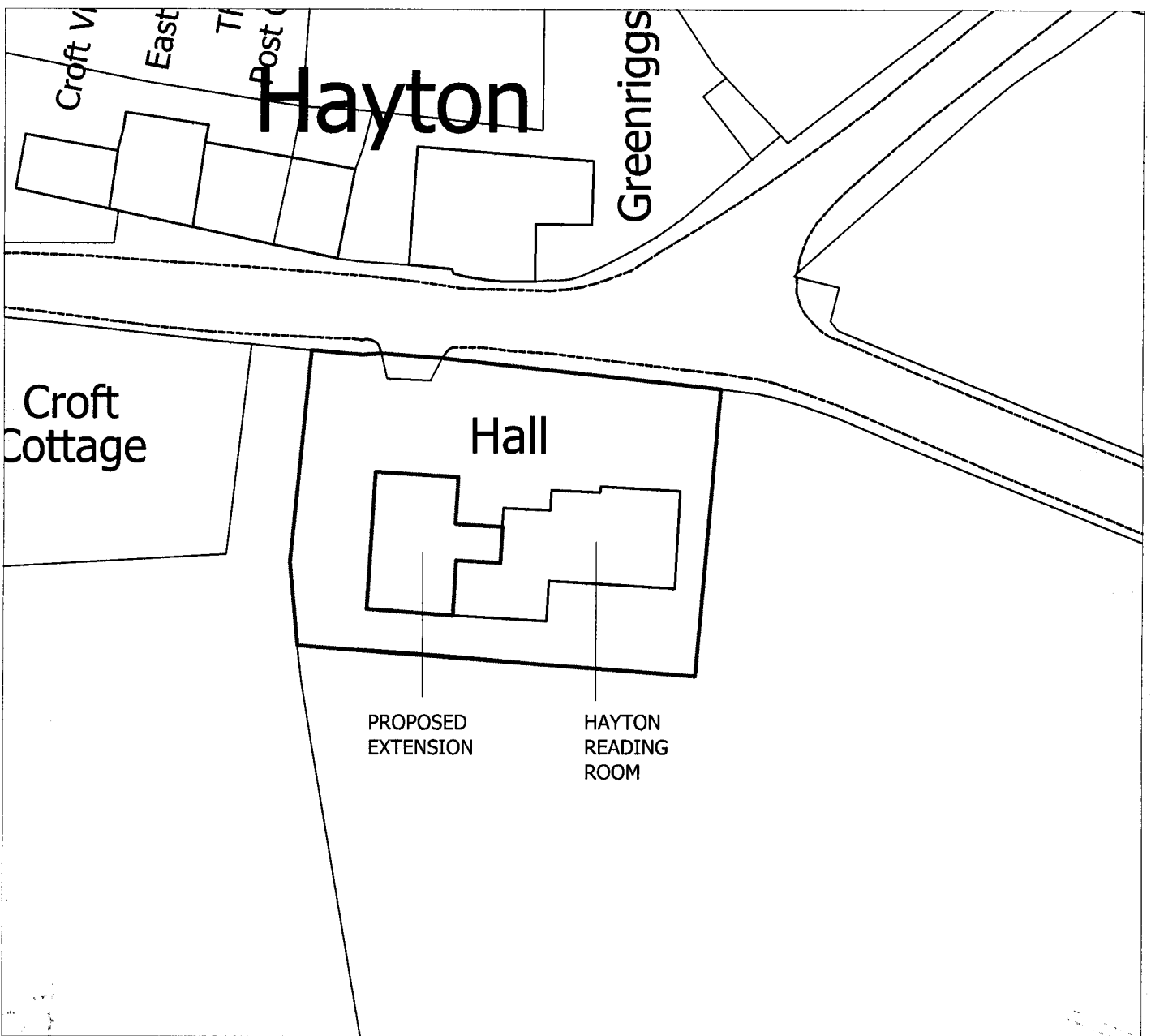
**PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
 READING ROOMS, HAYTON**

For  
**The Committee**

**LOCATION PLAN**

SCALE 1: 1250

**DRAWING No: 0809.09.01**



**SPACE**

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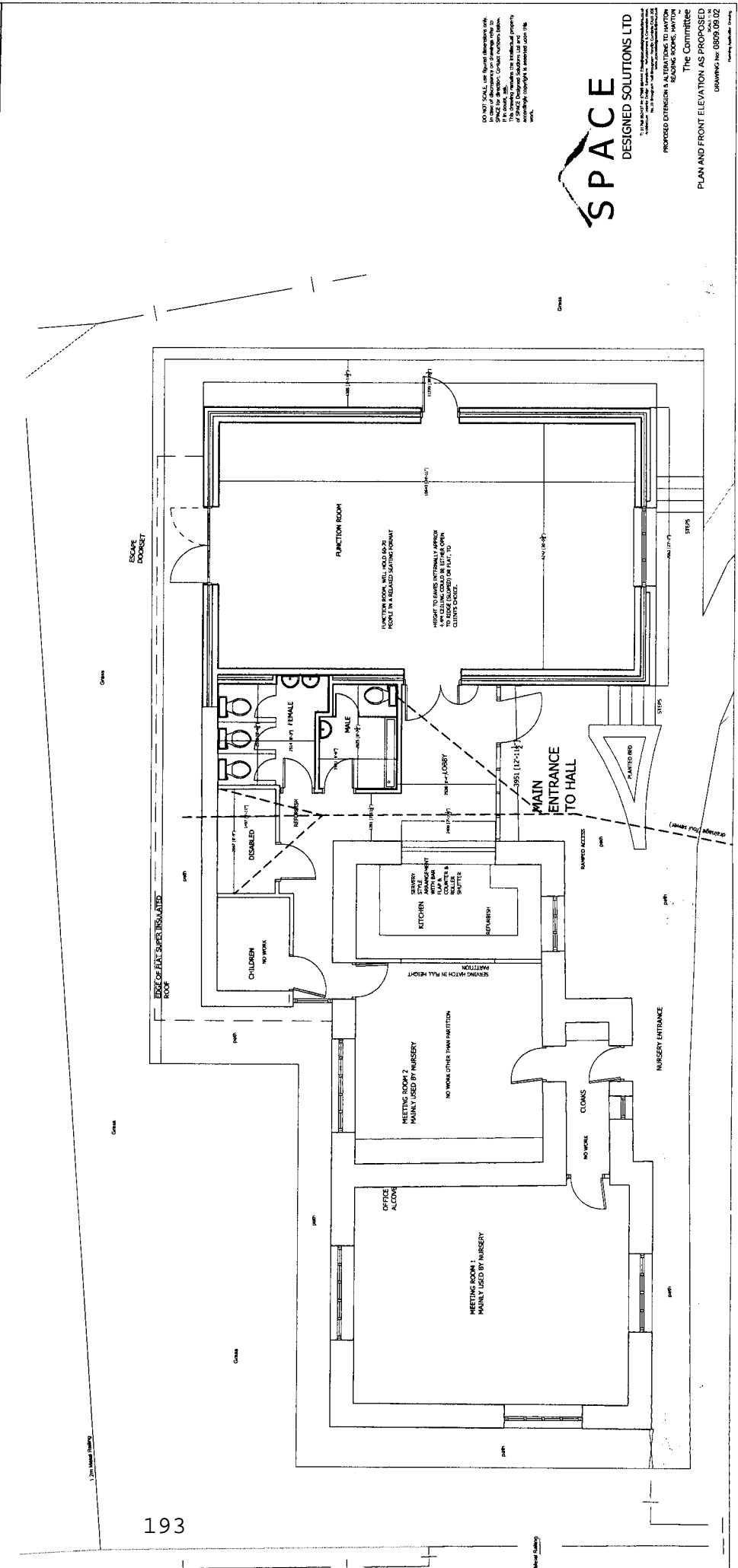
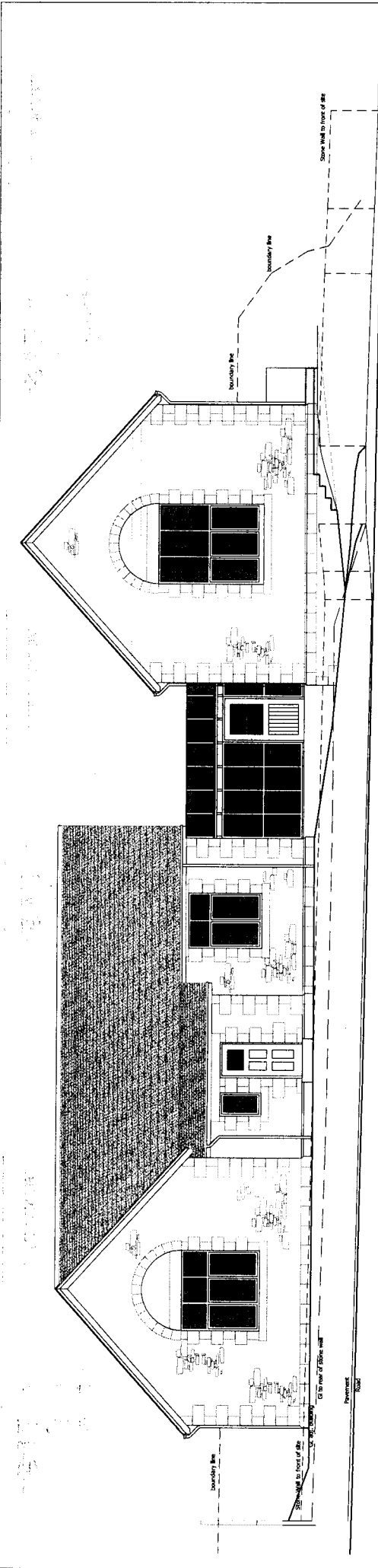
**PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
 READING ROOMS, HAYTON**

For  
**The Committee**

**BLOCK PLAN**

SCALE 1: 500

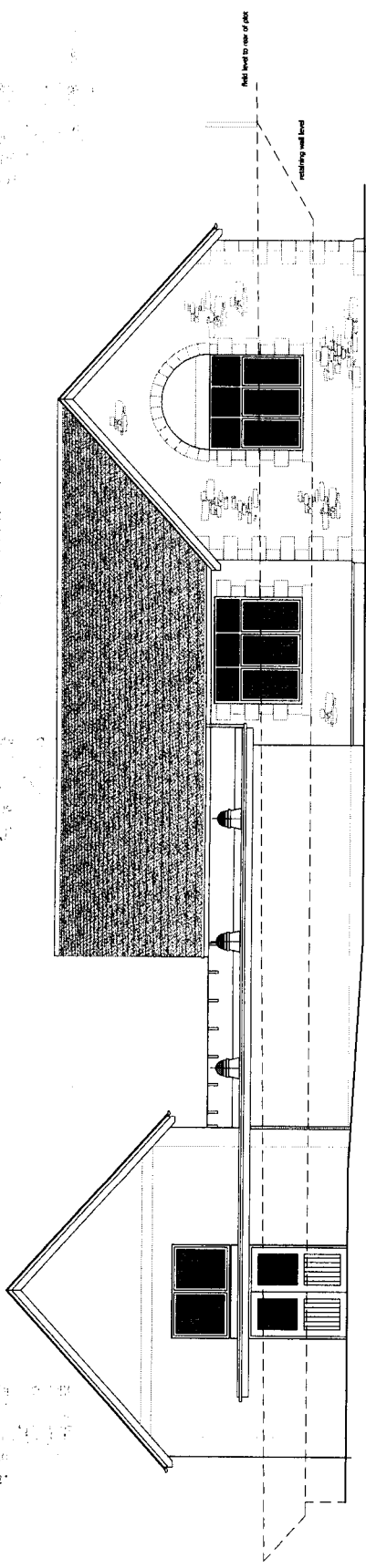
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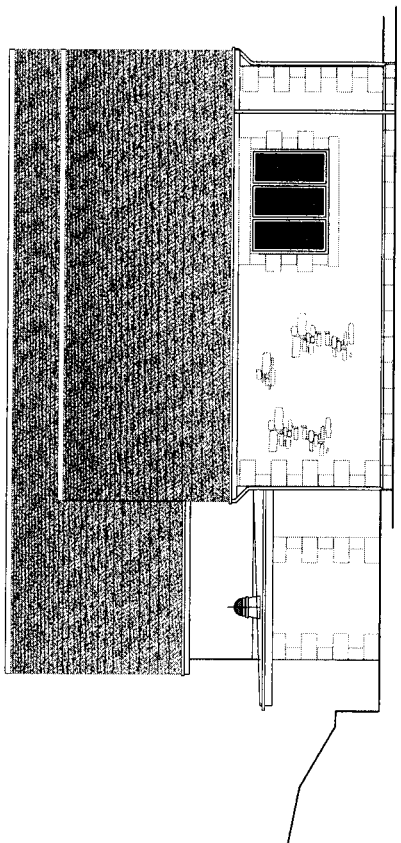
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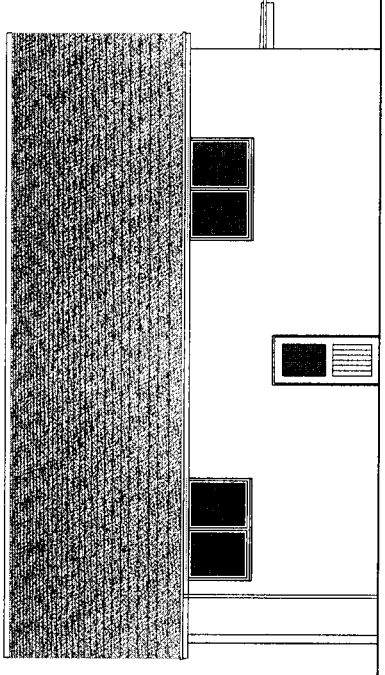
2023/03/17



REAR ELEVATION  
Scale 1:50



SIDE (SOUTH) ELEVATION  
Scale 1:50



SIDE (NORTH) ELEVATION  
Scale 1:50

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PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
 READING ROOMS, HAYTON  
 The Committee

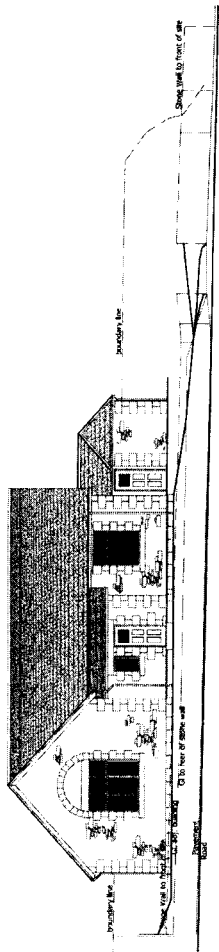
REAR AND SIDE ELEVATIONS AS PROPOSED

DRAWING NO: 08/03/08/103

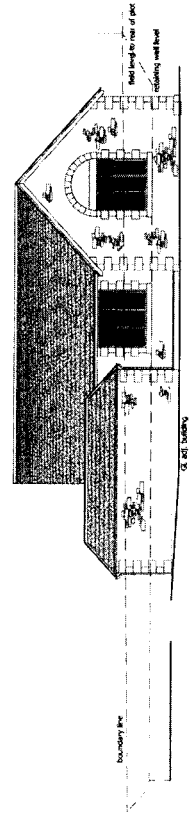
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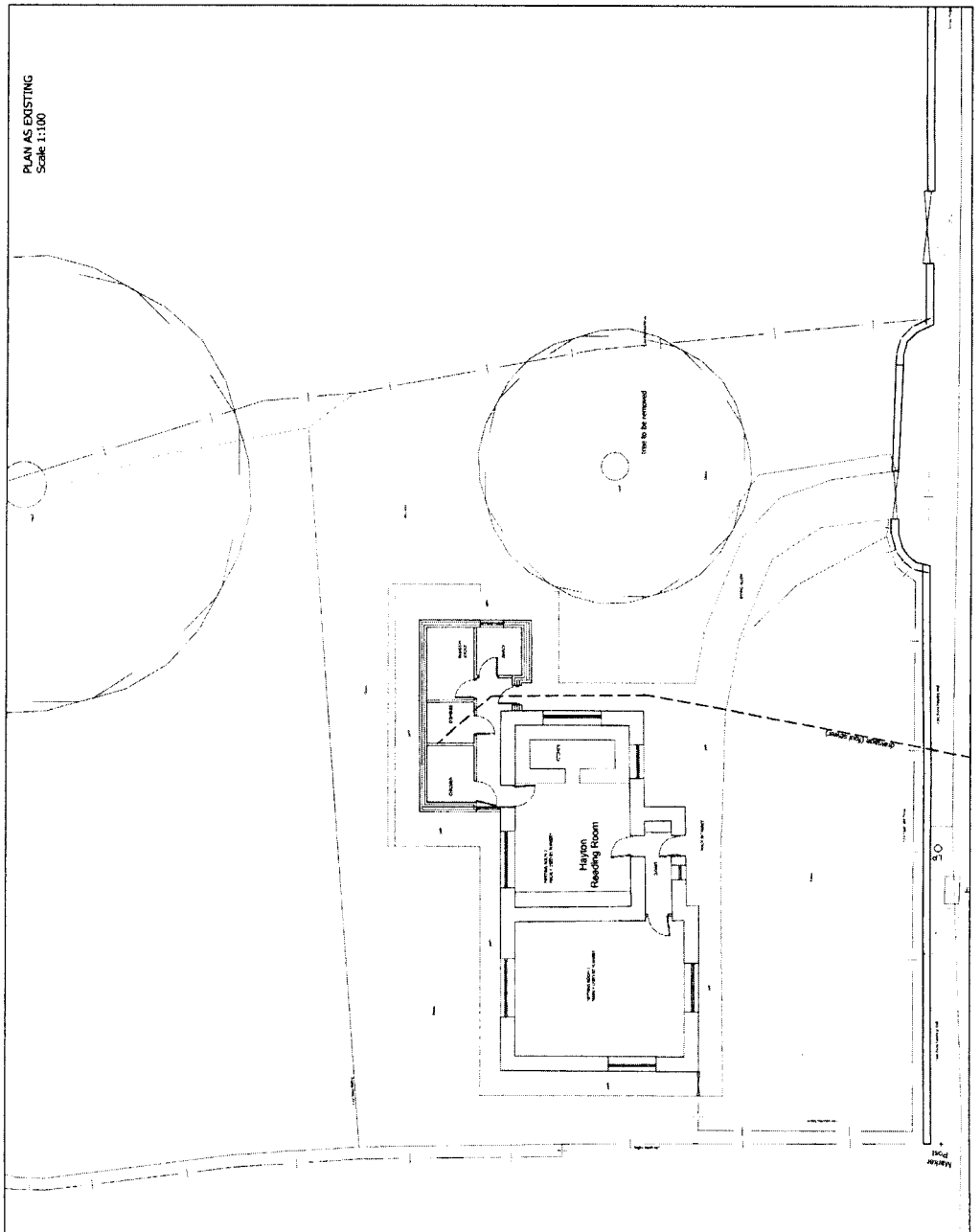
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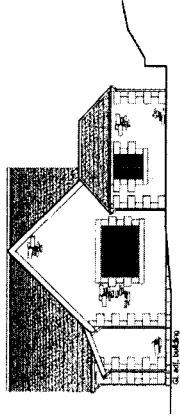
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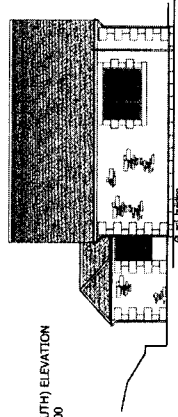
PLAN AS EXISTING  
Scale 1:100



SIDE (NORTH) ELEVATION  
Scale 1:100



SIDE (SOUTH) ELEVATION  
Scale 1:100



7360|60

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SPACE has provided the following information for your information.  
The drawings are intended to provide a general impression of the proposed project.  
They are not intended to be used for construction purposes.

**SPACE**  
DESIGNED SOLUTIONS LTD

115 BRIDGE STREET, HAYDON, NORTH DEVON, PL20 9AA  
Tel: 01392 823111 Fax: 01392 823112  
Email: info@space-design.com

PROPOSED EXTENSION & ALTERATIONS TO HAYDON  
READING ROOM, HAYDON  
The Committee

PLAN AND ELEVATIONS AS EXISTING  
DRAWING NO: 08/02/014

08/02/014



**DESIGN AND ACCESS STATEMENT  
REVISION A 03/11/2009**

**Proposed Extension to Hayton Reading Rooms**

**Hayton, Carlisle**

**for**

**Hayton Reading Room Management Committee**

Use & Amount

The application under consideration is for an extension to the existing building to provide a dedicated meeting space/small function room. The Committee have identified that due to current long standing commitments/lettings from the local Nursery group within the main Reading Room and their use of the Kitchen and adjacent space as a dining area, booking opportunities are severely limited. Demand exceeds supply. The extension seeks to provide a base for village functions and meetings without disturbance to the Nursery. The Nursery is a highly valued popular and well regarded organisation and it is felt to be an appropriate use of the Reading Room resources to commit to a larger than existing Function Room to meet demand. The proposal seeks to augment the Reading Room by providing readily available letting space for village usage, improved sanitary and catering facilities and full disabled access to the whole of the building. The extension represents 92m<sup>2</sup>. The present building comprises 145m<sup>2</sup> of accommodation.

Layout

The layout sets out to provide a discrete hiring room, with communal catering and WC facilities serving the extension and Nursery alike. Separate entrances to the Nursery and the Village Hall are created, maintaining security for the Nursery and providing an acoustic barrier between the meeting room and the Nursery. The extension allows for a comprehensive refurbishment of the existing WC facilities which whilst serviceable are generally considered inadequate for the reading rooms intended use and do not fully comply with the latest guidelines. The existing toilet and Nursery office extension on the back of the Reading Room have a slated pitched roof that is awkward in its execution. It is proposed to replace this with a heavily insulated flat roof, pierced with light tubes to



illuminate the WC areas and provide an appropriate location for the air source heat pump equipment.

### Scale

The extension as proposed is in proportion with the Reading Room as existing but is somewhat taller. This is to provide adequate means of providing sufficient replenishment air to 60 – 70 occupants, as well as offering opportunities for acoustic absorption within the room.

The glazed link between new and old buildings is designed to sit under the new and old roof constructions and to offer a warm and friendly low key entrance area, full of light and with an open feel to encourage use of the building.

The original reading room sits in a fairly high position on a cut banking some way back from the boundary line. Whilst this extension is higher in scale than the existing the overall effect will be mitigated somewhat by keeping to the same building line as the existing Reading Room.

### Appearance

The Function Room extension is designed on the principal elevation to be stone clad to match the Reading Room, and shares the same stonework and detailing with the intention being to compliment the Reading Room. The side and rear elevations are in painted smooth render to deliver a cost effective building and to the side elevation in particular refract light onto the surrounding path which may well feel out, as the intention is to retain in place the shrubbery forming the site boundary to the farm access track, to soften the impact of the extension viewed down the streetscene.

The glazed link will be completely different in feel, less austere and purposefully more domestic in nature to create a contrast with the heavy stonework and provide a bright welcoming focus of activity to visitors to the Reading Room.

Both the glazed link and the windows to the extension will be in white UPVC to match the existing Reading Room fenestration.

To the rear and side low level retaining walls faced in stone and heavily battered bankings, as per the existing arrangement will help the building sit down in the same low key manner as the original building.



## Landscaping

Much of the front garden will be as is, in particular the front access path will be reinstated as it is on completion, with an addition of stepped access up to the new main entrance landing/lobby. The transitional area between start and finish of the steps and the ramps in association will be infilled with a feature stonework planted bed.

Levels to the side and rear of the site dictate low retaining walls and battered grassed banks; as the change in level across the site boundaries from front to back is considerable. The original Reading Room and play area to the side are cut from the normal ground level to provide an opportunity to place the building.

Within the site area in question is a beech tree. This tree has been the subject of a recent Tree Preservation Order (TPO). The TPO has been placed to protect a tree that has been stated as being a commemorative tree. No records exist of such commemoration in the Reading Room archives/minutes. The tree has now reached a size that it is beginning to invade the foundations of the existing building. Given the highly valued and well used nature of the important community building the tree is directly affecting this building; its eventual demise is inevitable. The Committee feel that by placing the extension on the footprint of the removed tree root ball best use can be made of the tree's departure which is now outgrowing its siting and must be removed in time in any event. The Committee are in the fortunate position of having sufficient financial resources gifted to them to allow them to contemplate building an extension to this already successful facility at the necessary expense of the tree. A supporting statement from the Committee's Arboricultural Consultant expanding upon and confirming the case for its removal is available for inspection on request from the Committee and a copy of the same together with an application to take down the tree will be presented to the Council by the Committee in due course.

Subsequent to refusal a meeting was held between members of the reading rooms committee and Charles Bennett of Carlisle City Council ( Landscape/Tree Officer ) to discuss any possible mitigation measures in respect of the loss of the protected beech tree at the Reading Rooms, should a future planning application prove successful. It was agreed that the Reading Room Committee would plant at least three trees at two separate locations. Two trees along the rear boundary of the playing field adjacent the Church. The species of trees chosen for this site should reflect the rural/Village edge character of the site. Native species such as Oak, Ash, or Beech would be acceptable.



For the tree that is proposed on the Village Green, a more central village location, which is surrounded by mature gardens containing a variety of exotic species something a little more interesting/rare/exotic that will be a feature of the Green and Village for many years will be considered. Namely one of the following

*Nyssa sylvatica* – Pyramidal form when young, glossy green leaves with magnificent autumn colour.

*Quercus castanefolia* – A large tree with an oval form. An Oak whose leaves look similar to those of Sweet Chestnut.

*Zelkova serrata* – A relative of the Elm with a wide spreading form. Nice red and bronze autumn colours.

#### Access

There is no provision for parking on the site either as existing or under the new proposal as there is not enough land available in the ownership of the Reading Room Committee.

Currently disabled access is possible from the road level to the door of the Reading Room. A step into the property precludes full disabled access.

This situation will be resolved in the proposal with a continuation of the existing ramped path to a level access threshold giving level access internally to all rooms.

#### Further Points of Note

The extension to the Reading Room is proposed as a timber frame structure which will be heavily insulated. This will give a low energy usage building which will be heated by Air Source Heat Pumps, thus reducing the building's reliance on fossil fuels. In this matter and with point of use electric water heating to the refurbished WC's the existing gas fired condensing boiler can be left in situ intact to deal with the older building, as originally designed.

Lee Page,  
Space Designed Solutions Ltd  
03 November 2009

03 November 2009

Angus Hutchinson  
Case Officer  
Development Services  
Planning & Housing Services  
Carlisle City Council  
Civic Centre  
Carlisle CA3 8QG

Dear Sir,

**09/0517 Reading Room, Hayton, Brampton CA8 9HTF - Single Storey Side Extension to provide Function Room, WC Facilities and Disabled Access.**

I am obviously very mindful of any concerns of the local community following receipt of the refusal of the above application and I have now had a chance to look at them.

I would now wish to resubmit the application mindful of those concerns and the application has now been revised with those concerns in mind

**Reason 1 – Opening Hours**

The hours of opening have been shortened to no later than 23.00 on weekdays and 22.00 hours on Sunday.

Please note that Hayton Women's Institute have been using the hall since 2007 since their own hall became unsafe and it is normally vacated no later than 22.00.

**Reason 2 – Highways Issues**

I have since met with Pieter Barnard, Development Control Engineer at Cumbria County Council on 19 October 2009 who confirmed that he had no objections to the improvements.

I would refer you to his letter dated 18<sup>th</sup> August 2009 Page 2, Para 3 where he writes: *"I can therefore confirm that I have no objection to this application but would recommend that the following condition is included in any consent you may grant"*

**Reason 3 - Tree Preservation Order on Copper Beech Tree**

I have also met with Charles Bennet, Landscape Architect/Tree Officer of Carlisle City Council to discuss any possible mitigation measures in respect of the loss of the protected beech tree at the Reading Rooms, should a future planning application prove successful.

It was agreed with him that I would plant at least three trees at two separate locations. Two trees along the rear boundary of the playing field adjacent the Church. The species of trees chosen for this site should reflect the rural/Village edge character of the site. Native species such as Oak, Ash, or Beech would be acceptable.

For the tree that is proposed on the Village Green, a more central village location, which is surrounded by mature gardens containing a variety of exotic species

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something a little more interesting/rare/exotic that will be a feature of the Green and Village for many years will be considered. Namely one of the following  
Nyssa sylvatica – Pyramidal form when young, glossy green leaves with magnificent autumn colour.

Quercus castanefolia – A large tree with an oval form. An Oak whose leaves look similar to those of Sweet Chestnut.

Zelkova serrata – A relative of the Elm with a wide spreading form. Nice red and bronze autumn colours.

I also think it worth mentioning that the Parish Council who are the trustees of Hayton Reading Room resolved to support the application from Hayton Reading Room Management Committee for the improvements at its Council meeting in June 2009. The improvements will be funded from the sale of the WI Hall in Hayton.

Yours Sincerely,

Harry Cain  
Chairman of Hayton Management Committee  
Vice Chairman of Hayton Parish Council

## SCHEDULE A: Applications with Recommendation

09/0988

---

Item No: 07

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0988

**Applicant:**  
Stewart Williamson  
Limited

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
11/11/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Lyne

**Location:**  
Land Adjacent To The Cottage, Smithfield, Carlisle,  
CA6 6BP

**Grid Reference:**  
344307 565315

---

**Proposal:** Erection Of Two 3 Bedroom Bungalows Including Garages

**Amendment:**

---

### REPORT

**Case Officer:** Suzanne Edgar

### Reason for Determination by Committee:

This application has been brought before Members of the Development Control Committee as the recommendation is contrary to a previous decision by Members at the Development Control Committee on the 13th March 2009 (application 08/1242).

### 1. Constraints and Planning Policies

#### Public Footpath

The proposal relates to development which affects a public footpath.

#### RSS Pol RDF 2 - Rural Areas

#### RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

#### Local Plan Pol DP1 - Sustainable Development Location

#### Local Plan Pol H1 - Location of New Housing Develop.

#### Local Plan Pol CP1 - Landscape Character

#### Local Plan Pol CP3 - Trees and Hedges on Development Sites



**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol LC8 - Rights of Way**

**Local Plan Pol T1- Parking Guidelines for Development**

## **2. Summary of Consultation Responses**

**Cumbria County Council - (Highway Authority):** This has been the subject of various applications and numerous pre application discussions.

The proposed development is within the existing 30mph speed limit for the village. The intended access will utilise the existing field access to the site. Visibility from the access is restricted by adjacent property boundaries but adequate for the 30mph speed limit in force.

The proposed access utilises existing dropped kerbs at the channel and include new radius kerbs into the development. Provided that the proposed access is hard surfaced for a minimum distance of 15m to prevent the gravel driveway being trafficked out on to the highway.

All the above detail is included in the application and therefore conditions are not needed for these elements. Note is taken of the comments from PROW colleagues and it is expected that these comments will form part of your decision notice.

The Highway Authority therefore confirms there are no objections to this application but four conditions are recommended to be included in any consent you may grant.

**Community Services - Drainage Engineer:** Comments awaited.

**United Utilities (former Norweb & NWWA):** No further comment to add to those contained in the letter dated 7th January 2009 relating to Application 08/1242:

A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 6 metres, 3 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for adoption". Providing the access strip is fully maintained United Utilities will have no objection to the proposal. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Our water mains may need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

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

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

United Utilities Catchment Team has provided the following further comments in response to concerns raised by objectors regarding drainage:

No objection to the development providing the following conditions are strictly adhered to:

- All surface water from the development is drained to a soakaway; as specified in the Application for Planning Permission reference 2009/0988
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes
- It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system
- The applicant must discuss full details of the site drainage proposals with United Utilities Dave Sherrat 01925 537208
- The connection of highway drainage from the proposed development to the public wastewater network will not be permitted
- In line with PPS25, no surfacewater shall connect into the public sewer either directly or indirectly; developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond, through the layout and form of the development and the appropriate application of sustainable drainage techniques
- Developer to formulate a Surface Water Management Plan using sustainable drainage systems and demonstrate how they propose to manage surfacewater i.e. permeable paving, landscaping to assist with surfacewater run-off etc;

**Development Services Planning & Housing Services - Local Plans:** Unlike the

previous application, the site now lies entirely within the settlement boundary for Smithfield as amended in the adopted Local Plan. Smithfield is identified as a Local Service Centre in Policy DP1, and is therefore considered a sustainable development location. Policy H1 lists Smithfield as a sustainable location for housing provided that the proposal complies with the listed criteria. It is considered that the issue relating to access with the previous application has been resolved, and the proposal no longer intrudes into open countryside;

**Development Services Planning & Housing Services - Urban Designer:** There is no issue with the overall form of the buildings, or their general materials. It is unfortunate from a sustainability perspective that the applicants proposed PVCu windows in preference to timber and the use of more locally appropriate natural slate is preferred to the proposed concrete tiles. However, there is no substantial objection to this proposal;

**Kirklington Parish Council:** It has been noted that, unlike previous applications from the developer, access to the site is from the A6071. It is difficult to envisage the overall access arrangements at that point on the A6071, where access to the following facilities converge:

- entrance to a recently completed bungalow at Highberry House;
- lane entrance (vehicular) to the school playing field
- entrance to a public footpath
- proposed entrance to the proposed development

The plans, as submitted, do not show clearly the overall layout of the access arrangements. The general impression is that they will be congested to say the least. However, provided they meet with the approval of the Highways Authority and the County Council, the Parish Council would be supportive.

The proposal to build two bungalows on what is a small pocket of land, is of some concern to the Parish Council. They are of the view that a single property would be less obtrusive to the adjoining properties, especially the Cottage, part of whose garden would front the development.

Finally, it is proposed that the 2 new properties would be connected to the sewer. There is already ample evidence to demonstrate that the existing sewer cannot cope with current demand and regularly backwaters, particularly during inclement weather. It is the view of the Parish Council that no additional properties should be connected to the main sewer until some improvements have been undertaken by United Utilities, who will be able to confirm this information as they have recently carried out a full survey of the existing system.

**Local Plans (Tree Preservation), Development Services:** No objection to the above proposal subject to conditions requiring a detailed landscaping scheme for the boundary hedges, and suitable tree protection barriers for the trees to the rear on the adjoining school site that could be damaged by the proposed works.

**Environmental Services - Environmental Quality:** It is noted that there is no desk study and/or site investigation report, so it is not possible to currently comment on the application.

This information must be provided for a site that will have a sensitive end use.

The following further correspondence has been received from Environmental Services:

No objections in principle to the above application however the following condition is recommended:

No part of the development hereby permitted shall commence until:

- a. A desktop study has been undertaken and submitted to the Local Planning Authority.
- b. In the event that a desktop study reveals the potential for contamination to be present on the site, a detailed site investigation shall be carried out to determine proposals as may be necessary for the remediation of the site
- c. There shall have been submitted to the Local Planning Authority the results of the detailed site investigation
- d. Such remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for approval in writing and
- e. Such remediation proposals as are agreed by the Local Planning Authority shall have been completed to the reasonable satisfaction of the Local Planning Authority;

**Open Spaces Society:** Comments awaited.

**Ramblers Association:** Comments awaited.

**Cumbria Constabulary - Crime Prevention:** Item 8.0 (Design for Crime Prevention) in the submitted Design and Access Statement is noted. However, there is no detail on the intended security measures for this development and consequently it does not comply with DCLG Circular 1/2006 - Guidance on Changes to the Development Control System. It is also difficult to ascertain how this application complies with Policy CP17 of the Local Plan (Designing Out Crime).

Your attention is drawn to a previous response dated 13th February 2009, in respect of application 08/1242.

The existence of the footpath leading from the A6071, around the site boundary and alongside Fir Ends School could compromise security to this development and the adjacent dwellings. This feature provides a legitimate reason to approach the rear of these dwellings, which statistically is the usual point of entry for domestic burglaries.

## Perimeter Security

The intention to reinforce the site perimeters (presently stockproof fencing) with native hedging. It is noted the hedges (once established) shall present a substantial and awkward barrier to a potential intruder and shall discourage casual or unauthorised access from these directions. Care must be taken to ensure the hedges do not become too overgrown, or surveillance opportunities across the route will be obscured. The intention to gate the designated vehicle access point is also noted.

## Formation of Garden Curtilages

The intention to separate the rear gardens with 1.8m close-boarded fencing, with (presumably) full-height gates accessed via the passageway between the garages is noted. It is recommended that this passageway should be gated at the front build line, to prevent unauthorised entry to this unobserved space. The gates should have at least two internal locking points.

## Security Lighting

No indication of the proposals for this measure

## Physical Security

The incorporation of security standard exterior door and window products and the garage vehicle doors is recommended. (there is no direct access from the garages to the dwelling interiors). Doors should conform to BS PAS 24. Windows should conform to BS7950. Garage doors should conform to LPS 1175 (SR1). All glazing should be a laminated type to at least 6.4mm thickness. Each dwelling should be provided with a fused electrical spur to permit the installation of an Intruder Alarm System, if required;

## **Community - Env.Services - Green Spaces - Countryside Officer - RURAL**

**AREA:** Footpath 123012 runs to the west of the site. The plans supplied appear to reduce the width of this PROW from what is currently used on the ground. This is not acceptable and the path should remain the width that is being enjoyed by the public. This width would also be compromised with the planting of a new boundary hedge, as it is unlikely that it will be maintained so not to extend out into the PROW (PROW width is measured as the used width not the distance from boundary to boundary). The plans also show two gates on the route, only one restriction is recorded on the definitive statement so any additional barriers could only be erected with the express permission of the County Council.

Amended plans have since been received and the Countryside Officer has been reconsulted on the proposal. Comments are awaited;

**Cumbria County Council - (Highway Authority - Footpaths):** Footpath 123012 runs to the west of the site. The plans supplied appear to reduce the width of this PROW from what is currently used on the ground. This is not acceptable and the path should remain the width that is being enjoyed by the public. This width would

also be compromised with the planting of a new boundary hedge, as it is unlikely that it will be maintained so not to extend out into the PROW (PROW width is measured as the used width not the distance from boundary to boundary). The plans also show two gates on the route, only one restriction is recorded on the definitive statement so any additional barriers could only be erected with the express permission of the County Council.

Amended plans have been received. The County Footpath Officer has been reconsulted on the proposal and has raised no objection but has requested the imposition of a condition within the decision notice regarding hedge maintenance to allow free passage along the PROW.

### **3. Summary of Representations**

#### **Representations Received**

Initial:	Consulted:	Reply Type:
The Cottage	18/11/09	Objection
Maple Cottage	18/11/09	Objection
26 Ryehill Park	18/11/09	
Stoneflatts	18/11/09	
Longlands	18/11/09	
4 Alstonby Court	18/11/09	
48 Hythe End Road	18/11/09	
Layla Vale	26/11/09	
Meadow View	18/11/09	
Highberry House	18/11/09	
West View	18/11/09	
Fell View	18/11/09	
The Barn	18/11/09	
Fir Ends School	18/11/09	
Kirkstone	18/11/09	Support
Red House		Objection

3.1 This application has been advertised by means of a site notice, press notice as well as notification letters sent to fifteen neighbouring properties. At the time of preparing the report two letters of objection, one letter of support and one email has been received from the occupier of Maple Cottage who has asked for the following information before submitting a formal objection to the proposal:

1. Is the planning department aware of the bungalow (Layla Vale) within the grounds of Highberry House?
2. Can a copy be forwarded of an email from Highways confirming no objections

3.2 The letter of objections are summarised as follows:

1. The main sewer at present cannot cope with the current demand let alone any additional properties;
2. There is more than sufficient evidence to demonstrate that the sewer already floods and regularly backs up, particularly during inclement weather;
3. United Utilities are aware of the problem and will be able to confirm whether or not the sewer is capable of handling any extra demand;
4. Red House is the last property on the main sewer and the first one to suffer the effects of the backing up;
5. It would be irresponsible if not negligent, to allow additional properties to connect to the sewer in the knowledge that they will only exacerbate the current flooding problem;
6. The speed limit of 30mph is not obeyed by the majority of motorists using this stretch of road;
7. The plans omit the newly constructed property "Layla Vale";
8. Concerns regarding highway and pedestrian safety at the junction where the driveways to Layla Vale, the new properties, the vehicular access to the school playing fields and where the access to the public right of way meet;
9. Concerns regarding maintenance of the proposed hedges along the boundary of "The Cottage" and suggest that a concrete based wooden panelled fence is erected instead
10. Question the need for new housing in Smithfield as there are 3 houses in the area which have stood unsold for many months
11. The plot of land is not large enough to accommodate two bungalows as there appears to be little recreational area
12. The proposal will be extremely intrusive to "The Cottage"
13. Concerns about the access going over the public right of way

### 3.3 The letter of support is summarised below:

1. All of the three points to which the previous application was refused have been complied with in the revised application;
2. The applicant is a local builder who has a reputation for building similar properties in neighbouring villages sympathetic to the local environment;
3. Our late father in law would have approved of this application.

- 3.4 The consultation period expires on the 18th December 2009. Any further comments received prior to that date will be reported at the meeting

#### **4. Planning History**

- 4.1 In 2008 an application for the erection of 3no. dwellings was withdrawn (08/0209)
- 4.2 A subsequent application for full planning permission for the erection of two 3 bedroom bungalows (resubmission) was refused in March 2008 (ref. 08/1242).

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

##### **Introduction**

- 5.1 This application seeks approval for the erection of two bungalows in a field just within the eastern settlement boundary of Smithfield. The field is currently in an agricultural use and is bounded by post and wire fencing to the north, west and east together with wooden board fencing to the south. Trees and hedgerows are also located along the western and northern boundaries. The grounds of Fir Ends School are located immediately to the north. To the west there is a recently constructed single storey dwelling "Layla Vale" that is located within what was part of the curtilage of Highberry House. To the south are the Cottage and Maple Cottage and to the south-east, Meadow View, West View, Fell View and The Barn. The main distributor road through the village, the A6071 (the Longtown-Brampton Road), is located towards the south of the site whilst Skitby Road is located approximately 140m to the north. A public footpath runs along the west and northern boundaries of the application site.

##### **Background**

- 5.2 The proposed bungalows are to be a mirror image of one another and are to comprise three bedrooms (one en-suite), a bathroom, study, w.c., living room, kitchen/diner, entrance hall and integral garage. Both bungalows are to have a length of 21.8m and depth of 9.3m (6.3m excluding the WC / entrance and study off-shoot). The bungalows are to have pitched roofs over their main footprint with a maximum height of 4.8m. The w.c/entrance/study is to have a pitched roof of a similar height at right angles to the main roof. The applicant has indicated that the bungalows are to be constructed from rendered blockwork with slate grey concrete roof tiles and will incorporate natural stone detailing, stone quoin sills and heads. Windows, doors and rainwater goods are to be constructed from white UPVC. The applicant has indicated that foul sewage will be dealt with by means of a connection to the existing drainage system and surface water by means of a soakaway.
- 5.3 In 2008 a planning application was received seeking full planning permission



for the erection of two 3 bedroom bungalows (revised application). This application (08/1242) was refused at the Planning Committee meeting on the 13th March 2009 for the following two reasons:

1. *The proposed dwellings fall within the settlement boundary for Smithfield which is identified as a Local Service Centre within Policy H1 of the Carlisle District Local Plan 2001-2016. However, the access road which is required to serve the development falls outside of the settlement boundary and at a length of approximately 150m with a width upto 17m (including landscaping), is considered to be disproportionate to the development which it is required to serve. The access road is not well related to or contained by existing landscape features and as other properties in the immediate area have direct access onto the A6071, does not relate to the form, scale and character of the existing village. In addition, the provision of the access road will require the removal of a 10m section of hedgerow which makes a positive contribution to local landscape character. The proposal is therefore considered to be contrary to the requirements of Policies H1, CP1 and CP3 of the Carlisle District Local Plan 2001-2016.*
2. *The provision of the access road will result in the loss of an approximate 10m section of hedgerow which has been assessed as 'important' due to its ecological interest. The proposal is therefore considered to be contrary to the guidance offered by Planning Policy Statement 9: Biodiversity and Geological Conservation and the requirements of Policy CP2 of the Carlisle District Local Plan 2001-2016.*

5.4 Members are advised that the current application, in comparison with application 08/1242, removes the access drive leading south from Skitby Road and utilises the existing access to the site off the A6071.

### **Assessment**

5.5 The relevant policies against which this application is required to be assessed are Policies RDF2 and CNL1 of the Regional Spatial Strategy together with Policies DP1, H1, CP1, CP3, CP5, CP6, LC8 and T1 of the Carlisle District Local Plan 2001-2016. As such it is considered that the main issues revolve around whether the advantages, in terms of the provision of additional dwellings in an identified Local Service Centre, outweigh any harm created. Thus the following matters need to be considered:

1. Whether The Principle Of The Development Is Acceptable

5.6 The main thrust common to the above planning policies is that new development in the rural area will generally be focussed upon established settlements where there are appropriate services, facilities and amenities.

5.7 Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within

these locations, development proposals will be assessed against the need to be in the location specified. High priority for retailing, office and leisure uses is accorded in the urban area to sites that satisfy the sequential test while proposals for residential development are prioritised in favour of the re-use of previously developed land. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the needs to be in the location specified.

5.8 Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

5.9 Smithfield is identified as a Local Service Centre under Policies DP1 and H1 of the adopted Carlisle District Local Plan. Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the proposed dwellings fall within a field which is currently in an agricultural use. Whilst the field was not included within the settlement boundary for Smithfield at the Deposit Draft stage of the now adopted Local Plan, the final Inspector's Report of April 2008 recognised this was an unintentional omission. As such, the field has been included within the settlement boundary for the Village within the adopted version of the Carlisle District Local Plan 2001-2016. On this basis, the principle of residential development within the field is considered acceptable subject to compliance with the aforementioned criteria.

## 2. Whether The Proposal Safeguards The Character Of The Area

5.10 As stated above, under Policy H1, new residential development within Local Service Centres will be acceptable providing that the requirements of seven specific criteria can be achieved on site. The first three criteria relate to the impact on a) local landscape character, b) existing character of the settlement and c) the relationship with existing properties in the settlement.

5.11 Whilst the proposal will result in development within an agricultural field, on the basis that the site is included within the settlement boundary for the village - and as such, the principle of development has been established - it is not considered that the erection of the bungalows per se would constitute an unacceptable 'intrusion into the open countryside' nor lead to an unacceptable

impact on local landscape character. In relation to b) and c), the proposal seeks approval for the erection of two bungalows. Smithfield is not characterised by a particular style or form of residential development. Whilst there are a number of large two storey properties in the immediate vicinity of the application site, planning permission has recently been given for the erection of a modest bungalow- which is completed but unoccupied- on land within the curtilage of Highberry House to the immediate west.

- 5.12 The proposed materials would also complement the existing dwellings in Smithfield. Furthermore, the proposal would achieve adequate amenity space and off-street parking.
- 5.13 In summary, the scale and design of the proposed dwellings are considered acceptable and it is considered that the proposed dwellings would not form a discordant feature in the street scene or have an adverse impact upon the character of the area.

### 3. Whether The Proposal Safeguards The Living Conditions Of Neighbouring Residents

- 5.14 The fourth criteria of Policy H1 requires that specific proposals are '*well related to, and do not adversely affect, the amenity of neighbouring property*'. As already noted, the playing fields of Fir Ends School are located to north of the proposed development and open fields are located to the east. To the west there is a new property located within the former curtilage of Highberry House. While this property has some windows facing towards the proposed development, given that both this and the proposed properties are single storey and given the nature and extent of existing boundaries, it is not considered that the proposal would lead to an adverse impact on the residents of this property.
- 5.15 The Cottage and Maple Cottage are located directly south of the most easterly of the two proposed bungalows. At the closest point, the bungalow would be at a distance of 12m from the above dwellings although the nearest window in the existing properties would be further than this. The orientation of the bungalows - with the front of the properties facing northwards - is such that no primary windows in the bungalows would face directly towards existing windows in The Cottage or Maple Cottage. The applicants have also indicated that they plan to erect a 1.5m fence along part of the boundary as well as native species hedging along all boundaries to further avoid inappropriate overlooking of neighbouring dwellings. The only window at first floor level to the rear of either of the existing dwellings sits within a recess formed by the wall and roof of an existing extension which means that views of the new bungalows at the first floor level would be limited.
- 5.16 Although not a formal policy requirement, the Council have informally applied a minimum distance requirement of 12m between primary windows and a blank gable wall and 21m between primary facing windows. Given the orientation of the proposed bungalows and spatial relationship with The Cottage and Maple Cottage, it is considered that the above informal requirements would be achievable on site. In such circumstances it is

considered that the proposal will not adversely affect occupiers of neighbouring properties on the basis of loss of light, overlooking or over dominance sufficient to warrant refusal of the application on this basis.

#### 4. Whether The Proposal Is Detrimental To Highway Safety

- 5.17 The fifth criteria of Policy H1 requires that '*appropriate access and car parking can be achieved*'. The Parish Council has raised concerns regarding access arrangements. The Highway Authority has been consulted on the proposed development and has raised no objections subject to the imposition of four conditions. On this basis it is not considered that there are sufficient grounds to warrant refusal of the application on highway safety grounds.

#### 5. Crime And Security

- 5.18 The Cumbria Constabulary Architectural Liaison Officer has been consulted on the proposals for his views in light of the concerns raised by objectors relating to the previous application for this site, application 08/1242. The Architectural Liaison Officer has noted that there is no specific detail of security measures in the Design and Access Statement and has stated that the security of the dwellings is already compromised by the presence of the footpath which connects the A6071 with Skitby Road. The Architectural Liaison Officer has acknowledged that the intention to reinforce the site perimeters will present a substantial and awkward barrier to a potential intruder. The Officer has suggested various security measures for the applicant to incorporate as part of the development. These measures have been forwarded to the applicant's agent who has confirmed that the suggested security measures will be incorporated. The Architectural Liaison Officer has been advised that the applicant will be incorporating these measures and has raised no objection. It is therefore not considered appropriate to refuse the application on the grounds of potential for crime.

#### 6. Drainage

- 5.19 The applicants have indicated that foul sewage is to be disposed of via a connection to the existing mains sewer and that surface water will be disposed of by means of a soakaway. Concerns have been raised by the Parish Council and objectors as it is maintained that there are existing flooding problems with the main sewer. The concern is that the construction of the access road and bungalows, with associated hard standing, will further exacerbate this problem and may result in surface water being directed towards existing properties. They have also indicated that in times of prolonged rainfall there is a problem with the drains backing up, leading to further flooding.
- 5.20 United Utilities has been consulted. It advises that a public sewer runs across the site but raises no objection subject to a 6m access strip being fully maintained. United Utilities has however, stated that only foul drainage should be connected into the foul sewer with surface water discharged to a soakaway, watercourse or surface water sewer. It has further advised that should surface water be allowed to discharge to a public surface water

sewerage system then the flow may require to be attenuated to a maximum rate determined by United Utilities.

- 5.21 Given the concerns raised by residents United Utilities were informed of the issues raised. United Utilities still raises no objections provided that only foul drainage is connected into the public sewer, surface water is connected to a soakaway and that the applicant discusses full details of site drainage proposals with United Utilities. In such circumstances a condition has been imposed within the decision notice ensuring that the applicants supply an appropriate detailed scheme for foul and surface water drainage before commencing development.

#### Other Matters

- 5.22 The sixth and seventh criteria of Policy H1 require '*no loss of amenity space within or at the edge of the settlement*' and '*no loss of the best and most versatile agricultural land*'. In regard to amenity space, the land on which the proposed bungalows are to be located is an agricultural field with no public access (other than the Public Right of Way which borders the field and which would be retained within the current proposal). As such, it is considered that the requirements of this criteria are achievable on site.
- 5.23 In relation to criteria 7, it is accepted that the proposal would lead to the loss of a small area of agricultural land. The Agricultural Land Classification map for England identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this small area of agricultural land would provide grounds for refusal of the application.
- 5.24 As stated above, a public footpath runs to the north and west of the application site. An objector has raised concerns that the applicant has moved the entrance to the public footpath 4 metres to the north and has acquired the land to widen the access to the site. This indeed appears to be the case. The Greenspaces Countryside Officer and County Council Footpath Officer originally objected to the proposal on the basis that the width of the public footpath was being compromised and that there would be more than one restriction to the public footpath. Amended plans have since been produced setting the existing gate/stile back behind the new carriageway. At present users of the path cross the hard surfaced area leading to the field and the public footpath. In future they would cross over a short section of the access road to get to the gate. Statutory Consultees have been renotified, the County Council Footpath Officer has raised no objections subject to the imposition of one condition regarding hedge maintenance. Comments are still awaited from the Greenspaces Countryside Officer. A condition has been imposed within the decision notice ensuring that there will be no obstruction with the public footpath. Clarification is being sought regarding the legal requirements of moving the entrance to the public footpath and extending the new carriageway over part of the public footpath.

#### Conclusion

- 5.25 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, over dominance or loss of light. On this basis authority to issue approval is recommended subject to no adverse comments being received during the remainder of the consultation period which expires on the 18th December 2009.

## **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 rights of the objectors are respected but in this instance it is not considered that there is any conflict significant enough to warrant the refusal of permission.

## **7. Recommendation** -

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

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

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the approved scheme shall be implemented before the dwelling is occupied.

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

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

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

6. Before the development hereby permitted is occupied the proposed boundary fencing illustrated on drawing no.08082-13C shall be erected and maintained at the height specified on that drawing to the satisfaction of the planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

7. Full details of the proposed hedging defining the boundaries of the site shall be submitted to and approved by the local planning authority prior to the occupation of the dwellings hereby permitted. All works comprised in the approved details of hedge planting shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development hereby permitted, whichever is the sooner, and maintained thereafter in accordance with the approved scheme; and any

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that the appearance of the area is enhanced by the proper landscaping of the site in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

8. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

9. No development approved by this permission shall be commenced until a scheme for the separate disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before the occupation of the hereby permitted dwelling.

**Reason:** To ensure that adequate drainage facilities are available.

10. There shall be no obstruction with the public's right of way over Public Footpath No. 123012.

**Reason:** In order to prevent any obstruction to a public right of way.

11. No part of the development hereby permitted shall commence until:

- a) a desktop study has been undertaken and submitted to the Local Planning Authority;
- b) in the event that a desktop study reveals the potential for contamination to be present on the site, a detailed site investigation shall be carried out to determine proposals as may be necessary for the remediation of the site;
- c) there shall have been submitted to the Local Planning Authority the results of the detailed site investigation;
- d) such remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for



approval in writing; and,

- e) such remediation proposals as are agreed by the Local Planning Authority shall have been completed to the reasonable satisfaction of the Local Planning Authority.

**Reason:** To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health and to comply with Policy CP11 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety.

To support Local Transport Plan Policies: LD7 and LD8.

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

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

- 14. 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. To support Local Transport Plan Policies LD5, LD7 and LD8.

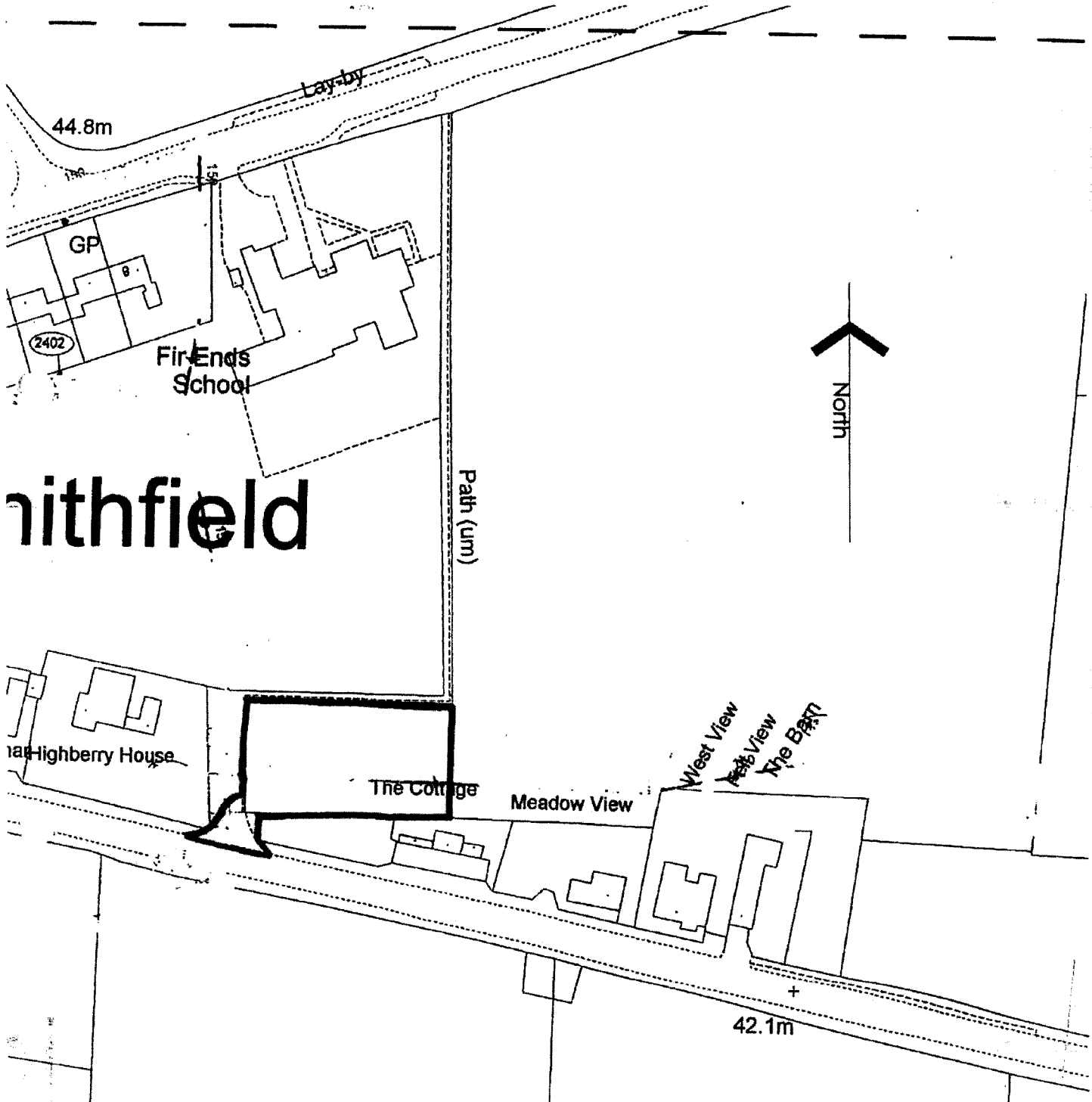
- 15. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to the development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

**Reason:** In the interests of highway safety and environmental management. To support Local Transport Plan Policies LD7 and LD8.

- 16. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** To ensure that the siting of the houses relates to, and respects the amenity of, neighbouring property, all in accordance with Policies H1 and CP5 of the Carlisle District Local Plan 2001-2016.

---



Smithfield

Highberry House

The Cottage

Meadow View

West View  
East View  
The Barn



09/0988

Revision	Date	Description

Revised by

ARCHITECTS *a+*  
PLUS

Project  
Stewart Williamson Ltd  
Land adjacent "The Cottage", Smithfield  
Drawing  
LOCATION PLAN

Scale	Date	Drawn	Comp.No.	Number
1:1250	Nov 09	DB	P04	08012-15

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

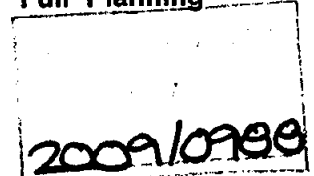
Architects Plus (UK) Limited  
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN  
tel: 01228 515144  
fax: 01228 519033  
Registered in England No. 4221140  
email: ap@architectsplus.co.uk  
web: www.architectsplus.co.uk





**08012 Erection of 2 No 3 bedroom bungalows with attached garages on Land adjacent to The Cottage, Smithfield, Carlisle.**

**Design and Access Statement to accompany an Application for Full Planning Permission Approval**



**1.0 Introduction**

This Design and Access Statement is in support of the application which seeks full planning permission approval for the erection of 2 No. 3 bedroom bungalows with attached garages.

**2.0 Project Aims**

The proposals are to build 2 No 3 bedroom bungalows with attached garages on the vacant land located between "The Cottage" and "Highberry House".

**3.0 The Existing Site**

The site is located 200 metres to the east of the village centre and is situated between the existing properties, "The Cottage" and "Highberry House". The frontage to the A6071 is limited to the existing field access. To the south of the site is the garden of "The Cottage" and to the north are the playing fields of Firs End School.

The topography of the site is generally level. The site is currently used for agriculture. The site is bounded to the west and north by a public footpath separated from the site by a stock proof fence.

An adopted sewer runs through the site from west to east.

**4.0 Scheme Design**

The proposed site lies within the settlement boundary of Smithfield.

A previous planning application ref 08/1242 for 2No 3 bedroom bungalows on the site was refused permission due to the proposed access roadway to the development falling outside the settlement boundary. This application included a new driveway from the adjoining Skitby Road, some 150M to the North of the site.

Discussions have since been held with Pieter Barnard of Cumbria Highways regarding utilising the existing access to the site off the A6071.

Revised proposals were forwarded to Highways for their comments and they were able to confirm that the access proposals included on this application would meet with their approval. (A copy of Pieter Barnard's e-mail dated 30 October 2009 confirming his comments is attached with this application).

A shared access point is to be formed off the A6071 and is to be of tarmac finish.

A total of 4 parking spaces are accommodated to the shared forecourt area to the dwellings with an additional parking space included to the garage of each property.

The dwellings have open forecourt gardens to the front of the properties and private gardens to the rear.

There is an existing public footpath to the West and North boundaries of the site. The existing stockproof fencing is to be retained and made good as necessary and all

boundaries of the dwellings are to be planted with native species hedging – a mixture of beech and hawthorn.

A boarded timber fence is to be erected on the boundary with the adjoining property "The Cottage" to afford it some privacy whilst the new hedging becomes established.

The proposed finishes for the bungalows are tiled roofs and rendered walls in keeping with the locality with natural stonework to the entrance gable to each property. UPVC windows and doors have been included for ease of future maintenance.

## **5.0 Access**

The site is predominantly level, with level access off the adjacent highway.

There is a footway to the near side of the A6071 road.

The properties will be designed in accordance with Approved Document M of the Building Regulations and all other relevant legislation relating to access to and within the building by people with disability.

## **6.0 Drainage and Environmental Issues**

The site is not identified by the Environment Agency as a location at risk of flooding from rivers or the sea.

The property is served by a mains drainage system which is located in the garden to the South of the property.

The surface water drainage is to discharge to soakaways if the existing ground conditions are suitable.

## **8.0 Design for Crime Prevention**

The proposals will be designed with crime prevention in mind, reflecting the attributes of safe, sustainable places for the benefit of the properties concerned.

## **9.0 Consultation**

Brief pre-consultations have been held with Colin Godfrey, Planning Officer at Carlisle City Council.

**5 November 2009**

**Architects Plus (UK) Limited  
Victoria Galleries, Victoria Viaduct, Carlisle, CA3 8AN**



1 / DEC 2008

09/0988

December 2008

**Tree Survey: The Cottage, Smithfield.**

**Introduction:** The aim of this survey is to examine the health and well-being of the trees sited on the approach and to the north of the proposed development. The inspection was carried out on a fine day (3.12.08) and the trees examined from the ground only.

**General:** For specific details on each tree please refer to the inspection sheet included. The inspection includes-

- location of each tree (please refer to topographic map enclosed).
- approximate age of the trees.
- species (lime, sycamore etc.).
- height (for future assessment of growth).
- diameter at chest height (for future assessment of growth).
- estimation of the vigour and health of the crown (note carried out in winter ie. no foliage present).
- hazards present (dead wood, broken branches etc.), and the necessary work to alleviate the problem.
- assessment of risk and priority of works to be undertaken.

Any works that are necessary should be agreed with the local planning department and carried out by a competent arborist in accordance with BS.3998: Recommendations for Tree Work (1989).

Trees are a natural feature and any survey cannot therefore be an exact science. It cannot take into account the impact of forces of nature such as storms and lightening strikes. Trees are living organisms and are vulnerable to changes in their environment e.g. soil compaction, drought, high winds, fire etc.

The benefits of the presence of trees in our landscape far outweigh the costs of managing them in a public place. They soften the landscape, hide unsightly views, absorb noise and provide a screen from the wind. They are also an important habitat for animals and birds and as they grow they release oxygen and absorb carbon dioxide, which helps to reduce pollution. They give identity to an area and a community.



**Northern Tree Services: Tree Survey**  
 Location: The Cottage, Smithfield

Date: 3.12.08

Surveyor: Neil Sidaway

Tree No.	Species	Age	Height (m)	DBH (cm)	Vigour	Hazards	Work Required	Risk Assessment	Priority
1	Norway Spruce	J	9.5	112	G			L	0
2	Sycamo	J	9	110	G	Minor congestion	Crown thin	L	36
3	Ash	J	8.5	89	G				
4	Poplar	J	11	136	G	Minor congestion	Crown thin	L	36
5	Lime	J	12	111	G				
6	Red Oak	J	9	78	G	Co-dominant-closed fork	Remove lesser fork	L	36
7	Red Oak	J	9	95	G				
8	Beech	J	10.5	93	G	Minor congestion	Crown thin	L	36
9	Lime	J	9	94	G	Minor congestion	Crown thin	L	36
10	Sycamo	J	10.5	95	G				

**NORTHERN TREE SERVICES - Tree Survey**

Location: Smithfield

Date: 3.12.08

Surveyor: Neil Sidaway

Tree No.	Species	Age	Height (m)	DBH (cm)	Vigour	Hazards	Work Required	Risk Assessment	Priority
11	Oak	J	8	72	G				
12	Alder	J	8	80	G				
13	Ash	J	8	83	G				
14	White Beam	J	6	78	G				
15	Sycamr	J	8.5	76	G				
16	White Beam	J	6	66	G	Minor congestion	Crown thin	L	36
17	Oak	J	7	72	G				
18	Norway Maple	J	9	91	G				
19	Rowan	J	7	76	G	Minor congestion	Crown thin	L	36
20	Sycamr	J	10	81	G				

## NORTHERN TREE SERVICES

### Tree Survey Key

#### **Hazards**

DW	-	dead Wood
MDW	-	minor dead wood
DK	-	decay
SP	-	sparse Crown
EPI	-	epicormic Growth
OV	-	overhanging
L	-	lean
H	-	hanging Branch
IV	-	ivy
FFB	-	fungal Fruiting Body
CNG	-	congestion
LF	-	limb fracture
TF	-	trunk fracture
URP	-	unstable root plate
CODOM	-	codominant stem
BRLMB	-	broken Limb
CAV	-	cavity
BDK	-	basal decay
UNBAL	-	unbalanced crown

#### **Risk Assessment**

(likelihood of partial or total failure of tree)

VH	-	Very high
H	-	High
M	-	Moderate
L	-	Low

#### **Age Class**

J	-	juvenile
SM	-	semi-mature
M	-	mature
OM	-	over mature

#### **Priority**

(for hazard abatement work)

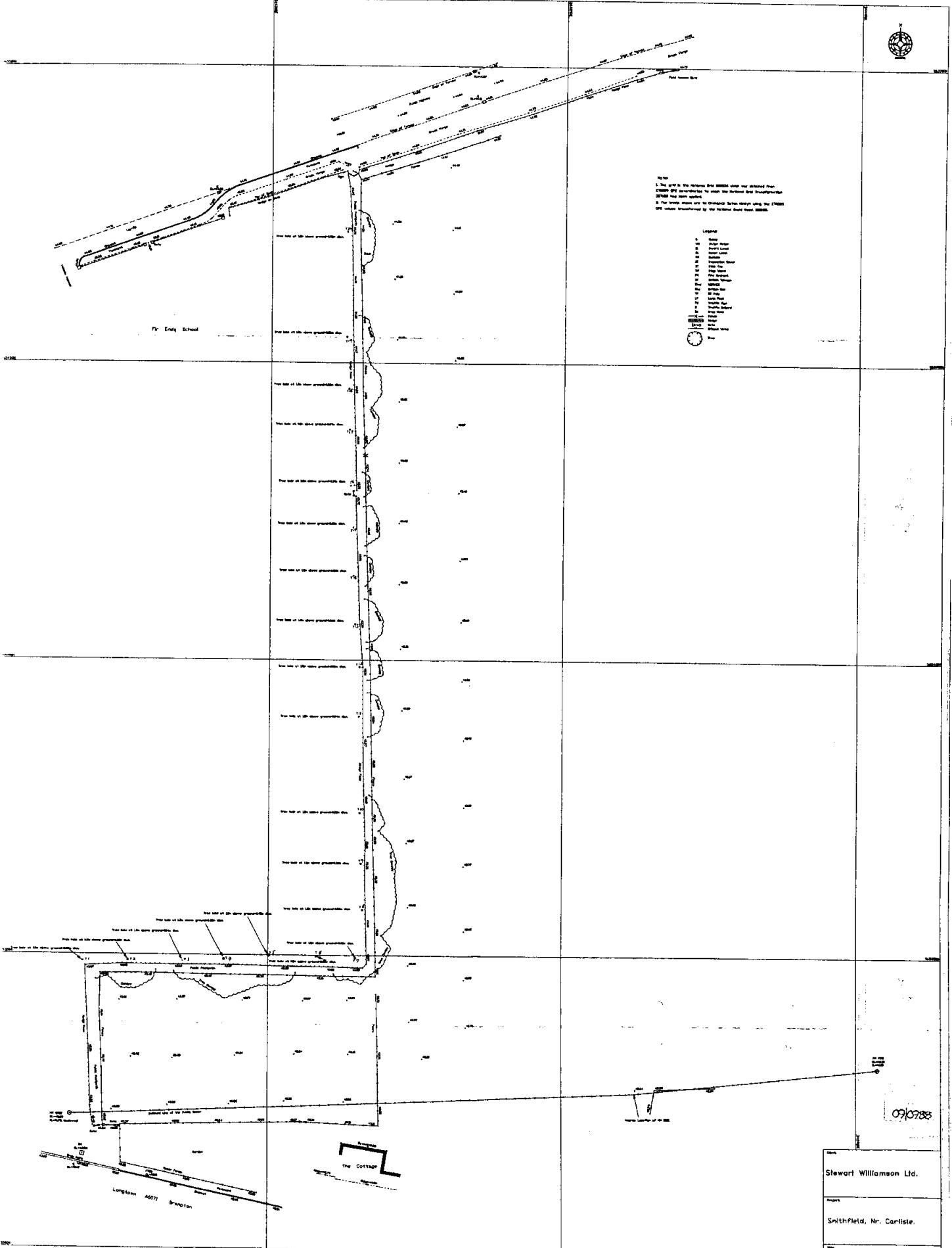
Urgent
6 months
12 months
36 months

#### **Vigor**

G	-	good
F	-	fair
P	-	poor
M	-	morbid

#### **Recommendations**

DW	-	dead Wood
CC	-	crown Clean
FR	-	fell/dismantle and Remove
CR	-	crown Raise
T	-	thin
BAL	-	balance
M	-	monitor
RKI	-	remove and kill Ivy



Note  
 1. This plan is the original site plan and was obtained from the owner of the land on which the site is situated.  
 2. The site is situated on the land of the owner of the land on which the site is situated.  
 3. The site is situated on the land of the owner of the land on which the site is situated.

- Legend
- Proposed Road
  - Proposed Footpath
  - Proposed Drainage
  - Proposed Fencing
  - Proposed Boundary
  - Proposed Structure
  - Proposed Planting
  - Proposed Watercourse
  - Proposed Embankment
  - Proposed Cutting
  - Proposed Bridge
  - Proposed Tunnel
  - Proposed Canal
  - Proposed Railway
  - Proposed Railway Station
  - Proposed Railway Platform
  - Proposed Railway Track
  - Proposed Railway Signal
  - Proposed Railway Mast
  - Proposed Railway Pole
  - Proposed Railway Post
  - Proposed Railway Pillar
  - Proposed Railway Pier
  - Proposed Railway Bridge
  - Proposed Railway Tunnel
  - Proposed Railway Canal
  - Proposed Railway Railway
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  - Proposed Railway Pillar
  - Proposed Railway Pier
  - Proposed Railway Bridge
  - Proposed Railway Tunnel
  - Proposed Railway Canal
  - Proposed Railway Railway

St. Mary's School

Longton 46071 Draxton



09/0788

Stewart Williamson Ltd.	
Smithfield, Nr. Carlisle.	
Topographic Survey of the Site and Access.	
Project No.	1040001
Survey Station	1040001
Surveyed	5th July, 2008
Drawn	6th August, 2008

As per notes A. Alton

## SCHEDULE A: Applications with Recommendation

09/0992

Item No: 08

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0992

**Applicant:**  
Riverside Carlisle

**Parish:**  
Carlisle

**Date of Receipt:**  
05/11/2009

**Agent:**  
Lovell Partnerships Limited

**Ward:**  
Morton

**Location:**  
Land at Barras Close, Barras Close, Carlisle

**Grid Reference:**  
338386 554235

---

**Proposal:** Variation Of Condition 8 Of Previously Approved Application 09/0036

**Amendment:**

1. The applicant has agreed to amend the wording of the amended condition as follows:

' No work shall commence until the footpath crossing the site has been stopped up under Section 247 of the Town and Country Planning Act 1990. The route will thereafter be constructed during the course of the development in accordance with the plans approved by application No 09/0036 and shall be made available following the occupation of plots 1-22 inclusive, being approximately the first 50% of the development '.

---

**REPORT**

**Case Officer:** Dave Cartmell

**Reason for Determination by Committee:**

The application is brought before the Committee for determination as the recommendation is contrary to a previous decision of the Development Control Committee.

**1. Constraints and Planning Policies**

**Public Footpath**

The proposal relates to development which affects a public footpath.

**Local Plan Pol LC8 - Rights of Way**

**Local Plan Pol CP17 - Planning Out Crime**

## Local Plan CP15 - Access, Mobility and Inclusion

### 2. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** I am in possession of the Sec of State order for the stopping up (consultation document- draft) and this element seems in order. I do however have concerns with the proposed way forward.

Firstly the proposed condition –

I would prefer “following occupation of the first dwelling” and not on completion of the development.

The applicant will, if there is a “gap” between the one PROW being stopped up and the new one opening, need to apply for a Temporary TRO to prohibit use of this PROW. It is clear from the application that this is indeed their intention.

I would therefore suggest that they contact Sarah Steel at capita ASAP to arrange this TRO.

I would also suggest that a suitable condition is included for the funding of the TEMP TRO by the applicant, including the signing, advertisement, and officer time (both at CAPITA and Legal costs).

**Ramblers Association:** Reply awaited

**Cumbria Constabulary - Crime Prevention:** Maintaining a route through the site would serve to encourage children and the inquisitive to the site out of interest and this would be a safety concern. With a route through the site, security is also of concern which, together with safety, is seriously compromised. The safest and most secure option would be to deny access across the site whilst construction takes place. An alternative route between Leven’s Drive and Newlaithes Avenue is available via Halli Crescent. (These comments echo the reasons why it was previously argued against formalising a footpath through the site)

**Environmental Services - Green Spaces (see IECO for Countryside Officer):**  
Reply awaited

**Cumbria County Council - (Highway Authority - Footpaths):** I have no comment regarding the way T&CP resolve the matter, but could I suggest ROWRC guidance is followed on future applications.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
99 Newlaithes Avenue	13/11/09	
101 Newlaithes Avenue	13/11/09	
98 Levens Drive	13/11/09	
100 Levens Drive	13/11/09	

102 Levens Drive	13/11/09	
104 Levens Drive	13/11/09	
106 Levens Drive	13/11/09	
108 Levens Drive	13/11/09	
110 Levens Drive	13/11/09	
112 Levens Drive	13/11/09	
114 Levens Drive	13/11/09	
116 Levens Drive	13/11/09	
118 Levens Drive	13/11/09	
120 Levens Drive	13/11/09	
122 Levens Drive	13/11/09	
124 Levens Drive	13/11/09	
126 Levens Drive	13/11/09	
128 Levens Drive	13/11/09	
130 Levens Drive	13/11/09	
48 Hallin Crescent	13/11/09	
50 Hallin Crescent	13/11/09	
52 Hallin Crescent	13/11/09	
54 Hallin Crescent	13/11/09	
56 Hallin Crescent	13/11/09	Objection
58 Hallin Crescent	13/11/09	
60 Hallin Crescent	13/11/09	
62 Hallin Crescent	13/11/09	
64 Hallin Crescent	13/11/09	
66 Hallin Crescent	13/11/09	
68 Hallin Crescent	13/11/09	
St Edmunds Chapel	13/11/09	
103 Newlaithes Avenue	13/11/09	
105 Newlaithes Avenue	13/11/09	
107 Newlaithes Avenue	13/11/09	
109 Newlaithes Avenue	13/11/09	
111 Newlaithes Avenue	13/11/09	
113 Newlaithes Avenue	13/11/09	
115 Newlaithes Avenue	13/11/09	
117 Newlaithes Avenue	13/11/09	
119 Newlaithes Avenue	13/11/09	
121 Newlaithes Avenue	13/11/09	
123 Newlaithes Avenue	13/11/09	
125 Newlaithes Avenue	13/11/09	
127 Newlaithes Avenue	13/11/09	
129 Newlaithes Avenue	13/11/09	
131 Newlaithes Avenue	13/11/09	
80 Levens Drive	13/11/09	
82 Levens Drive	13/11/09	
84 Levens Drive	13/11/09	
86 Levens Drive	13/11/09	
88 Levens Drive	13/11/09	
90 Levens Drive	13/11/09	
92 Levens Drive	13/11/09	
94 Levens Drive	13/11/09	
96 Levens Drive	13/11/09	

3.1 Publicity was given to the application by site notice and by direct notification of neighbouring occupiers. One representation was received which commented on the approved development and not on the current application. ( The writer was under the misapprehension that the rear fences of Hallin Crescent were to be removed and the gardens extended by 30 yards.)

#### **4. Planning History**

- 4.1 Planning applications for demolition and redevelopment of the site were withdrawn in 2005 (05/817), refused in 2006 (06/960) and approved in 2007 (06/1290).
- 4.2 An application for a Demolition Determination ( 06/04/DEM) was approved in 2007.
- 4.3 A revised planning application for 43 new build dwellings for Social Rent by CHA was approved in 2007( 09/36)
- 4.4 There are currently two other applications relating to 09/36 for discharge of conditions ( 09/935 and 0970)

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

### **Introduction**

- 5.1 This is an application to vary condition 8 (relating to a Footpath Diversion Order) of the previously approved application (09/0036) which was for residential development by Carlisle Housing Association at Barras Close, Morton. The application is to replace the existing condition with the following:

"No work shall commence until the footpath crossing the site has been stopped up under Section 247 of the Town and Country Planning Act (TCPA1990). The route will thereafter be constructed during the course of the development in accordance with the plans approved by application No. 09/0036 and shall be made available following the completion of the development."

- 5.2 The applicant advises that the footpath has been included in the application for stopping up Barras Close (made to Government Office North East) under Section 247 of the TCPA1990 and it is proposed to reinstate the route by completion of the development as approved.

### **Background**

- 5.3 Planning permission for 43 new build dwellings for social rent by Carlisle Housing Association (09/0036) was issued on 10th September subject to several conditions. Following discussions at Committee regarding the options to either re-route or close the footpath which links Levens Drive and Newlaithes Avenue through the development site, the Committee agreed to attach a condition (No.8) which specified that no work should commence on-site until a Footpath Diversion Order (under Section 257 of the TCPA1990) had been confirmed and the route constructed to accommodate walkers in safety.
- 5.4 The applicant has advised that as the revised route runs along the new road, development would have to be undertaken( construction of the road and



footway) to provide this route. As the current condition specifically precludes works prior to both confirmation of a Footpath Diversion Order and the construction of the new footpath to accommodate walkers in safety, the condition is therefore unworkable. The applicant has advised that it is the intention to provide the route across the new development in accordance with the plans approved by 09/0036 but to do so in a safe and timely manner.

5.5 In support of the application, the applicant has advised on potential issues which would arise if temporary routes were to be formed across the site during the construction period.

1. Health and Safety issues and traffic management of the site will be an obvious area of concern with delivery vehicles and fork-lift trucks constantly crossing the route of the path creating both collision dangers as well as maintenance issues which would in turn lead to risk of slips, trips and falls. A protection zone for the route, with a minimum width of 5 metres would be required and this would seriously disrupt the safe operation of the site in itself with manoeuvring vehicles restricted in the areas they could safely operate. The route would also need to be constantly altered, almost on a daily basis, to remove it from the main working areas. Maintaining a route through the site would also serve to encourage children and the inquisitive to the site out of interest and this again would be a safety concern.
2. With a route through the site, as with safety, security is seriously compromised. A site that is secured at the boundary is clearly more secure and does not encourage encroachment, as a route through would with all the attendant nuisance for surrounding neighbours of which there are many.

5.6 The applicant has advised that the possibility of providing a route around the inside perimeter of the development was examined but this was considered too problematic for the following reasons

1. to provide such a route would require a ginnel/alley way to be provided from the link with Levens Drive, in an anticlockwise direction (due to drainage excavations to the south west) round the rear of numbers 80-84 Levens Drive, along the rear boundary with numbers 64-54 and side boundary of 52 Hallin Crescent, behind numbers 109-117 and the side and rear of number 119 Newlathes Avenue. Other properties would also inevitably be affected by this temporary route namely 66 Hallin Crescent and 107 Newlathes Avenue – a total of 19 homes.
2. the route would inevitably have to be protected by tall fences (1.8m / 6ft as a minimum) which would in turn create an intimidating and unattractive route which could easily become a muggers alley and would certainly become a source of nuisance and a cause of if not real then perceived loss of security for the residents of these homes.
3. lighting would be needed and would not only be impractical (and possibly noisy with the use of generators) to provide but would introduce light

pollution to the rear of these properties further intruding on the residents enjoyment of their homes.

5.7 A further option of providing a temporary ' dedicated ' route through one half of the site while the other is constructed and vice versa, was explored by the applicant. The applicant advised that whilst it might be achievable, it would cause a complete change to the way the site is to be constructed and would be a continuous Health and Safety risk to the public for the following reasons:

- the construction of the site could not be compartmentalized, as the roads (and excavation for sewers and associated manholes) would be built in one go, crossing the whole site
- services abandonment and new main laying similarly crosses the whole site
- the build programme envisages the construction of the individual units commencing from plot 1 (Detached bungalow at the Barras / Newlaithes junction) in a clockwise direction; foundations, drainage, services etc. being constructed similarly
- further, the pace of build, meeting the Code for Sustainable Homes with timber-frame, will further require multiple work-faces, with live activity on a number of housing blocks, simultaneously
- the proposal would also require two sites to be built, building out the first half in its entirety and then setting up to construct the second half. This is prevented operationally, by the need to construct drainage outfalls and connecting drains, in sequence, starting from lowest points of site and which would be common to both the suggested phases, and therefore often crossing the suggested temporary route(s).
- phasing the scheme would have a detrimental effect on the build programme making the project unviable for both Lovell Partnerships and Riverside Carlisle and especially through it delaying the timing of the anticipated provision of much needed energy efficient, modern, affordable rented homes.

5.8 Having examined the options, the applicant concluded that it would not be possible to safely set up a temporary route through a site of this size and layout.

## **Assessment**

5.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy

Guidance notes, Planning Policy Statements and 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.

5.10 In consideration of this application, as planning permission exists for the site, Policies LC8, CP15 and CP17 of the Carlisle District Local Plan and Policy DP1 of the North West of England Plan Regional Spatial Strategy to 2021 are relevant. The relevant aspects of these policies seek to ensure that new development:

1. maintains ( and where possible improves ) the existing rights of way network
2. does not result in the closure or diversion of rights of way unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route
3. makes provision for safe, easy and inclusive access to, and within, buildings and facilities

5.11 With regard to the objectives of the Development Plan and the issues raised by County Highways:

1. the development will result in the existing footpath crossing the site being closed for the duration of the construction works ( estimated at 12 months) and reinstated using utilising the footpaths to be formed as part of the new development. The purpose of the original condition was to keep the footpath crossing open and it was envisaged that it would be possible to do this by diverting it within the site during construction. It is now agreed that it is not possible to form a temporary route through the site without severely compromising the safety of the general public and the construction team and it is considered that there is suitable alternative route ( via Hallin Crescent) serving the same area which is not significantly longer than the original route.
2. the applicant is making an application for a Temporary Traffic Regulation Order which, on the assumption that the Stopping Up Order will be confirmed, will publicise the alternative route available to pedestrians during the closure of the footpath through the development site
3. the proposed amended condition provides for the footpath through the site to be reinstated 'following completion of the development'. While there is no reason to doubt the applicants` committment to a build programme of 12 months and an early reinstatement of the footpath, if a minor element of the buildings or infrastucture remains incomplete this could delay the reinstatement .The applicants have advised that it is proposed to complete the houses on a sequential basis starting with Plot 1, and have agreed to the condition being modified to speci, being approximately the first 50% of the development '.

## Conclusion

5.12 It is considered that the proposed variation ( amended as set out in para 5.13) to Condition 8 of planning permission reference 09/36 accords with the provisions of the Development Plan and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Development Plan and is recommended for approval.

5.13 The revised condition is as follows:

'No work shall commence until the footpath crossing the site has been stopped up under Section 247 of the Town and Country Planning Act 1990. The route will thereafter be constructed during the course of the development in accordance with the plans approved by application No 09/0036 and shall be made available following the occupation of plots 1-22 inclusive, being approximately the first 50% of the development '.

## 6. Human Rights Act 1998

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

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

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

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

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

6.3 The proposal has been considered giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

## 7. Recommendation -

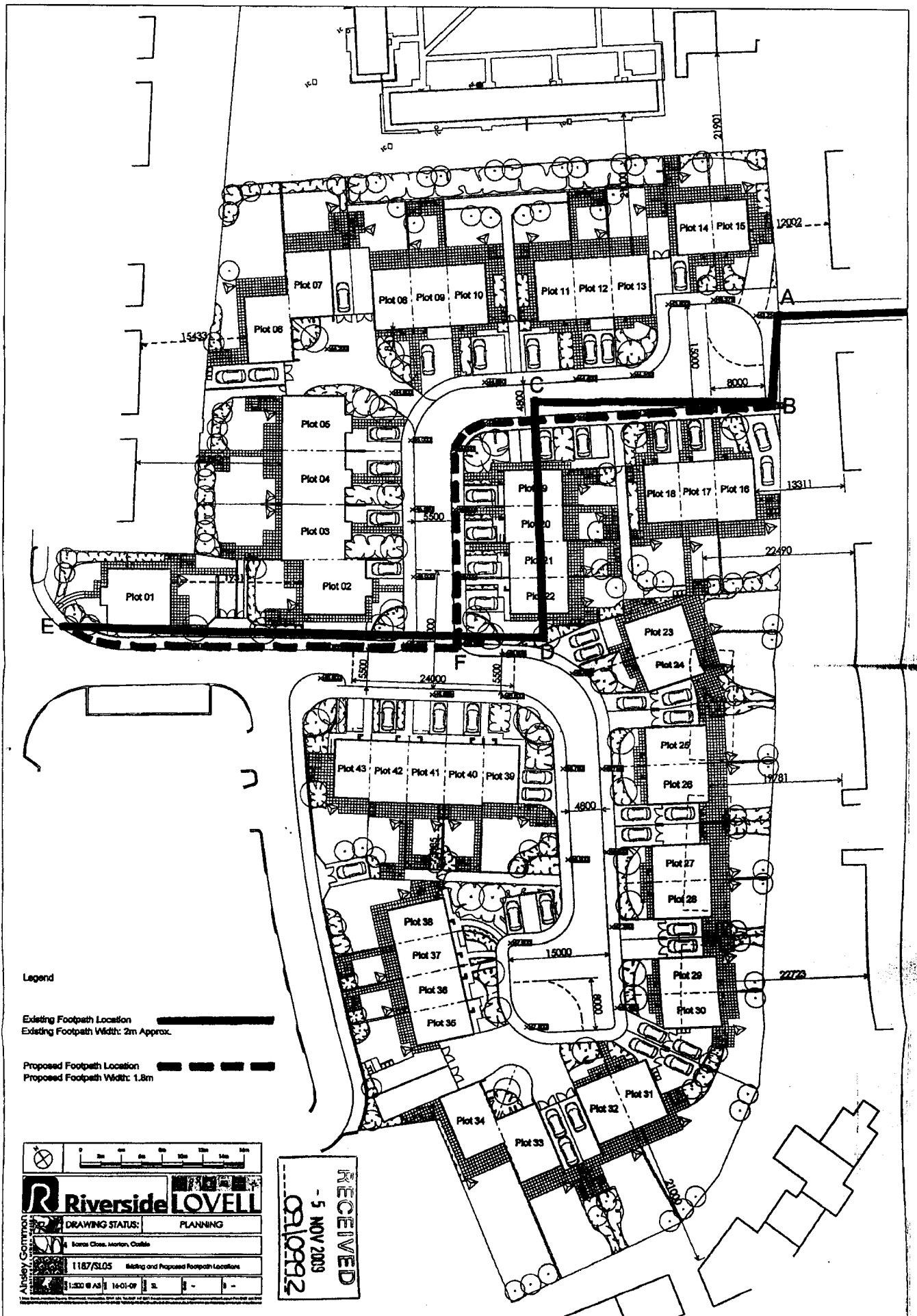
1. The development shall be begun not later than the expiration of 3 years

beginning with the date of the grant of this permission.

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

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### **1.0 Reason for application to vary Condition No 8:**

As the condition is currently worded (a condition precedent) it precludes a start on site prior to the revised footpath route being in place. As the revised route, as approved, runs along the new road, development would have to be undertaken (construction of the road and footway) to provide this route - development, which would in itself be unable to be started under the current condition - thus making the condition un-workable and failing the reasonableness test (Circ 11/95).

It is very much our intention to provide the route across the new development in accordance with the plans approved by Application 09/0036, but our wish here is to do this in a safe and timely manner, which cannot be done, as the condition is currently worded.

### **2.0 Supporting Policy:**

Our proposals here support Carlisle District Local Plan Policy LC8 Rights of Way, in that they

- provide local improvements to the existing network, as part of the new development
- provide a route that is attractive and safe,
- serves the same area, and
- is not significantly longer - being actually marginally shorter.

### **3.0 Dialogue and Proposal:**

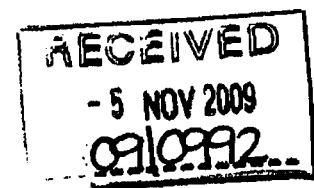
We wish to vary the condition as discussed with Dave Cartmell (Planning Officer) and Clare Liddle (Solicitor) so that the footpath is provided in a way that allows the development to go ahead safely.

For this reason we propose to vary the condition to include the footpath in our application for the stopping up of Barras Close (made to GO-NE under Sec 247 T&CP Act 1990) where it crosses the red-edged site and provide the route by completion of the development as approved (LC8).

### **4.0 Proposed replacement wording to vary Condition 8, 09/0036:**

The revised condition would be worded as follows:

*No work shall commence until the footpath crossing the site has been stopped up under Sec 247 of the T&CP Act 1990. The route will thereafter be constructed during the course of the development in accordance with the plans approved by application No 09/0036 and shall be made available following the completion of the development.*





## SCHEDULE A: Applications with Recommendation

09/9042

Item No: 09

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/9042

**Applicant:**  
County Fire Station

**Parish:**  
Carlisle

**Date of Receipt:**  
13/10/2009

**Agent:**  
Mrs Maggie Mason

**Ward:**  
Belle Vue

**Location:**  
Vacant Land Adjacent To Newtown School, Raffles  
Avenue, Carlisle

**Grid Reference:**  
338276 555851

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**Proposal:** Application To Replace Extant Permission For New Community Fire  
Station

**Amendment:**

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### REPORT

**Case Officer:** Alan Taylor

### Reason for Determination by Committee:

This application is before the Committee as it concerns the development of land for purposes which this Council has previously opposed when consulted by Cumbria County Council.

### 1. Constraints and Planning Policies

#### Tree Preservation Order

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

#### RSS Pol DP 1 - Spatial Principles

#### RSS Pol DP 4 - Make Best Use Exstg.Resources&Infrastructure

#### RSS Pol RDF 1 - Spatial Priorities

#### RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

#### Joint Str.Plan Pol ST5: New devt & key service centres

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol DP2 - Regeneration**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol H2 - Primary Residential Area**

## **2. Summary of Consultation Responses**

As this is a "County Matter", all consultation is undertaken by the County Council as the determining planning authority.

## **3. Summary of Representations**

### **Representations Received**

Initial:

Consulted:

Reply Type:

- 3.1 All publicity has been undertaken by Cumbria County Council, as the planning authority which is responsible for determining the application.

## **4. Planning History**

- 4.1 The application site comprises part of what was formerly the H K Campbell Special School. In 1991, the County Council granted planning permission for the *"Demolition of school buildings and erection of dwellings for sheltered housing and the retention of part of the playing field for Newtown School"*.
- 4.2 A further application that year, but not determined until July 1992, obtained consent for *"Proposed adventure playground incorporating play equipment, surfacing, fencing and lighting"*. Approval for the *"Construction of playing field and associated landscaping works"* was obtained in 1994.
- 4.3 In September 1994, the City Council approved the County Council's application to renew the Outline Consent (new legislative provisions requiring the County to apply to the District Council rather than being the determining authority for applications on land the County owned and sought to dispose for development).
- 4.4 In January 2007, Cumbria County Council sought the City Council's

comments in respect of two separate planning applications to construct community fire stations at Eastern Way (to serve the east of the city) and at Raffles Avenue (to serve the western area).

- 4.5 This Council did not oppose the proposals for the Eastern Way site but the Development Control Committee resolved to raise objections to the proposals relating to the current application site, which is adjacent to Newtown School.
- 4.6 The County Council granted Outline Consents for the development of the two sites in February 2007 but the 3-year period within which these developments should be commenced will expire early in 2010. No detailed proposals have ever been submitted for approval.
- 4.7 Members may wish to note, in relation to the Raffles Avenue site, that a second application, incorporating an additional area of land and illustrating a modified access and egress arrangement, has also been submitted (application 09/9044/CTY). A Report on that proposal follows in the Schedule.

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

### **Introduction**

- 5.1 This application has been submitted in "outline" and seeks, effectively, a "renewal" of an approval granted almost 3 years ago by Cumbria County Council. As part of that process, the County Council seeks the City Council's observations on the proposed development which would provide a single fire appliance facility with quite modest staff accommodation.
- 5.2 The application site comprises a 0.28 hectare parcel of land situated to the immediate south of Newtown School and would utilise a new access to be formed from Raffles Avenue, onto which the land has a small road frontage (circa 15m). The proposed site is currently vacant and is part of a more extensive area of land that was formerly occupied by buildings and hardstandings associated with H K Campbell Special School prior to its closure and its subsequent demolition in the early 1990's.
- 5.3 It is bounded by Newtown School to the north, the rear of residential properties on Raffles Avenue to the east, by land that is part of the Raffles Redevelopment area being undertaken by Lovell Homes to the south, and to the west by the residual area of the land that secured a (now expired) previous "outline" consent for residential development [see Planning History under Section 4 of this Report]. That land remains in County Council ownership but the 2007 submission suggested that this land will be sold off for housing development in the future. It was also envisaged that the proposed new access, shown as part of the application, would also be extended to serve that area.

## Background

- 5.4 Members will be aware that following the severe flooding of January 2005, which seriously affected much of Carlisle (including the existing Fire Station on Warwick Street, north of the City Centre), the Fire Service re-appraised its requirements for accommodation and operational facilities within the city.
- 5.5 That review led to the emergence of proposals for the vacation of the existing Warwick Street premises and its replacement by two new Fire Stations geographically located in the west and east of the city. These were subject of formal planning applications which the County Council determined as the relevant planning authority (it is "operational development" by that Authority).
- 5.6 The proposed strategy for the twin station approach provides for the larger, and most significant in operational terms, of those two new Fire Stations, including a new Divisional Headquarters, to be located on land off Eastern Way. The City Council supported that proposal but sought assurances about the architectural quality and related high standard of landscaping that would be provided because of the site's prominence.
- 5.7 An application to "renew" the original approval to develop the Eastern Way site, together with a parallel planning application for a revised siting and modified access arrangement within the same site, have also recently been submitted by Cumbria County Council. The City Council's observations on those applications, supporting the development, have been provided through the Scheme of Delegation.
- 5.8 However, the City Council had the following observations on the original (2007) proposals for the Raffles Avenue site:

*"Whilst not opposed to the principle of the development of operational Fire Station services in the east and west of the city, the City Council is strongly opposed to the specific proposals for this site for a number of reasons:*

*i) The site is totally inappropriate for the use due to its reliance on a local road system consisting of a one-way, residential estate standard of highways with traffic calming; limited width and visibility caused by parked vehicles; and due to its immediate proximity to Nursery and Primary Schools, the Children's Centre and significant and well used play facilities with potential attendant safety issues for local children and parents;*

*ii) The City Council is also concerned at the lack of meaningful information about the site selection process and the alternative sites that might have been evaluated;*

*iii) Members are also concerned at the lack of information about the operational arrangements to provide appropriate fire and rescue cover within Carlisle e.g. will the two sites provide suitable response times to all areas of Carlisle and will the western site be an active site with 24 hour cover?*

*Members wished it to be noted that given the strength of their concerns, the City Council would have refused planning permission had the application been one which this Council would have determined."*

- 5.9 In addition to the current application to renew the approval granted in 2007, Cumbria County Council has submitted a second application relating to a modified, larger site (0.4 hectares). A Report follows in the Schedule on that application (09/0044/CTY), which includes land south of the original boundary up to the northern edge of Brookside and is presently owned by Lovell Homes.

## **Assessment**

- 5.10 The schematic site layout plan and related accommodation diagram that have been submitted shows the broad disposition of accommodation that is anticipated. The building is proposed to be sited towards the rear boundary (west) with a circulatory vehicle route being proposed to facilitate the appliance always leaving in forward gear with no on-site manoeuvring. The overall accommodation that would be provided is relatively small with a 60 sq. m. appliance bay, 64 sq. m. of office, toilet/showers, stores, boiler room, rec room/tv room/gym facilities, muster bay and a 40 sq. m. community safety room with kitchen facilities. It is anticipated the building would reflect the height and scale of the houses on Raffles Avenue (1.5 storeys for appliance bay and possibly two storeys for staff and community areas). Parking space for 6 cars is shown adjacent to the eastern section of the "loop" road although the Design and Access Statement indicates provision for 8 vehicles would be appropriate.
- 5.11 The proposed access point would be positioned just to the north of 139 Raffles Avenue and about 17m (centre line to centre line) south of the access into Newtown School. The proposed access is shown as a two-way access and egress from Raffles Avenue but there is no footway illustrated (this would be essential if the road was extended to provide access to residential properties).
- 5.12 The visibility requirements for a 30mph speed limited road normally require 70m visibility splay to each side; however, the Transport Assessment states that since Raffles Avenue is a one-way road, the visibility standard need only apply to vehicles approaching from the south. It further contends that at 2.4m set back into the site a 60m sight line can be achieved and considers this to be adequate due to the combination of traffic calming on Brookside and Raffles Avenue and the slower speed of vehicles turning from Brookside into Raffles Avenue.
- 5.13 The TA identifies that warning signing will be required to alert other road users (on Raffles Avenue) to the presence of the Fire Station. Accident history analysis of the 3 year period from 30th October 2003 to 30th September 2006 records one incident on local roads, at Newtown Road's junction with Shadygrove Road involving a right turn manoeuvre where a vehicle struck a parked vehicle.

- 5.14 The submission explains that the development is for a single bay station with ancillary accommodation and community room. Five full-time Fire Fighters would be attached to the Station but they would begin and end their shifts at the proposed main site at Eastern Way, Durranhill where parking facilities would be provided. It is stated that the fire appliance would normally only be on-site at the Newtown Fire Station for not more than 1 hour during a day as much of the role of the appliance and crew would be community based with visits to the main Station site for servicing. It is, thus, contended that there will be relatively low level demand for "call-out" services involving an emergency response since the appliance and crew will largely already be away from base. It is very much intended to operate as a "satellite" facility with the full range of facilities at Durranhill providing ancillary accommodation for support staff, and where training and maintenance/storage of equipment would take place.
- 5.15 From a Planning Policy point of view, there is no specific guidance in either the Structure or Local Plan to assist Members in judging proposals for uses of this nature i.e. community or public service facilities.
- 5.16 Clearly, however, the site is within a Primary Residential Area and Members are entitled to consider whether the use is compatible with the residential character of the area. In that regard, it has to be borne in mind that while the existing Warwick Street site is within the central area and close to other land uses, including other public services, it is very closely adjacent to existing dwellings (opposite side of the road) and is near to other residential properties (Peter Street and Corporation Road) all of which are identified as PRA's. Indeed, there is closer proximity between the Warwick Street site and housing opposite to the existing fire station. That station is itself of significantly greater scale than is now proposed and conceivably its use might be potentially much more intrusive or a cause of disturbance to the living conditions of its residential neighbours.
- 5.17 The other issue that was identified when the previous application was considered concerns the safety of the access given the use of a one-way road system and the sites' closeness to, and possible conflict with, the access into and pedestrian routes serving the adjacent Primary and Nursery School to the north, especially if the fire service vehicle is urgently responding to an emergency call. Similarly, there is concern that even when the children attending classes at the schools are not at immediate risk from vehicles responding to emergency situations, they might be disturbed by the sirens that could be used as part of a rapid response to an emergency.]
- 5.18 Those aspects have, to some extent, been addressed in the submission where it is contended that the absence of the appliance and its crew from the station for most of the time would mitigate against both the safety and disturbance issues arising from emergency response. Moreover, the supporting Design and Access Statement indicates that the operating restrictions imposed on the use of lights and sirens by the Fire and Rescue Service's Service Orders prohibit such uses other than when absolutely

essential i.e. to warn other road users of their presence and also imposes restrictions on use through the late evening through to 0700 hours. It is, thus, maintained that in normal circumstances it would not be necessary to use either audible or visual warnings.

- 5.19 Clearly, in considering the proposals Members have to balance the wider community and operational benefits of having a satellite station within this sector of the city against the localised site planning issues associated with this specific site. It is evident that, in comparison with the principal site at Durranshill, the Newtown site is much more dominated by the close presence of residential properties and educational facilities while the immediate road system is much smaller scale, probably less accessible (because it is one-way) and is more localised in character. Against that, the scale of the proposal is much more modest and the applicants maintain there is considerable reliance upon the main site at Durranshill for operational purposes with this site being much lower key.
- 5.20 The major concern that Members raised when these proposals were considered in 2007 was the location of the entrance and egress road immediately adjacent to the entrance to the nursery school, both from the point of view of pedestrian safety and disturbance through vehicle movements and activity. Those access/egress arrangements are unaltered in the present application proposals although the alternative application, the Report on which follows in the Schedule, proposes some modifications that would seem to be beneficial.

## **Conclusion**

- 5.21 Whilst the strategy of dispersed fire stations to serve the city has considerable merit, and clear management of the respective sites should generally minimise likely risks of disturbance to neighbouring uses, the proposed two-way access that Members previously regarded as inappropriate at the Newtown site due to its location and possible impacts) has been retained in these proposals.
- 5.22 On that basis, it is considered the City Council's previous principle objection has not been overcome. Accordingly, it is recommended that an Objection be raised to this application.

## **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";

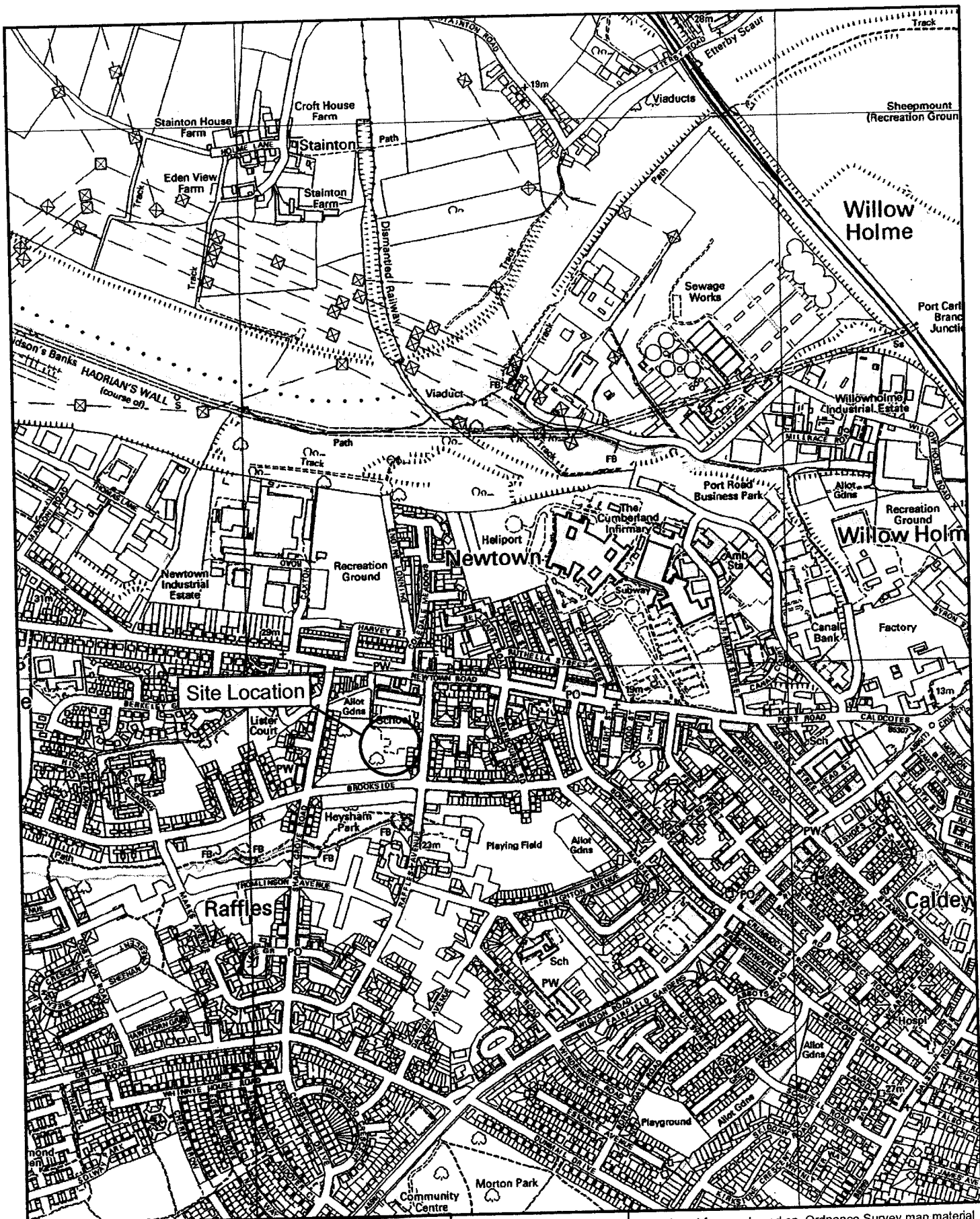
6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

6.3 This is a matter which will be assessed by the determining Authority, Cumbria County Council.

**7. Recommendation** - Raise Objection(s)

1. The City Council is opposed to these proposals which involve the formation of a two-way access/egress to the site immediately adjacent to the entrance to the Nursery and Primary Schools, the Children's Centre and will involve increased traffic activity near to significant and well used play facilities with potential attendant safety issues for local children and parents.
-





**CAPITA SYMONDS**

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Carlisle  
CA6 4SJ

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Fax. 01228 670444

**RECEIVED**

13 OCT 2009

0919042/CTY

Satellite Station,  
Carlisle  
Location Plan

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**FIGURE A1**

Drawn by RAC

Scale NTS

Date DEC'06

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DATE: 28/11/06  
 REVISIONS:

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PROJECT: CUMBRIA FIRE AND RESCUE SERVICE SITE FEASIBILITY STUDIES

SITE LOCATION: CARLISLE

DRAWING TITLE: Proposed Site Plan

Proposed Satellite Station, Newtown

DRAWING STATUS: Outline Planning

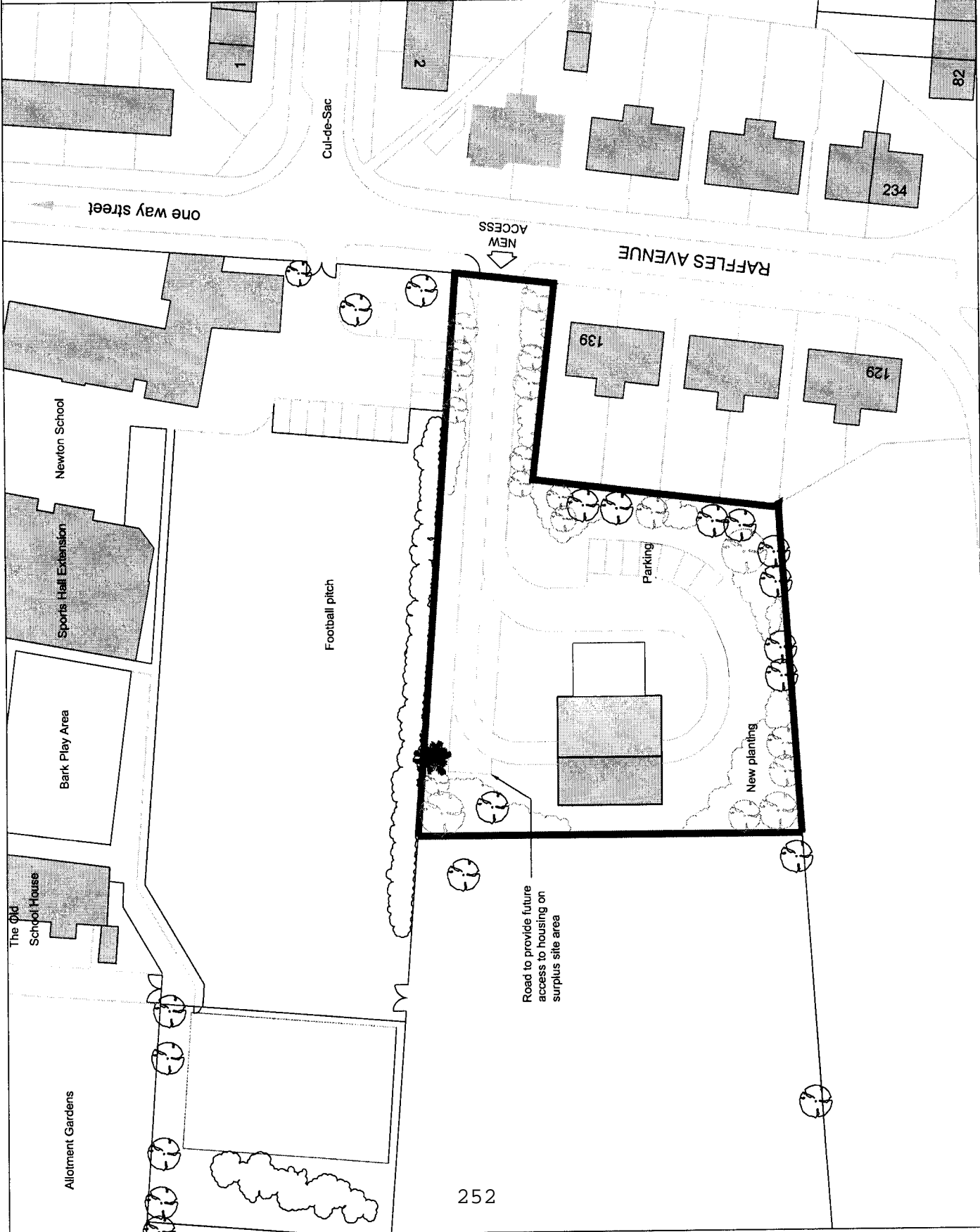
SCALE: A3 1:500

PROJECT NUMBER: 4069819

DATE: 28 Nov 06

DRAWING NUMBER: 2.05

DRAWN	SJ	CHECKED	MW	REVISION
PROJECT NUMBER	4069819	DATE	28 Nov 06	DRAWING NUMBER
				2.05



## SCHEDULE A: Applications with Recommendation

09/9044

**Item No: 10**

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/9044

**Applicant:**  
County Fire Service

**Parish:**  
Carlisle

**Date of Receipt:**  
22/10/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Belle Vue

**Location:**  
L/adj to Newtown School, Raffles Avenue, Carlisle  
CA2 7EQ

**Grid Reference:**  
338276 555851

---

**Proposal:** Erection of New Community Fire Station

**Amendment:**

---

### REPORT

**Case Officer:** Alan Taylor

### Reason for Determination by Committee:

This application is before the Committee as it concerns the development of land for purposes which this Council has previously opposed when consulted by Cumbria County Council.

### 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.

#### **Gas Pipeline Safeguarding Area**

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

#### **RSS Pol DP 2 - Promote Sustainable Communities**

#### **RSS Pol DP 2 - Promote Sustainable Communities**

#### **RSS Pol RDF 1 - Spatial Priorities**

#### **RSS Pol CNL 1 - Overall Spatial Policy for Cumbria**

**Local Plan Pol DP1 - Sustainable Development Location**

**Local Plan Pol DP2 - Regeneration**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol H2 - Primary Residential Area**

## **2. Summary of Consultation Responses**

As this is a "County Matter", all consultation is undertaken by the County Council as the determining planning authority.

## **3. Summary of Representations**

### **Representations Received**

Initial:

Consulted:

Reply Type:

- 3.1 All publicity has been undertaken by Cumbria County Council, as the planning authority which is responsible for determining the application.

## **4. Planning History**

- 4.1 The application site comprises part of what was formerly the H K Campbell Special School. In 1991, the County Council granted planning permission for the *"Demolition of school buildings and erection of dwellings for sheltered housing and the retention of part of the playing field for Newtown School"*.
- 4.2 A further application that year, but not determined until July 1992, obtained consent for *"Proposed adventure playground incorporating play equipment, surfacing, fencing and lighting"*. Approval for the *"Construction of playing field and associated landscaping works"* was obtained in 1994.
- 4.3 In September 1994, the City Council approved the County Council's application to renew the Outline Consent (new legislative provisions requiring the County to apply to the District Council rather than being the determining authority for applications on land the County owned and sought to dispose for development).
- 4.4 In January 2007, Cumbria County Council sought the City Council's comments in respect of two separate planning applications to construct community fire stations at Eastern Way (to serve the east of the city) and at

Raffles Avenue (to serve the western area).

- 4.5 This Council did not oppose the proposals for the Eastern Way site but the Development Control Committee resolved to raise objections to the proposals relating to a slightly modified area but less extensive area of land, which is immediately adjacent to Newtown School and involved entry/exit onto that road close to the Nursery School entrance.
- 4.6 The County Council granted Outline Consents for the development of the two sites in February 2007 but the 3-year period within which these developments should be commenced will expire early in 2010. No detailed proposals have ever been submitted for approval.
- 4.7 Members may wish to note, in relation to the Raffles Avenue site, that an application to effectively "renew" the 2007 permission has also been submitted (application 09/9042/CTY). A Report on that proposal precedes in the Schedule.
- 4.8 Applications relating to the Eastern Way site have, likewise, been submitted and the City Council's observations have been provided under the Scheme of Delegation.

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

### **Introduction**

- 5.1 This application has been submitted in "outline" and seeks, effectively, approval for an alternative scheme to develop a district fire station, for which an outline approval was granted almost 3 years ago by Cumbria County Council. As part of that process, the County Council seeks the City Council's observations on the proposed development which would provide a single fire appliance facility with staff accommodation. Members should note that while most matters are "reserved" for later approval, if outline consent is secured, the "Access" to the site is NOT reserved.
- 5.2 The application site comprises a 0.41 hectare parcel of land situated to the immediate south of Newtown School and extends as far as the north side of Brookside. It possesses a short frontage (circa 15m) onto Raffles Avenue and frontage onto Brookside. The proposed site is currently vacant and comprises part of a more extensive area of land that was formerly occupied by buildings and hardstandings associated with H K Campbell Special School prior to its closure and its subsequent demolition in the early 1990's and some land, formerly owned by the City Council but now owned by Lovell Homes, which is part of larger area of land for which housing consent has been obtained.
- 5.3 It is bounded by Newtown School to the north, the rear of residential properties on Raffles Avenue to the east, by land that is part of the Raffles Redevelopment area being undertaken by Lovell Homes to the southwest, and to the west by the residual area of the land that secured a (now expired) previous "outline" consent for residential development [see Planning History

under Section 4 of this Report]. That land remains in County Council ownership but the 2007 submission suggested that this land will be sold off for housing development in the future. It was also envisaged that the proposed new access, shown as part of the application, would also be extended to serve that area.

## Background

- 5.4 Members will be aware that following the severe flooding of January 2005, which seriously affected much of Carlisle (including the existing Fire Station on Warwick Street, north of the City Centre), the Fire Service re-appraised its requirements for accommodation and operational facilities within the city.
- 5.5 That review led to the emergence of proposals for the vacation of the existing Warwick Street premises and its replacement by two new Fire Stations geographically located in the west and east of the city. These were subject of formal planning applications which the County Council determined as the relevant planning authority (it is "operational development" by that Authority).
- 5.6 The proposed strategy for the twin station approach provides for the larger, and most significant in operational terms, of those two new Fire Stations, including a new Divisional Headquarters, to be located on land off Eastern Way. The City Council supported that proposal but sought assurances about the architectural quality and related high standard of landscaping that would be provided because of the site's prominence.
- 5.7 An application to "renew" the original approval to develop the Eastern Way site, together with a parallel planning application for a revised siting and modified access arrangement within the same site, have also recently been submitted by Cumbria County Council. The City Council's observations on those applications, supporting the development, have been provided through the Scheme of Delegation.
- 5.8 However, the City Council had the following observations on the original (2007) proposals for the Raffles Avenue site:

*"Whilst not opposed to the principle of the development of operational Fire Station services in the east and west of the city, the City Council is strongly opposed to the specific proposals for this site for a number of reasons:*

- i) The site is totally inappropriate for the use due to its reliance on a local road system consisting of a one-way, residential estate standard of highways with traffic calming; limited width and visibility caused by parked vehicles; and due to its immediate proximity to Nursery and Primary Schools, the Children's Centre and significant and well used play facilities with potential attendant safety issues for local children and parents;*
- ii) The City Council is also concerned at the lack of meaningful information about the site selection process and the alternative sites that might have been evaluated;*

*iii) Members are also concerned at the lack of information about the operational arrangements to provide appropriate fire and rescue cover within Carlisle e.g. will the two sites provide suitable response times to all areas of Carlisle and will the western site be an active site with 24 hour cover?*

*Members wished it to be noted that given the strength of their concerns, the City Council would have refused planning permission had the application been one which this Council would have determined."*

- 5.9 In addition to the current application, Cumbria County Council has submitted a second application to renew the approval granted in 2007 relating to the smaller parcel of land (0.28 hectares) and utilising a proposed two-way entrance/exit onto Raffles Avenue. A Report precedes in the Schedule on that application (09/0042/CTY).

## **Assessment**

- 5.10 The proposed site layout plan that has been submitted shows the intended accommodation contained within a T-shaped, mainly two-storey building (with 1.5 storey appliance bay) sited towards the rear boundary (west). It would accommodate crew facilities, appliance garaging and a small community room that would be used to promote fire safety. It is also envisaged that the community room would be available for use by community groups for meetings or educational purposes, but not for entertainment functions. Parking space for 12 cars, including two spaces for disabled users, plus 1 motor cycle and 1 bicycle space would also be provided. Typically there would be 5 operational staff on site while, during the day, two additional staff would be present to co-ordinate community safety activities.
- 5.11 The 2007 submission indicated that Fire Fighters would be based at the proposed main site at Eastern Way, Durranshill and would be allocated shifts at the Newtown Station. They would thus, on that basis, have begun and ended their shifts at Durranshill and so generally would not have required parking spaces on site. It was stated that typically the crew and fire appliance would normally be off-site at the Newtown Fire Station for most of the day-time shifts as much of the role of the appliance and crew would be community based with visits to the main Station site for meals. During the night, calls will be dealt with from the site or from the new station at Durranshill. It is, thus, contended that there will be relatively low level demand for "call-out" services involving an emergency response since the appliance and crew will largely already be away from base. Since 2007, it is clear that the nature of the Newtown Station has changed and it will not now operate in quite the same way as a "satellite" facility (with the full range of facilities otherwise at Durranshill). Although it would seem that the full-range of ancillary equipment for support staff, training facilities and maintenance and storage of equipment would still be provided at Durranshill, the 5 operational staff based at Newtown Station would start and end their shifts here and need parking facilities, and 2 additional staff would be there in the day time to "co-ordinate community safety activities". The current application thus has a higher level of parking provision to reflect that change in how the Station will operate.

- 5.12 The proposed vehicle access arrangements illustrate the formation of a two-way road positioned just to the north of 139 Raffles Avenue and about 17m (centre line to centre line) south of the access into Newtown School. It would allow for entry and exit of private cars and other vehicles but permit "entry only" for fire appliances. The proposed exit for fire appliances (but no other traffic) would be via a new egress directly onto Brookside. These entry/exit facilities would ensure that the fire appliance always left in a forward gear and avoided on-site manoeuvring or conflict with other vehicle movements within the site in emergencies.
- 5.13 The appliance would depart from the site turning left onto Brookside which is one-way, then would turn left again into the one-way Raffles Avenue and onto Newtown Road. When returning it would use the Shadygrove Road (also one-way), Brookside and Raffles Avenue road system. All are restricted to a 30mph speed limit and Brookside and Raffles Avenue incorporate traffic calming features. Some adjustments would be needed to existing "build-outs" on Brookside (that provide for parking bays and further arrest speed) to enable an appliance to be seen and to allow unrestricted movement for vehicles leaving the site. Warning signing would need to be provided, west of the exit onto Brookside, in order to alert traffic to the presence of the fire station.
- 5.14 The application is accompanied by a Transport Assessment undertaken by Capita which considers that the proposed development will not create any capacity problems on the local highway network and that the site is adequately served by sustainable transport provision. The accident history of the locality shows there are no inherent highway safety problems on the local highway network that would be exacerbated by the development of the site. Similarly the TA advises that the visibility from the access and egress points is adequate to support the development site access and concludes that there are no reasons on highways or transport grounds to refuse planning permission for the development of this site.
- 5.15 The submission is also supported by a Flood Risk Assessment [FRA]. However, since the site lies within Flood Zone 1 [where the risk of flooding from tidal or fluvial sources has been determined as less than 0.1% in any one year] the FRA focuses on the need to manage surface water run-off from the site and is less onerous than an equivalent assessment for sites within the more "at risk" Flood Zones 2 and 3. The FRA nonetheless identifies that up to 70% of the site may be surfaced in impermeable materials and that the development would increase the volume of surface water run-off from the site, when compared to the existing situation, by 110%. It adds that surface water discharges will be likely to be directed into the surface water sewer in Brookside, subject to approval from United Utilities, and would be likely to include some form of attenuation. The details of those matters would, however, be determined as part of a later detailed submission but it is envisaged that some form of Sustainable Drainage System (SUDS), such as rain water harvesting, would be incorporated.
- 5.16 Capita has also carried out a tree survey since there are a number of trees within the site of which 8 are subject of Tree Preservation Orders. The survey



recommends works to 6 trees [none covered by the TPO] including felling of 4 trees, monitoring of one and removal of ivy which is exhibiting a heavy covering of ivy. However, the incorporation of the additional land to the south, up to the boundary with Brookside, will allow a significant degree of landscaping and screening to be undertaken so the opportunity to enhance the development will be afforded.

- 5.17 The Design and Access Statement envisages the building being sited so that it presents a limited facade towards Brookside and with its longest elevation facing towards the rear of houses on Raffles Avenue. There is no indication how it would be fenestrated although, clearly, the access door to and exit door from the appliance bay located on its western side are determined by the north-south orientation of the bay.
- 5.18 The building is illustrated as standing off the west boundary (the land the County has previously secured permission to develop for housing) with the access road running alongside the northern site boundary with the school premises. The proposed car park, on the indicative layout, would be positioned between the building and the eastern boundary with housing on Raffles Avenue although several spaces and the manoeuvring area for the car park court are either under or are close to the canopy area and/or root protection area of several trees covered by the TPO. The Council's Tree Officer has specifically considered this aspect and has advised that *"there are a number of trees both on and outwith the development site several of which are protected by Tree Preservation Order 222. The proposed layout will result in the loss of a number of these trees at the proposed entrance and in the north west corner, and even those that should remain will be affected by the proposal, specifically the protected trees whose root protection area is being encroached upon by the car parking area. Should the proposal include for a no dig car parking construction this should be no dig and to achieve this it will be necessary to ensure that the levels allow this. I consider that further consideration should be given to the layout to avoid any development within the root protection area of the trees"*.
- 5.19 The application is simply an "outline" submission and the applicants can rightly say the suggested layout, apart from access, is merely indicative. However, there clearly some aspects that do not seem to auger well for the future development if a detailed submission incorporates them: the car park could damage the trees, it is also very close to the rear gardens of residential properties at Raffles Avenue and, so, could be detrimental to the living conditions of residents within them.
- 5.20 Similarly, the indicative position of the access road within the site [as opposed to the access points into/egress from the site] seems to imply ambitions for its future extension into the residual "housing" land to the west. This would, in Officers' view, be very undesirable as it would create an unfortunate dual use by residential traffic i.e. cars, pedestrians and cyclists, together with its use by the Fire Service.
- 5.21 On balance, Members may conclude that separating the fire appliance traffic responding to a call-out (departing the proposed fire station site via

Brookside) from all other traffic otherwise entering and leaving the site (from Raffles Avenue) would be a significant improvement. However, while that broad principle may be acceptable, there would possibly be greater benefits if all appliance movements were conducted via a segregated entrance and exit arrangement utilising Brookside with the Raffles Avenue access/egress being solely for use by motor cars and/or light vehicles, including vehicles associated with use of the community room by community groups, etc. outside those times when the fire service is using it. The fact is that, as proposed, appliances would drive along Brookside anyway, then turn left into the fire station site using access from Raffles Avenue, then (when responding to a call-out) would exit again onto Brookside to loop back up to Newtown Road. At least by using a single access/egress for appliances from Brookside and , thus, remove all appliance turning movements close to the school entrance on Raffles Avenue, there is a lesser accident risk and less noise and disturbance at that sensitive location.

## **Conclusion**

- 5.22 It is recommended that the City Council does not oppose, in principle, the site being used for the western Fire Station but that the County Council is requested to review the access arrangements so that a single entry and exit for fire appliances onto Brookside is pursued; similarly, it is recommended that the County Council is advised that the indicative site layout plan is not supported in that it would be likely to result in damage to the root systems of trees within the site that are covered by a Tree Preservation Order and that the proposed car parking area would potentially lead to disturbance to the occupiers of adjacent residential properties at Raffles Avenue.

## **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 This is a matter for Cumbria County Council, as determining planning

authority, to consider.

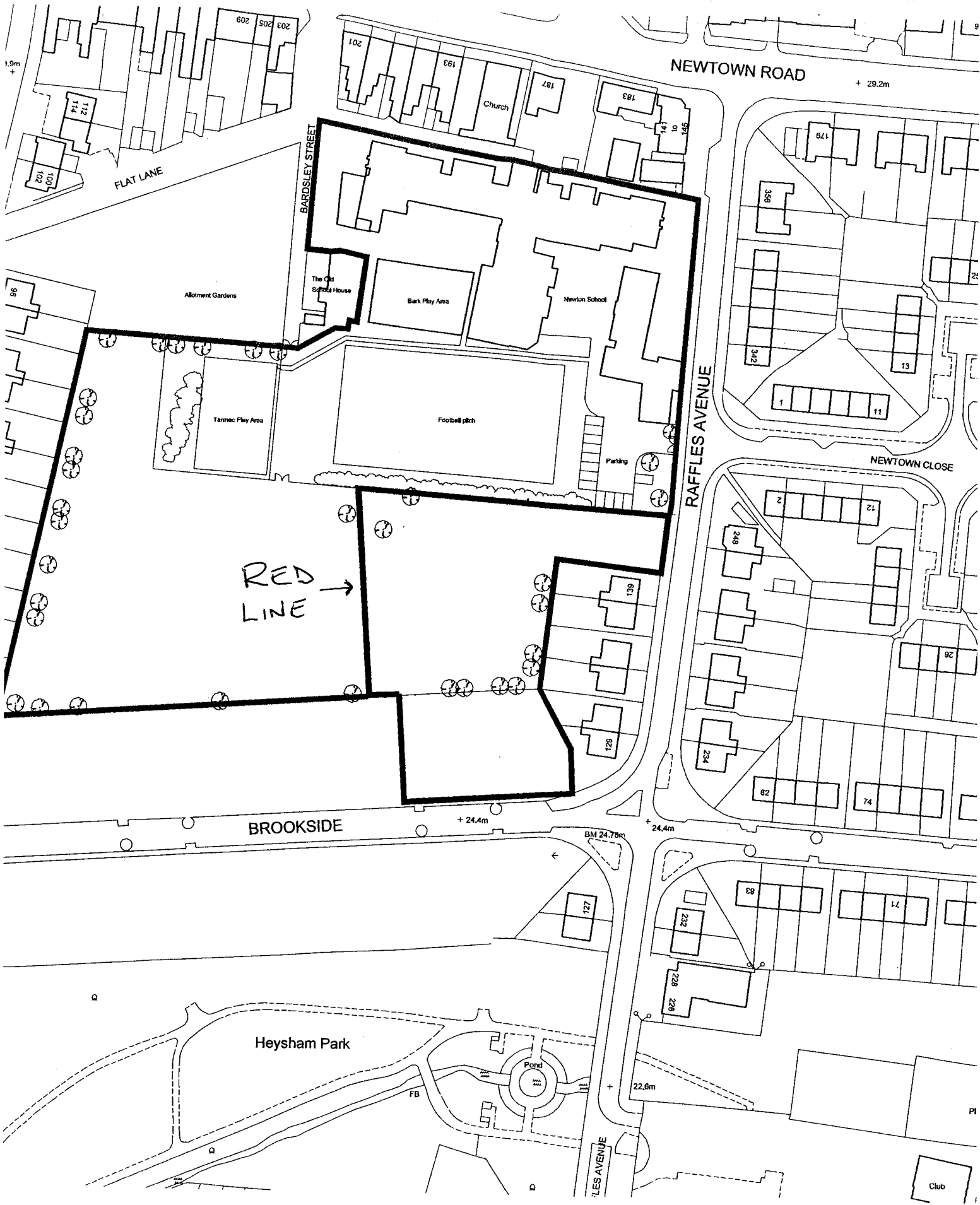
**7. Recommendation** - Raise Objection(s)

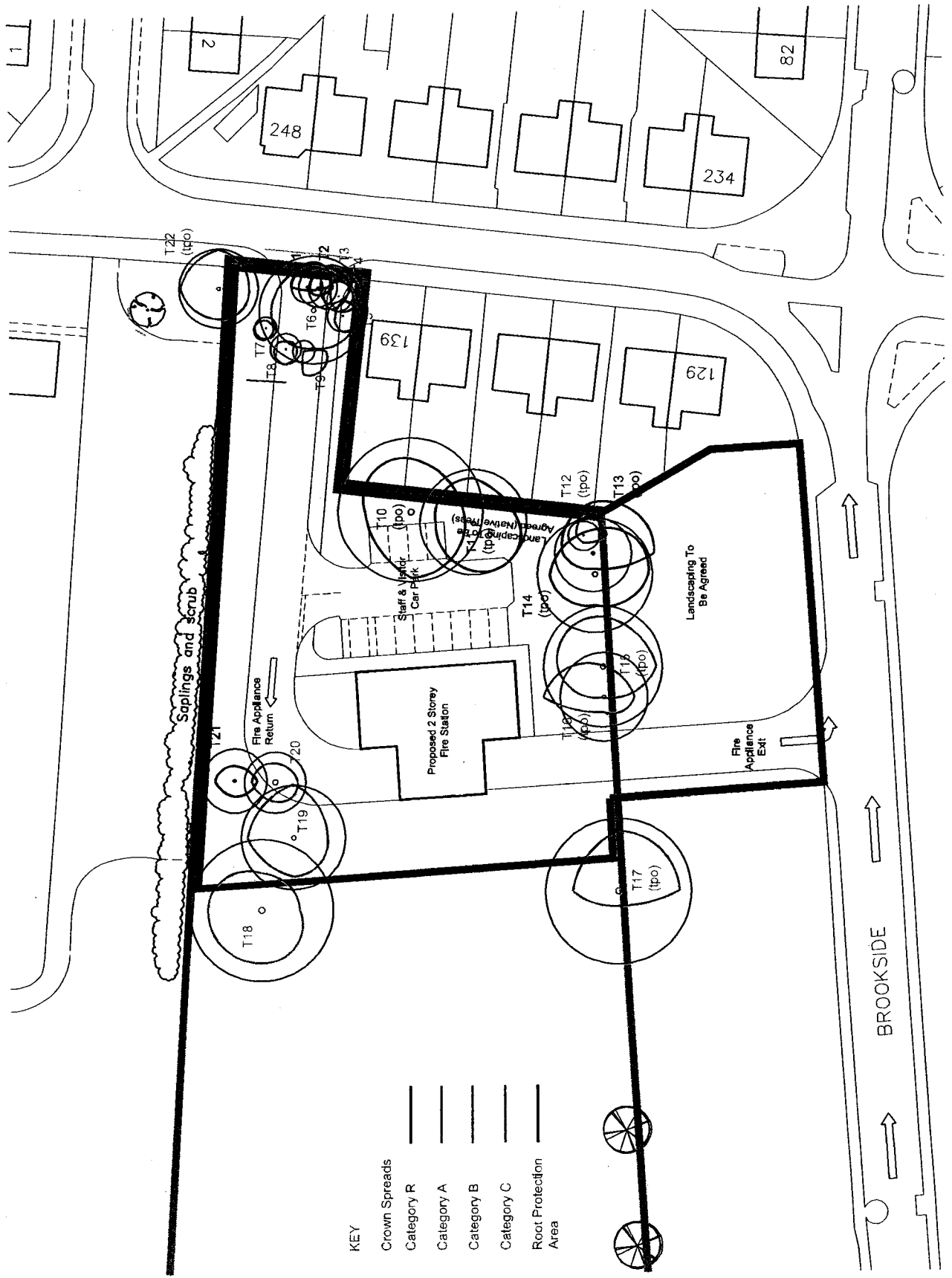
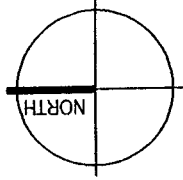
1. The principle of the site being used for the western Fire Station is not opposed. However, the City Council opposes the intended access proposals and requests that these are reviewed as it is considered that an alternative arrangement, involving entry and exit onto Brookside solely by fire appliances would avoid potential conflict with pedestrians and other road users in the immediate vicinity of the access to Newtown School. It would also have less potential to cause disturbance to school users when appliances are responding to an emergency call-out.

Further, the indicative layout plan appears to be designed to facilitate an extension of the access from Raffles Avenue to land to the west of the application site that has previously been identified for housing development. The use of that proposed access for the Fire Service appliances, coupled with increased use by traffic associated with future residential development of land to the west, would further increase road safety risks and likelihood of conflict between pedestrians, cyclists and other motorists at a sensitive location.

Similarly, the indicative site layout plan for the Fire Station facilities is not supported in that the proposed siting of car parking to serve the development would be likely to result in damage to the root systems of trees within the site that are covered by a Tree Preservation Order. In addition, the proposed car parking area would potentially lead to disturbance to the occupiers of adjacent residential properties at Raffles Avenue.

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**KEY**

Crown Spreads

Category R

Category A

Category B

Category C

Root Protection Area



<p><b>CAPITA</b>          The Capita Building          Riverside Park          Castle Clack          Newnham, Colchester          Essex, CO1 1JH          Tel: 01206 733000 Fax: 01206 733111          www.capitalaymond.co.uk</p>	<p>PLAN          PLANNO          PLANNO</p>
<p>Client:          Proposed Site Plan          with Tree Survey</p>	<p>Client:          Proposed Site Plan          with Tree Survey</p>
<p>Client:          Proposed Site Plan          with Tree Survey</p>	<p>Client:          Proposed Site Plan          with Tree Survey</p>

## SCHEDULE A: Applications with Recommendation

09/0958

Item No: 11

Date of Committee: 18/12/2009

**Appn Ref No:**  
09/0958

**Applicant:**  
Bartons Park Homes

**Parish:**  
Dalston

**Date of Receipt:**  
05/11/2009

**Agent:**  
C S Holmes

**Ward:**  
Dalston

**Location:**  
Orton Grange Caravan Park, Orton Grange,  
Carlisle, CA5 6LA

**Grid Reference:**  
335392 551982

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**Proposal:** Renewal Of Permission For Temporary Sales Office (Retrospective Application)

**Amendment:**

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### REPORT

**Case Officer:** Shona Taylor

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination due to the receipt of three letters of objection and two verbal objections.

### 1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

### 2. Summary of Consultation Responses

**Dalston Parish Council:** no response received;

**Cumbria County Council - (Highway Authority):** no objections.

### 3. Summary of Representations

**Representations Received**

Initial:	Consulted:	Reply Type:
15 Orton Grange Park	13/11/09	
1 Orton Grange Caravan Park	13/11/09	
2 Orton Grange Caravan Park	13/11/09	
7 Orton Grange Caravan Park	13/11/09	
16 Orton Grange Caravan Park	13/11/09	
17 Orton Grange Caravan Park	13/11/09	
19 Orton Grange Park	13/11/09	Objection
20 Orton Grange Caravan Park	13/11/09	
21 Orton Grange Caravan Park	13/11/09	
23 Orton Grange Caravan Park	13/11/09	Objection
24 Orton Grange Caravan Park	13/11/09	
26 Orton Grange Caravan Park	13/11/09	
28 Orton Grange Caravan Park	13/11/09	
10 Orton Grange Caravan Park	13/11/09	
8 Orton Grange Caravan Park	19/11/09	
9 Orton Grange Caravan Park	19/11/09	
11 Orton Grange Caravan Park	19/11/09	
12 Orton Grange Caravan Park	19/11/09	
14 Orton Grange Caravan Park	19/11/09	
15 Orton Grange Caravan Park	19/11/09	Objection
12a Orton Grange Caravan Park	19/11/09	

3.1 This application has been advertised by means of a site notice and a notification letter sent to twenty two neighbouring properties. Three written and two verbal objections have been received at the time of writing this report. The grounds of objection are summarised as;

1. The cabin is not used as a sales office or anything else, it is not manned at any time and presents no useful purpose;
2. There is only one home remaining for sale and therefore the cabin is unnecessary;
3. The office should not be used to sell the approved holiday homes at the front of the site;
4. The site has no warden, manager or sales person and business seems to be carried out from head office at Morton, as such, the cabin is not needed.

#### **4. Planning History**

- 4.1 There are a number of planning applications relating to this site.
- 4.2 Planning permission was originally granted for the use of the land as a caravan site in 1961 (Application BA2669). A further extension to the caravan site was approved in 1976 (Application 76/0400).
- 4.3 In January 2001 permission was granted to increase the number of residential caravans on the site from twenty two to twenty three (Application

00/0945).

- 4.4 In December 2003 planning permission was granted for the variation of condition 2 of planning consent 00/0945 to allow an additional 10no. residential caravans and alterations to site layout. This approval has been implemented (Application 02/1227).
- 4.5 In January 2005 planning permission was granted for the demolition/removal of the bungalow, shop and swimming pool and the use of the site as an extension to the residential caravan park, together with the variation of Condition 2 of planning consent 00/0945 to allow an increase in the number of residential caravans from 33 to 34 and 8 holiday caravans (Application 04/1055). This permission has not been implemented.
- 4.6 In May 2006 planning permission was granted for the erection of a detached garage (Application 06/0371).
- 4.7 In September 2006 temporary planning permission was granted for the erection of a sales office (Application 06/0857).
- 4.8 In December 2007 planning permission was granted, retrospectively, for the erection of two electricity substations (Application 06/1414).
- 4.9 In February 2008 planning permission was refused for the variation of Condition 2 of application 02/1227 to permit the siting of 54 permanent residential caravans (Application 08/0139).
- 4.10 In October 2008 planning permission was granted for the erection of a detached garage (Application 08/0886).
- 4.11 In May 2009 planning permission was granted for the erection of a detached garage (Application 09/0240).
- 4.12 In July 2009 planning permission was granted for the demolition of caravan site shop, change of use of land as extension to caravan site for siting of 7no. 'Log Cabin' style static caravans for holiday use (Application 09/0302).

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

### **Introduction**

- 5.1 The application seeks temporary consent, retrospectively, for the retention of a sales office at Orton Grange Caravan Park. The park, which has planning permission for the siting of thirty four residential park homes, is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from the minor road, which leads to Dalston from the A595. The caravan park has been in operation since the 1960's.



- 5.2 Permission was granted in 2006 for a temporary Sales Office (reference 06/0857). The permission was limited to a period of three years and condition 1 of that consent required the office to be removed by 30th September 2009. Barton Homes failed to make an application to extend the temporary permission before the deadline expired and this application for temporary permission is therefore retrospective.
- 5.3 The sales office, which takes on the appearance of a portacabin, is located on a grassed area at the centre of the caravan park, 25 metres from the nearest residential park home. The office accommodation comprises an office area, WC and a small kitchen. The building, which is finished in a light green colour, measures 7.25 metres in length, 3 metres in width with an overall height of 3 metres. Whilst no visitor car parking is available directly outside the office adequate visitor car parking is available of the entrance to the caravan park.

### **Assessment**

- 5.4 The relevant planning policies against which the application is required to be assessed are Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.
- 5.5 The proposals raise the following planning issues:
1. Whether The Scale And Design Of The Office Is Acceptable.
- 5.6 The scale and height of the proposed building is comparable to the existing caravans located on the site and, as such, would not appear unduly obtrusive. The external finish of the structure is acceptable and the structure would not detract from the visual amenities of the surrounding area.
2. The Impact Of The Proposal On The Amenities Of Neighbouring Residents.
- 5.7 Taking into consideration the scale and position of the office accommodation in relation to other neighbouring caravans, the impact that the proposal would have, as a result of loss of light, loss of privacy or overdominance, is not significant to the extent that it would be harmful to the living conditions of any neighbouring property.
3. Other matters.
- 5.8 One of the neighbouring residents has commented that the retention of the sales office is unnecessary, as only one home is available for sale. However, within the Design and Access Statement, submitted with the application, the agent has stated that there are 15 units remaining.
- 5.9 Consultation letters were sent out to twenty eight addresses within the caravan site, nine of these were returned undelivered, which suggests that at least 9 plots are currently unoccupied or undeveloped.
- 5.10 The applicant has not stated the temporary period they are seeking consent

for; however, in this instance, because the sales cabin has already been on site for three years it is recommended that 12 months is a suitable time limit.

## **Conclusion**

- 5.11 In overall terms the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the sales office is acceptable. In all aspects the proposals are considered to be compliant with the objectives of the 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 sales office shall be removed and there shall be carried out such works as may be required for the reinstatement of the land not later than the 31st day of December 2010.

**Reason:** The Local Planning Authority wish to review the matter at the end of the limited period specified and to ensure compliance with the relevant policies of the Local Plan.

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1. All dimensions are in meters unless otherwise specified.  
 2. All dimensions are to the centerline of the road unless otherwise specified.  
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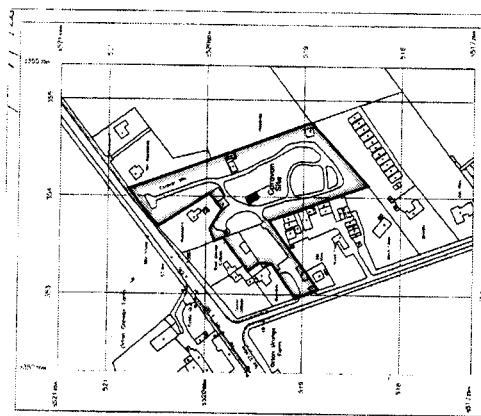
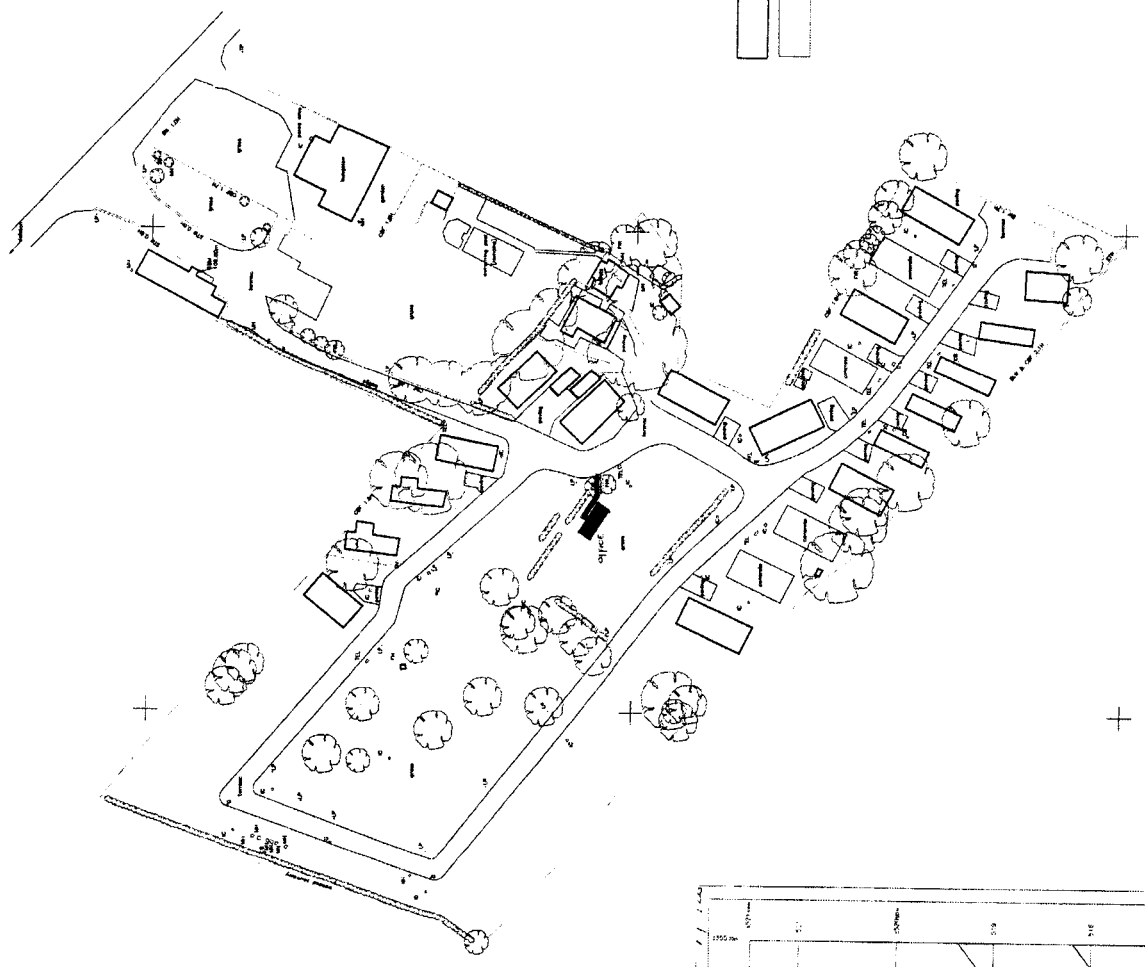
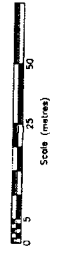
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 Barton Park Homes

Orton Grange  
 Caravan Park

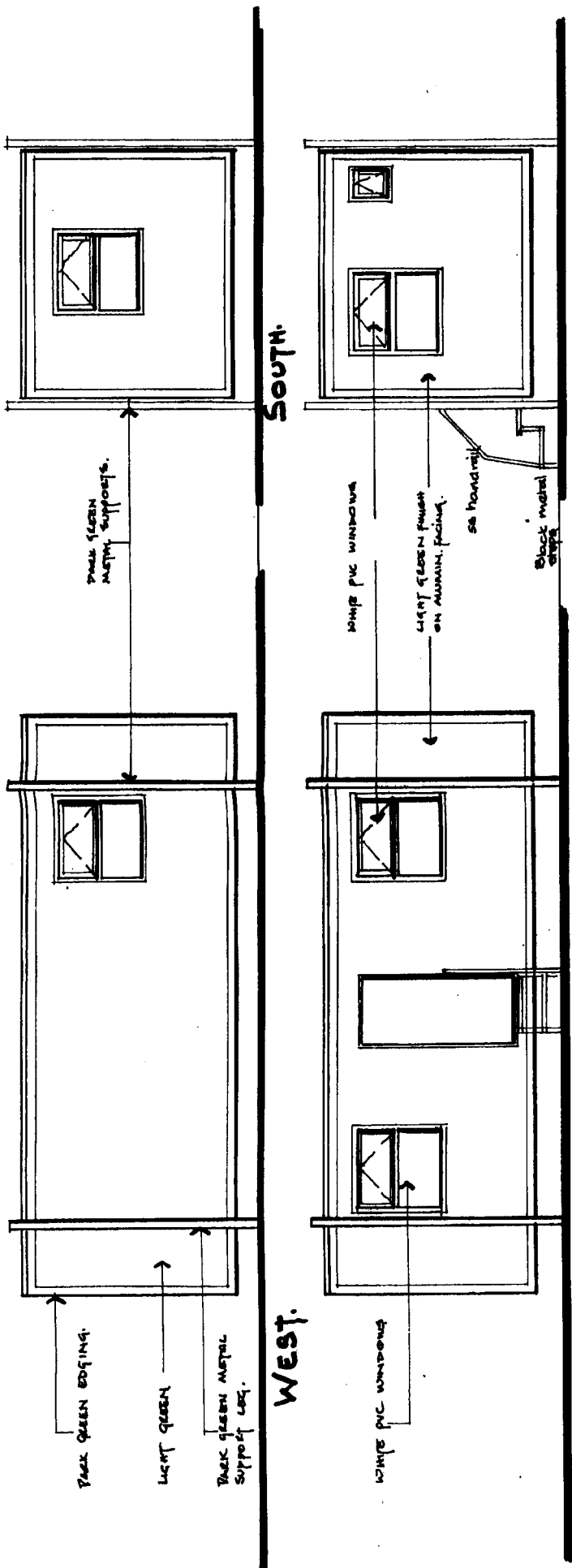
July 06

728-S-office

- Legend
- Block Wall
  - CBW
  - Control Box
  - Chain Board Fence
  - City Hydrant
  - City
  - Inspection Chamber
  - Mn
  - Sign Board
  - STW
  - TEL
  - TP



Orton Grange Caravan Park

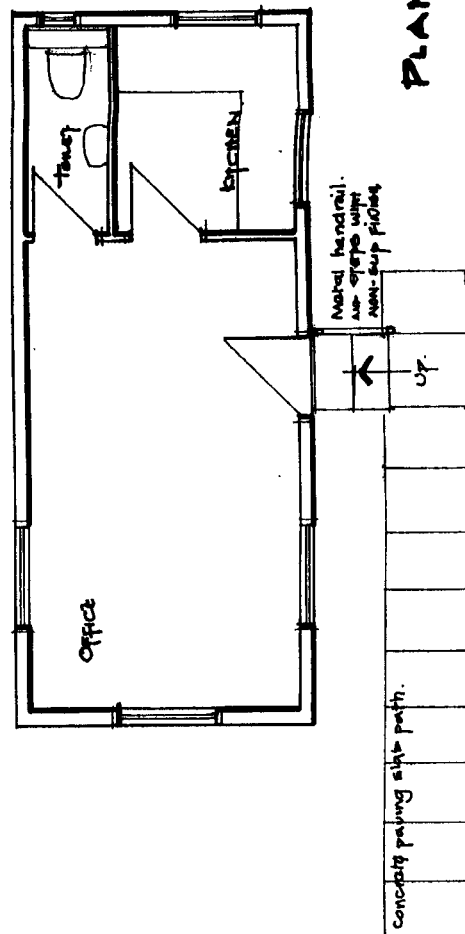


South.

West.

East.

North.



PLAN.

30 OCT 2009  
2009/0958

ORTON GRANG PARK.

OFFICE ACCOMMODATION.

scale : 1:50

Drawg. No 728.CSH.01.

C.S. HOUSES. 104 Cambridge Road Waterbeach CB5 9WJ.

SCHEDULE B

SCHEDULE B

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## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 12**

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

09/9040

**Applicant:**

United Utilities plc

**Parish:**

Burgh-by-Sands

**Date of Receipt:**

25/09/2009

**Agent:**

Cumbria County Council

**Ward:**

Burgh

**Location:**

Layby off B5307, opposite Langwath Cottage, North  
East of Moorhouse, Carlisle CA5 6HA

**Grid Reference:**

332902 556978

**Proposal:** Erection of a Motor Control Kiosk

**Amendment:**

**REPORT**

**Case Officer:** Richard Maunsell

**City Council Observations on the Proposal:**

**Decision:** City Council Observation - Raise No Objection      **Date:** 15/10/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 12/11/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: United Utilities  
Clearwater 4  
Lingley Mere Business Park  
Lingley Green Avenue  
Great Sankey  
Warrington  
Cheshire  
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 14 September 2009.

**viz: Erection of a motor control kiosk.  
Layby off B5307, Opposite Langwath Cottage, North-east of Moorhouse,  
Carlisle, Cumbria, CA5 6HA**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

Dated the 12<sup>th</sup> day of November 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (see Appendix)
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**  
**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)**  
**ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Development Framework - Core Strategy and Generic Development Control Policies - April 2009**

Policy DC4; Waste water management facilities.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 12<sup>th</sup> day of November 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 13**

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0862

**Applicant:**  
JW & AI Mallinson

**Parish:**

**Date of Receipt:**  
23/10/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
1 Holme Meadow, Cumwhinton, Carlisle, CA4 8DR

**Grid Reference:**  
344786 552766

**Proposal:** Erection Of Wrought Iron Railings Above Existing Boundary Wall

**Amendment:**

### REPORT

**Case Officer:** Suzanne Edgar

#### Details of Deferral:

Members will recall at Committee meeting held on 13th November 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to no adverse comments being received during the remainder of the consultation period which expires on the 18th November 2009. The consultation period has now expired and approval was issued on 19th November 2009.

**Decision:** Grant Permission

**Date:** 19/11/2009

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

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

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

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

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 14**

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0507

**Applicant:**  
Kans & Kandy ( Properties  
) Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
26/06/2009

**Agent:**  
Ian Belsham Associates

**Ward:**  
Stanwix Urban

**Location:**  
Gates Tyres, 54 Scotland Road, Stanwix, Carlisle  
CA3 9DF

**Grid Reference:**  
340030 557276

**Proposal:** Erection Of A Neighbourhood Convenience Store (464.5 Sq. m), Small Retail Unit (92.9 Sq. m) With 9No. Residential Flats Above And Associated Parking (Revised Application)

**Amendment:**

### REPORT

**Case Officer:** Sam Greig

#### Details of Deferral:

Members will recall at Committee meeting held on 21st August 2009 that authority was given to the Head of Planning and Housing Services to issue the approval to enable alterations to be made to the wording of the unilateral undertaking, which is a legal agreement to secure a £3500 contribution to pay for the amendment to the Traffic Regulation Order. Members also resolved to grant authority to issue approval subject to the imposition of an additional condition that requires details of the proposed bin store to be submitted and agreed with the Local Planning Authority. The unilateral undertaking has been amended accordingly and the additional condition imposed. The decision was issued on the 2nd December 2009.

**Decision:** Granted Subject to Legal Agreement

**Date:** 02/12/2009

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

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

2. The development hereby permitted shall not exceed 560 sq m gross Class A1

## SCHEDULE D: Reports on Previously Deferred Decisions

retail floorspace as defined in the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification; and there shall be no increase in Class A1 retail floor space by installation of a mezzanine floor or in any other way, unless permitted in writing by the Local Planning Authority.

**Reason:** To prevent an adverse impact upon the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

3. The larger retail store of 465 gross sq m Class A1 retail floorspace shall only be used for the purpose of a food store selling convenience goods, and not more than 10% of the net retail sales area shall be used for the sale of comparison goods.

**Reason:** To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

4. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays).

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

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

**Reason:** To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

6. The development hereby approved shall incorporate the bat habitat creation measures outlined in paragraph E1.5 of the Wildlife Survey submitted 25th June, unless otherwise agreed, in writing, by the Local Planning Authority.

**Reason:** To enhance the habitat for the local bat population in accordance

## SCHEDULE D: Reports on Previously Deferred Decisions

with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence until particulars of the height and materials of all screen walls and boundary fences have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

9. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the development shall be implemented in accordance with the approved scheme.

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

10. The rainwater goods shall be finished in black upvc unless otherwise agreed, in writing, by the Local Planning Authority.

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

11. No development shall commence until full details of the siting and design of the proposed trolley bay have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

**Reason:** To ensure the works harmonise as closely as possible with the existing buildings and to ensure compliance with Policy CP5 of the



## SCHEDULE D: Reports on Previously Deferred Decisions

Carlisle District Local Plan 2001-2016.

12. No development shall commence until construction details of the proposed reconstruction of the Highway Footway shall be submitted to and approved, in writing, by the Local Planning Authority. The use shall not be commenced until the approved works have been completed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

13. The commercial and residential car parks shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

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

14. The existing access and parking/turning requirements shall be retained viable during demolition and building operations on the site so that construction traffic can be accommodated clear of the highway until such times as the replacement parking areas and associated accesses can provide alternative provision.

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

15. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

16. 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 written 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.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, as well as Policy T31 of the Cumbria and Lake District Joint Structure Plan.

17. An annual monitoring 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 annually for a period of 5 years from the full development opening.

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

18. Prior to the occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be constructed in accordance with the approved details and shall be provided before the occupation of any part of the development and retained at all times thereafter.

**Reason:** To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Policy CP15 of the Carlisle District Local Plan and to support Local Transport Plan Policies LD5, LD7 and LD8.

19. The proposed retail units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays.

**Reason:** To prevent disturbance to nearby residential occupiers and in accordance with Policy EC7 of the Carlisle District Local Plan 2001-2016.

20. No deliveries shall take place before 0700 hours and after 1800 hours on any day.

**Reason:** To prevent undue disturbance to neighbouring residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

21. No development shall commence until a detailed scheme for the external lighting of all proposed building, parking and servicing areas has been submitted to and approved, in writing, by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

**Reason:** To safeguard the character of the area and the living conditions of

## SCHEDULE D: Reports on Previously Deferred Decisions

neighbouring residential properties in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

22. Before the occupation of any residential unit, noise level measurements must be undertaken in at least one residential unit overlooking Scotland Road, at least one unit overlooking Cheviot Road to the side of the development and at least one unit overlooking Cheviot Road to the rear of the proposed development to verify that the internal noise levels do not exceed 35 dB LAeq 16 hours 0700 to 2300 hours (daytime) and that they do not exceed 30dB LAeq 8 hours 2300 to 0700 hours (night time). The measured noise levels are to be reported to and approved, in writing, by the Local Planning Authority. The noise level measurements shall be carried out in accordance with the following requirements:

- i) The night time period measurements must include LA max levels to ensure that the instantaneous noise levels due to external events do not exceed 45 dB Lmax fast;
- ii) The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels are to be measured in bedrooms.
- iii) Before the measurements are undertaken a schedule of the residential units and rooms to be used must be submitted to and approved, in writing, by the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

23. All habitable rooms shall be provided with sound attenuating trickle ventilators or wall mounted acoustic air brick to allow the ventilation of rooms without the need to open windows. The vents shall not compromise the attenuation of the glazing.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

24. The residential units shall not be occupied until the food store, which forms part of this approval, is open for business.

## SCHEDULE D: Reports on Previously Deferred Decisions

**Reason:** To enable adequate assessment of the potential noise impact of the fixed mechanical and refrigeration plant and to safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail units hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

25. With regards to fixed mechanical and refrigeration plant, development shall not commence until details of the fixed plant serving the development hereby permitted and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the fixed mechanical and refrigeration units associated with the site shall not exceed the minimum monitored background noise level during the daytime (0700 – 2300 hours), determined to be 43.1 dB(A) at 7 Knowe Road and 62.1 dB(A) at 56 Scotland Road; and night time (2300 – 0700), determined to be 37.3dB(A) at 7 Knowe Road and 41.3dB(A) at 56 Scotland Road seven days a week. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises to the proposed service and plant areas. The measurements and assessments shall be made according to BS4142:1992.

**Reason:** To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. No part of the development hereby permitted shall commence until:

- i) A detailed site investigation has been carried out to determine the extent and severity of contamination on the site and to formulate such proposals as may be necessary for the remediation of the site. The remediation proposals must relate to human health and ground water;
- ii) There shall have been submitted to the Local Planning Authority the results in writing of the detailed site investigation;
- iii) Remediation measures as are identified in the detailed site investigation shall be submitted to the Local Planning Authority for approval in writing;
- iv) Remediation proposals agreed by the Local Planning Authority must be completed to the reasonable satisfaction of the Local Planning Authority; and
- v) Upon completion of the proposed Remediation measures a remediation report verifying the work must be submitted to the Local Planning Authority for approval in writing.

## **SCHEDULE D: Reports on Previously Deferred Decisions**

**Reason:** To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

27. No development shall commence until details of the proposed bin store have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure that the appearance of the bin store complements the proposed development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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SCHEDULE E

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0203

**Applicant:**  
Kathryn Davidson

**Parish:**  
Carlisle

**Date of Receipt:**  
01/04/2009

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
Land At 2 St James Avenue, Carlisle, CA2 5PE

**Grid Reference:**  
339326 555045

**Proposal:** Change Of Use Of Land To Front Of Dwelling To Domestic Garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0437

**Applicant:**  
Mountain Warehouse

**Parish:**  
Carlisle

**Date of Receipt:**  
06/10/2009

**Agent:**  
Jeff Associates

**Ward:**  
Castle

**Location:**  
42 Scotch Street, Carlisle, CA3 8PU

**Grid Reference:**  
340082 556076

**Proposal:** Redecoration Of Shop Front And Display Of 1no. Illuminated Fascia Sign And 1no. Illuminated Projecting Sign; Refurbishment Of Internal Decorations And Floors, Removal Of Suspended Ceiling & Lights; Installation Of New Lighting And New Changing Room Facility;(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0639

**Applicant:**  
Mr Bell

**Parish:**  
Brampton

**Date of Receipt:**  
11/08/2009

**Agent:**  
Green Design Group

**Ward:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Land Adjacent Franleigh House, Tree Road,  
Brampton, CA8 1UA

**Grid Reference:**  
353725 561052

**Proposal:** Erection Of 1no. Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0661

**Applicant:**  
Mrs Janet Tringham

**Parish:**  
Wetheral

**Date of Receipt:**  
07/08/2009

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**  
The Plains, Plains Road, Wetheral, Carlisle CA4  
8JY

**Grid Reference:**  
346381 554916

**Proposal:** Erection Of Detached Dwelling; Replacement Garage To Serve The  
Plains And Formation Of New Access To Serve The Plains And  
Proposed New Dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0662

**Applicant:**  
Mrs Janet Tringham

**Parish:**  
Wetheral

**Date of Receipt:**  
07/08/2009

**Agent:**  
Taylor & Hardy

**Ward:**  
Wetheral

**Location:**  
The Plains, Plains Road, Wetheral, Carlisle CA4  
8JY

**Grid Reference:**  
346381 554916

**Proposal:** Erection Of Replacement Garage To Serve The Plains And Formation  
Of New Access To Serve The Plains And Proposed New Dwelling (LBC)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0669

**Applicant:**  
Mr Eric Norman

**Parish:**  
Cummersdale

**Date of Receipt:**  
10/08/2009

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Dalston

**Location:**  
Field No 6604, Broomhills, Orton Road, Near Little  
Orton, Carlisle, Cumbria

**Grid Reference:**  
335640 554167

**Proposal:** Temporary Permission For Siting Of Mobile Home For Occupation By An  
Agricultural Worker

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0710

**Applicant:**  
T J Morris Ltd (T/A  
Homebargains)

**Parish:**  
Carlisle

**Date of Receipt:**  
07/09/2009

**Agent:**  
Chartwell Project  
Management

**Ward:**  
Castle

**Location:**  
6 & 7 Earls Lane, Carlisle, CA3 8DG

**Grid Reference:**  
340306 555961

**Proposal:** Erection of New Shopfront and Internal Alterations

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

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Between 31/10/2009 and 04/12/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0711

**Applicant:**  
T J Morris Ltd (T/A  
Homebargains)

**Parish:**  
Carlisle

**Date of Receipt:**  
07/09/2009

**Agent:**  
Chartwell Project  
Management

**Ward:**  
Castle

**Location:**  
6 & 7 Earls Lane, Carlisle, CA3 8DG

**Grid Reference:**  
340306 555961

**Proposal:** Display Of 2No. Fascia And 2No. Hanging Internally Illuminated Signs  
**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0734

**Applicant:**  
Jacobites

**Parish:**  
Brampton

**Date of Receipt:**  
22/10/2009

**Agent:**

**Ward:**  
Brampton

**Location:**  
19 Front Street, Brampton, Cumbria, CA8 1NG

**Grid Reference:**  
352964 561045

**Proposal:** Change Of Use Of A1 (Shop) To A1 & A3 Mixed Use (Cafe/Bistro With  
Ancillary Takeaway Sales)

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0745

**Applicant:**  
Yorkshire Building Society

**Parish:**  
Carlisle

**Date of Receipt:**  
25/09/2009

**Agent:**  
New Vision

**Ward:**  
Castle

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Stan Sherlock Associates, 26 Lowther Street,  
Carlisle, CA3 8DA

340255 555847

**Proposal:** Display Of Non-Illuminated Individual Letters (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0747

**Applicant:**  
Mr Moore

**Parish:**  
Carlisle

**Date of Receipt:**  
09/09/2009

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Belle Vue

**Location:**  
Orchard Court, 2 Beck Road, Carlisle, CA2 7QL

**Grid Reference:**  
337098 556002

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0758

**Applicant:**  
Mr David McCluskey

**Parish:**  
Carlisle

**Date of Receipt:**  
01/10/2009

**Agent:**

**Ward:**  
St Aidans

**Location:**  
114 Warwick Road, Carlisle, Cumbria, CA1 1LF

**Grid Reference:**  
340876 555885

**Proposal:** Erection Of 2.5m High Wall And Garage Door At Rear Of Property

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2009

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0761      **Applicant:** Mr Brian Irving      **Parish:** Kirklington Middle

**Date of Receipt:** 11/09/2009      **Agent:** HTGL Architects      **Ward:** Lyne

**Location:** 1 Alstonby Hall Farmstead, Westlinton, Carlisle, Cumbria, CA6 6AF      **Grid Reference:** 340924 565198

**Proposal:** Demolition Of Existing Bathroom And Erection Of New Bathroom And Dining Room With Balcony Study Area Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0764      **Applicant:** Mr & Mrs Streatfield      **Parish:** Hayton

**Date of Receipt:** 02/10/2009      **Agent:** Green Design Group      **Ward:** Hayton

**Location:** Fenton Lane Head, Fenton, Brampton, Cumbria, CA8 9JZ      **Grid Reference:** 350708 555610

**Proposal:** Discharge Of Condition 11 (Balcony Details) Of Previously Approved Application 07/1008

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0769      **Applicant:** Mr Wilson      **Parish:** St Cuthberts Without

**Date of Receipt:** 14/09/2009      **Agent:** Miss Roberts      **Ward:** Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Greenlands, Wreay, Carlisle, CA4 0RR

**Grid Reference:**  
342044 548164

**Proposal:** Erection Of 1no. 25m, 11kw Wind Turbine Together With Hard Standing  
**Amendment:**

**Decision:** Grant Permission

**Date:** 03/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0770

**Applicant:**  
RDM Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2009

**Agent:**  
Grafix Signmakers Ltd

**Ward:**  
Castle

**Location:**  
Carlyles Court, Fisher Street, Carlisle, CA3 8RH

**Grid Reference:**  
339993 556044

**Proposal:** Display Of 4no. Non-Illuminated Projecting Signs (Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0771

**Applicant:**  
Yorkshire Building Society

**Parish:**  
Carlisle

**Date of Receipt:**  
25/09/2009

**Agent:**  
New Vision

**Ward:**  
Castle

**Location:**  
Stan Sherlock Associates, 26 Lowther Street,  
Carlisle, CA3 8DA

**Grid Reference:**  
340255 555847

**Proposal:** Display Of Non-Illuminated Individual Letters

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0773

**Applicant:**  
Mr Fraser Cruickshank

**Parish:**  
Carlisle

**Date of Receipt:**  
18/09/2009

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
St Aidans

**Location:**  
Jesters Pub, 161-163 Botchergate, Carlisle, CA1  
1SG

**Grid Reference:**  
340626 555342

**Proposal:** Change Of Use From A Public House Into Tae Kwon Do Studio To  
Ground And Basement Floors With Owner/Manager Living  
Accommodation On First Floor Together With 2no. Additional Living  
Units

**Amendment:**

1. Revised Internal Layout
2. Revised Internal Alterations To Include a Disabled Toilet And  
Supplementary Design And Access Statement Information
3. Revised Internal Alterations To Reconfigure The Disabled Changing  
Facilities
4. Revised Internal Alterations To Reconfigure The Disabled Changing  
Facilities

**Decision:** Grant Permission

**Date:** 04/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0776

**Applicant:**  
Aspire Consulting  
(Europe) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
14/09/2009

**Agent:**  
Taylor & Hardy

**Ward:**  
Belah

**Location:**  
Unit 1, Kingmoor Industrial Estate, Kingmoor,  
Carlisle CA3 9QJ

**Grid Reference:**  
338773 557767

**Proposal:** Change Of Use Of Part Of Unit 1 To Form A "Wellness Centre"

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 09/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0780

**Applicant:**  
Mr Michael Fell

**Parish:**  
Carlisle

**Date of Receipt:**  
14/09/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
96 Beaumont Road, Carlisle, CA2 4RL

**Grid Reference:**  
340136 553579

**Proposal:** Two Storey Side Extension To Provide Garage On Ground Floor With  
1no. Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0782

**Applicant:**  
County Motors

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2009

**Agent:**  
Taylor & Hardy

**Ward:**  
Belah

**Location:**  
Site 78, Kingstown Broadway, Kingstown Industrial  
Estate, Carlisle CA3 OHA

**Grid Reference:**  
338908 559187

**Proposal:** Change Of Use To Form Vehicle Repair And Services Workshop,  
Including MOT Bay, Parts Stores, Related Reception And Office Areas

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2009

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Between 31/10/2009 and 04/12/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0783

**Applicant:**  
Mr Darren King

**Parish:**  
Carlisle

**Date of Receipt:**  
15/09/2009

**Agent:**

**Ward:**  
Harraby

**Location:**  
10 Hillcrest Avenue, Carlisle CA1 2QJ

**Grid Reference:**  
341553 554499

**Proposal:** Alteration of Existing Garage Roof from Flat to Pitch

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0784

**Applicant:**  
Mr & Mrs Dissanayake

**Parish:**  
Carlisle

**Date of Receipt:**  
08/10/2009

**Agent:**  
Crownfold Group Ltd

**Ward:**  
Belle Vue

**Location:**  
24 Parham Grove, Carlisle, CA2 7RW

**Grid Reference:**  
337813 555555

**Proposal:** Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0785

**Applicant:**  
Mr Ronald Crankshaw

**Parish:**  
Westlinton

**Date of Receipt:**  
18/09/2009

**Agent:**  
Synergy (NE)

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Orchard House, Westlinton, Carlisle, CA6 6AA

**Grid Reference:**  
339360 564522

**Proposal:** Proposed Porch To Front Elevation



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 13/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0786

**Applicant:**  
Mr Ken Hall

**Parish:**

**Date of Receipt:**  
16/09/2009

**Agent:**  
Mr Peter Orr

**Ward:**  
Botcherby

**Location:**  
6 Farlam Drive, Durranshill, Carlisle CA1 2XB

**Grid Reference:**  
342684 555489

**Proposal:** Erection of Conservatory to Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0787

**Applicant:**  
Mrs Kelly

**Parish:**  
Carlisle

**Date of Receipt:**  
16/09/2009

**Agent:**  
Carlisle Window Systems

**Ward:**  
Stanwix Urban

**Location:**  
4 Grosvenor Place, Stanwix, Carlisle, CA3 9LL

**Grid Reference:**  
339580 557310

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0794

**Applicant:**  
Mr Brown

**Parish:**  
Burgh-by-Sands

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:** 17/09/2009 13:00:36      **Agent:** Gray Associates Limited      **Ward:** Burgh

**Location:** Wormanby House, Burgh by Sands, Carlisle, CA5 6DA      **Grid Reference:** 333635 558888

**Proposal:** Erection Of Two Storey Side And Rear Extension To Provide Kitchen / Dining Room On Ground Floor, With 1no. Bedroom And En-Suite Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission      **Date:** 12/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0795      **Applicant:** Mr Brown      **Parish:** Burgh-by-Sands

**Date of Receipt:** 17/09/2009 13:00:36      **Agent:** Gray Associates Limited      **Ward:** Burgh

**Location:** Wormanby House, Burgh by Sands, Carlisle, CA5 6DA      **Grid Reference:** 333635 558888

**Proposal:** Erection Of Two Storey Side And Rear Extension To Provide Kitchen / Dining Room On Ground Floor, With 1no. Bedroom And En-Suite Above (LBC) (Revised Application)

**Amendment:**

**Decision:** Grant Permission      **Date:** 12/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0796      **Applicant:** K & T Bodyshop      **Parish:** Dalston

**Date of Receipt:** 24/09/2009      **Agent:** Jock Gordon      **Ward:** Dalston

**Location:** K & T Bodyshop, Cardewlees, Carlisle, Cumbria,      **Grid Reference:** 334553 551477

## SCHEDULE E: Decisions Issued Under Delegated Powers

CA5 6LG

**Proposal:** Erection Of Self-Contained Motor Vehicle Spraybooth

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0799

**Applicant:**  
Tesco Stores Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
21/09/2009 16:01:08

**Agent:**  
DPP

**Ward:**  
Castle

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

**Grid Reference:**  
339950 555600

**Proposal:** Discharge Of Conditions 2 (Flood Management Plan) And Condition 7 (Lighting) Of Previously Approved Application 07/0857 And Condition 7 (Foul And Surface Water Drainage) Of Previously Approved Application 04/1653

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0807

**Applicant:**  
Mr Montgomery

**Parish:**  
Hayton

**Date of Receipt:**  
21/09/2009 08:00:38

**Agent:**  
Holt Planning Consultancy

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Springwell Farmhouse, Talkin, Brampton, CA8 1LB

**Grid Reference:**  
355160 557882

**Proposal:** Use Of Agricultural Workers Dwelling By Persons Not Solely Employed In Agricultural Or Forestry (Certificate Of Existing Lawful Use)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 16/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0810

**Applicant:**  
Mr Williamson

**Parish:**  
Carlisle

**Date of Receipt:**  
21/09/2009 13:00:12

**Agent:**  
Ashton Design

**Ward:**  
Castle

**Location:**  
Land and Buildings adjacent Lismore Cottage,  
Lismore Place, Carlisle

**Grid Reference:**  
340687 556165

**Proposal:** Variation Of Condition 8 Of Application 04/1364 To Read:"During Construction Phase The Existing Site Access, Indicated On Drawing 417/12, Can Be Used To Allow Construction Of The Development; Proposed And Approved New Site Entrance And Crossing To Be Constructed Before Occupation Of Any Units In The Development"

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0811

**Applicant:**  
Mr Eric Woof

**Parish:**  
Brampton

**Date of Receipt:**  
24/09/2009

**Agent:**

**Ward:**  
Brampton

**Location:**  
4 Hemblesgate Court, Tarn Road, Brampton,  
Cumbria, CA8 1QX

**Grid Reference:**  
353541 560535

**Proposal:** Single Storey Extension To Provide Garden Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0813  
**Applicant:** Miles MacInnes Chartered Surveyor  
**Parish:** Hayton

**Date of Receipt:** 19/10/2009  
**Agent:** N J Hodgson & Co Ltd  
**Ward:** Hayton

**Location:** Toppin Castle, Heads Nook, Brampton, CA8 9AX  
**Grid Reference:** 349614 557042

**Proposal:** Demolition Of Obsolete Agricultural Sheds And Construction Of New Agricultural Shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0814  
**Applicant:** Miles MacInnes Chartered Surveyor  
**Parish:** Hayton

**Date of Receipt:** 19/10/2009  
**Agent:** N J Hodgson & Co Ltd  
**Ward:** Hayton

**Location:** Toppin Castle, Heads Nook, Brampton, CA8 9AX  
**Grid Reference:** 349614 557042

**Proposal:** Demolition Of Obsolete Agricultural Sheds And Construction Of New Agricultural Shed (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:** 09/0816  
**Applicant:** Mr Ostridge  
**Parish:** Dalston

**Date of Receipt:** 23/09/2009 08:00:27  
**Agent:** Mr Child  
**Ward:** Dalston

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

The Barn, Low Flanders, Dalston, Carlisle, CA5 7AF

**Grid Reference:**

338117 550164

**Proposal:** Barn Conversion To Provide Private Dwelling (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

09/0817

**Applicant:**

Mr Ostridge

**Parish:**

Dalston

**Date of Receipt:**

23/09/2009 08:00:27

**Agent:**

Mr B Child

**Ward:**

Dalston

**Location:**

The Barn, Low Flanders, Dalston, CA5 7AF

**Grid Reference:**

338117 550164

**Proposal:** Change Of Use Of Barn To 1no. Dwelling (LBC) (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

09/0821

**Applicant:**

Carlisle City Council

**Parish:**

Carlisle

**Date of Receipt:**

23/09/2009 16:00:23

**Agent:**

Gray Associates Limited

**Ward:**

St Aidans

**Location:**

Greystone Community Centre, Close Street,  
Carlisle, CA1 2HA

**Grid Reference:**

340777 555339

**Proposal:** Single Storey Extension To Front Elevation To Provide Entrance Area  
And Toilet Facilities

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 12/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0822

**Applicant:**  
Border Cars Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2009

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Belah

**Location:**  
Border Cars, Kingstown Broadway, Kingstown  
Industrial Estate, Carlisle, CA2 5SS

**Grid Reference:**  
339243 559530

**Proposal:** Proposed Extension To Motor Vehicle Showroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0824

**Applicant:**  
Mr & Mrs Pathanoglou

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2009

**Agent:**  
Ashwood Design  
Associates

**Ward:**  
Castle

**Location:**  
66 Warwick Road, Carlisle, CA1 1DR

**Grid Reference:**  
340457 555772

**Proposal:** Erection of Illuminated Fascia and Non-Illuminated Projecting Signage  
(Retrospective Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0825

**Applicant:**  
Mrs Jane Turnbull

**Parish:**  
St Cuthberts Without

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
24/09/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Dalston

**Location:**  
L/Adj to Wreay Syke Cottage, Wreay, Carlisle

**Grid Reference:**  
343597 549118

**Proposal:** Discharge Of Conditions 2, 3 And 5 Relating To Planning Application  
Ref: 09/0441

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0827

**Applicant:**  
Brampton Medical Group

**Parish:**  
Wetheral

**Date of Receipt:**  
24/09/2009 13:01:13

**Agent:**  
Green Design Group Ltd

**Ward:**  
Wetheral

**Location:**  
Wetheral Doctors Surgery, Wetheral, CA4 8BA

**Grid Reference:**  
346602 554535

**Proposal:** Alterations and Extensions to Doctors Surgery to provide an enlarged and improved Surgery at Ground Floor Level. Change of Use to existing cottage to Surgery with new Flat at First Floor level (to replace cottage).

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0828

**Applicant:**  
Platinum Homes Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
24/09/2009 16:01:04

**Agent:**  
John Lyon Associates Ltd

**Ward:**  
Brampton

**Location:**  
Warren Bank, Station Road, Brampton, CA8 1EX

**Grid Reference:**  
353865 561098

**Proposal:** Change Of Approved House Type - House To Bungalow (Plot 4)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 19/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0829

**Applicant:**  
Tesco Stores Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
24/09/2009 16:00:24

**Agent:**  
DPP

**Ward:**  
Castle

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

**Grid Reference:**  
339950 555600

**Proposal:** Variation Of Condition 6 (Regarding On-Site Contamination) Of Outline  
Approval 04/1653

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0830

**Applicant:**  
Mr Robinson

**Parish:**  
Carlisle

**Date of Receipt:**  
24/09/2009 16:01:48

**Agent:**

**Ward:**  
Harraby

**Location:**  
18 Longdyke Drive, Carlisle, CA1 3HT

**Grid Reference:**  
342604 553682

**Proposal:** Continuation Of Use Of Former Domestic Garage For Dog Grooming  
Studio

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/11/2009

---

Between 31/10/2009 and 04/12/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0834

**Applicant:**  
Nestle UK Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
30/09/2009

**Agent:**  
Bingham Yates

**Ward:**  
Dalston

**Location:**  
Nestle Uk Ltd, Dalston, Carlisle

**Grid Reference:**  
337375 550840

**Proposal:** New External Enclosed Free Standing Access Stair including Ground Level Ramped Access with Handrail Protection System

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0835

**Applicant:**  
Mrs D Morgan

**Parish:**  
Cumwhitton

**Date of Receipt:**  
28/09/2009

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Church Gates, Cumwhitton, Brampton, Cumbria  
CA8 9EX

**Grid Reference:**  
350598 552272

**Proposal:** Erection of First Floor Side Extension To Provide 1 No. En-suite Bathroom Over Garage And Erection Of Covered Seating Area/ Terrace

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0836

**Applicant:**  
Property Unit

**Parish:**  
Dalston

**Date of Receipt:**  
29/09/2009

**Agent:**  
Stephen Leaper

**Ward:**  
Dalston

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Dalston Highways Depot, Barras Lane, Dalston,  
Carlisle, Cumbria

336250 550767

**Proposal:** Replacement Of Corrugated Asbestos Sheet Roofing With Profiled Steel Roofing To Part Of Vehicle Maintenance Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0837

**Applicant:**  
Mr Ian Douglas

**Parish:**  
Waterhead

**Date of Receipt:**  
29/09/2009

**Agent:**

**Ward:**  
Irthing

**Location:**  
Woodhill Barn, The Hill, Gilsland, Brampton, CA8  
7DA

**Grid Reference:**  
362410 566885

**Proposal:** Installation Of Doors And Windows On North Elevation Of Pig Barn Which Are Going To Be Removed From South Elevation (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0838

**Applicant:**  
Mr M Farish

**Parish:**  
Carlisle

**Date of Receipt:**  
29/09/2009

**Agent:**  
Carlisle City Council

**Ward:**  
Currock

**Location:**  
14 Webster Crescent, Currock, Carlisle CA2 4DA

**Grid Reference:**  
340140 554381

**Proposal:** Single Storey Side Extension Providing Bedroom and Bathroom for Disabled Person

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 24/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0839

**Applicant:**  
Mr Ian Wigham

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
01/10/2009

**Agent:**

**Ward:**  
Lyne

**Location:**  
Hether Mill, Kirklington, Carlisle, CA6 6AZ

**Grid Reference:**  
343653 566166

**Proposal:** Erection Of Steel Framed Machinery Shed  
**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0843

**Applicant:**  
Northwest Development  
Agency

**Parish:**  
Arthuret

**Date of Receipt:**  
01/10/2009

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Borders Business Park, Longtown, Cumbria, CA6  
5TD

**Grid Reference:**  
338299 568301

**Proposal:** Erection Of 2.4m High Paladin Fence Complete With Lockable Swing  
Gates (At Road Crossing) To Close Off Access To NWDA Development  
Land At The Borders Business Park, Longtown

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

4HA

**Proposal:** Installation Of 1No. 3.9 Tonne LPG Storage Vessel, Compound, Dispenser, 1.8m High Palisade Fence With Armco Barrier Along Three Sides And Ancillary External Works

**Amendment:**

**Decision:** Grant Permission

**Date:** 26/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0853

**Applicant:**  
Mr Christopher Williams

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2009

**Agent:**

**Ward:**  
Belah

**Location:**  
2 Gelt Close, Lowry Hill, Carlisle, Cumbria, CA3 0HJ

**Grid Reference:**  
339337 558289

**Proposal:** Erection Of Front Porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0857

**Applicant:**  
Mr Richardson

**Parish:**  
Nether Denton

**Date of Receipt:**  
02/10/2009 16:03:55

**Agent:**  
Green Design Group

**Ward:**  
Irthing

**Location:**  
Pine Croft, Low Row, Brampton, CA8 2LQ

**Grid Reference:**  
358480 562577

**Proposal:** Erection Of Single Storey Sun Room Together With Decking Area To Front Elevation

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0860

**Applicant:**  
Mr John Cleminson

**Parish:**  
Carlisle

**Date of Receipt:**  
12/10/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
3a Mayson Street, Carlisle, CA2 4DU

**Grid Reference:**  
340353 554336

**Proposal:** Discharge Of Condition 2 Of Previously Approved Application 09/0243  
**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0863

**Applicant:**  
Mr Patrickson

**Parish:**  
Kingmoor

**Date of Receipt:**  
09/10/2009

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
BSW Timber plc, Carlisle Sawmills, Cargo, Carlisle,  
CA6 4BA

**Grid Reference:**  
337511 559317

**Proposal:** Erection Of Single Storey Lean To Extension To Side Elevation Of  
Premises To Provide Sales And Marketing Presentation Room Along  
With 4No. New Offices.

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0864

**Applicant:**  
Mr N E Bemrose-Hedley

**Parish:**  
Stanwix Rural

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
08/10/2009

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
Garden Cottage, High Crosby, Carlisle, Cumbria,  
CA6 4QZ

**Grid Reference:**  
345449 559410

**Proposal:** Two Storey Side Extension To Provide Extended Kitchen On Ground Floor, With 1no. Bedroom & Bathroom Above; Single Storey Extension To Provide Lounge With Balcony Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0865

**Applicant:**  
Mrs Laura Macintosh

**Parish:**  
Wetheral

**Date of Receipt:**  
08/10/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Glen Eden, 101 Scotby Road, Scotby, Carlisle,  
Cumbria, CA4 8BJ

**Grid Reference:**  
343941 555895

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen And Living Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0866

**Applicant:**  
Mr David Godfrey

**Parish:**  
Dalston

**Date of Receipt:**  
08/10/2009

**Agent:**

**Ward:**  
Dalston

**Location:**  
Hudbeck, Raughton Head, Carlisle, CA5 7DJ

**Grid Reference:**  
337217 543544



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Discharge Of Condition 2 (Details Of New Door) Of Previously Approved Application 09/0602

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0869

**Applicant:**  
Mr Maurice Armstrong

**Parish:**  
Irthington

**Date of Receipt:**  
08/10/2009

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Rose Cottage, Laversdale Lane End, Laversdale,  
Carlisle, CA6 4PS

**Grid Reference:**  
347865 563647

**Proposal:** Erection Of Dog Breeding Kennel Facility For Personal Use

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0870

**Applicant:**  
Mr Kevin Jones

**Parish:**  
Brampton

**Date of Receipt:**  
09/10/2009

**Agent:**

**Ward:**  
Brampton

**Location:**  
15 Ashlea, Brampton, Cumbria, CA8 1TD

**Grid Reference:**  
353195 560972

**Proposal:** Single Storey Extensions To Provide Bedroom, Lounge And Entrance Lobby Extensions To Front Elevation And Dining/kitchen Extension To Rear

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2009

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0871

**Applicant:**  
Miss Claire Young

**Parish:**  
Brampton

**Date of Receipt:**  
09/10/2009

**Agent:**

**Ward:**  
Brampton

**Location:**  
Stable Barn, Cumcatch Farm, Brampton, Cumbria,  
CA8 2QR

**Grid Reference:**  
354773 561156

**Proposal:** Discharge Of Condition 3 Of Previously Approved Application 09/0138

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0874

**Applicant:**  
Russell Armer Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
09/10/2009 08:00:56

**Agent:**

**Ward:**  
Dalston

**Location:**  
Hawksdale Pastures, Dalston, Carlisle, CA5 7EJ

**Grid Reference:**  
336037 547118

**Proposal:** Raising Ground Levels Of Garden Areas Of Plots 1 & 3 Using Excavated  
Subsoil From Site

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0877

**Applicant:**  
Mr Barker

**Parish:**  
Beaumont

**Date of Receipt:**  
09/10/2009 08:01:46

**Agent:**  
KB Surveying

**Ward:**  
Burgh

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Eden View, Grinsdale Bridge, Burgh by Sands,  
Carlisle, CA5 6DP

**Grid Reference:**

336206 557536

**Proposal:** Two Storey Side Extension To Existing House To Provide Hall, Family Room, Dining Room, Kitchen, Shower Room and Study on Ground Floor, with 2no. Bedrooms (1no. En-Suite) and 1no. Bathroom Above; Change Of Use Of Agricultural Land To Domestic Garden (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0878

**Applicant:**  
Mr Barker

**Parish:**  
Beaumont

**Date of Receipt:**  
09/10/2009 08:00:16

**Agent:**  
KB Surveying

**Ward:**  
Burgh

**Location:**

Eden View, Grinsdale Bridge, Burgh by Sands,  
Carlisle, CA5 6DP

**Grid Reference:**

336206 557536

**Proposal:** Erection of Canine Hydrotherapy Centre and Attached Double Garage; Change of Use of Agricultural Land to Provide Parking, New Access Road, Garden and Paddock (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0881

**Applicant:**  
Mr Alan Reay

**Parish:**  
Carlisle

**Date of Receipt:**  
14/10/2009

**Agent:**  
Jock Gordon

**Ward:**  
Currock

**Location:**

Car Sales, Currock Road, Carlisle, Cumbria, CA2  
5AE

**Grid Reference:**

340219 555143

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Single Storey Rear Extension To Provide Extra Storage (Part Retrospective)

**Amendment:**

1. Drawing Number 1889/2A Incorporating A Personnel Door In The North Elevation

**Decision:** Grant Permission

**Date:** 25/11/2009

---

Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

09/0885

**Applicant:**

Mr Gray

**Parish:**

Walton

**Date of Receipt:**

12/10/2009 08:01:22

**Agent:**

Brian Child

**Ward:**

Irthing

**Location:**

The Barn, Guards Hill, Walton, Brampton, CA8 2EB

**Grid Reference:**

353071 567198

**Proposal:** Internal Alterations, Increase In Width Of Balcony Door At First Floor, Addition Of Roof Lights, New Glazed Entrance Screen To North West Elevation To Replace The Existing. Additional/New Door Opening To NE Elevation (Revised Application Incorporating Garage/Store Below Existing Balcony)

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

09/0887

**Applicant:**

W B Anderson Properties  
Ltd

**Parish:**

Dalston

**Date of Receipt:**

14/10/2009

**Agent:**

HTGL Architects

**Ward:**

Dalston

**Location:**

Haddon Grange, 48 The Green, Dalston, Carlisle,  
CA5 7QD

**Grid Reference:**

336871 549287

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Single Storey Rear Extension To Provide Kitchen And Breakfast Room Together With Internal Alterations And A New Covered Porch/Study To Front Entrance

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0888

**Applicant:**  
Mr M Ruddick

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
13/10/2009

**Agent:**  
Jock Gordon

**Ward:**  
Burgh

**Location:**  
Land at Croft House, Thurstonfield, Carlisle, CA5  
6HE

**Grid Reference:**  
331458 556683

**Proposal:** Erection Of Detached Dwelling (Reserved Matters)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0891

**Applicant:**  
Ms Fiona Bullock

**Parish:**  
Upper Denton

**Date of Receipt:**  
14/10/2009

**Agent:**

**Ward:**  
Irthing

**Location:**  
White Cottage, Upper Denton, Gilsland, Brampton,  
Cumbria, CA8 7AG

**Grid Reference:**  
361564 565338

**Proposal:** Erection Of Small Wooden Shed For The Purpose Of Cutting And Storing Wood

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 03/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0892

**Applicant:**  
Mr Sykes

**Parish:**  
Cumrew

**Date of Receipt:**  
19/10/2009

**Agent:**  
Mr C Davidson

**Ward:**  
Great Corby & Geltsdale

**Location:**  
West Cottage, Cumrew, Heads Nook, Brampton,  
CA8 9DD

**Grid Reference:**  
354909 550680

**Proposal:** Erection Of Single Storey Side Extension To Provide Living Room And  
Internal Alterations (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0893

**Applicant:**  
Knightbridge  
Developments

**Parish:**  
Hayton

**Date of Receipt:**  
13/10/2009

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Hayton

**Location:**  
Former WI Hall Site, Hayton

**Grid Reference:**  
350568 557995

**Proposal:** Discharge Of Condition 2 (Materials); Condition 5 (Soft Landscaping)  
and Condition 8 (Construction Vehicle Parking) Of Previously Approved  
Application 09/0289

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**

**Applicant:**

**Parish:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

21 Gilsland Road, Carlisle, CA1 2XD

342548 555426

**Proposal:** Ground Floor Rear Extension To provide 1no. Bedroom And Shower Room For Disabled Person

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0923

**Applicant:**  
Russell Armer Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
21/10/2009

**Agent:**

**Ward:**  
Dalston

**Location:**  
Plots 1-3 Hawksdale Pastures, Welton Road,  
Dalston, Carlisle, CA5 7EJ

**Grid Reference:**  
336037 547118

**Proposal:** Non-Material Amendment To Conversion Of And Extension To Existing Buildings To Provide 3no. 4 Bedroom Houses Including Garages For Plots 2 And 3 Approved Under Application 08/0182

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0930

**Applicant:**  
Mr Eric Mobey

**Parish:**  
Dalston

**Date of Receipt:**  
22/10/2009

**Agent:**

**Ward:**  
Dalston

**Location:**  
Windyfell, Raughton Head, Carlisle, CA5 7DG

**Grid Reference:**  
337629 544076

**Proposal:** Enclosure Of Open Courtyard

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 01/12/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0942

**Applicant:**  
Mr Martin Long

**Parish:**  
Wetheral

**Date of Receipt:**  
26/10/2009

**Agent:**  
Jak Jones Architect

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To The Rookery & Village Green,  
Scotby, Carlisle

**Grid Reference:**  
344200 554980

**Proposal:** Discharge Of Conditions 2, 3, 4, 5, 6 & 7 Of Previously Approved  
Application 09/0619

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0943

**Applicant:**  
Mr Martin Long

**Parish:**  
Wetheral

**Date of Receipt:**  
26/10/2009

**Agent:**  
Jak Jones Architect

**Ward:**  
Wetheral

**Location:**  
Land Adjacent To The Rookery & Village Green,  
Scotby, Carlisle

**Grid Reference:**  
344200 554980

**Proposal:** Discharge Of Conditions 2, 3, 4, 5, 6 & 7 Of Previously Approved  
Application 08/0755

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0953

**Applicant:**  
Mr Alan Park

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
29/10/2009

**Agent:**

**Ward:**  
Botcherby

**Location:**  
487 Warwick Road, Carlisle, CA1 2SB

**Grid Reference:**  
342481 556030

**Proposal:** Non Material Amendment To Two Storey Side Extension Relating To  
Previously Approved Appn 08/1028

**Amendment:**

**Decision:** Amendment Accepted  
25/11/2009

**Date:**

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/0991

**Applicant:**  
Carlisle Racecourse Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
09/11/2009

**Agent:**  
Jon Underwood Associates

**Ward:**  
Dalston

**Location:**  
Carlisle Racecourse, Durdar Road, Carlisle,  
Cumbria, CA2 4TS

**Grid Reference:**  
340460 551900

**Proposal:** Discharge Of Condition 2 (External Materials) Of Previously Approved  
Application 09/0307

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/9041

**Applicant:**  
County Fire Station

**Parish:**

**Date of Receipt:**  
13/10/2009

**Agent:**  
Mrs Maggie Mason

**Ward:**

**Location:**  
Jewsons Builders Merchants, Eastern Way,  
Carlisle, Cumbria, CA1 3QZ

**Grid Reference:**  
342072 554611

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Application To Replace Extant Permission For New Community Fire Station, Divisional HQ And Emergency Planning Centre

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 05/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/9045

**Applicant:**  
County Fire Service

**Parish:**  
Carlisle

**Date of Receipt:**  
22/10/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Harraby

**Location:**  
Jewsons Builders Merchants, Eastern Way, Carlisle  
CA1 3QZ

**Grid Reference:**  
342072 554611

**Proposal:** New Community Fire Station and Divisional HQ

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 06/11/2009

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Between 31/10/2009 and 04/12/2009

**Appn Ref No:**  
09/9046

**Applicant:**  
Esk Building Products

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
30/10/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Dalston

**Location:**  
Carlisle Brickworks, Brisco, Carlisle, CA4 0QY

**Grid Reference:**  
342664 552101

**Proposal:** Erection Of A 70 Metre High Meteorological Mast For The Purposes Of Obtaining Wind Speed And Direction For Two Years

**Amendment:**

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Decision:** City Council Observation - Raise No Objection

**Date:** 20/11/2009

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